

2632790

**To:** (10)(2e) (10)(2e) @minvws.nl  
**Cc:** (10)(2e) (10)(2e) @minvws.nl  
**From:** (10)(2e)  
**Sent:** Wed 6/10/2020 8:03:38 AM  
**Subject:** FW: Draft Term Sheet for Commercial Supply of ChAdOx1 nCoV-19 vaccine(AZD 1222) in Europe (ex-UK).  
**Coalition Government (Final June 9 6 pm).docx**

Hierbij! Kun jij checken met (10)(2e) Fransen hebben voor 12u input nodig. Misschien kunnen we ook de eerdere opmerkingen van 5.1.2e op de paragraaf over indemnity betrekken?

Groet!  
(10)(2e)

**Van:** (10)(2e) < (10)(2e) @pm.gouv.fr>  
**Datum:** woensdag 10 jun. 2020 9:00 AM  
**Aan:** (10)(2e) @ec.europa.eu < (10)(2e) @ec.europa.eu, (10)(2e) @bmg.bund.de < (10)(2e) @bmg.bund.de>  
**Kopie:** (10)(2e) @bmg.bund.de < (10)(2e) @bmg.bund.de>, (10)(2e) @ec.europa.eu  
< (10)(2e) @ec.europa.eu, (10)(2e) @ec.europa.eu < (10)(2e) @ec.europa.eu, (10)(2e) @unicatt.it  
< (10)(2e) @unicatt.it>, 5.1.2e (10)(2e) @minvws.nl  
**Onderwerp:** RE: Draft Term Sheet for Commercial Supply of ChAdOx1 nCoV-19 vaccine (AZD 1222) in Europe (ex-UK).

Dear All,  
After a first round of discussion with AZ we have a new proposal (enclosed)  
Can you please check it before noon.  
We have a new round with them @ 2pm  
Thanks to all of you

(10)(2e)

(10)(2e)  
Secrétariat général pour l'investissement  
32, rue de Babylone  
75007 PARIS  
(10)(2e)

-----Message d'origine-----  
De : (10)(2e) @ec.europa.eu < (10)(2e) @ec.europa.eu>  
Envoyé : mercredi 10 juin 2020 08:49  
À : (10)(2e) @bmg.bund.de  
Cc : (10)(2e) @bmg.bund.de, (10)(2e) @ec.europa.eu, (10)(2e) @ec.europa.eu, (10)(2e) @unicatt.it,  
(10)(2e) (10)(2e) @pm.gouv.fr, (10)(2e) @minvws.nl  
Objet : RE: Draft Term Sheet for Commercial Supply of ChAdOx1 nCoV-19 vaccine (AZD 1222) in Europe (ex-UK).  
Critère de diffusion : Confidential

Dear (10)(2e) dear colleagues,

Thanks for your reply. Please find attached a more detailed analysis of the substantive points which, in our view, merit another exchange with AZ.  
I hope that this can be useful for your discussions with the company today.  
Kind regards

(10)(2e)

-----Original Message-----  
From: (10)(2e) < (10)(2e) @bmg.bund.de>  
Sent: Tuesday, June 9, 2020 9:01 PM  
To: (10)(2e) < (10)(2e) @ec.europa.eu>  
Cc: (10)(2e) -RL 117 BMG < (10)(2e) @bmg.bund.de>, (10)(2e) @ec.europa.eu, (10)(2e) @unicatt.it, (10)(2e) @pm.gouv.fr, (10)(2e) @minvws.nl  
Subject: AW: Draft Term Sheet for Commercial Supply of ChAdOx1 nCoV-19 vaccine (AZD 1222) in Europe (ex-UK).  
Sensitivity: Confidential

Chère (10)(2e)

2632790

Thank you for this fast check and reply. That is good news.

Concerning AZ, the partners have decided to continue to negotiate with AZ on some remaining crucial points until tomorrow evening. Most of the points you mentioned are included. Tomorrow evening will be another high level meeting to hopefully conclude the negotiations and consent on AZ and decide together next steps including COM. Your informations will be an important basis, helpful would be also if you could transmit a draft of the agreement mentioned under no 2.

Cordially, (10)(2e)

(10)(2e)  
Bundesministerium für Gesundheit  
(10)(2e) @bmg.bund.de  
Originalnachricht  
Von: (10)(2e) @ec.europa.eu  
Gesendet: Dienstag, 9. Juni 2020 20:10  
An: (10)(2e) -RL 117 BMG, (10)(2e) @ec.europa.eu, (10)(2e) @ec.europa.eu, (10)(2e) @mincatt.it,  
Cc: (10)(2e) @pm.gov.fr, (10)(2e) (10)(2e) @minvws.nl  
Betreff: RE: Draft Term Sheet for Commercial Supply of ChAdOx1 nCoV-19 vaccine (AZD 1222) in Europe (ex-UK).

Dear (10)(2e)

Thanks for sharing the term sheet with us. It is a very interesting offer which is likely to be of interest for many Member States.

As agreed, we have checked whether the Commission could sign it on behalf of the Member States. I can confirm that this is the case and that we would be ready to do so from Friday onwards.

I can also confirm that the payment schedule set out in the document for the first instalment could be made by the Commission under the Emergency Support Instrument (Article 4(5)b). This supposes obviously that the contract is signed before the payment but I understand that this is implicit in the term sheet.

This would only require that:

1. the text of the term sheet is adjusted to reflect that the Commission would be a signatory and make the payments for the upfront costs and that the Member States would no longer be jointly and severally liable for the whole agreement. The Member States would take delivery of the vaccines, make the final payment and assume the liability.
2. An agreement is signed by the Commission with the participating Member States on behalf of whom the Commission would be purchasing (requirement under Article 4(5)b). A draft of such agreement is being prepared along the lines of the paper presented by the Commission to the Council this week and could be shared with the Member States after COREPER tomorrow. It would initially be sufficient if the four Member of the Alliance sign it provided that others are made aware of it and have a possibility to sign immediately or thereafter.

On substance, I think that the following points would warrant another discussion between all of us and with Astra Zeneca:

(10)(2a)

We are ready to engage immediately in such discussion together with you and the other members of the alliance.

Finally, on communication, given the leadership taken by the alliance, I think that it would be important to communicate jointly on the signature of the term-sheet and use this example to show how Member States and the Commission united together can act swiftly to fight the pandemic and protect the citizens.

I suggest that we have another call asap.

Kind regards  
(10)(2e)