

ANNEX 2: Conditions of Offer

Definitions of eligibility vary from company to company. Each originator company establishes different restrictions to their offer of reduced prices, and classifies countries according to different categories. This lack of uniformity leads to significant differences in the eligibility of a country for different products. Some companies resort to the least-developed country (LDC) classification developed by the United Nations (which are updated every few years), others to World Bank classifications concerning country income (which are updated annually), others still to geographical criteria (which may be subjective). Lists provided by companies may differ from the classifications developed by the United Nations or the World Bank. The conditions detailed in the table below were those quoted by companies, unless specified.

Company	Eligibility (countries)	Eligibility (bodies)	Additional comments	Incoterms for delivery of goods
AbbVie	<p>Category 1 Countries: All African countries and all United Nations defined Least-Developed Countries outside Africa (Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo Brazzaville, DR Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe, Afghanistan, Bangladesh, Bhutan, Cambodia, Haiti, Kiribati, Laos, Maldives, Myanmar, Nepal, Samoa, Solomon Islands, Timor-Leste, Tuvalu, Vanuatu, Yemen)</p> <p>Category 2 countries: India, Kyrgyzstan, Mongolia, Pakistan, Papua New Guinea, Tajikistan, Uzbekistan, Vietnam, Albania, Armenia, Azerbaijan, Belarus, Bolivia, Bosnia and Herzegovina, China, Colombia, Dominican Republic, Ecuador, El Salvador, Fiji, Georgia, Guatemala, Guyana, Honduras, Indonesia, Jamaica, Jordan, Kazakhstan, Macedonia, Marshall Islands, Micronesia, Moldova, Montenegro, Nicaragua, Paraguay, Peru, Philippines, Serbia, Sri Lanka, Suriname, Syria, Thailand, Tonga, Turkmenistan, Ukraine</p>	Governments and programs fully funded by governments, UN systems organizations, NGOs and other not-for-profit institutional providers in low-and lower middle income countries		FOB Netherlands
Alkem	No restrictions.	No restrictions.		FCA Mumbai.
Aurobindo	All countries except where patent restrictions & regulatory requirements can be a compelling factor.	No restrictions.	Minimum quantity and freight & insurance additional as per inco terms, mode of shipment and destination.	Ex-works.
Boehringer Ingelheim (BI)	<p>Category 1 countries: BI includes in Category 1 all least-developed countries, all low-income; lower-middle-income countries and all of Africa. Based on this definition, and according to the classifications of least-developed countries by the United Nations and low-income economies by the World Bank, the following countries should be covered: Afghanistan; Algeria; Angola; Armenia; Bangladesh; Benin; Bhutan; Bolivia; Botswana; Burkina Faso; Burundi; Cambodia; Cameroon; Cape Verde; Central African Republic; Chad; Comoros; Congo, Republic; Congo Democratic Republic; Côte d'Ivoire; Djibouti; East Timor; Egypt, Arab Republic; El Salvador; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Gambia; Georgia; Ghana; Guatemala; Guinea; Guinea-Bisau; Guyana; Haiti; Honduras; Indonesia; India; Kenya; Kiribati; Korea, Democratic Republic; Kosovo; Kyrgyz Republic; Lao PDR; Lesotho;</p>	Governments, NGOs and other partners who can guarantee that the programme is run in a responsible manner.		CIF to country (nearest international airport).

	<p>Liberia; Libya; Madagascar; Malawi; Mali; Mauritania; Mauritius; Micronesia, Fed. Sts; Moldova; Mongolia; Morocco; Mozambique; Myanmar; Namibia; Nepal; Nicaragua; Niger; Nigeria; Pakistan; Papua New Guinea; Paraguay; Philippines; Rwanda; Samoa; São Tomé and Príncipe; Senegal; Seychelles; Sierra Leone; Solomon Islands; Somalia; South Africa; South Sudan; Sri Lanka; Sudan; Swaziland; Syrian Arab Republic; Tajikistan; Tanzania; Timor-Leste; Togo; Tunisia; Tuvalu; Uganda; Ukraine; Uzbekistan; Vanuatu; Vietnam; West Bank and Gaza; Yemen Rep.; Zambia; Zimbabwe.</p> <p>Category 2 countries: BI includes in Category 2 upper middle-income countries not covered under Category 1. Based on this definition, and according to the classifications of middle-income economies by the World Bank, the following countries should be covered: Albania; American Samoa; Argentina; Azerbaijan; Belarus; Belize; Bosnia-Herzegovina; Brazil; Bulgaria; China; Colombia; Costa Rica; Dominica; Dominican Republic; Ecuador; Fiji; Grenada; Hungary; Iran Islamic Rep.; Iraq; Jamaica; Jordan; Kazakhstan; Lebanon; Macedonia- FYR; Malaysia; Maldives; Marshall Islands; Mauritius; Mexico; Montenegro; Palau; Panama; Peru; Romania; Serbia; St Lucia; St Vincent and the Grenadines; Suriname; Thailand; Tonga; Turkey; Turkmenistan; Venezuela.</p>			
<p>Bristol-Myers Squibb (BMS)</p>	<p>Category 1 countries: Category 1: Sub-Saharan African countries (exception Southern African countries) plus countries classified as low-income by the World Bank (except Korea, Kyrgyzstan, Moldova and Uzbekistan). Afghanistan; Angola; Bangladesh; Benin; Bhutan; Burkina Faso; Burundi; Cambodia; Cameroon; Cape Verde; Central African Republic; Chad; Comoros; Congo; Congo (Democratic Republic); Côte d'Ivoire; Djibouti; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Gambia; Ghana; Guinea; Guinea-Bissau; Haiti; Kenya; Laos; Liberia; Madagascar; Mali; Mauritania; Mauritius; Mongolia; Myanmar; Nepal; Nicaragua; Niger; Nigeria; Pakistan; Papua New Guinea; Rwanda; São Tomé and Príncipe; Senegal; Seychelles; Sierra Leone; Solomon Islands; Somalia; South Sudan; Tanzania; Timor-Leste; Togo; Tuvalu; Uganda; Viet Nam; Yemen</p> <p>Category 2 countries: Southern African countries Botswana; Lesotho; Malawi; Mozambique; Namibia; South Africa; Swaziland; Zambia; Zimbabwe</p> <p>For other developing countries, prices are negotiated on a case-by-case basis with local BMS representatives.</p>	<p>No restrictions</p>	<p>Category 1 countries are invoiced in US\$</p> <p>Category 2 countries are invoiced in South African Rand</p> <p>Category 2 countries are invoiced in South African rand so as to not have customers impacted by the currency exchange fluctuations, i.e. REYATAZ 150MG CAPS bottle of 60's is ZAR 229.04; REYATAZ 200MG CAPS bottle of 60's is ZAR 274.85. <i>These prices are valid until Dec. 31. 2014.</i></p> <p>On 12 December 2013 the Medicines Patent Pool (MPP) and Bristol-Myers Squibb signed a licensing agreement to increase access to a key HIV medicine, Atazanavir, in 110 countries around the world. This is the MPP's first agreement covering a WHO-preferred second-line therapy. Under the terms of the agreement, a technology transfer package will be provided to sublicensees to facilitate the manufacture of atazanavir. While royalties are not applicable in the vast majority of the countries and are waived for all paediatric products, any royalties that are collected under this licence agreement will be reinvested in local HIV/AIDS groups in</p>	<p>FCA Rome.</p>

			those countries.	
Cipla	Generic accessible countries	Public market buyers		FCA Mumbai
Emcure	Only Atazanavir is restricted to sales in India and Sub-Saharan Africa. No restrictions for others.	No restrictions.		Ex-works
Gilead	<p>119 countries based on GNI and HIV prevalence (107 Low income and 12 Low-Middle Income)</p> <p>Category 1 countries: Gilead includes in Category 1, 107 eligible countries, including all African states and additional countries based on a country's economic status, measured by gross national income (GNI) and HIV prevalence.</p> <p>The following list was provided by Gilead: Afghanistan; Algeria; Angola; Anguilla; Antigua and Barbuda; Aruba; Bahamas; Bangladesh; Barbados; Belize; Benin; Bhutan; Bolivia; Botswana; British Virgin Islands; Burkina Faso; Burundi; Cambodia; Cameroon; Cape Verde; Cayman Islands; Central African Republic; Chad; Comoros; Congo Republic; Democratic Republic of Congo (DRC); Côte d'Ivoire; Cuba; Curacao; Djibouti; Dominica; Dominican Rep.; Egypt; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Gambia; Ghana; Grenada; Guatemala; Guinea; Guinea-Bissau; Guyana; Haiti; Honduras; India; Indonesia; Jamaica; Kenya; Kiribati; Kyrgyzstan; Laos (Lao People's Dem. Rep.); Lesotho; Liberia; Libya; Madagascar; Malawi; Maldives; Mali; Mauritania; Mauritius;; Mongolia; Montserrat; Morocco; Mozambique; Myanmar; Namibia; Nauru; Nepal; Nicaragua; Niger; Nigeria; Pakistan; Palau; Papua New Guinea; Rwanda; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Samoa; São Tomé and Príncipe; Senegal; Seychelles; Sierra Leone; Solomon Islands; Somalia; South Africa; South Sudan; St. Maarten; Sudan; Suriname; Swaziland; Tajikistan; Tanzania; Timor-Leste; Togo; Trinidad and Tobago; Tunisia; Turks and Caicos; Tuvalu; Uganda; Uzbekistan; Vanuatu; Vietnam; Zambia; Zimbabwe.</p> <p>Category 2 countries: Gilead includes in Category 2, 12 eligible countries.</p> <p>The following list was provided by Gilead: Ecuador, El Salvador; Fiji; North Korea; Panama; Paraguay; Peru; Philippines; Sri Lanka; Thailand; Tonga; Turkmenistan</p>	No restrictions.		FCA Dublin
Hetero	No restrictions.	No restrictions		Ex Works
Janssen (J&J)	<p>Category 1 countries: special effort access price for all countries of Sub Saharan Africa and the least developed countries outside of Africa:</p> <p>The following list was provided by Janssen: Category 1 Countries: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central Africa Republic, Chad, Comoros, Congo, Congo (DRC), Côte d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Gambia, Guinea, Guinea-Bissau, Haiti, Kenya, Kiribati, Laos, Lesotho, Liberia, Maldives, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Rwanda, Samoa, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania, Timor-Leste, Togo, Tuvalu, Uganda, Vanuatu, Yemen, Zambia, Zimbabwe.</p>	No restrictions	Supply is ensured through Aspen Pharmacare in the countries of Sub Saharan Africa where marketing authorization has been obtained, and by Janssen in the other countries of Sub Saharan Africa and the Least Developed Countries.	<p>FOB Johannesburg for sub Saharan Africa</p> <p>FOB Italy for Least developed Countries outside of Africa</p>

	For other low- and middle-income countries, differentiated prices are applicable on a country-by-country basis.			
Merck	<p>For efavirenz and raltegravir: Category 1 countries Access countries eligible for Merck's access price are all sub-Saharan Africa, all Least Developed Countries and all Low Income countries - A total of 69 countries. The following list was provided by Merck:</p> <p>Afghanistan , Angola, Bangladesh, Benin, Bhutan Botswana; Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Democratic Republic, Congo Republic, Cote d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Haiti, Kenya, Kiribati, Korea Democratic Republic, Kyrgyz Republic, Lao PDR, Lesotho, Liberia, Madagascar, Malawi, Maldives ,Mali, Mauritania, Mauritius, Mayotte, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Rwanda, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tajikistan, Tanzania, Timor-Leste, Togo, Tuvalu, Uganda, Vanuatu, Yemen, Zambia, Zimbabwe</p> <p>Category2 countries are defined as other lower and upper middle income countries as classified by the World Bank are eligible for prices that are discounted from the prices in high income countries. These prices will vary based on country income, disease burden, and will be negotiated on a case-by-case basis with each government. Middle income countries that are members of the European Union are not eligible for these prices.</p> <p>For TDF/FTC/EFV: Category 1 countries: The following list was provided by Merck: Afghanistan, Angola, Antigua an Barbuda, Bangladesh, Belize, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Democratic Republic, Congo, Republic, Cote d'Ivoire, Djibouti, Dominica, Dominican Republic, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Jamaica, Kenya, Kiribati, Lao PDR, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Moldova, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Samoa, Sudan, Suriname, Swaziland, Tanzania, Timor Leste, Togo, Trinidad and Tobago, Tuvalu, Uganda, Ukraine, Vanuatu, Yemen, Zambia, Zimbabwe.</p> <p>Category 2 countries: The following list was provided by Merck: Bolivia, Indonesia, Kyrgyzstan, Mauritius, Mongolia, Nicaragua, Seychelles, Syria, Tajikistan, Uzbekistan, Vietnam.</p>	Governments and programmes fully funded by governments and/or by multi an bi-lateral donors (i.e; The Global fund, PEPFAR, UNITAID), UN system organisations, non-governmental organisations and other non-commercial providers of HIV treatment	Under Merck's differential pricing policy, countries classified as Lower-Middle and Upper-Middle Income by the World Bank are eligible for prices that are discounted from the prices in the developed High Income countries. These prices will vary based on country income, disease burden, and will be negotiated with each government. Customers eligible for public sector pricing in Low-Middle and Upper-Middle Income countries will include: Governments and programs fully funded by governments and/or by multi and bi-lateral donors (ie the Global Fund, PEPFAR, or UNITAID), UN System Organizations, and NGOs. Low and Middle Income countries that are members of the European Union are not eligible for pricing under this access program.	Merck offers these products CIP airport of destination basis. Additional costs may include freight, insurance, customs handling, taxes and duties.
Micro Labs	All countries, except India where the statutory levies will be applicable as per regulation	All bodies		FCA Mumbai
Mylan	<p>For tenofovir-based products – Mylan has a licence for supplying 108 countries which cover sub-Saharan Africa, Latin America & the Asia-Pacific regions. The list of countries was not shared with MSF for the purpose of this publication. Delivery to other countries is done on a case-by-case basis.</p> <p>For atazanavir – Mylan has a licence for supplying</p>	No restrictions.	Minimum order quantity: one full shipper	FCA Mumbai.

	<p>46 countries. The list of countries was not shared with MSF for the purpose of this publication. Delivery to other countries is done on a case-by-case basis.</p> <p>For Belarus, Congo (DRC), Cuba, Iran, North Korea, Liberia, Myanmar, Sudan, and Syria, Mylan needs to apply for an OFAC licence with the US Treasury before proceeding with shipment.</p>			
Quality Chemicals	No restrictions	No restrictions		DAP Eastern African Countries
Ranbaxy	All low income countries and countries under CHAI consortium for projected working under MOH and National AIDS control programmes, NGO's and institutes affiliated with national health programmes. For Tenofovir based combinations, the scope of territories is as per the agreement with Gilead	WHO, UNICEF, MSF, CHAI, PFSCM, IDA and other NGO's under Global Fund	All these prices are tentative and will depend on the final order quantity	Ex-Works
Strides Arcolab	<p>Countries supported by PEPFAR and covered by Global Fund.</p> <p>The following list was provided by Strides: Angola, Botswana, Cambodia, Cameroon, Caribbean Regional, Central America Regional, Central Asia Regional, China, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Ethiopia, Ghana, Guyana, Haiti, India, Indonesia, Kenya, Lesotho, Malawi, Mozambique, Namibia, Nigeria, Russia, Rwanda, South Africa, South Sudan, Swaziland, Tanzania, Thailand, Uganda, Ukraine, Vietnam, Zambia, Zimbabwe</p>	No restrictions.		FCA Bangalore, India
Universal Corporation	No restrictions.	No restrictions.	Price indicated is based on current raw and packing material price	Ex-works.
ViiV	The public sector markets of all Low Income Countries, all Least Developed Countries and sub-Saharan Africa as defined by the UN and World Bank.	Public sector and donor agency programmes supplied by eligible Country Ministries of Health (MoH); United Nations Agencies; International Donor Agencies; Non-Governmental Organisations (NGOs)	The prices for all products have been quoted on ex-works terms (EXW). We quote ex-works to demonstrate transparency on price offer and commitment. If customers require any other incoterm we will supply on request.	Ex-works: all other requests are considered as required by the eligible organisation