

# EU looks to sue AstraZeneca over delivery shortfall

April 22 2021

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The European Commission is looking to launch legal action against AstraZeneca for underdelivering Covid-19 vaccine doses to the EU, hobbling the bloc's early rollout of jabs, diplomats said Thursday.

The EU executive informed member state envoys of its plans on

Wednesday, the diplomats told AFP, confirming information first published by the Politico website.

They said any lawsuit against AstraZeneca would begin in a Belgian court—the jurisdiction agreed under the commission's contract with the British-Swedish pharmaceutical company.

A commission spokesman, Eric Mamer, told journalists that "no decision has yet been taken".

Another spokesman, Stefan De Keersmaecker, added: "As you know, AstraZeneca is not delivering the number of doses which have been agreed upon in the contract... This is one of the reasons why we keep our options open together with member states to take any further steps."

One EU diplomat said the commission wants EU member states—which also had a role in negotiating the vaccine contracts for the bloc—to back the lawsuit and to say so by the end of this week.

"The problem is that the member states do not know the complaint" being formulated, the diplomat said. "It is a sensitive procedure and you do not want to further damage trust in the vaccine."

Another diplomat said that "not all member states are in agreement" on taking the company to court, stressing that their aim was simply to have AstraZeneca deliver the doses it had promised in its contract.

AstraZeneca has so far delivered just 31 million of the 120 million doses it had promised. It has warned it will likewise provide just 70 million of the 180 million more meant to be delivered over the rest of this year.

Public confidence in the AstraZeneca jab has taken a blow after the European Medicines Agency, the bloc's regulator, said it was likely

linked to a very rare, but often fatal, form of blood clots affecting the brain.

The EMA and the commission have not changed their stance on a general use of AstraZeneca, saying its benefits outweighed the risks, but several EU countries have restricted it to older citizens, aged over 50, 55 or 60.

## 'Best efforts'

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.

A Brussels lawyer who has studied the AstraZeneca contract, Arnaud Jansen of the firm De Bandt, told AFP that, if any [legal action](#) was to go ahead, "it's a process that could take months" before a court rules on it.

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Citation: EU looks to sue AstraZeneca over delivery shortfall (2021, April 22) retrieved 11 February 2023 from <https://medicalxpress.com/news/2021-04-eu-sue-astrazeneca-delivery-shortfall.html>

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