



EUROPEAN COMMISSION
EUROPEAN HEALTH EMERGENCY PREPAREDNESS AND RESPONSE AUTHORITY

The Director-General

Brussels
HERA.3/AC/UP



GERMANY

By e-mail transmission only:



Subject: Your application for access to documents - GESTDEM 2021/0122

Dear Mr 

We refer to your request for access to European Commission documents registered on 8 January 2021 under the above-mentioned reference number and apologize for the late response.

1. Scope of your request

You request access to the documents which contain the following information: *“Konkrete Liefertermine und Lieferfristen über die gemeinschaftlich bestellten SARS-CoV-2 Impfstoffe aufgeschlüsselt nach Termin, Menge und Hersteller bzw. Lieferant sowie den Grad der Verbindlichkeit der Liefertermine und Lieferfristen. Sofern keine Liefertermine oder Lieferfristen vereinbart wurden: Welche anderen Vereinbarungen wurden hinsichtlich der Liefergeschwindigkeit jeweils vereinbart”*

English translation: “Specific delivery dates and delivery times for the jointly ordered SARS-CoV-2 vaccines, broken down by date, quantity and manufacturer or supplier, as well as the degree of binding nature of delivery dates and delivery deadlines. If delivery dates or delivery deadlines have not been agreed: What other arrangements have been agreed with regard to the speed of delivery in each case”

2. Evaluation of your request

We have examined your request under the provisions of Regulation (EC) No 1049/2001¹ regarding public access to documents. I regret to inform you that access to the requested documents cannot be granted, as disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The documents which you seek to obtain contain references to commercially sensitive information related to the delivery of COVID-19 vaccines, the schedule to deploy them, and other information carrying a commercial value for commercial companies, whose full disclosure would undermine the protection of the legitimate interests of companies. This information is covered by the exception of the protection of commercial interest (Article 4(2), first indent of Regulation (EC) No 1049/2001). As such, the documents you requested must be protected and it should be concluded that access to your request cannot be granted.

In order to ensure transparent information to the public about the COVID-19 vaccines deliveries, we kindly invite you to consult the COVID-19 Vaccine Tracker provided online by the European Centre for Disease Control (ECDC):

<https://vaccinetracker.ecdc.europa.eu/public/extensions/COVID-19/vaccine-tracker.html#distribution-tab>

3. Overriding public interests

The exceptions to the right of access provided for in Article 4(2) of the Regulation must be waived if there is an overriding public interest in disclosing the requested documents. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the above-mentioned exceptions to the right to access apply.

4. Means of redress

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it in one of the following ways:

by asking for a review via your portal² account (available only for initial requests submitted via the portal account),

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

² <https://www.ec.europa.eu/transparency/documents-request>

or by mail:

European Commission

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

