From: To: Cc: Subject: RE: Moderna - APA Draft Contract Date: dimanche 22 novembre 2020 19:28:54 Attachments: image001.png Hi Thank you for your email. I speak subject to Moderna's review and comment, but our intention is tha Please let me know if you have any questions or would like to discuss further. Kind regards, From: @ec.europa.eu> **Sent:** Sunday, November 22, 2020 12:26 PM To: @modernatx.com Cc @modernatx.com; @modernatx.com; @modernatx.com; @modernatx.com; @modernatx.com; @ec.europa.eu; @modernatx.com; @aemps.es; @igf.finances.gouv.fr; @ec.europa.eu; J @ec.europa.eu; @ec.europa.eu; @regeringskansliet.se; @ec.europa.eu; @ec.europa.eu; @ec.europa.eu Subject: RE: Moderna - APA Draft Contrac Dear colleagues, While reading the contract one question for clarification popped up. Many thanks for clarifying. Best regards, (SJ) Sent: Sunday, November 22, 2020 4:19 PM To: @modernatx.com @modernatx.com; Cc: @modernatx.com; @modernatx.com; @modernatx.com; @modernatx.com; (SANTE) @ec.europa.eu>; @modernatx.com; (SANTE) @aemps.es; @igf.finances.gouv.fr; @ec.europa.eu>; (SG-RECOVER) @ec.europa.eu>; (SJ) @ec.europa.eu>; (SJ) @ec.europa.eu>; @regeringskansliet.se; @ec.europa.eu>; GALLINA Sandra (SANTE) @ec.europa.eu> Subject: RE: Moderna - APA Draft Contract Many thanks I acknowledge receipt. We will review and come back to you asap subject of course to Moderna's internal review, which is well noted. Coming back to point on calculating the precise euro sum on the basis of dollars for the final contract, I have given it further thought. Subject to checking with our colleagues, I believe we could already fix the reference period for the purposes

is anyway going to be very marginal one way or the other. The advantage would be that we could prepare everything on both sides limiting any administrative delay.

Best



Subject: RE: Moderna - APA Draft Contract

All:

On behalf of Moderna, please find attached a revised draft of the Advance Purchase Agreement. Please note that, in the interest of time, I am circulating the revised draft to all parties simultaneously, and thus the draft remains subject to Moderna's further review and comments.

We standby ready to meet with you to finalize the Advance Purchase Agreement.

Kindest regards,

```
From:
Sent: Friday, November 20, 2020 10:41 PM
                   @ec.europa.eu;
                                                @modernatx.com
Cc:
                 @modernatx.com;
                                             @modernatx.com;
                                                                         @modernatx.com;
             @modernatx.com;
                                               @modernatx.com;
                                                                             @ec.europa.eu;
            modernatx.com
                                                                               @aemps.es;
             @igf.finances.gouv.fr;
                                                                                 @ec.europa.eu;
                                                @ec.europa.eu;
                  @ec.europa.eu;
                                                                               @regeringskansliet.se;
                                               @ec.europa.eu:
            @ec.europa.eu:
                                        @ec.europa.eu
```

Subject: RE: Moderna - APA Draft Contract

All:

Thank you once again for the excellent discussion today. On behalf of Moderna, please find attached a draft of Please note that, in the interest of time, I am circulating the draft to all parties simultaneously, and thus the draft remains subject to Moderna's further review and comments.

We confirm receipt of the additional documents that provided to us. We will review and revert back to you this weekend.

Thank you once again.

Kindest regards,

```
From:

@ec.europa.eu>
Sent: Friday, November 20, 2020 3:15 PM

To:

@modernatx.com
@modernatx.com;
```

@igf.finances.gouv.fr;	@ec.europa.eu;	@ec.europa.eu;				
@ec.europa.eu;	@ec.europa.eu;	@regeringskansliet.se;				
@ec.europa.eu; @ec.europa.eu						
Subject: RE: Moderna - APA Draft Contract						
Dear colleagues,						
Following our excellent meeting today, please fannexes promised. We will naturally need to pr		9				

annex once you have completed it.

and of course we need to

Fingers crossed, we will get there soon.

clean version. The only substantive remaining point appears to be

Best,

also check the



Subject: RE: Moderna - APA Draft Contract

All:

Thank you once again for the collaborative conversation on Thursday. On behalf of Moderna, please find attached a revised draft of the Advance Purchase Agreement. Please note that, in the interest of time, I am circulating the revised draft to all parties simultaneously, and thus the draft remains subject to Moderna's further review and comments.

Also, we confirm receipt of email with the template for the annex on the

Thank you for providing the template to us. Moderna's reviewing and will prepare a revised draft of the annex, which will be provided to you under separate cover.

We look forward to working with you to finalize the Advance Purchase Agreement.

Kind regards,



Subject: RE: Moderna - APA Draft Contract

EXTERNAL

Dear colleagues,

Following the constructive meeting a moment ago, please find enclosed a template for the annex on the . Please go as far in detail as you consider reasonably possible.

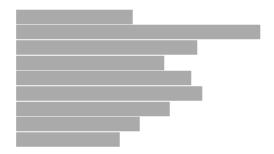
Best regards



Subject: RE: Moderna - APA Draft Contract

All:

Further to my earlier email, we would like to provide you with a list of the incurred by Moderna to date for the establishment and acceleration of the manufacturing and supply of mRNA-1273 for the Commission and the Member States:



We look forward to speaking with you today.

Kind regards,

From: Sent: Wednesday, November 18, 2020 7:49 AM @ec.europa.eu modernatx.com Cc: @modernatx.com; @modernatx.com; @modernatx.com; @modernatx.com; @modernatx.com; @ec.europa.eu; @modernatx.com; @igf.finances.gouv.fr; @aemps.es; @ec.europa.eu; @ec.europa.eu; <u>@ec.europa.eu</u>; @ec.europa.eu

Subject: RE: Moderna - APA Draft Contract

Hi all:

Please find attached high-level issues list for our discussion today. Please note that this list is focused on the most substantive business issues, and we will propose additional revisions in writing in our next draft.

We look forward to speaking with you.

Kind regards,

From:				ec.europa.eu	<u>1</u> >
Sent: M	onday, November 16, 2020 12:	41 PM			
To:				@mod	<u>ernatx.com</u>
Cc:	@modernatx.com;		@moderna	tx.com;	
	@modernatx.com; J	ي ا	@modernatx.c	<u>om</u> ;	
	@modernatx.com;		@ec.europ	oa.eu;	
	@modernatx.com;				
	@aemps.es;	@igf.finances.gouv.fr;			
	@ec.europa.eu; J		@ec.eur	ropa.eu;	
	@ec.europa.eu;		@ec.eur	opa.eu	

Subject: RE: Moderna - APA Draft Contract

EXTERNAL

Dear all.

Please find enclosed our TCs and comments on your latest draft. Because of structural changes and the number of comments, we have not had the time to adjust any cross references, which would need to be done only once the draft is more stable. However, from no on it would be fundamental for the process if we can work on a joint word document where agreement on a given text is clearly indicated in the comments or comments are provided on comments. We could then clean the draft during or on the basis of a call. Any structural changes should be as limited as possible simply to keep track on each other's positions. Once the draft is more stable, we can consider whether further structural changes are necessary. In the current home office conditions it is very challenging if there is a need to go back and forth between a TC pdf and a clean word document.

Please note that this is work in progress on our side too so I cannot exclude that we need to still revisit some more detailed issues as we have not managed to double check everything. But this can be done quickly once the draft is more advanced.

Looking forward to discussing over a call.

Best,

```
Sent: Thursday, November 12, 2020 7:08 PM
                                                                    (SJ)
To:
                   (SJ)
                                                (SJ)
                                                    (COMP)
                                                 (SANTE)
                                          @igf.finances.gouv.fr;
                                  (SANTE)
           @aemps.es;
                                                         @ec.europa.eu>
Cc:
                               @modernatx.com>;
              @modernatx.com>
                                                      @modernatx.com>;
           @modernatx.com>;
                                                          @modernatx.com>;
                        @modernatx.com>;
                                                                 @modernatx.com>;
```

Subject: Moderna - APA Draft Contract

All:

On behalf of Moderna, please find attached a revised draft of the Advance Purchase Agreement in clean and redline comparison formats. The redline comparison is marked to reflect changes from the draft that circulated on 9 November. As you will note, we have included annotated footnotes in the revised draft, which include areas where we would appreciate the opportunity to discuss with your team prior to providing draft language for your

review. Also, please note that, in the interest of time, I am circulating the revised draft to all parties simultaneously, and thus the draft remains subject to Moderna's further review and comments

We would appreciate the opportunity to schedule a time to discuss the revised draft with your team. We are available tomorrow during your afternoon and over the weekend.

We look forward to speaking with you.

