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## PROGRAMME

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### REMEMBERING THE HAZEL TAU CASE:

**(Hazel Tau and Others v GlaxoSmithKline SA (Pty) Ltd, Boehringer Ingelheim (Pty) Ltd and Others)**  
*The ground-breaking battle for fair pricing of HIV drugs*

#### The Price of Life

*Joint half-day seminar hosted by the Competition Commission and the Health Justice Initiative (HJI)*



**PLATFORM:**  
ZOOM



**DATE:**  
Thursday, 01 December 2022



**TIME:**  
14:00 – 17:00 SAT

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### ABOUT THE JOINT SEMINAR

In 2002 Hazel Tau, the Treatment Action Campaign and other complainants, represented by the AIDS Law Project brought a complaint to the Competition Commission alleging that first line antiretrovirals (ARV's) used to treat HIV/AIDS were excessively priced. At the time, these drugs were only available to the private sector and were largely unaffordable. As an example, at the time, the South African price for AZT was 665% higher than the best priced generic for AZT available elsewhere in the world. Following an investigation, the complainants and the Competition Commission concluded settlement agreements with the two multi-national pharmaceutical companies which in turn granted the market immediate access to generics and led to a major decrease in the prices charged for first line ARV's in sub-Saharan Africa.

20 years on, the tension between competition law and the exercise of intellectual property rights by pharmaceutical companies, in a Constitutional democracy, persists. This tension was heightened by the global battle for equitable access to Covid-19 vaccines during the pandemic.

In this half-day seminar we look back on the lessons civil society, academics and the Competition Commission learnt in taking on global pharmaceutical giants to arrive at a successful outcome, not only for South Africa but for all of sub-Saharan Africa. We will consider why that battle remains relevant today and discuss what can be done today to accelerate broader access to medicines at fair prices, in a timely manner, to give effect to the Constitution in SA.

# PROGRAMME

TIME	PRESENTER	TOPIC
14h00 – 14h10 (10 minutes)	Commissioner Doris Tshepe, Competition Commission of South Africa	Opening and welcome
14h10 – 14h40 (30 minutes)	Ms Hazel Tau, in conversation	A personal reflection on the case and its impact on the struggle for access to generic ARV's in SA.
14h40 – 15h00 (20 minutes)	Ms Mapato Ramokgopa, Competition Commission of South Africa	Outlining the facts of the case, the Commission's conclusions and the competition law relevance of the case today for Competition Law.
15h00 – 15h20 (20 minutes)	Ms Fatima Hassan, Health Justice Initiative (formerly, attorney in the Hazel Tau case)	The Price of Life: Why the Hazel Tau case was brought by the complaints and what it took to settle it.
15h20 – 15h40 (20 minutes)	Q&A	
15h40 – 16h00 (20 minutes)	Professor Brook Baker, Northeastern University School of Law; Honorary Research Fellow UKZN: Senior Policy Analyst: Health GAP	Impact of the Hazel Tau case: South Africa's subsequent inclusion in voluntary license agreements and related impacts on medicine pricing.
16h00 – 16h20 (20 minutes)	Dr Vitor Ido, Programme Officer:Health, Intellectual Property and Biodiversity Programme South Centre	Impact of the Hazel Tau case beyond South Africa's borders, for both competition and intellectual property law
16h20 – 16h40 (20 minutes)	Q&A	
16h40 – 17h00 (20 minutes)	Closing Remarks by Deputy Commissioner: Hardin Ratshisusu	

