

Health Reform with Medicines for all

Urgency of a Presidential Decree Declaring Atazanavir of Public Interest and Granting a Compulsory License to reduce the price of this Important Medication

Universal access to essential medicines is a basic condition for a complete realization of the right to health. This right has not only been promised to the Peruvian people by their government, but is also protected by the Peruvian Constitution and various international agreements, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights.

In last March , various civil society organizations and professional unions warned the Peruvian government that in 2013 they overpayed US\$ 7.5 million for the acquisition of atazanavir 300 mg, an important HIV/AIDS drug . An American company, Bristol-Myers Squibb, holds the patent on atazanavir in Peru and markets this drug under the brand name Reyataz®. The amount the Peruvian government currently spends on atazanavir 300 mg represents 50% of the country's total budget for antiretroviral medications.

The lack of an effective and fair decision-making with respect to atazanavir has led to an inefficient use of financial resources. MoH and EsSALUD pay US\$ 10.23 per pill. This price is twenty times the cost of the generic version of atazanavir 300 mg that the neighboring Bolivian government purchases. This discrepancy in price will cost to Peru US\$ 9.12 million this year. In the next few years, until Bristol-Myers Squibb's patent on atazanavir expires in 2019, Peru will spend over US\$ 45.61 million more on atazanavir than it would if it purchased the generic version of the drug. If Peru begins to purchase the generic version of atazanavir in place of the patented drug, Peru could redirect the substantial healthcare saving towards healthcare coverage (34% of the Peruvian population currently does not have a healthcare insurance), infrastructure projects, health equipment , and human resources.

A compulsory license is a legal mechanism established by both Peruvian and international law that would enable the Peruvian government to permit generic competition of atazanavir . The issuance of a compulsory license would dramatically reduce the price of atazanavir by thwarting Bristol-Myers Squibb's abuse of its monopoly position in the market for atazanavir.

For these reasons, we the citizens request President Ollanta Humala Tasso to declare the use of the medication atazanavir to be in the public interest and to order the appropriate government body, the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), to issue a compulsory license under the terms and conditions established by the Peruvian laws.

Lima, October 2014

