



Media relations
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Media Release

regarding judgments A-488/2024, A-514/2024 and A-619/2024 of 10 February 2026

Covid-19 vaccine contracts must be disclosed

The contracts concluded during the Corona pandemic with pharmaceutical companies Moderna and Novavax for the procurement of Covid-19 vaccines must be disclosed pursuant to the Freedom of Information Act. The Federal Administrative Court upholds three appeals lodged by private individuals.

Between 2020 and 2022, the Federal Office of Public Health (FOPH) and the Armed Forces Pharmacy concluded a number of contracts with various manufacturers for the procurement of Covid-19 vaccines. Numerous applicants requested disclosure of the contracts. The Federal Data Protection and Information Commissioner (FDPIC) recommended that access to the requested sections be largely granted. Notwithstanding, the FOPH ruled that no further information about prices, delivery terms, places of jurisdiction, etc. would be disclosed. Three private individuals lodged appeals with the Federal Administrative Court (FAC) against two of these rulings dated 22 December 2023 concerning Novavax Inc., Moderna Tx. Inc., and Moderna Switzerland GmbH.

No grounds for exception stated

The Freedom of Information Act provides for various exceptions. If one of these exceptions applies, right of access to the requested document is restricted, deferred or refused. The FOPH based its ruling on three grounds for exception. It argued that the disclosure (1) would obstruct an authority from achieving the intended objectives when taking specific measures; (2) may affect Switzerland's interests in matters of foreign policy and international relations; and (3) that it may reveal professional, business or manufacturing secrets. The appellants claimed that these grounds for exception were not justified, and that they should be granted access to the information to the extent requested in each case.

In its judgments, the Federal Administrative Court stated that granting access would not, with any significant likelihood, impede an existing specific measure from achieving its intended objectives. After all, in the event of a new pandemic, new negotiations would have to be conducted under new circumstances anyway. There was also nothing to suggest that the disclosure of the documents was

liable to affect Switzerland's interests in matters of foreign policy, or its international relations and reputation. Furthermore, the existence of an objective interest in maintaining confidentiality with regard to the information at issue, namely the agreed prices, delivery terms, places of jurisdiction, etc., had not been demonstrated. The price indications could not be used for pricing calculations. Moreover, the FOPH did not substantiate how information about the prices and order quantities at that time might still be relevant in today's market. Consequently, the Court upholds the three appeals and grants the appellants access to the contracts to the extent requested in each case.

These judgments may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 395 employees (334 FTE) and its 79 judges (70 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,000 judgments every year.