ORDERING THE DEPARTMENT OF HEALTH TO TAKE PRELIMINARY STEPS TOWARD LOCAL MANUFACTURERS AND LOW-COST IMPORTATION OF FLU VACCINES UNDER COMPULSORY LICENSING MANDATED BY LAW DURING...

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WHEREAS, it is desirable to show government action against the Influenza A(H1N1) pandemic, while signaling to current vaccine makers and dealers that they face low-cost competition if they engage in profiteering and supply curtailment;

WHEREAS, price controls should not be imposed for now, or else the rich will just buy the supply, and the Philippines may not get its vaccine allocation from global manufacturers;

WHEREAS, vaccines for Influenza A(H1N1) are still awaited from abroad;

WHEREAS, Sections 10-13 of Republic Act No. 9502 or the “Universally Accessible Cheaper and Quality Medicines Act of 2008” mandates the granting of license to exploit and waives the requirement to obtain a compulsory license for importation of patented drugs on reasonable commercial terms in situations of national emergency or other circumstances of extreme urgency;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

> SECTION 1. The Department of Health shall take preliminary steps toward local manufacturers and low-cost importation of flu vaccines under compulsory licensing mandated by law during national health emergencies.
>
> SECTION 2. Accordingly, the Department of Health shall begin contacting local and foreign manufacturers for possible production, so that such firms can begin studying the vaccines for replication.
>
> SECTION 3. The Department of Health shall see to it that profiteering is prosecuted, based on excessive mark-ups on vaccines bought from distributors and manufacturers at reasonable prices.
>
> SECTION 4. The Department of Health, directly or through any authorized government agency, shall buy the bulk of deliveries of Influenza A(H1N1) vaccines to ensure enough supply for high-risk groups.
>
> SECTION 5. This Order shall be effective immediately.

Adopted: 20 July 2009

(SGD.) GLORIA M. ARROYO
President of the Philippines

BY THE PRESIDENT:

(SGD.) EDUARDO R. ERMITA
Executive Secretary

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