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**COVID**

# EU Commission Hid Vaccine Contract Details From Public, Court Rules

*The EU's top court today ruled that the European Commission's decision to heavily redact key portions of COVID-19 vaccine contracts with pharmaceutical companies during the pandemic violated the commission's transparency obligations.*

by **John-Michael Dumais**

JULY 17, 2024



The **European Union's** (EU) top court today ruled that the European Commission's decision to heavily redact key portions of COVID-19 **vaccine contracts** with pharmaceutical companies during the pandemic violated the commission's transparency obligations.

The **European Court of Justice** found that the commission **failed to provide sufficient public access** to COVID-19 vaccine purchase agreements, in a ruling that could deal a blow to Commission President Ursula von der Leyen on the eve of her re-election bid, according to The Associated Press (AP).

The ruling came in response to legal challenges brought by EU lawmakers and private citizens seeking fuller disclosure of the multibillion-euro vaccine deals.

It highlights ongoing concerns about the secrecy surrounding the EU's vaccine procurement process, a contentious issue since the early days of the pandemic.

"The Commission did not give the public wide enough access to the contracts for the purchase of **COVID-19** vaccines," the court said in its judgment, pointing to several areas where the executive body fell short in being sufficiently transparent.

In **response to the ruling**, the commission wrote, "The Commission needed to strike a difficult balance between the right of the public, including MEPs [Members of the European Parliament], to information, and the legal requirements emanating from the COVID-19 contracts themselves, which could result in claims for damages at the cost of taxpayers' money."

Green MEP Tilly Metz, one of the deputies who submitted the original request, said, "This ruling is significant for the future, as the EU Commission is expected to undertake more joint procurements in areas like health and potentially defence," **Euractiv** reported.

"The new European Commission will have to adapt their handling of access to documents requests to be in line with today's ruling," Metz said.

However, Dutch attorney **Meike Terhorst** told **The Defender** that the court ruling is not the victory it seems. She argued that the EU court has given the commission a "giant loophole" to keep parts of the contracts secret "to protect 'business interests.'"

"It is not possible to both protect public health and full transparency and at the same time protect the business interests of the supplier," Terhorst said. "We, the public, will not get the access to the information we need. The cat and mouse play continues."

The commission, which has two months to appeal the decision, said it would “carefully study the Court’s judgments and their implications” and that it “reserves its legal options.”

## The Vaccine Safety Project

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#### Scale and speed of purchases unprecedented

In 2020 and 2021, von der Leyen negotiated purchase agreements for **COVID-19 vaccines** with several pharmaceutical companies, including **Pfizer, Moderna and AstraZeneca**, according to the AP.

EU member states mandated the European Commission organize the joint procurement of vaccines and lead negotiations with manufacturers.

The scale and speed of these purchases were unprecedented. According to the court, approximately 2.7 billion euros (\$2.95 billion) was quickly mobilized to place firm orders for more than 1 billion doses of vaccines. This joint procurement approach allowed for the rapid acquisition of vaccines for all 27 EU member states.

Initially, von der Leyen received praise for her leadership during the COVID-19 crisis, particularly for her role in securing collective vaccine access for EU citizens. However, the spotlight quickly shifted to concerns about the negotiations’ lack of transparency.

In 2021, several members of the European Parliament requested full details of the agreements. The commission, citing confidentiality reasons, agreed to provide only partial access to certain contracts and documents, which were placed **online in redacted versions**.

The commission also refused to disclose how much it paid for the billions of doses it secured.

#### Concerns over secret deals with Pfizer

Pfizer CEO Albert Bourla twice in 2022 **refused to testify** before the European Parliament’s special committee on COVID-19. Bourla was expected to face tough questions about secretive vaccine deals and negotiations between Pfizer and the European Commission.

Of particular interest were text messages between Bourla and von der Leyen that preceded a multibillion-euro vaccine contract. In January 2023, **The New York Times sued the European Commission** over its failure to release the messages.

That suit followed a January 2022 inquiry by the EU ombudsman charging the commission with maladministration over its handling of a previous request for the messages.

In June, a **Belgian court** took up the issue of the secret negotiations between Bourla and von der Leyen, with a former lobbyist for the EU Parliament claiming “destruction of public documents” and alleging von der Leyen violated the commission’s code of conduct.

Commission officials argued the messages didn’t contain any important information and have thus far refused to provide them, **according to the AP**.

European Public Prosecutor’s Office (EPPO) in 2022 opened an **investigation into the acquisition of COVID-19 vaccines** in the EU during the pandemic. This investigation stems from a criminal complaint filed by an individual, with the governments of Hungary and Poland later joining the lawsuit, **euronews** reported. EPPO adjourned the case until December.

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### **Implications for the European Commission and von der Leyen**

The court’s ruling comes at a critical time for von der Leyen, just one day before the European Parliament is set to vote on her reappointment as commission president.

Von der Leyen had previously won backing from a majority of EU leaders in June. To secure her position, she now needs to garner support from at least 361 MEPs in the 720-seat European Parliament, **WIONews** reported.

This ruling presents a dilemma for the Greens, who initiated the legal challenge against the commission’s redactions. In recent days, von der Leyen has been courting the Greens to shore up support for her nomination ahead of the vote.

During a press conference in Strasbourg on Wednesday, Manon Aubry, a French MEP from the Left group, expressed strong concerns about the European Commission's **“lack of transparency.”**

On the heels of the EU court ruling, German MEP Christine Anderson today said she would call for the removal of von der Leyen and the continuation of the criminal investigation of her actions:

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Tough times for Ursula von der Leyen.

Not only has the EU Court ruled against her for hiding critical details of the Pfizer contracts but Christine Anderson MEP will introduce a resolution to stop her reelection and demand the continuation of criminal investigations against... [Show more](#)

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