EUROPEAN
COMMISSION

Brussels, 15.12.2020
C(2020) 9309 final

COMMISSION DECISION

of 15.12.2020

on implementing Advance Purchase Agreements on COVID-19 vaccines

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2016/369 as amended by Council Regulation (EU) 2020/521 of 14 April 2020 activating the emergency support[1], and in particular Article 4(5)(b) thereof,

Whereas:

(1) On 9 June 2020, the Council of Ministers for health agreed on the need for joint action to ensure the development and deployment of the safest, quickest and most efficient vaccine against COVID-19 by securing rapid, sufficient and equitable supplies for Member States. To do so, it requested the Commission to run a central single procurement procedure on behalf of the Member States, with a view to signing EU-level Advance Purchase Agreements ("APA") with vaccine candidates where they would be successful, including up-front EU financing to de-risk essential investments to increase the speed and scale of manufacturing successful vaccines.

(2) On 17 June 2020, the Commission adopted a Communication[2] in which the Commission set out an EU Strategy for COVID-19 vaccines and invited companies with a promising vaccine candidate, already in or close to starting clinical trials, to contact the Commission.

(3) In line with this Commission Communication and the requirements of the ESI Regulation, the Commission and the Member States agreed that the Commission carries out procurement procedures on behalf and in the name of the Member States setting out the terms applicable to such purchase and the reciprocal commitments of the parties.

(4) Six APAs have so far been concluded with AstraZeneca AB[3], Sanofi Pasteur S.A. and Glaxosmithkline Biologicals S.A[4], Janssen Pharmaceutica NV[5], Pfizer Inc. and BioNTech Manufacturing GmbH[6], CureVac AG[7] and Moderna Switzerland GmbH[8]. These APAs are a crucial element contributing to the European response to fight the COVID-19 pandemic.

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1 Council Regulation (EU) 2016/369 on the provision of emergency support within the Union as amended by Council Regulation (EU) 2020/521 of 14 April 2020 activating the emergency support and amending its provisions taking into account the COVID- 19 outbreak ("ESI Regulation"; OJ L 117, 15.4.2020, p. 3).

2 COM(2020) 245 final

3 C(2020) 5707 final

4 C(2020) 6383 final

5 C(2020) 7032 final

6 C(2020) 7950 final

7 C(2020) 8154 final

8 C(2020) 8434 final

(5) The APAs with Pfizer Inc. and BioNTech Manufacturing GmbH and Moderna Switzerland GmbH provide for optional doses at, respectively, Article I.6.2 and Article I.4.4 thereof that could already be ordered as the demand for vaccines continues to grow. It appears that there is considerable demand for additional doses under these APAs due to the advanced stage of development of the vaccines.

(6) The Commission already authorised the Commissioner with responsibility for Health and Food Safety to exercise the options under the APA with Moderna Switzerland GmbH provided there would be a corresponding demand expressed by the Member States. Since such empowerment for the APA with Moderna has not yet been exercised while there is already considerable demand for such optional doses, and since there appears to be similar demand for the optional doses under the APA with Pfizer Inc. and BioNTech Manufacturing GmbH, it is appropriate to decide to exercise the options under both APAs at the same time under the same decision.

HAS DECIDED AS FOLLOWS:

Article 1

The Commission exercises the options for

(1) additional up to 100 million vaccine doses under the Advance Purchase Agreement with Pfizer Inc. and BioNTech Manufacturing GmbH in accordance with the terms of the Advance Purchase Agreement and in particular Article I.6.2 thereof provided there is corresponding demand expressed by the Member States.

(2) additional up to 80 million vaccine doses under the Advance Purchase Agreement with Moderna Switzerland GmbH in accordance with the terms of the Advance Purchase Agreement and in particular Article I.4.4 thereof provided there is corresponding demand expressed by the Member States.

Article 2

The Commission authorises the Commissioner for Health and Food Safety to make the necessary communications and arrangements with Pfizer Inc. and BioNTech Manufacturing GmbH and Moderna Switzerland GmbH to implement this decision.

Done at Brussels, 15.12.2020

For the Commission
Stella KYRIAKIDES
Member of the Commission