



Ministry of Health, Welfare and Sport

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MS Westfalia GmbH

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Junkersring 54,  
53844 Troisdorf, Duitsland

Date

29 JULI 2020

Subject

Reimbursement of the down payment for 84 ICU Ventilators

Dear

5.1.2e

**DG Curative Care**  
**Curative Care Department**

**Address for visitors:**

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**Information**

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**Our reference**

5.1.5

**Your reference**

*All correspondence addressed to the postal address quoting date and reference of this letter.*

At the beginning of the COVID-crisis, we came into contact about the urgent need of breathing machines in the Netherlands. Within a few days at the end of March 2020, we established a 'Purchase and Supply Contract' for the delivery of 100 breathing machines 'MS Westfalia Jenny'. As we explained at the time, a timely delivery was of the essence to us and we much appreciated your swift and pragmatic approach.

The international market and supply chain for breathing machines and key-components has been overheated the past few months. I know that you had some difficulties beyond your control in the production of the machines for the Netherlands.

At this moment, we have to conclude that despite all your efforts, MS Westfalia GmbH did not succeed in delivering all the ordered breathing machines according to the delivery schedule we agreed on. Today, the 29<sup>th</sup> of July 2020, 16 breathing machines have been delivered.

We have send you a mail, the 1<sup>st</sup> of July 2020, that we intend to cancel the order for the breathing machines that will not be delivered within 4 weeks after that date (meaning before the 29<sup>th</sup> of July 2020). This is according to our contract:

*Article 3.2 The Product shall be delivered in batches of 10 pieces 'MS Westfalia Jenny' every week to the Purchaser in the period starting the week after the Effective Date until June, 19, 2020. The total of 100 pieces 'MS Westfalia Jenny' are planned to be delivered until than June 19, 2020 in accordance with Article 3.6 of this Agreement. When the delivery schedule is being delayed for more than 4 weeks owed exclusively to causes of delay within the reasonable control of the Supplier, the order can be cancelled with a written statement for the delivery 4 weeks upfront.'*