

Agenda item 11.3 May 2010

Chair's Text
20 May 2010, 17h00

Global strategy and plan of action on public health,
-innovation and intellectual property

Establishment of a [consultative working group] [new] *Expert Working Group on R&D: Financing and Coordination*

The Sixty-third World Health Assembly,

PP1 Having considered the reports on public health, innovation and intellectual property: global strategy and plan of action, and the report of the former Expert Working Group on Research and Development: Coordination and Financing (EWG);¹

PP2 Considering resolution WHA61.21 which requests the Director-General "to establish urgently a results-oriented and time-limited expert working group to examine current financing and coordination of research and development, as well as proposals for new and innovative sources of funding to stimulate research and development related to Type II and Type III diseases and the specific research and development needs of developing countries in relation to Type I diseases, and open to consideration of proposals from Member States, and to submit a progress report to the Sixty-second World Health Assembly and the final report to the Sixty-third World Health Assembly through the Executive Board";

[PP3 Recognizing that the [former] EWG had interpreted its mandate differently from what had been anticipated by some [several] Member States and that some [many] expectations remain unfulfilled;]

PP4 Noting that [although] the [former] EWG made [some] progress in examining proposals for financing of, and coordination among, research and development activities, as called for in resolution WHA61.21 [, there was divergence between Member States' expectations and the output of the group, underlining the importance of a clear mandate];

PP5 Considering that, in its recommendations, the [former] EWG states the need to conduct an in-depth review of the recommended proposals;

PP6 Recognizing the need to further explore and, where appropriate, promote a range of incentive schemes for research and development, including addressing, where appropriate, the de-linkage of the costs of research and development and the price of health products, for example

¹ Document A63/6 Add.1

through the award of prizes, with the objective of addressing diseases which disproportionately affect developing countries.²

[PP6bis: Emphasizing the need to promote research and development focusing on Type II and Type III diseases and the specific research and development needs of developing countries in relation to Type I diseases.]³

[PP6bis: Noting previous and ongoing work on innovative financing for health and development and build on this work as relevant.]

PP7: Emphasizing the importance of public funding of health research and development and the role of the governments⁴ in coordinating, facilitating and promoting health research and development;

[PP7bis: Reaffirming the importance of other relevant actors in research and development for ...]

[PP8: Affirming the need to build on the work carried out by the [former] EWG and realizing that it can serve as a starting point for further efforts.]

[PP8: Noting that the work carried out by the EWG can serve as a source for further efforts.]

1. URGES Member States⁵

2. REQUESTS the Director-General:

(1) to make available electronically by the end of June 2010:

- a. all the proposals considered by the [former] EWG including their source;
- b. the criteria used to assess the proposals;
- c. the methodology used by the EWG;
- d. the list of the stakeholders that were interviewed and those who contributed information;
- e. sources of statistics used.

(2) to establish a [consultative working group] [new EWG]. The [new EWG] shall

- a. take forward and build on the work of the [former] EWG;
- b. deepen the analysis of the proposals recommended in the existing report, including key research and development gaps in relation to 'Type II and Type III diseases and the specific research and development needs in developing countries in relation to Type I diseases, appropriateness of different research and development financing approaches and possible implementation issues in the each of the six WHO regions, with sub-regional analysis, as appropriate;

² Reference WHA.61.21, Annex, element 5, para 5.3â

³ Reference WHA.61.21, Annex, para 6b

⁴ Where applicable, also regional economic integration organizations.

⁵ Where applicable, also regional economic integration organizations.

- c. examine the practical details of the four innovative sources of financing proposed by the EWG report⁶ with a view to implement the proposals;
 - d. review the five promising proposals⁷ identified by the EWG report ;
 - e. further explore the six proposals that did not meet the criteria applied by the [former] EWG⁸;
 - f. examine additional proposals, as appropriate;
 - g. consider submissions by Member States, other stakeholders and the output of the regional and sub-regional consultations, as appropriate.
- (3) Option 1: to invite Member States to put forward proposals for experts to the Director-General by [June 2010] [October 2010]. The Director-General shall select and appoint the experts for the *new EWG* on the basis of these proposals by taking into account 'the principles of equitable geographical representation, gender balance, a balance of experts from developed and developing countries'.

Option 2: to establish a roster of experts including experts proposed by Member States and to select and appoint 34 experts from this roster according to the regional representation in the Executive Board.

Option 3: [(to invite Member States to submit proposals to the respective WHO Regional Committees for their consideration. Regional Committees will select twice the number of candidates as the number of regional representatives in the Executive Board and submit these to the Director-General. The Director-General will select the members of the *new EWG*.)]

[(Experts to be selected by the Director-General and to be appointed by the Executive Board)]

- (4) Shall put particular emphasis, in accordance with WHO standard procedures, on conflicts of interest, and ensure the full transparency of the process and proceedings.
- (5) The *new EWG* shall submit its workplan to the 128th Executive Board, a progress report to the Sixty-fourth World Health Assembly and the final report to the Sixty-fifth World Health Assembly through the Executive Board.

⁶ Chapter 5.3 of the report of the EWG.

⁷ Chapter 5.6 of the report of the EWG.

⁸ Annex 2 of the report of the EWG.

Annex I

Elements proposed that are not integrated in this draft proposal.

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PP5 Noting that because, according to the executive summary report of the Expert Working Group on Research and Development: Coordination and Financing,¹ "the financing of research and development was examined, dividing diseases into the noncommunicable and the communicable groups for ease of analysis and because the data sources lent themselves to this analysis more readily than if the taxonomy of Types I, II and III had been used", the Working Group failed to fulfil the mandate it had been given;

PP6 Considering that some of the proposals by the Expert Working Group on Research and Development: Coordination and Financing were discarded or were judged unsatisfactory, although the reasons for this conclusion were not stated in the report;

PP8 Observing that the Expert Working Group on Research and Development: Coordination and Financing failed to address the disconnection between the cost of research and development activities and the price of health products;

PP10 Affirming that, for the reasons stated, the Expert Working Group on Research and Development: Coordination and Financing has not fulfilled its mandate in respect of the principles and objectives contained in resolution WHA61.21, and that the requirements that the Group was supposed to satisfy still need to be addressed,

DECIDES that an intergovernmental group should immediately be constituted in order to make progress towards the development of innovative and sustainable financial mechanisms for research and development, in accordance with element 7 of the Global strategy on public health, innovation and intellectual property; that this group should be given a fixed-term mandate; and that it should inform the Executive Board at its 128th session of any progress made and submit its conclusions to the Sixty-fourth World Health Assembly.

Comments by other Member States:

Member States to provide written comments to the Secretariat on the existing EWG report and the information made available at para 1 above, including but not limited to requests to re-examine individual options at para 1.a. above and the reasons for these requests, by end July 2010. These could include comments from groups of Member States on a regional, sub-regional or inter-regional basis.

Prepare a draft report for comment by Member States on a regional basis (i.e., through regional committee meetings, if possible).