Reviewer's report

Title: A right to health compliant global tiered pricing framework?

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Reviewer: Giuliano Russo

Reviewer's report:

This is an interesting piece dealing with the sensitive issue of global medicine pricing, specifically discussing the human rights perspective of a novel approach being developed by the Global Fund and GAVI to link medicine prices worldwide to countries’ need and ability to pay. However, in its current form the paper reads more like an opinion paper than an academic piece, and would need substantial restructuring to be publishable in the journal's Debate section.

Major revisions

The piece should provide enough background information on medicine pricing and the new framework that is being proposed to help the reader understand the terms of the debate. The way it stands, the paper does not provide any information on the way drug prices are currently determined worldwide (I would personally think you need to highlight the differences between brands and generics pricing, and introduce the issue of TRIPS agreements and flexibilities in more details). Even more puzzling is the paper’s failure to give a unified definition of the global pricing framework – I was able to find bits of it scattered around the manuscript (e.g. in lines 162-167), but no single section/paragraph dedicated to such a paramount issue. Currently your Background covers very little of the above, dwelling on an unnecessary explanation of Oxfam’s position on TP framework. I would suggest taking advantage of this Background section to give an overview of current medicine pricing practices, and give a comprehensive definition of what the Blue Ribbon campaign is actually proposing.

The current Discussion section does not really present any discussion, as it reports calculations for Atripla prices, positions and personal opinions on the proposed TP Framework – as a matter of fact, I think much of the stuff presented here could well presented in the previous background section. It would be very useful to present here the terms of debate, for example, what are the nuts and bolts of the TP framework, how feasible it is, how acceptable would it be to medicine producers and markets, who would gain from it, and who would lose, and how to compensate the losers in order to reach a global agreement on it.

A massive point for discussion is how to include production costs in the proposed pricing framework. Recent evidence shows that local distribution cost and profit margins may represent up to two-thirds of final price to consumers in low-income countries (see Russo and McPake 2011). If producers do not believe their basic costs and a sufficient profit margin are covered by tiered pricing in certain countries, they may simply decide not to distribute drugs in LICs, actually
worsening access to essential medicines in those contexts. I guess the issue here is how to reconcile the proposed framework with the workings of the market in low- and middle-income countries – you cannot just ignore it – and for me this should represent a crunch point of your debate.

Your Table 1 calculations are odd and redundant, and you are exposing yourself to potential criticism, by not explaining thoroughly the methods used to construct it (for example, why did only looked at Atripla prices? What its final prices is/should be in each country? What does is mean that “..the discount offered is sufficient?” how do you define and measure what is ‘sufficient’ and what is not? I think you need to decide whether to make these calculations central to your argument and debate – in such case you need to give more details on the methodology, and probably the Debate section of the journal is no longer suitable for this piece - or just mention as a supporting point, without presenting too much detail.

Your Summary section does not really summarise much of what you have been saying – it is good for the abstract, but you probably need a longer section in the actual text. I would probably use this final section to recap the proposed pricing framework the terms of the debate on its feasibility and advantages with respect to existing pricing practices, and point out future areas to be addressed in the debate.

Minor revisions
Your point on Efavirenz is too specific and sits ill within the economy of the paper. Probably a reference to Feldman’s work would be enough.

Hope this helps,
Giuliano Russo

**Level of interest:** An article whose findings are important to those with closely related research interests

**Quality of written English:** Acceptable

**Statistical review:** No, the manuscript does not need to be seen by a statistician.

**Declaration of competing interests:**

I declare that I have no competing interests.