

## RE: Meeting today

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**From:** "MacSllarrow, Jasper" (b) (6) @pfizer.com>  
**To:** "Ehlers, Karl R. EOP/USTR" <karl\_r.\_ehlers@ustr.eop.gov>  
**Date:** Sat, 09 Sep 2017 21:34:03 -0400  
**Attachments**  
: 2017-9-8 - Malaysia Price Disclosure Requirement Backgrounder.pdf (198.13 kB)

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Sound good - attached is the one-pager on the Malaysian issue. Hopefully our DC team will follow up with you. I raised it when we met with the Malaysian Trade Minister and he didn't seem too concerned.

Safe travels back home and I'll talk to you soon!

J

-----Original Message-----

From: Ehlers, Karl R. EOP/USTR [mailto:Karl\_R.\_Ehlers@ustr.eop.gov]  
Sent: Saturday, September 9, 2017 10:07 PM  
To: MacSllarrow, Jasper  
Subject: [EXTERNAL] Re: Meeting today

Jasper

It was great to meet and always happy to help - feel free to get in touch any time and would be happy to learn more about any issues you have. Hope the ASEAN meetings went well.

Best, Karl

Sent from my iPhone

On Sep 8, 2017, at 7:58 PM, MacSllarrow, Jasper  
(b) (6) @pfizer.com (b) (6) @pfizer.com>> wrote:

Karl - great speaking with you today. Appreciate your interest and willingness to engage our issues in the region.

I will get back to you with some more detail about the Malaysia situation. And let's definitely stay in touch - I like the idea of doing a call every now and then. I will also likely be in WADC in December. As soon as I know my details I'll let you know and perhaps we can find some time to meet.

Safe travels - will see you soon.

Jasper

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**Briefing Paper for USG  
Malaysia  
Requirement to Disclose Confidential Prices**

**Background**

The Malaysian Ministry of Health is in the process of amending the Control of Drugs and Cosmetics Regulations to create a new regulation that empowers the Senior Director of Pharmaceutical Services to mandate the disclosure of prices throughout the pharmaceutical supply chain. In particular, they intend to mandate disclosure of the medicine's landing price, ex-manufacturer price, wholesale price, retail price and any other price from all parties involved in the sale of registered medicines. This amendment is expected to be sent to the Cabinet in October, with a view of implementing it in January 2018.

This proposed amendment raises serious concerns for the pharmaceutical industry in Malaysia. Implementation of this policy will require companies to provide commercially sensitive information that is confidential and proprietary, which is inconsistent with international practice and also raises competition issues.

It is unclear whether the trade and competition authorities have been included in the Ministry of Health's decision-making process. We believe outreach by the U.S. government to trade officials in Malaysia would be helpful to highlight the problems with the proposed policy.

**Talking Points/Asks**

- Industry has serious concerns about the proposed Price Structure Mechanism under the MOH Strategic Plan of Action 2016-2020.
- Industry indicates that the Ministry of Health – in an effort to promote price transparency - will empower the Senior Director of the Ministry to demand full price disclosure at any point in time from any company.
- In addition to being contrary to international practice, we understand that Malaysian law protects upstream price information as confidential business information and that this requirement could contravene Malaysia's Competition Act of 2010.
- Industry also indicates that Malaysia already has policies in place (Good Pharmaceutical Trade Practice, Component 2) to empower consumers and their physicians to make informed decisions based on factors such as affordability and a patient's health.
- We are concerned that this measure may not have been vetted with other Malaysian economic entities including the Trade Ministry, to assess the negative impact this measure could have on investment in Malaysia.
- We would like to request the support of the Ministry of Trade in exploring this situation and providing our companies the opportunity to discuss this issue further.