

From: Santman, Maarten [JRDNL] <[REDACTED]@its.jnj.com>
Sent: 02 October 2020 19:26
To: [REDACTED] (SG-RECOVER); [REDACTED] (SJ)
Cc: [REDACTED]@minvws.nl; [REDACTED] [JPPBE];
[JRDNL]; [REDACTED] [JPPBE];
[REDACTED] [JACDE]
Subject: RE: EC - J&J - APA
Attachments: EU APA Janssen draft 02.10.2020.docx; EU APA, Janssen draft 01.10.2020 -
EU APA Janssen draft 02.10.2020.pdf

Importance: High
Sensitivity: Confidential

Dear [REDACTED], Dear [REDACTED],

Looking back on a highly productive Evaluation Committee meeting yesterday, please find attached what we hope is now the final version of the APA. We have tried to already make this is a clean version to the extent possible.

The two points we did not have the chance to discuss before yesterday's Evaluation Committee, have been addressed as follows:

- [REDACTED]
- [REDACTED]

Your review would be much appreciated – hoping you could confirm this is version is acceptable.

Some additional miscellaneous points/questions:

- Please see below the adjusted language on why [REDACTED]; I have highlighted the part that is added (which is very similar to the contract language).
- Can we ask who will be the Commission's contact persons for the vaccine order form (see explanatory note at the top of the vaccine order form) ?
- Finally, could I ask in view of potential external communications next week, who could our Communications person be in touch with on your end to align on content and timing?
- May I ask that we set up a quick call on Monday to discuss next steps and process towards execution of the APA ?

Finally, allow me to already sincerely thank you both for the great and amicable discussions we had these past weeks.

Kind regards,

For the team,

[Redacted]

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CONFIDENTIAL

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

+++++

From: [REDACTED] [JRDNL]
Sent: Thursday, October 1, 2020 10:55
To: [REDACTED] <[REDACTED]@ec.europa.eu>; [REDACTED] <[REDACTED]@ec.europa.eu>
Cc: [REDACTED] <[REDACTED]@minvws.nl>; [JPPBE] <[REDACTED]@ITS.JNJ.com>; [REDACTED]
[JRDNL] <[REDACTED]@its.jnj.com>; [REDACTED]
[JPPBE] <[REDACTED]@ITS.JNJ.com>; [JACDE] <[REDACTED]@its.jnj.com>
Subject: RE: EC - J&J - APA
Sensitivity: Confidential

Dear [REDACTED], Dear [REDACTED],

Please see attached a new version of the APA (clean and compare against the last version we sent to you on 25 September). A couple of points to assist in your review:

- We were able to accept your proposal on the [REDACTED] mechanism.
- Exhibit D [REDACTED] includes a new suggestion for [REDACTED]
- We have included a form for an Allocation Table (Exhibit E).
- Please see below the rationale for [REDACTED]

Kindly note we've not been able to incorporate the edits suggested in your last night's rider regarding [REDACTED]. We would very much like the opportunity to discuss with you soonest to better understand the background of the language proposed. Please let us know if that would be possible this morning still. In any case, we would of course been keen to hear if we should prepare for an Evaluation Committee later today.

Kind regards, for the team,
As always, looking forward to speaking to you,

[REDACTED]

+++++
CONFIDENTIAL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

+++++

From: [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)> <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Sent: Wednesday, September 30, 2020 18:42
To: [REDACTED] [JRDNL] <[\[REDACTED\]@its.inj.com](mailto:[REDACTED]@its.inj.com)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Cc: [REDACTED] <[\[REDACTED\]@minvws.nl](mailto:[REDACTED]@minvws.nl)>; [REDACTED] [JACDE] <[\[REDACTED\]@its.inj.com](mailto:[REDACTED]@its.inj.com)>; [REDACTED] [JPPBE]
<[\[REDACTED\]@ITS.JNJ.com](mailto:[REDACTED]@ITS.JNJ.com)>; [REDACTED] [JRDNL] <[\[REDACTED\]@its.inj.com](mailto:[REDACTED]@its.inj.com)>; [REDACTED] [JPPBE]
<[\[REDACTED\]@ITS.JNJ.com](mailto:[REDACTED]@ITS.JNJ.com)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>;
[REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>
Subject: [EXTERNAL] RE: EC - J&J - APA
Sensitivity: Confidential

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Dear [REDACTED],

Following-up on our constructive discussion yesterday, attached please find language with regard to the [REDACTED] changes redlined or highlighted). Following feedback from [REDACTED], I have also included a clause referring to the [REDACTED] [REDACTED], while keeping the methodology foreseen in your draft (all in redlined version).

Looking forward to the revised draft including the changes discussed yesterday and this morning. We would also appreciate to receive the explanatory paper on the [REDACTED] [REDACTED]
[REDACTED]

Kind regards,
[REDACTED]

From: [REDACTED] (COMP)
Sent: Wednesday, September 30, 2020 9:51 AM
To: [REDACTED] [JRDNL]' <[REDACTED]@its.jnj.com>; [REDACTED] (SJ)
<[REDACTED]@ec.europa.eu>
Cc: [REDACTED] <[REDACTED]@minvws.nl>; [REDACTED] [JACDE]'
[REDACTED]@its.jnj.com>; [REDACTED] [JPPBE]' <[REDACTED]@ITS.JNJ.com>; [REDACTED]
[JRDNL]' <[REDACTED]@its.jnj.com>; [REDACTED] [JPPBE]' <[REDACTED]@ITS.JNJ.com>; [REDACTED]
[REDACTED] (SJ) <[REDACTED]@ec.europa.eu>; [REDACTED] (SJ)
[REDACTED]@ec.europa.eu>
Subject: RE: EC - J&J - APA
Sensitivity: Confidential

Dear [REDACTED],

Can we have a very quick call on the [REDACTED] specifications in the tender documents this morning, say at 11:00?

Kind regards,
[REDACTED]

From: [REDACTED] (COMP)
Sent: Tuesday, September 29, 2020 12:28 PM
To: [REDACTED] [JRDNL]' <[REDACTED]@its.jnj.com>; [REDACTED] (SJ)
[REDACTED]@ec.europa.eu>
Cc: [REDACTED] <sw.bruinsma@minvws.nl>; [REDACTED] [JACDE]
<[REDACTED]@its.jnj.com>; [REDACTED] [JPPBE] <[REDACTED]@ITS.JNJ.com>; [REDACTED]

[JRDNL] [redacted] <[\[redacted\]@its.inj.com](mailto:[redacted]@its.inj.com)>; [JPPBE]
<[\[redacted\]@ITS.JNJ.com](mailto:[redacted]@ITS.JNJ.com)>; COMP B1 MAIL <COMP-B1-MAIL@ec.europa.eu>; [redacted]
(SJ) <[\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)>; [redacted] (SJ)
<[\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)>

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Dear Maarten,

Many thanks for this. Would you and your colleagues be available to have a discussion in the usual smaller group today at 17:30 (before we move to a discussion in the Evaluation Committee)?

In today's meeting, we would propose to go through the draft. We will need to have specific discussions on the (1) [redacted] and (2) on the [redacted] mechanism.

Kind regards,

[redacted]

From: [redacted] [JRDNL] <[\[redacted\]@its.inj.com](mailto:[redacted]@its.inj.com)>
Sent: Monday, September 28, 2020 5:25 PM
To: [redacted] (SJ) <[\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)>; [redacted]
(COMP) <[\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)>
Cc: [redacted] <[\[redacted\]@minvws.nl](mailto:[redacted]@minvws.nl)>; [redacted] [JACDE]
<[\[redacted\]@its.inj.com](mailto:[redacted]@its.inj.com)>; [redacted] [JPPBE] <[\[redacted\]@ITS.JNJ.com](mailto:[redacted]@ITS.JNJ.com)>;
[redacted] [JRDNL] <[\[redacted\]@its.inj.com](mailto:[redacted]@its.inj.com)>; [redacted] [JPPBE]
<[\[redacted\]@ITS.JNJ.com](mailto:[redacted]@ITS.JNJ.com)>

Subject: RE: EC - J&J - APA

Sensitivity: Confidential

Dear [redacted],

Further to the below, I'm attaching a clean and compare version of Exhibit D [redacted] based on your earlier comments. We would appreciate your feedback.

To your question under separate cover on a further specification of the parties, we would propose to, [redacted] APA, add the [redacted] wording:

[redacted]

We're awaiting the [redacted] explanation from our [redacted] department.

Kind regards,

[REDACTED]

From: [REDACTED] [JRDNL]
Sent: Friday, September 25, 2020 17:11
To: [REDACTED] <@ec.europa.eu>; [REDACTED] <@ec.europa.eu>
Cc: [REDACTED] <sw.bruinsma@minvws.nl>; [REDACTED] [JACDE]
[REDACTED] <@its.jnj.com>; [REDACTED] [JPPBE] <@ITS.JNJ.com>;
[REDACTED] [CRXNL] <@its.jnj.com> <@its.jnj.com>; [REDACTED]
[REDACTED] [JPPBE] <@ITS.JNJ.com>
Subject: RE: EC - J&J - APA
Sensitivity: Confidential

Dear [REDACTED] -

Here is a new clean and compare draft of the APA, further to the call we had Tuesday evening. The compare is comparing against the version we sent to you on 18 September. Some points that may be helpful for your review:

- This draft now also contains a Vaccine Order Form.
- We will follow-up with [REDACTED] [REDACTED] mechanism, as per our discussion.
- Please note Exhibit D [REDACTED] is still unchanged herein, but we're reviewing the changes you had suggested as per your email earlier today, and we'll revert asap.
- There is one change with a comment [REDACTED] that we'd like to discuss with you to provide more background.
- Would you be able to share the form Allocation table?

After you've had the chance to review, we'd much appreciate the opportunity to discuss with you ahead of a potential next Evaluation Committee meeting (hoping we could finalize the agreement). Obviously we would make ourselves available for such a call (if need be in the weekend).

Kind regards, many thanks, for the J&J team,

[REDACTED]

From: [REDACTED] [JRDNL]
Sent: Friday, September 18, 2020 21:12
To: [REDACTED] <@ec.europa.eu>; [REDACTED] <@ec.europa.eu>
Cc: [REDACTED] [JACDE] <@its.jnj.com>; [REDACTED] [CRXNL]
(@its.jnj.com) <@its.jnj.com>; [REDACTED] [JPPBE]
<@ITS.JNJ.com>

Subject: RE: EC - J&J - APA

Sensitivity: Confidential

Dear [REDACTED] Dear [REDACTED],

Please find attached a new version of the APA. I'm also attaching a compare version in PDF, against the previous version we sent to you on 4 September, as well as a compare against your redline of 14 September.

We have tried to reflect the changes and comments made in the redline you sent to us on 14 September, as well as the discussion we had earlier this week on some of the key items. We sincerely thank you for these valuable instances of feedback.

If you've had the chance to have a look at this new version, we would again appreciate an opportunity to discuss with you any thoughts and/or remaining concerns.

Truly hoping we would be able to reach an agreement very soon.

Kind regards,
For the J&J team,

[REDACTED]

From: [REDACTED] [JRDNL]

Sent: Friday, September 4, 2020 22:27

To: [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>;
[REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>; [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>;
[REDACTED] <[\[REDACTED\]@minvws.nl](mailto:[REDACTED]@minvws.nl)>

Cc: [REDACTED] [JACDE] <[\[REDACTED\]@its.jnj.com](mailto:[REDACTED]@its.jnj.com)>; [REDACTED] [CRXNL]
<[\[REDACTED\]@its.jnj.com](mailto:[REDACTED]@its.jnj.com)> <[\[REDACTED\]@its.jnj.com](mailto:[REDACTED]@its.jnj.com)>; [REDACTED] [JJCUS]
<[\[REDACTED\]@its.jnj.com](mailto:[REDACTED]@its.jnj.com)>; [REDACTED] [JPPBE] <[\[REDACTED\]@ITS.JNJ.com](mailto:[REDACTED]@ITS.JNJ.com)>;
[REDACTED] <[\[REDACTED\]@cov.com](mailto:[REDACTED]@cov.com)>; [REDACTED]
[REDACTED] <[\[REDACTED\]@cov.com](mailto:[REDACTED]@cov.com)>

Subject: RE: EC - J&J - APA

Sensitivity: Confidential

Dear Commission Team, Dear Joint Negotiation Team,

Please find attached our proposal for an Advance Purchase Agreement.

The draft is subject to review for [REDACTED], and as you will see, some items need some further work and discussion. Please also see some clarifying comments and questions in the footnotes of the document.

Obviously, please reach out to us at any time if you need further clarification or if we can otherwise be of help.

On behalf of the J&J team,

Kind regards,

