

EU sues AstraZeneca over vaccine delivery shortfall

April 26 2021, by Julien Girault



AstraZeneca has so far delivered just 31 million of the 120 million doses it had promised to the EU

The European Union said Monday it has launched legal action against pharmaceutical giant AstraZeneca over coronavirus vaccine delivery

shortfalls that hampered efforts to kickstart inoculations across the bloc.

"The Commission has started last Friday a legal action against the company AstraZeneca on the basis of breaches of the advanced purchase agreement," EU spokesman Stefan De Keersmaecker said.

"Some terms of the contract have not been respected and the company has not been in a position to come up with a reliable strategy to ensure the timely delivery of doses."

De Keersmaecker said the action was launched by the EU executive "on behalf of the 27 member states that are fully aligned in their support of this procedure".

"What matters to us in this case is that we want to make sure that there's a speedy delivery of a sufficient number of doses that European citizens are entitled to, and which have been promised on the basis of the contract," he said.

British-Swedish firm AstraZeneca dismissed the legal action as "without merit" and insisted "we welcome this opportunity to resolve this dispute as soon as possible".

"AstraZeneca has fully complied with the Advance Purchase Agreement with the European Commission and will strongly defend itself in court," it said in a statement.

The commission and company have been locked in a feud over a major shortfall in deliveries that hobbled early efforts in the bloc to roll out jabs.

'Best reasonable efforts'

AstraZeneca said it is due to have delivered about 50 million doses to Europe by the end of April, but that is far lower than the amount Brussels insists should have come.

The commission said the firm only provided 31 million of 120 million expected doses in the first three months of this year.

The company has warned it will send just 70 million from another 180 million doses initially promised by June.

AstraZeneca's French-Australian boss Pascal Soriot has argued that his company's contract with the EU binds it only to a "best reasonable efforts" clause.

But the commission says the rest of the contract shows greater legal responsibility than that, and EU diplomats and lawmakers have pointed out that the company has largely delivered promised doses to Britain, where it is headquartered.

The commission—which has been responsible for procuring vaccines for all of the bloc—informed member states last week of its plans to take the company to court and pressed for support from national governments.

Diplomats said any lawsuit against AstraZeneca would begin in a Belgian court—the jurisdiction agreed under the commission's contract with the firm.

The EU initially intended to use the AstraZeneca jab as the main workhouse to power the bloc's inoculation drive—but has now switched to the more expensive BioNTech/Pfizer vaccine as its mainstay.

Pfizer is expected to deliver 250 million doses across the EU during the

second quarter of this year as the 27 nations look to meet a target of vaccinating 70 percent of adults by July.

The bloc is hoping an uptick in deliveries—which also includes the Moderna and the single-shot Johnson & Johnson jabs—can help it gain ground on inoculation pacesetters like the United States and Britain.

Public confidence in the AstraZeneca jab has also taken a blow over worries of links to very rare blood clots in the brain.

Some member states have restricted use to older people despite the bloc's medicines agency insisting the jab's benefits outweigh the risks.

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