European Parliament
2019-2024

Setting up a committee of inquiry to investigate the processes concerning the research, development, negotiations, distributions and roll-out of the COVID-19 vaccines in the European Union

The European Parliament,

- having regard to the request presented by XXX Members for a committee of inquiry to be set up to look into alleged violations and maladministration in the application of Union law in the processes concerning the research, development, negotiations, distributions and roll-out of the COVID-19 vaccines in the European Union,

- having regard to its resolution of 17 April 2020 on the EU coordinated action to combat the COVID-19 pandemic and its consequences[1],

- having regard to its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak[2],

- having regard to its resolution of 17 September 2020 on the COVID-19: EU coordination of health assessments and risk classification and the consequences for Schengen and the single market[3],

- having regard to its resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights[4],

- having regard to the proposal from the Conference of Presidents,

- having regard to Article 226 of the Treaty on the Functioning of the European Union,

- having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry[5],

- having regard to Articles 4(3) and 17(1) of the Treaty on European Union,

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1 Texts adopted, P9_TA(2020)0054
2 Texts adopted, P9_TA(2020)0175
3 Texts adopted, P9_TA(2020)0240
4 Texts adopted, P9_TA(2020)0307
5 OJ L 113, 19.5.1995, p. 1

- having regard to Article 168 of the Treaty on the Functioning of the European Union (TFEU), as well as to Articles 4, 6, 9, 21, 67, 153 and 191 thereof,

- having regard to Article 15(3) of the TFEU and 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[6],

- having regard to the Universal Declaration of Human Rights of 1948,

- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 35 and thereof, as well as to Articles 1, 6, 7, 8, 11, 14, 15, 16, 20, 21, 31, 41, 45 and 47 thereof,

- having regard to the European Pillar of Social Rights (EPSR),

- having regard to the UN Sustainable Development Goals, in particular SDG 3,

- having regard to the declaration on 11 March 2020 of the novel coronavirus (COVID-19) outbreak as a global pandemic by the World Health Organization,

- having regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS),

- having regard to Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)[7],

- having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (the Free Movement Directive)[8], and the principle of non-discrimination enshrined therein,

- having regard to Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use[9],

- having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency[10],

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6 OJ L 145, 31.5.2001, p. 43-48
7 OJ L 77, 23.3.2016, p. 1-52
8 OJ L 158, 30.4.2004, p. 77-123
9 OJ L 311, 28.11.2001, p. 67-128
10 OJ L 136, 30.4.2004, p. 1-33

- having regard to Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC[11],

- having regards to Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control[12],

- having regard to Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union[13], and Council Regulation (EU) 2020/521 of 14 April 2020 activating the emergency support under Regulation (EU) 2016/369, and amending its provisions taking into account the COVID-19 outbreak[14],

- having regard to Rule 208 of its Rules of Procedure,

A. whereas a contravention implies the existence of illegal conduct, namely an action or omission in breach of the law, on the part of Union Institutions or bodies or Member State when implementing Union law;

B. whereas maladministration means poor or failed administration that occurs for instance if an institution fails to respect the principles of good administration; whereas examples of maladministration include administrative irregularities and omissions, abuse of power, unfairness, malfunction or incompetence, discrimination, avoidable delays, refusal of information, negligence, and other shortcomings that reflect a malfunctioning in the application of Union law in any area covered by this law;

1. Decides to set up a committee of inquiry to investigate alleged violations and maladministration in the application of Union law in the processes concerning the research, development, negotiations and distributions of the coronavirus vaccines in the European Union;

2. Decides that the committee of inquiry shall:

– investigate the alleged failure of the Commission and of the participating Member States to respect the Unions transparency rules, which obliged the EU institutions to work as openly and as closely as possible to citizens, when negotiating the Advance Purchase Agreements (APAs) and contracts, especially concerning the names of members of the negotiating team, liability, indemnification, sanctions for breach of contract and other provisions of APAs with clear implications for patient safety and the protection of public health, and for the budgets of the European Union and Member States,

– investigate the alleged failure of the Commission and of the participating Member States to negotiate reasonable liability and indemnification clauses in the APAs and to give clarity and transparency on these provisions,

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11 OJ L 293, 5.11.2013, p. 1-15
12 OJ L 142, 30.4.2004, p. 1-11
13 OJ L 70, 16.3.2016, p. 1-6
14 OJ L 117, 15.4.2020, p. 3-8

– investigate the alleged failure of the Commission and of the participating Member States to ensure equal and equitable global access to vaccines by opposing or not resorting to compulsory licences and/or intellectual property rights waivers within the WTO, or other compulsory IP sharing mechanisms,

– investigate the alleged failure of the Commission and the Member States to guarantee the necessary safeguards and legal obligations to ensure public gains and rights in exchange for public funds used for research and development of the vaccines, as well as for the expansion of production capacity and the de-risking of vaccine development,

– investigate the alleged failure of the Commission to ensure, and of the Member States to implement, adequate knowledge sharing and transfers deriving from public research and publicly funded research with particular focus on the ownership of IP rights on COVID – 19 vaccine patents deriving from APAs,

– investigate potential breaches of the duty of sincere cooperation established in Article 4(3) of the Treaty on European Union that are relevant to the scope of the inquiry; to that end, assess, in particular, whether any such breach may arise from alleged bilateral negotiations on the purchase of vaccines by individual Member States,

– investigate the alleged failure of the Commission to adequately and efficiently inform the Parliament about all aspects of the budgetary implications of the research, development, negotiations, distributions and roll-out of the COVID-19 vaccines in the European Union, despite the Parliament's capacity under the Treaties as one arm of the budgetary authority of the Union, thus impeding its right to scrutinize the implementation of the European budget,

– investigate the alleged failure of cooperation and collaboration between Member States, the Commission and the ECDC in dealing with the pandemic, with a special focus on reporting data from infected, cured, deceased and vaccinated people and on Member States' implementation of ECDC's recommendations,

– investigate the different EU rules application depending not only on the nationality or place of residence of EU citizens, but also on where they have travelled to, as this lack of coordination led to disorganised controls and measures at borders, as well as within airports, ports and train stations,

– investigate the alleged failure of coordination between Member States among themselves and with the EU institutions with regards to public health measures, including restrictions on the movement of people within and across borders,

– investigate the alleged detention of protective equipment and medicines and the obstruction of the free movement of these goods during the pandemic by the Member States,

– investigate the alleged failure of the Commission and the Member States to realise the necessary production capacity in time in order to ensure an adequate supply of vaccines in the shortest possible timeframe,

– investigate the alleged failure of the Commission and the Member States to realise the right to the enjoyment of the highest attainable standard of physical and mental health and the right to enjoy the benefits of scientific research and its applications, without discrimination, which are enshrined in the International Covenant on Economic, Social and Cultural Rights, as respecting, protecting, and fulfilling these rights in the context of COVID-19 would mean ensuring that COVID-19 vaccines are available, accessible, acceptable, and of good quality, in all countries,

– investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning patients and citizens' rights enshrined in the Treaties and in the secondary legislation,

– investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement effectively, sufficient and timely data sharing on the vaccines deployment plans and their rollout, undermining the evaluation of the vaccine strategy,

– make any recommendation that it deems to be necessary in this matter;

3. Decides that the Committee of Inquiry shall present an interim report within six months of starting its work and shall submit its final report within 12 months of starting its work;

4. Decides that the committee of inquiry should take account in its work of any relevant developments within the remit of the committee that emerge during its term;

5. Decides that any recommendations drawn up by the committee of inquiry should be dealt with by the relevant standing committees;

6. Decides that the committee of inquiry shall have 30 members;

7. Instructs its President to arrange for publication of this decision in the *Official Journal of the European Union.*