

From: [REDACTED] [JRDNL] <[REDACTED]@its.jnj.com>
Sent: 10 August 2020 12:44
To: [REDACTED]; [REDACTED]; [REDACTED];
[REDACTED] (SJ); [REDACTED] (SJ); [REDACTED] (SANTE);
[REDACTED];
Cc: [REDACTED] (EVP General Counsel) [JJCUS]; [REDACTED] [JJCUS];
[REDACTED] [JPPBE]; [REDACTED] [JJCUS]; [REDACTED]
[JJCUS]; [REDACTED] [JPPBE]
Subject: RE: CONFIDENTIAL
Attachments: [REDACTED]

Dear Commission, Dear Joint Negotiation Team,

Thank you again for a very productive call last Thursday; we are looking forward to our call later today.

In the attached new version of the term sheet, we have reflected the comments you made on:

- [REDACTED]
- donation/reselling of doses
- [REDACTED] option [REDACTED]

[REDACTED]

As discussed, 2 of 3 of our supply chain colleagues will join today's call and will be prepared to discuss the Commission's request [REDACTED], as well as the impact of [REDACTED].

Many thanks, kind regards,

For the J&J team,

[REDACTED]

From: [REDACTED] [JRDNL]
Sent: Wednesday, August 5, 2020 10:32
To: [REDACTED] <[REDACTED]@minvws.nl>; [REDACTED]@minvws.nl>;
[REDACTED]@minvws.nl>; [REDACTED]@ec.europa.eu
[REDACTED]@ec.europa.eu; [REDACTED]@ec.europa.eu; [REDACTED]@aemps.es; [REDACTED]
[REDACTED]@hoyngrakh.com>
Cc: [REDACTED] (EVP General Counsel) [JJCUS] <[REDACTED]@its.jnj.com>; [REDACTED] [JJCUS]
[REDACTED]@its.jnj.com>; [REDACTED] [JPPBE] <[REDACTED]@its.jnj.com>; [REDACTED]
[JJCUS] <[REDACTED]@ITS.JNJ.com>; [REDACTED] [JJCUS] <[REDACTED]@its.jnj.com>; [REDACTED]
[REDACTED] [JPPBE] <[REDACTED]@ITS.JNJ.com>
Subject: CONFIDENTIAL

Dear Commission, Dear Joint Negotiation Team,

Exhibit C to the [REDACTED] is a placeholder for [REDACTED]

We are much looking forward to discuss this tomorrow as well, and conclude as soon as possible.

Many thanks,
for the team,

From: [REDACTED] (EVP General Counsel) [JJCUS] <[REDACTED]@its.jnj.com>
Sent: Tuesday, August 4, 2020 20:17
To: [REDACTED]@minvws.nl>; [REDACTED]@minvws.nl>;
[REDACTED]@minvws.nl>; [REDACTED]@hoyngrakh.com>; [REDACTED]@ec.europa.eu>;
[REDACTED]@ec.europa.eu>; [REDACTED]@ec.europa.eu>; [REDACTED]@aemps.es
Cc: [REDACTED] [JJCUS] <[REDACTED]@its.jnj.com>; [REDACTED] [JPPBE]
<[REDACTED]@its.jnj.com>; [REDACTED] [JJCUS] <[REDACTED]@ITS.JNJ.com>; [REDACTED] [JJCUS]
[REDACTED]@ITS.JNJ.com>; [REDACTED] [JRDNL] <[REDACTED]@its.jnj.com>;
[REDACTED] [JPPBE] <[REDACTED]@ITS.JNJ.com>; [REDACTED] (EVP General Counsel) [JJCUS] <[REDACTED]@its.jnj.com>
Subject: RE: Follow Up to Discussion on [REDACTED]
04082020

Dear Members of the EU and Member States Teams:

Thank you for this response. We will review and be prepared to discuss the [REDACTED] proposal on Thursday at **1700 CET/11:00 EDT** if that time is still acceptable for you?

And we [REDACTED] tomorrow mid-day CET time so that we can discuss that document as well on Thursday.

Thank you again for your continued cooperation and collaboration.

Best Regards, [REDACTED]

[REDACTED]
Johnson & Johnson

From: [REDACTED] <[REDACTED]@minvws.nl>
Sent: Tuesday, August 04, 2020 12:15 PM

To: [REDACTED] (EVP General Counsel) [JJCUS] <[REDACTED]@its.inj.com>;
[JJCUS] <[REDACTED]@its.inj.com>; [JJCUS] <[REDACTED]@its.inj.com>;
[JPPBE] <[REDACTED]@its.inj.com>; [JJCUS] <[REDACTED]@ITS.JNJ.com>;
[JJCUS] <[REDACTED]@ITS.JNJ.com>; [JRDNL] <[REDACTED]@its.inj.com>;
[JPPBE] <[REDACTED]@ITS.JNJ.com>
Cc: [REDACTED]@minvws.nl>; [REDACTED]@minvws.nl>;
[REDACTED]@hoyngrakh.com>; [REDACTED]@ec.europa.eu>;
[REDACTED]@ec.europa.eu>; [REDACTED]@ec.europa.eu>; [REDACTED]@aemps.es
Subject: [EXTERNAL] Follow Up to Discussion on [REDACTED] // track changes by
JNT 04082020

Dear members of the J&J-team,

Thank you again for the constructive meeting yesterday. We sincerely believe these meetings are helpful in order to understand each other's points of view and to find an agreement in these important matters. We truly acknowledge the big step you have made forward and we thank you for doing that.

[REDACTED] to the [REDACTED] and also some explanation of the thought behind these [REDACTED] in the sidelines. We would like to discuss these [REDACTED] with you in a next meeting. We would like to propose either Thursday at 15h00 CET/09h00 EDT or Thursday 17h00 CET/09h00 EDT. Would that work for you?

We would be open to also discuss the other elements of the [REDACTED] with you, as discussed before. Therefore, we would be very grateful to [REDACTED] or a confirmation that the [REDACTED] of 25 June is still up to date.

Kind regards,

[REDACTED]
Ministry of Health of the Netherlands
[REDACTED]

Van: [REDACTED] ([REDACTED]) [JJCUS] <[REDACTED]@its.inj.com>
Verzonden: woensdag 29 juli 2020 18:34
Aan: [REDACTED]@minvws.nl>; [REDACTED]@bmg.bund.de>; [REDACTED]@ec.europa.eu>; [REDACTED]@ec.europa.eu>;
[JJCUS] <[REDACTED]@its.inj.com>; [REDACTED]@minvws.nl>; [REDACTED]@its.inj.com>;
[JPPBE] <[REDACTED]@its.inj.com>; [REDACTED]@ITS.JNJ.com>;
[REDACTED]@ITS.JNJ.com>; [JRDNL] <[REDACTED]@its.inj.com>;
[REDACTED]@ITS.JNJ.com>
Cc: [REDACTED]@bmg.bund.de>; [REDACTED]@bmg.bund.de>; [REDACTED] 113 BMG
[REDACTED]@bmg.bund.de>; [REDACTED]@minvws.nl>;
[REDACTED]@hoyngrakh.com>; [REDACTED]@hoyngrakh.com>; [REDACTED] -PG
Impfstoffe COVID-19 BMG <[REDACTED]@bmg.bund.de>; [REDACTED] -UAL 11 BMG
[REDACTED]@bmg.bund.de>; [REDACTED]@minvws.nl>; [REDACTED] (EVP
General Counsel) [JJCUS] <[REDACTED]@its.inj.com>
Onderwerp: RE: Follow Up to Discussion on [REDACTED]

Dear [REDACTED] and [REDACTED] and your colleagues:

Thank you very much for this gracious note. We look forward to continuing this discussion and reaching a mutually acceptable solution. Unfortunately, I personally am not available on Thursday at 17:00 CET due to a longstanding conflict.

We have a few options: I could be available Thursday either at 13:30 – 14:30 CET/7:30 – 8:30 EDT or 18:00 – 19:00 CET/12:00 – 13:00 EDT. In the alternative, I would be very comfortable having my colleagues participate in the call at 17:00/11:00 tomorrow without me on the call. [REDACTED] and [REDACTED] report directly to me and our other colleagues would be available.

Please advise which of these options you would prefer. On behalf of my colleagues at Johnson & Johnson, thank you again for this kind response.

[REDACTED]
Johnson & Johnson

From: [REDACTED] <[REDACTED]@minvws.nl>
Sent: Wednesday, July 29, 2020 12:04 PM
To: [REDACTED] ([REDACTED]) [JJCUS] <[REDACTED]@its.jnj.com>; [REDACTED] –AL 1
BMG <[REDACTED]@bmg.bund.de>; [REDACTED] <[REDACTED]@ec.europa.eu>;
[REDACTED] <[REDACTED]@ec.europa.eu>; [JJCUS] <[REDACTED]@its.jnj.com>; [REDACTED]
[REDACTED] <[REDACTED]@minvws.nl>; [JJCUS] <[REDACTED]@its.jnj.com>; [REDACTED]
[JPPBE] <[REDACTED]@its.jnj.com>; [JJCUS] <[REDACTED]@ITS.JNJ.com>; [REDACTED]
[JJCUS] <[REDACTED]@ITS.JNJ.com>; [JRDNL] <[REDACTED]@its.jnj.com>; [REDACTED]
[JPPBE] <[REDACTED]@ITS.JNJ.com>
Cc: BMG <117@bmg.bund.de>; BMG <113@bmg.bund.de>; [REDACTED] BMG
<[REDACTED]@bmg.bund.de>; [REDACTED] <[REDACTED]@minvws.nl>;
[REDACTED] <[REDACTED]@hoyngrokh.com>; [REDACTED] –PG
Impfstoffe COVID-19 BMG <[REDACTED]@bmg.bund.de>; [REDACTED] BMG
<[REDACTED]@bmg.bund.de>; [REDACTED] <[REDACTED]@minvws.nl>
Subject: [EXTERNAL] RE: Follow Up to Discussion on [REDACTED]

WARNING: This email originated from outside the company. Do not click on links unless you recognize the sender and have confidence the content is safe. If you have concerns about this email, send it as an attachment to 'SuspiciousEmail@ITS.JNJ.COM'.

Dear [REDACTED] and members of the J&J-team,

Many thanks for this big step forward, we truly believe this is a basis we can continue working on.

As the Netherlands were originally the first contact point for J&J, we agreed with our colleagues from Germany and the Commission to take the initiative for further steps.

We would like to set up a meeting with you so we can discuss our interpretation and align our final thoughts on this matter, and talk about possible next steps forward.

Would it be possible for you to meet us tomorrow Thursday 30 July at 17h00 CET, 11h00 EDT on a Webex-videoconference? We will be able to share with you our comments on the draft clause tomorrow at around 14h00 CET.

Please, could you confirm whether this timeframe works for you?

Many thanks in advance,

Also on behalf of the

Ministry of Health of the Netherlands

Van: [REDACTED] [JJCUS] [REDACTED] @its.inj.com>

Verzonden: maandag 27 juli 2020 16:47

Aan: [REDACTED] COVID-19 BMG [REDACTED] @bmg.bund.de>; [REDACTED] –AL

1 BMG [REDACTED] @bmg.bund.de>; [REDACTED] UAL 11 BMG

[REDACTED] @bmg.bund.de>; [REDACTED] @ec.europa.eu;

[REDACTED] @minvws.nl>; [REDACTED] @hoyngrakh.com'

[REDACTED] @hoyngrakh.com>; [REDACTED] minvws.nl>;

[REDACTED] BMG <[REDACTED] @bmg.bund.de>; BMG <113@bmg.bund.de>; BMG

<[REDACTED] @bmg.bund.de>; BMG <11@bmg.bund.de>; BMG <1@bmg.bund.de>

CC [JJCUS] [REDACTED] @its.inj.com>;

[JJCUS] [REDACTED] @its.inj.com>; [JPPBE] [REDACTED] @its.inj.com>;

[JJCUS] [REDACTED] @ITS.JNJ.com>; [JJCUS] [REDACTED] @ITS.JNJ.com>;

[JRDNL] <[REDACTED] @its.inj.com>; [JPPBE]

<[REDACTED] @ITS.JNJ.com>; [JJCUS] <[REDACTED] @its.inj.com>

Onderwerp: Follow Up to Discussion on [REDACTED]

Dear EU Negotiation Team Members:

Pursuant to our meeting last week, attached please find our proposed [REDACTED] which we prepared taking into consideration the EU draft. We would propose to discuss this Provision with you at your earliest convenience tomorrow or Wednesday afternoon CET.

We heard the concerns that you raised last week about no-fault compensation funds as a necessary condition to our purchase agreement. As a result, while we believe that there are policy considerations for compensation funds, [REDACTED]

[REDACTED] reaching an agreement with the EU and the Member States.

While we initially were also seeking legislative protection, which we still believe would be in the interest of all stakeholders, [REDACTED] agreed with [REDACTED] to explore the possibility of [REDACTED] providing a high level of protection to vaccine manufacturers in the interest of finding a mutually acceptable compromise. [REDACTED] by Johnson & Johnson both in terms of [REDACTED] and [REDACTED]. We hope that we can agree on [REDACTED] provision on the basis of the attached terms.

As we noted during our discussions last week, Johnson & Johnson is investing significant financial and people resources in the development of a COVID vaccine, and will be selling our vaccine to the Member States at a non-profit basis. Moreover, the pandemic is an exceptional situation that requires more than a standard commercial product-based approach to indemnification and other commercial terms and must appropriately protect the various stakeholders involved in the emergency deployment of the vaccine. [REDACTED]

Lastly, in discussions that [REDACTED] of Johnson & Johnson has had with negotiators for the EU, it has also been proposed that we look to use a short-form "placeholder" approach in [REDACTED], [REDACTED]

[REDACTED] Accordingly, we are sharing with you the language that [REDACTED] shared late last week with others in the governments. It is our understanding that other terms in [REDACTED] have been agreed to, so adopting the following placeholder language in [REDACTED] would enable the parties to proceed with execution of the [REDACTED] this week and then move ahead to discuss the Advance Purchase Agreement, [REDACTED]

We thank you in advance for your time. We will await to discuss with you tomorrow or Wednesday the [REDACTED], as well as the possibility of the following "short form" placeholder [REDACTED].

Sincerely, [REDACTED] on behalf of Johnson & Johnson

"Short Form" Placeholder [REDACTED] proposal:

The Parties recognize the importance of vaccination amongst the population as a means to mitigate the current pandemic, and to ensure that public health, public confidence, as well as economic activities are maintained through delivery of safe and effective vaccination programmes.

[REDACTED]

Johnson & Johnson

[Redacted text block]

[Redacted text block]