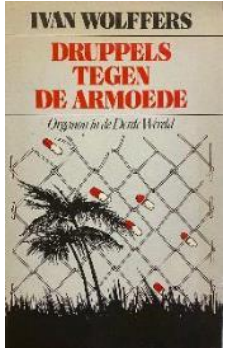


Accountability of pharmaceutical companies
to provide access to cancer medicines

Wilbert Bannenberg

- 1971-1982 Studied Medicine (Amsterdam)
- 1975 internship in Ghana: interest in access to medicines
- 1979 Started NGO [Wemos](#)
- 1983 project [Organon and anabolic steroids](#)
- 1984 Study Public Health (Londen)
- 1985 – 2020 Medicines adviser Africa, Asia via [hera](#)
- 1997 – 2002 WHO Adviser Mandela Govt; fight for [AIDS meds](#)
- 2018 – now: Chair [Pharmaceutical Accountability Foundation](#)
- <https://www.linkedin.com/in/wilbert-bannenberg-826b106/>

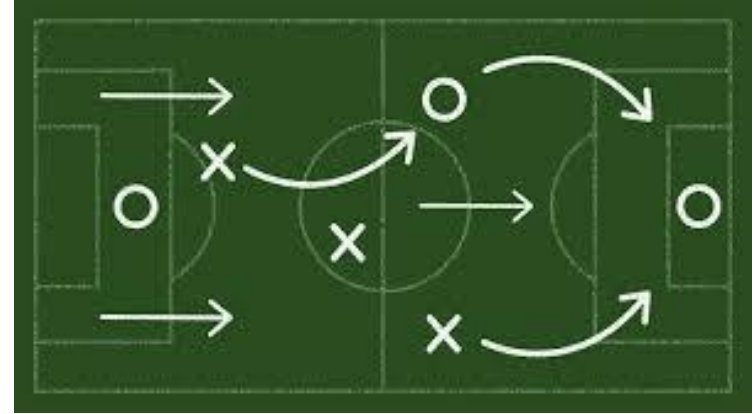


South Africa (2000): an HIV/AIDS warzone

- 3m people HIV+
- 1500 new infections/day
- 1000 deaths / day
- Medicines available, but \$7000/yr
 - Patent monopoly – high prices/profits
 - Only for the rich or insured (10%)
- Affordable generics India \$360/yr
 - But infringing on IP rights big pharma
- President Mbeki in denial



Changes in tactics to get access

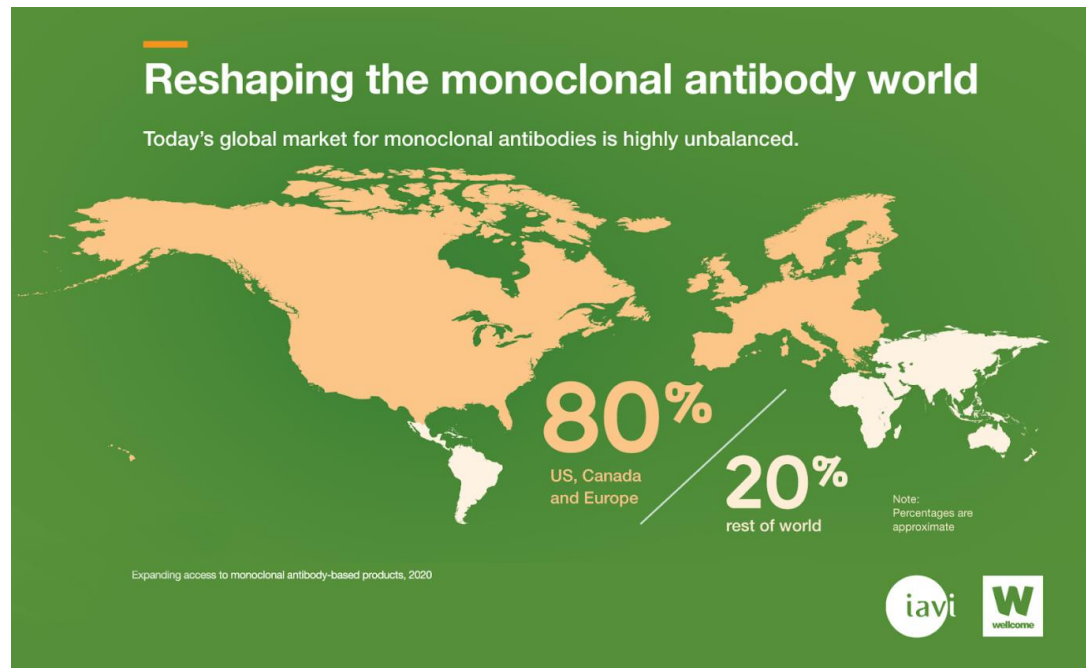


- Ask for lower prices – “cost-price” – not true
- Change laws to get control of IP monopoly – done, but
 - Court case by 39 pharma companies blocking law – years negotiating
- Change of tactic: Naming and Shaming – result in 2 months!
- Competition case – pharma agrees to ‘voluntary’ license to generics
- Affordable AIDS medicines in the market – but not reimbursed by govt
- Use Human Right / Duty of Care in Constitution – Minister forced to protect babies from HIV+ mothers
- Cheaper to treat & let live, than let die and pay funeral benefits...

International lessons learned

- Patients and health activists joined forces: Access to Medicines!
- Pharma companies were seen as 'bad'
- Patients have Human Right to Health / Life / Access to medicine
- Governments have duty of care to provide essential medicines
- Access to affordable generics!
- Health protection more important than IP protection (World Trade Organisation - Doha declaration)
- Medicines Patent Pool

25 years later: Access to Cancer Medicines



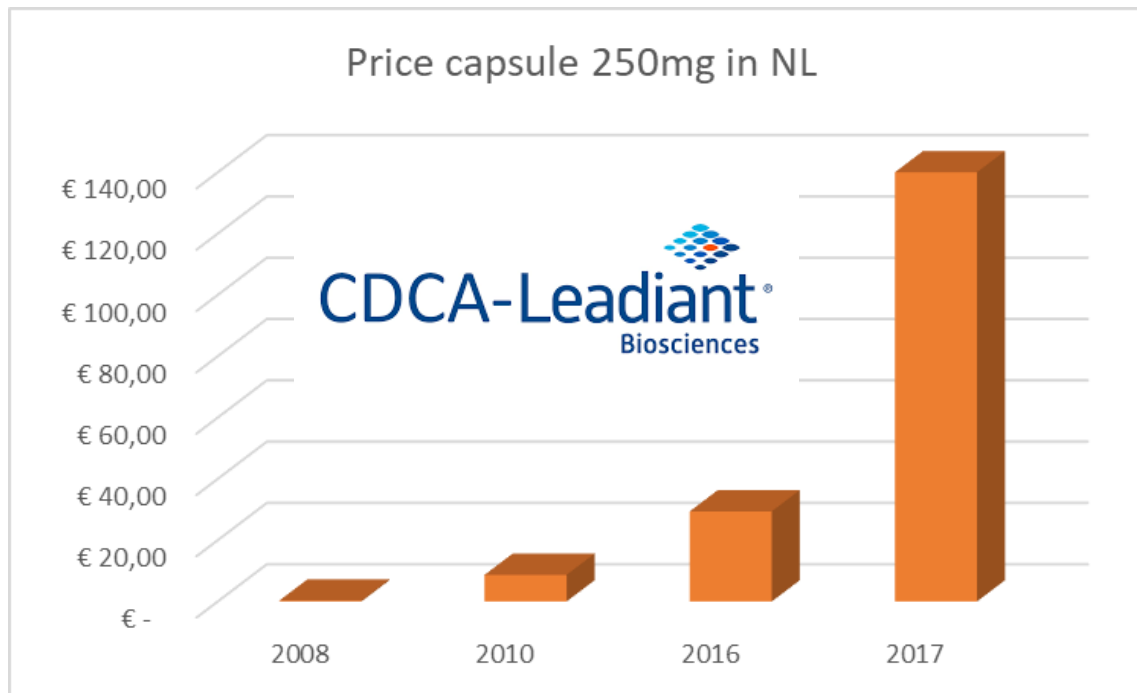
- Cancer the new HIV/AIDS
 - 83 essential cancer meds on WHO Model Ess Meds List
 - Since 2015 also patented meds: 13 single-source products
 - 70 generics (affordable?)
 - Big inequalities between High-Middle-Low- income countries
-
- PAF: New Fair Pharma Scorecard
 - Interested to collaborate?

Pharmaceutical Accountability Foundation (Stichting Farma ter Verantwoording)

- Rationale: Medicine prices are rising exponentially due to patents, orphan drug exclusivities, and other market monopolies
- Foundation: doctors, lawyers, pharmaceutical experts and lobbyists
 - Board and Advisory Council composition on pharmaceuticalaccountability.org
- Added value: legal procedures against pharma companies, using:
 - Unlawful Act / tort (Dutch Civil law)
 - Competition law
 - Intellectual Property law
 - Human Rights / Right to Health & Essential medicines
- Based in NL, but collaboration with European & USA NGOs



The new epidemic: excessive medicines pricing 500x increase: from 28 cents to 140 euro



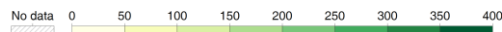
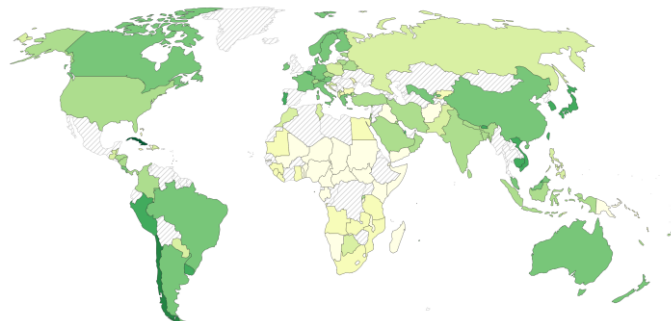
Calculated fair price (AIM method): €0.304 / capsule

- PAF [complained](#) in 2018 with the Dutch competition authority (ACM)
- After 3 years: fines €31m
 - [Netherlands](#) (€19.6m, now € 17m)
 - [Italy](#) (€3,5m)
 - [Spain](#) (€10.25m)
- Claim back excess paid? (NL: €15m)
- PAF doing research on CDCA availability in other EU countries
- More [information](#) on CDCA case

Equitable distribution of Covid19 Vaccines?

- Very fast development – great!
- Pharma unwilling to share IP
- Hoarding by rich countries
- Africa, LICs remained behind
- www.FairPharmaScorecard.org

Total COVID-19 vaccine doses administered per 100 people, Nov 24, 2022
All doses, including boosters, are counted individually.

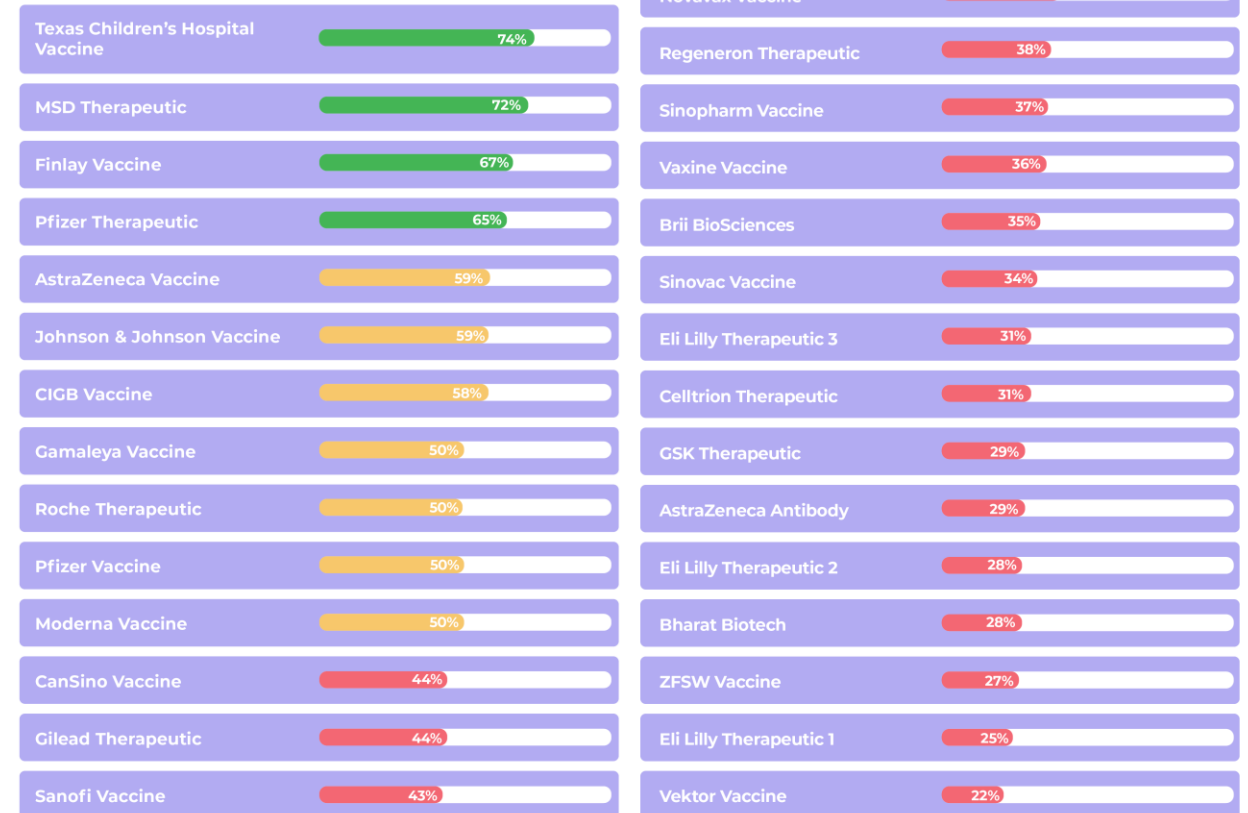


Source: Official data collated by Our World in Data – Last updated 25 November 2022

OurWorldinData.org/coronavirus • CC BY

Scorecard overview

Click on a company's name to see its detailed scorecard.



PAF's excessive profit case: Adalimumab (Humira, AbbVie)

Rheumatoid arthritis, colitis, Crohn, etc

Turnover 2004-2018: €2.1 bn NL

- R&D costs: 11% (as stated by AbbVie)
- Production & distribution costs: 10.7% (as disclosed by AbbVie in USA Congress)
- Gross profit: 78%
- Fair(?) profit: 29% (literature)
- Excessive profit: 49%
- €1 billion NL or €57 per Dutch citizen
- Global sales (2003-2024): \$231bn
- Global excess profit \$113bn

- Price NL <2018: €11,000 pp/year
- AIM fair price calculator: €2640
- Price NL 2023: €1300-1700 (biosimilars)
- Price USA 2023: \$80,000 (!)

21 Feb 2023: PAF principal case against AbbVie:
Excess profit of €1bn → displacement health care
→14000 QALYs lost in NL

Legal principles: Unlawful act / Human rights /
Abuse of economic power position

14 May 2024: procedural session (AbbVie lost)

9 May 2025: merits of the case in court

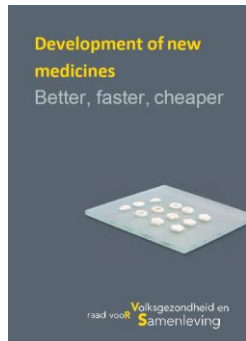
9 July 2025: Court verdict:

What can you do?



Methods to fight expensive medicines pricing

- Different R&D system
 - Govt R&D fund, Public-Private Devt
 - Fair pricing / delinkage
 - Responsible licensing
 - Transparency
- Fix barriers like orphan drug law, SPC, data exclusivity
- Patent opposition
- Use of TRIPS flexibilities
 - No 2nd use patents / evergreening
 - Compulsory / Govt use license
 - LDC transition
- Competition law
- Generic competition / policies
- Stricter regulation, price control
- External reference pricing
- Price/volume agreements
- Bulk purchasing (BeNeLuxA)
- Negotiations
- Pharmacy Compounding
- Buyer's club
- Individual patient import
- **Missing: legal action in the court**



Dutch Council for Public Health and Society (RVS) report 2017 “Development of new medicines - Better, faster, cheaper”, and Report “Big Pharma – not healthy!” by 3 political parties in NL. <https://www.raadrvs.nl/documenten/persberichten/2017/11/09/smarter-development-stronger-negotiation>

NGO Guidelines to get access to medicines

- <https://www.pharmaceuticalaccountability.org/legal-guidelines/>



Contact?

Contact?

Wilbert Bannenberg (wilbert@ftv1.nl, mob +31-620873123)

<https://www.pharmaceuticalaccountability.org/>

English press release on Humira case:

<https://www.pharmaceuticalaccountability.org/2023/02/21/abbvie-overcharged-the-dutch-health-care-system-by-as-much-as-e1-2-billion-for-humira/>

Youtube explainer video of AbbVie excess profits:

https://www.youtube.com/watch?v=jxdVhDcH1Wg&ab_channel=FarmaTerVerantwoording

Policy Brief: <https://www.pharmaceuticalaccountability.org/2023/02/06/new-policy-brief-time-to-legislate-realising-access-to-medicines-through-states-obligation-to-protect-the-human-right-to-health/>

