

From: [REDACTED]
To: [REDACTED] [\(SG\)](#); [REDACTED] [@aemps.es](#)
Cc: [REDACTED]
Subject: [Confidential] RE: TC Moderna / Joint Negotiation Team EU [REDACTED]
Date: lundi 29 juin 2020 05:11:38
Attachments: [CONFIDENTIAL - Moderna - Advance Purchase and Supply Agreement - 06.28.20 \(shared\).DOCX](#)

Dear [REDACTED]

Thank you for the time this weekend to connect over our proposal to the European Commission. We appreciate the insightful questions and are looking forward to continuing our dialog.

As promised, please find attached the framework I summarized on the call: an Advance Purchase and Supply Agreement where the key supply terms for the Member State Supply Agreement are captured in Exhibit B. I trust you would treat this document with utmost confidentiality.

We have time blocked for 8am ET (14:00 CET). Please let us know if you intend to include your legal counsel on the call. Appreciate your guidance.

Separately, [REDACTED] please let us know if you are having any issues with accessing the dataroom.

Best regards,

[REDACTED]

From: [REDACTED]
Sent: Saturday, June 27, 2020 7:23 PM
To: [REDACTED] [@regeringskansliet.se](#)>
Cc: [REDACTED] [@aemps.es](#); [REDACTED] [@ec.europa.eu](#); [REDACTED]
[REDACTED] [@modernatx.com](#)>; [REDACTED] [@modernatx.com](#)>; [REDACTED]
[REDACTED] [@modernatx.com](#)>
Subject: Re: TC Moderna / Joint Negotiation Team EU [REDACTED]

Well said [REDACTED]

We are united around a common purpose to help the world get out of this crisis.

I am copying two of my colleagues, [REDACTED] asking them to please set up the WebEx call.

Looking forward to speak to you tomorrow.

Regards

[REDACTED]

Sent from my iPhone

On Jun 27, 2020, at 7:19 PM, [REDACTED]
[REDACTED] [@regeringskansliet.se](#)> wrote:

We all work 24/7 on this. Incl all the good people in the private sector I know.

[REDACTED]


www.regeringen.se

<6E411F4A-5A5A-4298-953F-F0405D135421.jpg>

Från:  <@modernatx.com>

Datum: söndag 28 juni 2020 1:15 fm

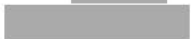
Till:  <@regeringskansliet.se>

Kopia:  <@aemps.es>  <@ec.europa.eu>

 <@modernatx.com>

Ämne: Re: TC Moderna / Joint Negotiation Team EU 



Hello 


Yes I can make a call at 4:00pm CET / 11:00 EST.

I can arrange to have two other colleagues on the call if that would make it efficient?

Regards


Sent from my iPhone

On Jun 27, 2020, at 7:11 PM, 
 <@regeringskansliet.se> wrote:

Good. Can we have a TC Sunday after 4pm CET? We have a Procurement Board meeting Monday at noon CET. Would be good to have made some progress by then.


www.regeringen.se

<6E411F4A-5A5A-4298-953F-F0405D135421.jpg>

Från:  <@modernatx.com>

Datum: söndag 28 juni 2020 12:55 fm

Till  <@aemps.es> 

Kopia:  <@ec.europa.eu>, 

[redacted] <[\[redacted\]@regeringskansliet.se](mailto:[redacted]@regeringskansliet.se)>

[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>

Ämne: Re: TC Moderna / Joint Negotiation Team EU [redacted]

Dear [redacted]

I am personally available to assist in moving this along at the right speed.

My mobile number [redacted]

Please feel free to give me a call tomorrow, Sunday if I can assist.

Regards

From: [redacted] <[\[redacted\]@aemps.es](mailto:[redacted]@aemps.es)>

Date: Friday, June 26, 2020 at 5:54 PM

To: [redacted]

[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>, [redacted]

[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>, [redacted]

[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>, [redacted]

[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>

Cc: [redacted] <[\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)>,

[redacted] <[\[redacted\]@gov.se](mailto:[redacted]@gov.se)>

Subject: RE: TC Moderna / Joint Negotiation Team EU [redacted]

Dear team from Moderna,

As the [redacted] shouldn't be the centre of our discussion instead of exploring the feasibility of the advance purchase agreement for the EU, I would suggest to change the focus to a [redacted] [redacted]. Of course, that [redacted] may include any clause regarding confidentiality but also other aspects that are as well important for both parts. My proposal is that you share with us a document outlining the key principles of that [redacted] and to arrange a TC soon after we receive the document to start the discussions on some concrete grounds.

We hope this is acceptable for you

Best regards,

[redacted]

Agencia Española de Medicamentos y Productos Sanitarios (AEMPS)
Calle Campezo 1 • Edificio 8 • E-28022 Madrid • España/Spain

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De: [redacted]

Enviado el: jueves, 25 de junio de 2020 15:00

Para: [redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>;
[redacted] <[\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)>; [redacted]
[redacted] <[\[redacted\]@aemps.es](mailto:[redacted]@aemps.es)>

CC: [redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>; [redacted]
[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>; [redacted]
[redacted] <[\[redacted\]@xxxxxxxxxxx.xxx](mailto:[redacted]@xxxxxxxxxxx.xxx)>; [redacted]

Asunto: RE: TC Moderna / Joint Negotiation Team EU [redacted]
[redacted]

Dear [redacted],

I hope you are both keeping well.

Please let me know if a brief call would be helpful to discuss any questions you may have on the [redacted], or if there is anything else we can do to help expedite this.

Best regards

[redacted]

[redacted]

[redacted]

[redacted]
[redacted]
[redacted]
[redacted]

From: [redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>

Sent: 24 June 2020 19:56

To [redacted] <[\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)>; [redacted] <[\[redacted\]@aemps.es](mailto:[redacted]@aemps.es)>

Cc: [redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>; [redacted]
[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>; [redacted]
[redacted] <[\[redacted\]@modernatx.com](mailto:[redacted]@modernatx.com)>; [redacted]
[redacted]

Subject: RE: TC Moderna / Joint Negotiation Team EU

Dear [redacted],

Thank you for your update and clarification around confidentiality.

To facilitate the process, we have attached a proposal for a simple confidentiality agreement which could be entered between Moderna and the EC. This agreement would cover related parties which the EC would need to share information with as "Representatives" e.g. representatives of member states. This would enable us to only enter into one agreement and enable information sharing on your side to enable your process.

Our [REDACTED] (in cc) is available to discuss with you and your legal representatives tomorrow morning (June 25) Europe time in order to finalize the agreement.

We hope this can move the process forward swiftly and will be excited to present our proposal on access to mRNA-1273 to the negotiation team this week once the above is in place.

Best regards,

[REDACTED]

[REDACTED] | modernatx.com

[<image002.jpg>](#)

[<image003.jpg>](#)

[<image004.jpg>](#)

[<image005.jpg>](#)

[<image006.jpg>](#)

From: [REDACTED] ec.europa.eu

Sent: Wednesday, June 24, 2020 8:00 AM

To: [REDACTED] @modernatx.com;

[REDACTED] @aemps.es; [REDACTED]

Cc: [REDACTED] @modernatx.com; [REDACTED]

[REDACTED] @modernatx.com; [REDACTED]

[REDACTED] @modernatx.com

Subject: RE: TC Moderna / Joint Negotiation Team EU

Dear [REDACTED]

Thanks for your email. To explain a bit further: as we discussed in our call, the Member States of the EU have given the European Commission a mandate to sign Advance Purchase Agreements on their behalf. The negotiating team is a joint team of Commission representatives and a number of representatives from particular countries. That negotiating team reports back to the steering board on which all Member States are represented. Given that the aim of the negotiating team is to deliver arrangements that all Member States are happy to use, the principle is that the negotiating team will share as much information as possible with that steering board.

The specific details of each contract are to be negotiated, of course, but,

broadly speaking, the Commission has a certain amount of funds at its immediate disposal which may be used to cover e.g. down-payments. However it does not have the funds to pay for the full amount of vaccines – this will be done by Member States under the terms of the Advance Purchase Agreement agreed by the Commission. The actual purchase contracts will be concluded between each country and the company concerned on the basis of the APA

As regards allocation of doses, the Commission and the Member States will arrange this amongst themselves.

Further information on all of this can be found in the EU's strategy on COVID-19 vaccines, adopted last week:

https://ec.europa.eu/info/files/communication-eu-strategy-covid-19-vaccines_en

As regards confidentiality, every member of the Steering Board has signed a conflict of interest and confidentiality declaration. Commission staff are covered by a legal obligation of confidentiality, as per Article 17 of the EU Staff Regulations: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501>

I hope that this provides you with clarity and reassurance on these point

Regards,

[Redacted]

[Redacted]

SG Unit D3 (Employment, Education, Social Affairs, and Health)

[Redacted]

<image007.png>

From: [Redacted] <[\[Redacted\]@modernatx.com](mailto:[Redacted]@modernatx.com)>

Sent: Tuesday, June 23, 2020 7:12 PM

To: [Redacted] <[\[Redacted\]@aemps.es](mailto:[Redacted]@aemps.es)>; [Redacted] (SG)

[Redacted]

[Redacted]

Cc: [Redacted] <[\[Redacted\]@modernatx.com](mailto:[Redacted]@modernatx.com)>; [Redacted]

[Redacted] <[\[Redacted\]@modernatx.com](mailto:[Redacted]@modernatx.com)>; [Redacted]

[Redacted] <[\[Redacted\]@modernatx.com](mailto:[Redacted]@modernatx.com)>

Subject: Re: TC Moderna / Joint Negotiation Team EU

Dear [Redacted]

Thank you very much for the productive call this morning. We sincerely appreciate you clarifying the process for how the supply

of vaccines to protect populations across the EU, will proceed.

Can you please provide further clarity on a few points:

- Will the EU Commission be using an “umbrella agreement” approach i.e. negotiating and agreeing to a demand and supply agreement for the entire EU?
- If yes, does it mean that the EU Commission will place an order for a certain number of doses for the entire EU and then allocate doses to the member states?
- Can you please provide any further clarity on how allocation of doses will be handled?

As we mentioned on the call, Moderna welcomes the opportunity to work with all of you to secure early access to mRNA 1273, a vaccine that we believe has the potential to play an important role as part of the arsenal that the EU Commission and countries can deploy, to protect vulnerable populations at risk.

Looking forward to continuing the dialogue.

Regrds

From: [REDACTED] <[\[REDACTED\]@aemps.es](mailto:[REDACTED]@aemps.es)>
Date: Tuesday, June 23, 2020 at 8:33 AM
To: [REDACTED] <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>,
[REDACTED]
[REDACTED]
[REDACTED] <[\[REDACTED\]@modernatx.com](mailto:[REDACTED]@modernatx.com)>,
[REDACTED] <[\[REDACTED\]@modernatx.com](mailto:[REDACTED]@modernatx.com)>,
[REDACTED] <[\[REDACTED\]@modernatx.com](mailto:[REDACTED]@modernatx.com)>,
[REDACTED] <[\[REDACTED\]@modernatx.com](mailto:[REDACTED]@modernatx.com)>
Subject: TC Moderna / Joint Negotiation Team EU

Thank you for the fruitful discussion,
Copied in this mail you have all the attendees to the meeting
We look forward to continue
Best regards,

[REDACTED]

[REDACTED]
Agencia Española de Medicamentos y Productos Sanitarios (AEMPS)
Calle Campezo 1 • Edificio 8 • E-28022 Madrid • España/Spain

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