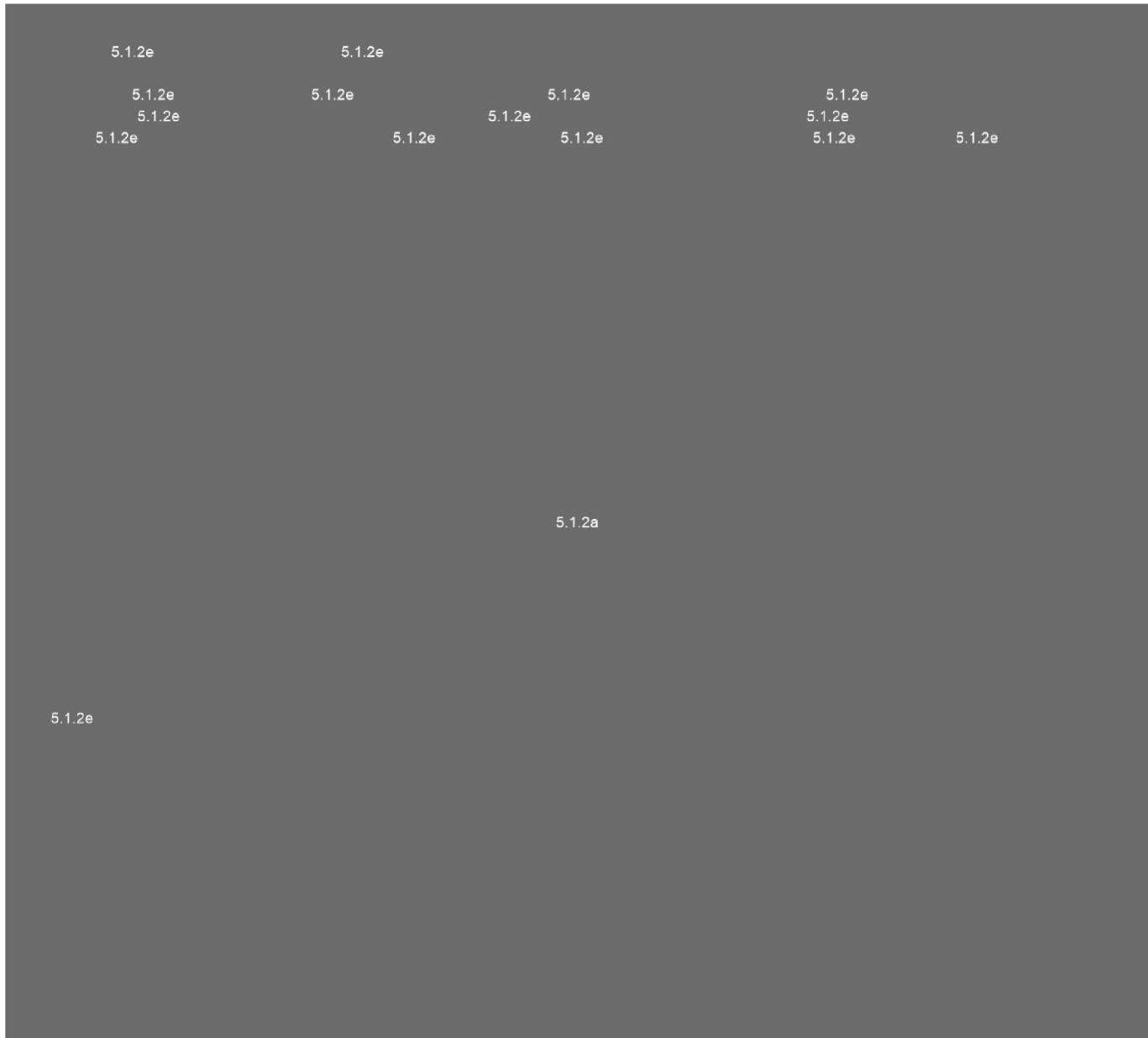


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-----Ursprüngliche Nachricht-----

Von: 5.1.2e) 5.1.2e @minvws.nl
Gesendet: Mittwoch, 29. Juli 2020 14:14
An: 5.1.2e 5.1.2e @bmg.bund.de>; 5.1.2e @ec.europa.eu; 5.1.2e @ec.europa.eu
Cc: 5.1.2e 5.1.2e @bmg.bund.de>; 5.1.2e 5.1.2e @bmg.bund.de>; 5.1.2e 5.1.2e @bmg.bund.de>; 5.1.2e 5.1.2e @minvws.nl>; 5.1.2e)< 5.1.2e @minvws.nl>
BMG < 5.1.2e @bmg.bund.de>; 5.1.2e 5.1.2e @minvws.nl>; 5.1.2e)< 5.1.2e @minvws.nl>
Betreff: RE: Follow Up to Discussion on EU Contractual Indemnity Provision

Dear 5.1.2e

Thank you for your follow up on the J&J indemnity clause. We agree with you J&J has made a huge step forward with this proposal and we really believe that a deal with J&J is still possible.

Hereby we would like to share with you our written comments:

1. We agree with you that the term "all claims..." is still to be negotiated. We would suggest to change "all" in to "all reasonably". For example par. 2 "any and all reasonably incurred losses, liabilities, ...".
2. For par. 3 we have multiple comments:
 - a. We would like to specify that J&J is also bound to pharmacovigilance and that non-compliance will lead to no indemnification.
 - b. We would like to add "gross negligence" to the limitations of indemnification.
 - c. We would suggest to change par. 3 b in to the following: "Failure to comply with GMP shall mean any failure of compliance with the GMP rules directly & indirectly causing physical injury or death of a Vaccinated Individual."
3. This refers to our first point we made above. In par. 4 b) a. we would like to change "all related costs, ..." in to "all reasonably incurred related costs, ...".
4. Par. 4. b) b. determines that if J&J decides to take on the defense, J&J does not have to take the interests of the Member States into account, but this clause does not go vice versa. We would like to balance this clause in a way that both J&J and the Member States have equal rights and obligations on information sharing and cooperation in treating claims.

As you suggested yesterday, the next step would indeed be a meeting. How would you like to proceed? If you would like the Netherlands to take the initiative, please do not hesitate to let us know.

Kind regards,

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From: [redacted] 5.1.2e [redacted] 5.1.2e
 Sent: Tuesday, July 21, 2020 10:28 AM
 To: [redacted] 5.1.2e [redacted] 5.1.2e <[redacted] 5.1.2e @bmg.bund.de <[redacted] 5.1.2e @bmg.bund.de> >; [redacted] 5.1.2e
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 <[redacted] 5.1.2e @bmg.bund.de> >; [redacted] 5.1.2e [redacted] 5.1.2e @ITS.JNJ.com <[redacted] 5.1.2e @ITS.JNJ.com> >;
 [redacted] 5.1.2e [redacted] 5.1.2e @its.jnj.com <[redacted] 5.1.2e @its.jnj.com> >; [redacted] 5.1.2e [redacted] 5.1.2e @ec.europa.eu
 <[redacted] 5.1.2e @ec.europa.eu> >; [redacted] 5.1.2e [redacted] 5.1.2e @minvws.nl <[redacted] 5.1.2e @minvws.nl> >;
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 <[redacted] 5.1.2e @ITS.JNJ.com <[redacted] 5.1.2e @ITS.JNJ.com> >
 Subject: RE: Follow Up to Discussion between Minister Spahn and [redacted] 5.1.2e

Dear [redacted] 5.1.2e and Colleagues:

Thank you again for your replies. We also are very focused on the urgency of bringing life-saving vaccines to help solve the current crisis, and appreciate your fast response. Pursuant to your suggestion, our delegation can be available on Wednesday 22 July at 17:00 CET/11:00 AM EDT. Please provide information for the videoconference.

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Our team looks forward to meeting with you tomorrow. [redacted] 5.1.2e

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Best Regards,

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From: 5.1.2e 5.1.2e 5.1.2e 5.1.2e @its.jnj.com <5.1.2e @its.jnj.com> >
 Sent: Monday, July 20, 2020 8:16 PM
 To: 5.1.2e 5.1.2e 5.1.2e @bmg.bund.de <5.1.2e @bmg.bund.de> >
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 5.1.2e 5.1.2e @its.jnj.com <5.1.2e @its.jnj.com> >
 Subject: RE: Follow Up to Discussion between Minister Spahn and 5.1.2e

Dear 5.1.2e and Colleagues: Thank you for your prompt email response. We are checking calendars and will revert to you on Tuesday with our availability for a meeting on Wednesday late afternoon CET/late morning EDT. We will also share the key principles of what could be the basis 5.1.2f as was discussed between Mr. Spahn and 5.1.2e 5.1.2f We look forward to meeting you. Thank you and
 Regards. 5.1.2e

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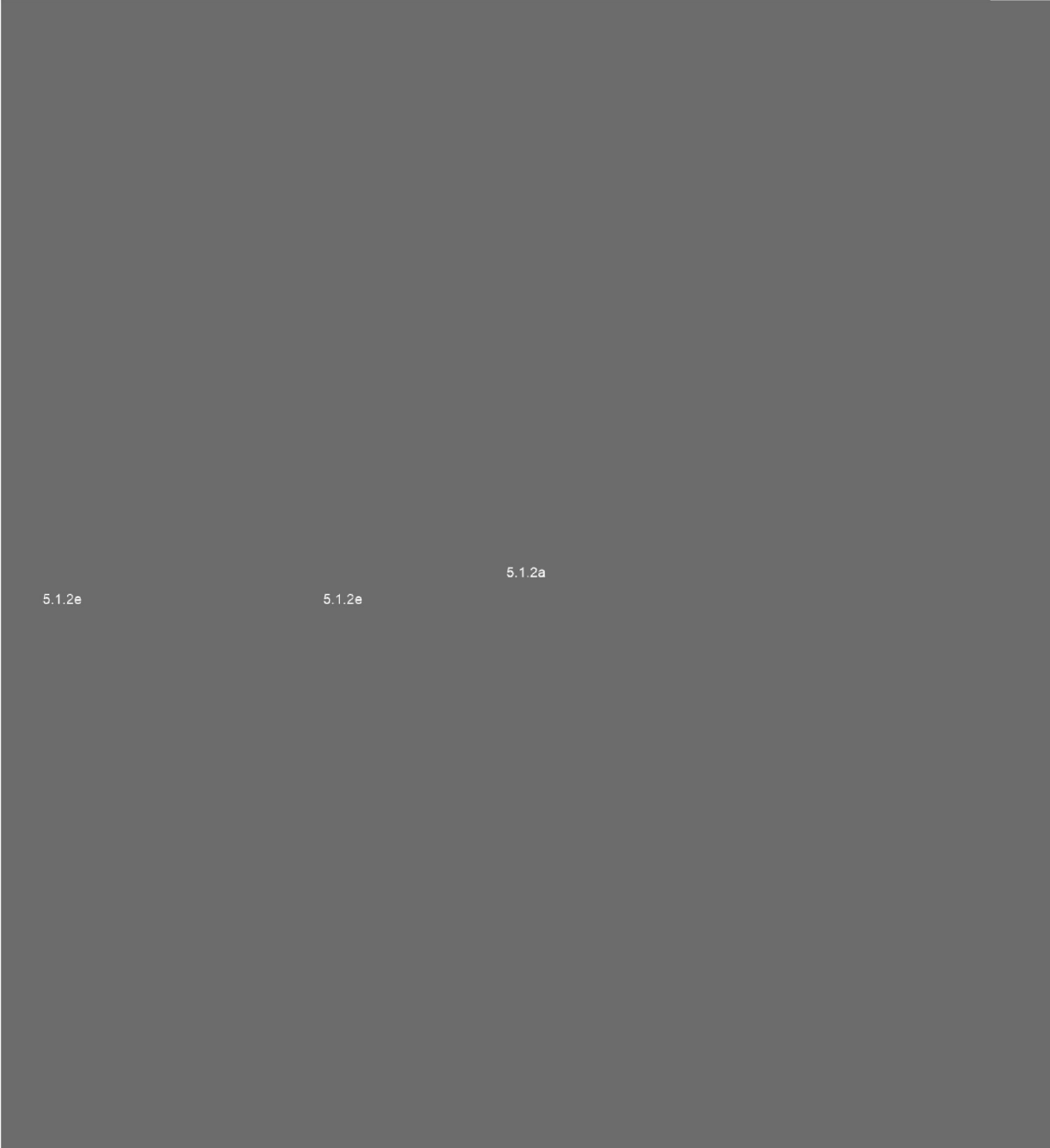
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-----Ursprüngliche Nachricht-----

Von: [REDACTED] 5.1.2 5.1.2e [REDACTED] 5.1.2e [REDACTED] 5.1.2e @its.ini.com <[REDACTED] 5.1.2e [REDACTED] 5.1.2e @its.ini.com> 1

I've copied these people on this email, as well as [REDACTED] for Johnson & Johnson. These are the people authorized to represent Johnson & Johnson on this matter.

[REDACTED] are in the Eastern United States, so we would request to find an appropriate date and time this week for a call.

Please don't hesitate to let me know if you have any questions or if I can be of any assistance.

Thank you in advance for your cooperation and we look forward to collaborating with you and your team.

Best Regards,

[REDACTED]

[REDACTED]

5.1.2a

-----Ursprüngliche Nachricht-----

Von: [REDACTED] 5.1.2e [REDACTED] 5.1.2e @its.jnj.com <[REDACTED] 5.1.2e @its.jnj.com>]

Gesendet: Samstag, 18. Juli 2020 14:57

An: [REDACTED] 5.1.2e [REDACTED] 5.1.2e @bmg.bund.de <[REDACTED] 5.1.2e @bmg.bund.de
<[REDACTED] 5.1.2e @bmg.bund.de > >Cc: [REDACTED] 5.1.2e [REDACTED] 5.1.2e @bmg.bund.de <[REDACTED] 5.1.2e @bmg.bund.de
<[REDACTED] 5.1.2e @bmg.bund.de > >; [REDACTED] 5.1.2e
<[REDACTED] 5.1.2e @bmg.bund.de > >; [REDACTED] 5.1.2e
<[REDACTED] 5.1.2e @its.jnj.com < [REDACTED] 5.1.2e @its.jnj.com < [REDACTED] 5.1.2e @its.jnj.com > >;
<[REDACTED] 5.1.2e @its.jnj.com < [REDACTED] 5.1.2e @its.jnj.com < [REDACTED] 5.1.2e @its.jnj.com > >>

Betreff: Conversation

Herr Bundesminister, Dear Minister Spahn,

In light of our conversation Thursday evening your time, I have asked my legal team to explore a potential approach to a standard industry contractual solution to liability protection with you and your team, consistent along the lines we discussed.

In that context, I have two very specific asks for you:

1. My team has been given the names of [REDACTED] 5.1.2e as your legal point of contact as well as [REDACTED] 5.1.2e that my team can connect with early next week. Do I get this right? As agreed with you, we want to handle this with you initially.

2. Can you in the meantime pass a message to the EU Commission negotiation team, that they should proceed on progressing on all other outstanding items in the negotiations, other than liability protection? We should make sure we progress in parallel on all fronts and not in a sequential format which could lead to unnecessary delays.

I wish you a very nice weekend and thank you again for the discussion yesterday.

Best Regards,

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5.1.2e

5.1.2e

Tel: (732) 5.1.2e

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E-mail: 5.1.2e@its.jnj.com <5.1.2e@its.jnj.com> <5.1.2e@its.jnj.com <5.1.2e@its.jnj.com>>
<5.1.2e@its.jnj.com <5.1.2e@its.jnj.com>>