



## PRESS RELEASE No 11/25

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Order of the Vice-President of the Court in Case C-632/24 P-R | Commission v Courtois and Others

### The Commission's obligation to disclose the identity of the members of the negotiating team for the advance purchase of Covid-19 vaccines is temporarily suspended, pending the Court's ruling

In 2020 and 2021, the European Commission negotiated and concluded contracts for the purchase of vaccines against Covid-19. In 2021, individuals applied to the Commission for access to documents relating to those purchases, but were granted only partial access. Citing the need for transparency in negotiations with vaccine manufacturers, they appealed to the General Court of the European Union. The latter partially upheld their appeal,<sup>1</sup> in particular with regard to the Commission's refusal, on the grounds of protection of privacy, to disclose the identity of the signatories of the declarations of absence of conflict of interest, who are the members of the negotiating team. An anonymised version of those declarations had been sent to the applicants.

The Commission brought an appeal to have that judgment set aside. As that procedure does not have suspensive effect,<sup>2</sup> the Commission at the same time applied for interim measures in order to obtain **a stay of execution of the Court's judgment with regard to the disclosure of those data.**

In his capacity as judge hearing applications for interim measures, the Vice-President of the Court **grants** the Commission's application, pending the Court's judgment on the substance of the case, as the conditions justifying the grant of interim measures in interlocutory proceedings are considered to be satisfied. The case raises legal issues which are not, at first sight, irrelevant. Urgency is also established where disclosure of the identity of the members of the negotiating team appears likely, with a **degree of probability sufficient for the purposes of the interim measures**, to cause serious and irreparable harm to the persons concerned. Moreover, if the stay of execution applied for by the Commission were to be refused, the appeal before the Court **would lose most of its relevance** as regards the question whether the Commission could refuse access to those data, since they having already been irreversibly disclosed. Finally, in that context, **the balance of interests** favours the Commission's application for a stay of execution of the contested judgment.

The stay of execution of the obligation to give wider access to declarations of absence of conflict of interest is ordered **until delivery of the judgment** bringing the appeal proceedings to an end.

**NOTE:** The Court will deliver final judgment on the substance of this case at a later date. An order as to interim measures is without prejudice to the outcome of the main proceedings.

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The [full text](#) of the order is published on the CURIA website.

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<sup>1</sup> Judgment of the General Court of 17 July 2024, *Courtois and Others v Commission*, [T-761/21](#) (see also press release [No 113/24](#)).

<sup>2</sup> Pursuant to Article 266 TFEU, the Commission is required to take the measures necessary to comply with the contested judgment. In the present case, the Commission is obliged to disclose to the applicants the identity of the persons who signed the declarations of absence of conflict of interest, who are the members of the negotiating team. For this reason, it is seeking a stay of execution of this judgment.