



Ministry of Health, Welfare and Sport

> Return address PO Box 20350 2500 EJ The Hague

Nedshield Switzerland AG
 To [REDACTED] 5.1.2e
 Bachtobelstrasse 48
 Weinfelden CH-8570
 SWITZERLAND

Date 29 May 2020
 Subject Dissolved agreement

Dear [REDACTED] 5.1.2e

Further to your e-mail of 26 May I note the following.

First of all I reiterate that the State of the Netherlands is no longer bound by the agreement dated 19 March 2020. This agreement has been cancelled or dissolved (ontbonden, ex art. 6:265 of the Dutch Civil Code) as a consequence of a shortcoming in the performance by Nedshield.

In response to the dissolution of the agreement you have requested for a meeting to discuss the matter.

During the meeting on 20 May you have, inter alia, given an impression of your company's efforts in the present market of medical face masks and suggested to reach a commercial settlement of the dispute that would be mutually beneficial.

The conclusion of the meeting was that we were willing to enable you to make an offer for a new agreement and that in case of acceptance the dispute with regards to the dissolved agreement would be settled with that.

I noted your offer in your e-mail of 26 May 2020 with disappointment.

From the outset, the State has taken the position that payment would not be made until after the goods had been delivered in the Netherlands, checked on quality and found to be in order. The way quality will be checked has communicated to you previously.

The State does not deviate from that position. The State is not willing to work with ESCROW agreements. I consider that unnecessarily complicating.

Even more important, the prices you have offered are not acceptable. These are clearly above current market prices.

However, I am willing to make a counter-proposal in order to reach an amicable solution.

**Directorate General
 Curative Care**
 Department of
 Pharmaceutical Affairs and
 Medical Technology

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Our reference

1697149-205843-GMT

Your reference

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Enclosure(s)

-

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

Nedshield delivers 5.1.1c masks 3M-1860-N95, deliverable at Schiphol

According to the delivery schedule:

5.1.1c

All delivery dates are final and if not met Nedshield will be in default.

At a price of EUR 5.1.1c 5.1.1c including VAT per mask.

By accepting this proposal – which proposal is made under the condition that we reach an agreement on the rest of the contract details as well - you waive any claim related to the agreement dated March 19, 2020 and its dissolution.

I can imagine that you need some time to consider this proposal, that is valid to Wednesday 3 June 2020 17:00 hours.

Please let me know your response before Wednesday 3 June 2020 17:00 hrs CET. If you accept our proposal we will set up a new agreement a.s.a.p.

Yours sincerely,
the Minister of Medical Care and Sport,
on behalf of

5.1.2e

**Directorate General
Curative Care**
Department of
Pharmaceutical Affairs and
Medical Technology

Our reference
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