

2-9-2020 08:55

document request SARS-CoV-2

Aan access.to.documents@ecdc.europa.eu <access.to.documents@ecdc.europa.eu>

Dear sir/madam,

Please provide me with the following:

- 1) A single document that proves, scientifically, that SARS-CoV-2 exists and that proves that the genetic sequence of SARS-CoV-2, used in the RT-PCR tests is specific for SARS-CoV-2 only.
- 2) A document (name, number, date) that describes the scientific procedure, or methodology that is required to be followed by the ECDC as part of the quality standard to prove that a virus exists.
- 3) A document that provides an assessment by the ECDC that shows that 1) complies with 2) for SARS-CoV-2

kind regards,





Stockholm, 16 September 2020
Our ref.: DPR-2020-OUT-3176-KEEIKh

Dear Mr [REDACTED],

Re: Your application for access to documents – Ref 20-3696

We refer to your email dated 31 August 2020 in which you make a request for access to documents, registered on 1 September 2020 under the above mentioned reference number, and your follow up email on 2 September 2020 that has been handled under the same reference number as well.

We regret to inform you that no documents were found that would correspond to the description given in your application.

Indeed, as specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

Given that no such documents have been identified, ECDC is not in a position to handle your request.

However, in the spirit of The European Code of Good Administrative Behaviour, we take the liberty of suggesting the following links to some information on this topic that you might find useful:

- Regarding the "aetiology of SARS: Koch's postulates fulfilled":

<https://covid19.elsevierpure.com/de/publications/the-aetiology-of-sars-kochs-postulates-fulfilled>

- About how to detect and show the sequence phylogeny:

<https://www.ecdc.europa.eu/en/novel-coronavirus/laboratory-support>

Additionally, among others, we would like to refer to two relevant seminal papers; on the virus discovery and on the first RT-PCR development, which also includes an investigation of specificity, which excludes unspecific detection of e.g. seasonal coronaviruses. Please see the links below:

<https://www.nature.com/articles/s41586-020-2012-7>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6988269/>

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In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting ECDC's Director to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the following address:

ECDC
Legal Services
Gustav III:s Boulevard 40
16973 Solna
Sweden

or by email to: confirmatory.requests@ecdc.europa.eu.

Yours faithfully,



Karl Ekdahl
Head of Unit Disease Programmes

1-10-2020 09:25

confirmatory application Ref 20-3696

Aan confirmatory.requests@ecdc.europa.eu <confirmatory.requests@ecdc.europa.eu>

Dear sir/madam,

In your response to my information request, which has been registered under reference number Ref 20-3696, I would like to ask for a confirmatory application and request the ECDC's Director to review the position stated in your letter with reference DPR-2020-OUT-3176-KEEIKh.

First, you have not answered any of my questions and have send me references to research papers that do not answer any of my questions. I would like therefore to ask you for a truthful answer to the following.

In question 1) I have asked for a single document that proves, scientifically, that SARS-CoV-2 exists and that proves that the genetic sequence of SARS-CoV-2, used in the RT-PCR tests is specific for SARS-CoV-2 only.

A) Can you please confirm that at present, the ECDC does not have any scientific proof of the existence of SARS-CoV-2?

B) If you do have the opinion that SARS-CoV-2 exists, please provide me with a reference from which the ECDC considers that this has been proven. Please also provide a thorough assessment, based on the quality standards of the ECDC, why this scientific paper fulfills the requirements of having discovered a new virus.

In question 2) I ask for a document (name, number, date) that describes the scientific procedure, or methodology that is required to be followed by the ECDC as part of the quality standard to prove that a virus exists.

C) Please confirm that the ECDC does not have a quality standard in which the methodology of proving the existence of a virus and the procedures to quantify the biochemical properties of the new virus has been defined. If you do have a quality standard, please send it to me.

3) A document that provides an assessment by the ECDC that shows that 1) complies with 2) for SARS-CoV-2

D) If not available, please confirm that the ECDC has not executed an assessment to verify whether or not SARS-CoV-2 exists.

Kind regards,





Stockholm, 21 October 2020

Our ref.: DIR-2020-OUT-3783-AAEIKh

Dear Mr [REDACTED],

Re: Your confirmatory application for access to documents – Ref 20-3696-1

We refer to your email dated 1 October 2020 registered on the same day under the above mentioned reference number. In your email you make a confirmatory application with regards to our letter DPR-2020-OUT-3176-KEEIEKh of 16 September 2020, replying to your initial application of 31 August and 2 September 2020.

I can confirm that ECDC does not hold any document corresponding to the description you made in your initial application.

In your confirmatory application, you also ask ECDC to provide additional information to you, or to confirm certain assumptions that you make (points A, B, C and D of your email). Such request falls outside the scope of the confirmatory application and in general of Regulation 1049/2001, and I will deal with them instead as a request for information, processed in accordance with the ECDC Code on Good Administrative Behaviour.

On this respect, I bring your attention to the fact that, in accordance with paragraph 76 of the Judgment of the Court of first Instance of 25 April 2007 in case T-264/04, WWF European Policy Programme v Council,

The public's right of access to the documents of the institutions covers only documents and not information in the wider meaning of the word and does not imply a duty on the part of the institutions to reply to any request for information from an individual

The same paragraph explicitly states that access to information *may be granted only if that information is contained within documents, which presupposes that such documents exist.*

While ECDC strives to be close to the European citizens, in line with the Code of Good Administrative Behaviour, the principle of sound administration obliges me, in particular in this time of pandemic, to focus all the resources of the Agency to tasks that I believe can have a significant impact for public health, in accordance with the ECDC mission.

In view of all the above, and taking into account that ECDC already provided you with relevant information in our letter of 16 September, I decided that ECDC will not reply to the further questions that you included in your email of 1 October 2020, and that ECDC shall discontinue any further correspondence with you

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related to the issues that you mention, as I consider that any further correspondence would be repetitive and pointless.

Remedies

You can bring an action to the Court of Justice of the European Union against the part of this decision concerning the confirmatory application, in accordance with art. 263 of the Treaty on the Functioning of the European Union. You also can lodge a complaint to the European Ombudsman, in accordance with art. 228 of the Treaty on the Functioning of the European Union.

Yours faithfully,



Andrea Ammon

Director