

Minutes: Steering Board meeting, 4 September 2020

1. Debrief of the Informal EPSCO Council

The 5.1.2e (AT) debriefed the Steering Board on the outcome of the Informal EPSCO Council stressing that a majority of Member States:

- (i) agreed to an enlarged portfolio of vaccine candidates;
- (ii) indicated their willingness to contribute financially to top-up ESI. Some Ministers indicated that this would be subject to internal governmental procedures but very few Member States were sceptical.

The 5.1.2e expressed concerns that even though the Steering Board was informed and consulted systematically, some Ministers pointed to a lack of transparency regarding information on issues such as distribution of ESI funding, liability etc.

The 5.1.2e clarified that the Steering Board was fully informed through the process and consulted on all issues, including: (i) on liability and indemnity- with a dedicated session and (ii) on distribution of ESI funding – with full info from the Commission etc.

The 5.1.2e also expressed concerns over the fact that some Ministers indicated that, before topping up ESI, the number of doses should be readjusted, issue that had not been raised during the Steering Board meetings. This approach could jeopardise by reopening the negotiations, including the price.

The 5.1.2e recommended that the Members keep the Ministers fully informed and brief them according to the discussions held in the Steering Board, in order avoid any miscommunication.

The 5.1.2e concluded that all Ministers showed appreciation for the work done.

The Commission representative expressed surprise that some Ministers indicated they lacked info on certain topics and hoped that the members of the Steering Board communicated all the relevant information to the Ministers and kept them fully informed throughout the process.

The Commission underlined the importance of disseminating accurate information on sensitive issues. In this respect, the Commission recalled that the provisions regarding the liability and indemnity did not innovate or deviate from the legislative status quo.

DE underlined that:

- the main goal of the Ministerial discussion was to raise awareness on the importance and urgency of the issue;
- the Presidency was aware of the procedural steps the Governments needed to take and had no expectation on budgetary decisions during the Informal meeting ,
- based on the discussion, the Presidency would send an official Presidency letter to the Commission and expressed hopes to find a way to collect the required financing in order to continue the process for the remaining vaccine candidates and conclude contracts quickly.

IT recalled the clear line expressed in the Council, favouring a broad portfolio of nine vaccines and a top up of ESI funding.

NL welcomed the successful discussion and proposed:

- to organise another information session on liability;
- for the JNT members to organise Q&A sessions with the other Member States.

CZ and PL expressed support on the latter point. PL called for more written information that could be circulated to the other departments in the national administrations.

2. Debrief on BioNTech

The Commission informed that discussions with BioNTech have been concluded.

The Commission informed on elements of the exploratory talks, such as:

- (i) the type of contract (an Art.4 contract);
- (ii) the upfront payment which will contribute to the price of vaccines;
- (iii) the fact that resell to EEA countries would not require the consent of the company unlike for all other third countries;
- (iv) the company provided an option for 100 million additional doses, without upfront payment, within three months after the conditional market authorisation.

Liability and indemnity, which contains a temporal element of the GMP provision, will be circulated and explained in a dedicated session, but Member States were reassured that the provisions of the Liability Directive and the patient rights were kept intact.

The company circulated a two-page paper with all the necessary information regarding the logistics.

DE indicated that:

- (i) negotiations were difficult but the outcome was positive;
- (ii) the vaccine was on the way , as the clinical trials were going well;
- (iii) the BioNTech vaccine, along with the AZ would, most probably be among the first ones on the market ;
- (iv) the company was working hard to address the logistic issue (challenging storage at -80 degrees) .

DE and AT expressed the need to find a practical and rapid way to collect the missing financing, in order to be able to start the tendering processes with a stable budget.

The 5.1.2e called again for dissemination of accurate information on sensitive issues and for defending, not undermining, efforts taken during this process.

The Commission concluded that, on Monday, press communication activities would announce the conclusion of the exploratory discussions with BioNTech and that work on the SANOFI contract would, most probably, be concluded in the course of the following week.