Exceptional meeting of the Steering Board on CureVac contract-18 November

An exceptional Steering Board meeting was held to inform the Members on the **CureVac contract** and on next steps.

The Members who had not yet done so were asked to confirm the **decryption of the contract.**

The **key elements of the contract** were presented again to the Members, following an extensive presentation at the previous meeting (Friday 13 November).

Members were informed that, as set out in the Agreement, Member States have the right to opt-out no later than 5 working days after the Commission communicated its intention to conclude the APA. In the case of this contract, therefore, the deadline to exercise the right to opt-out would expire on Tuesday **24 November,** except for two countries (HR and LV) that have national holidays during this period, for which the period would expire the following day.

The Members were reminded that the MSs needed to notify only if the intended to opt-out, otherwise they were considered part of the contract.

It was agreed among the MSs that that discussions on the **Bazaar process** should already start. Consequently, a Bazaar table would be circulated.

At the request of the Members, a discussion followed on the state of play of the Bazaar processes/tables on BioNTech/Pfizer, J&J with some clarification from the Commission on how to fill in the Order Forms, namely regarding:

- the number of doses;
- quarterly allocations;
- the date of the signature.

Minutes: Steering Board meeting, 20 November 2020

1. Update on the CureVac contract

Following the comprehensive presentations during the last two SB meetings, the Members were informed again on key elements of the CureVac contract and on the next steps.

A general discussion followed on the **process of authorisation**, during which it was outlined that:

- the safety , efficacy and quality of the vaccines would be heavily scrutinised, as the authorisation process normally requires ;
- scientific communication (including from EMA) should be given more visibility and priority (especially on the new technologies), in order to inform and to reassure the public with scientific facts over the safety , effectiveness and quality of vaccines.

2. Short update on the AZ contract

The Commission informed the Members on several aspects regarding the implementation of the AZ contract, as outlined below.

Offer on transport costs:

- most MSs have accepted the offer of 5.1.2b per dose;
- two MSs still needed to send their response;
- the contract stipulates that the delivery would take place CPT (Incoterms 2020). This means that the seller is responsible for delivery;
- the two MSs were reminded to send their response as soon as possible.

Distribution Hubs:

- Members were reminded that the hubs needed to have a wholesale distribution authorisation ;
- without such an authorisation, AZ would not be able/authorised to ship the doses to the distribution hub;
- if the distribution hub cannot have a wholesale distribution authorisation, a letter by a legally entitled authority should be signed to exempt this hub from having the authorisation, taking at the same time the responsibility for ensuring the compliance with EU legislation.

Customer set up forms:

- AZ had asked the Member States to fill in the customer set up forms;
- without these forms, AZ cannot ship doses;
- Members were drawn the attention that only eight Member States sent the forms to AZ Alliance Manager ;
- those Member States that did not send them, were encouraged to do so as soon as possible.

3. Update on the Bazaar processes

A discussion was held on the various Bazaar processes and their state of play.

The Members were informed that:

- a revised Baazar table was circulated for **Johnson & Johnson**, reflecting the arrangement amongst Member States to secure doses for Bulgaria that wanted to get back into the contract from which it opted out.
- the Bazaar table for **Pfizer/BioNTech** was closed, following the feedback provided by all MSs;
- the Bazaar process was ongoing for the **CureVac** and **Moderna** contacts. The Members were encouraged to provide timely feedback.

4. Update on contracts in the tendering phase and on discussions with other companies

Moderna – intensive work on the contact was ongoing with the aim of reaching its conclusion the following days. The members were updated on discussions regarding key aspects, such as: liability, delivery schedule, termination rights, resale, volume, price etc.

Novavax - the Members were updated on discussions on liability and indemnification.

Reithera - as discussions with the company were concluded, the steering should decide on launching the contract process.

Valneva - negotiations were over on the structure of the contract, on price, delivery and payment schedules and options. The steering should decide on launching the contract process.

Members were informed about **leaks in the press** about elements from the contracts and were reminded about the very strict **confidentiality rules** that, if breached, could lead to serious repercussions and ultimately to Court cases.

5. Joint procurement for syringes and needles

The Commission informed that:

- the evaluation of the joint procurement procedure for vaccination supplies was ongoing;
- priority was given to evaluation of syringes and needles;
- depending on the quality of offers and reactivity of companies, the evaluation of offers for syringes and needles might be finalized by end-November, followed by the contract signature as of December;

Offers received show that the needs of participating countries should be covered. However, final coverage will depend on the results of the evaluation.

Depending on the replies received, the evaluation could be finalised the following week.

6. COVAX

The Commission indicated that a working group would be created on market exchange at the UK request in COVAX. This working group could serve to move forward on in-kind donations and humanitarian buffer.

The Commission also informed about the outcome of the EUCO held the day before and discussions on vaccine donation and COVAX.

Exceptional meeting of the Steering Board on Moderna contract 24 November

This session was dedicated to a comprehensive presentation of the **Moderna** APA.

Key elements of the contract were presented and explained in great detail to the members. Elements illustrated include:

- information about the characteristics of the vaccine ;
- volume (base and optional doses);
- price, upfront payment and payment schedule/structure;
- delivery schedule;
- resale and donation clause;
- liability and indemnification provisions;
- exchange rate;
- termination clauses and refundability etc.

Members were informed that, as set out in the Agreement, Member States had the right to opt-out no later than 5 working days after the Commission communicated its intention to conclude the APA. If the contract would be adopted on the 25 November, the deadline to exercise the right to opt-out would be set for Wednesday **-2 December,** except for countries that have national holidays during this period. PT and RO indicated having a public holiday on first of December.

The Members welcomed the conclusion of the contract. Some strongly advocated for exercising immediately the options to commit already for 160M doses (80M plus 80M optional doses).

COVAX

The Commission informed about the meeting with the GAVI CEO and the 27 EU Ambassadors in Geneva, where the Commission representative presented a state of play of the EU portfolio.

Given the dire state of COVAX, the GAVI CEO asked the EU for help and to explore further collaboration with the EU on vaccine donation, indemnification and liability.

The Commission also informed about on-going work with FR and other MS to establish an EU-wide approach on donations, which would be submitted to the SB Members soon.