



REPUBLIC OF ESTONIA
PRIME MINISTER



Prime Minister of the Republic of Latvia

Prime Minister
Ingrida Šimonytė



GOVERNMENT
OF THE REPUBLIC
OF LITHUANIA

29 April 2022

H.E. Ursula von der Leyen
President of the European Commission

Dear Ursula,

We would like to express our sincere gratitude and appreciation for all the efforts of the European Commission and you personally that have helped to prevent and alleviate the dire effects of the Covid-19 pandemic. Your invaluable support made it possible to ensure successful procurement of vaccines and a smooth and highly effective vaccination campaign throughout the Union.

Furthermore, we recognize with great appreciation the ongoing intense work carried out by Team Europe to ensure centralized possibilities for donating spare vaccines to meet the global vaccination needs.

We are glad that the epidemiological situation in Europe is stabilizing and most of the EU Member States have successfully achieved their vaccination campaign goals. At the same time, taking into consideration current circumstances, we note with concern that the Member States are facing a new challenge, which is over-production and over-supply of vaccines. The vaccine deliveries to the Baltic states and other Member States continue despite insufficient vaccine administration. This puts pressure not only on logistics networks and storage but also has budgetary implications.

The situation is further complicated as our countries have been receiving deliveries of vaccines with shorter and shorter shelf-life. In some cases, the vaccines received have already reached half of their shelf-life. In our view, in such cases, the manufacturers' actions possibly might not follow the Reasonable Best Efforts principle that is embedded in the agreements. Such a short shelf-life of the vaccines, coupled with the restrictions of vaccines donations from the Member States to the COVAX's facility, puts the Member States at a disadvantage and almost restricts the possibility of ensuring that vaccines are effectively used.

As the Commission on behalf of all the Member States has entered into agreements with the vaccine manufacturers, we kindly invite you, in close

cooperation with the Member States, to enhance efforts and find an appropriate solution to the above-mentioned challenges. A call for action was, amongst others, voiced by many ministers at the last EPSCO meeting in Brussels.

The Baltic States would propose that the Commission enters negotiations with the vaccine manufacturers with the aim to amend or supplement the Advanced Purchase Agreements for the benefit of the Member States.

Within the margins of potentially revised agreements, as the main elements to be addressed we see the following:

- Vaccine deliveries are spread over an extended period, with the possibility to order vaccines according to the actual national needs, thus also ensuring that adapted vaccines are delivered to the Member States once available;
- Member States are granted the rights to rephase, suspend or cancel altogether vaccine deliveries with short shelf-life, taking into account the demand for these vaccines at the national level;
- Member States are granted the possibility to substitute vaccine deliveries with other medical products of the manufacturer to meet actual national needs;
- The possible introduction of a mechanism that would allow the HERA authority to re-purchase Member States' vaccines from the manufacturers' storage to cover unmet global needs.

In addition, we kindly invite the Commission to take a more active role in coordinating Member States' vaccine donation efforts. The European External Action Service has means at its disposal that go beyond those of individual Member States. Also, we believe the Commission should tighten its cooperation with GAVI to support the Member States' vaccine donation efforts via COVAX facility.

Finally, a more active role of HERA in all processes related to the governance of the European vaccine portfolio should be promoted. We would like to see HERA as the main authority that develops European strategic vaccines' reserves and central storage capacities, as well as provides a vision regarding other sustainable solutions to the problem of vaccine oversupply in the Union.

We kindly invite the Commission to present its considerations on these matters as soon as possible.

Dear Ursula,

The Member States and the Commission have always worked very closely together since the beginning of the pandemic and have, indeed, succeeded in ensuring unhindered access to vaccines for all the EU citizens.

However, the current situation is clearly different from the one we faced in the beginning or during the heights of the pandemic, when the agreements with the manufacturers and all the conditions contained therein were negotiated and agreed upon.

We believe that there is no other way but to continue the synergy between the Member States and the Commission, and to jointly find solutions that would allow us to avoid huge wastage of vaccines and financial losses for national budgets.


Yours sincerely,

Kaja Kallas



Prime Minister of the
Republic of Estonia

Krišjānis Kariņš



Prime Minister of the
Republic of Latvia

Ingrida Šimonytė



Prime Minister of the
Republic of Lithuania