

# Code of conduct of the pharmaceutical industry in Switzerland on cooperation with healthcare professional circles and patient organizations (Pharma Cooperation Code)

of 6 September 2013 (as per: 1 May 2014)

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## Preamble

### The Associations of the Pharmaceutical Industry in Switzerland:

- **scienceindustries** (Business Association Chemistry Pharma Biotech)<sup>1</sup>,
- **Interpharma** (Association of the Research Based Pharmaceutical Companies in Switzerland)<sup>2</sup> and
- **vips** (Association of Pharmaceutical Companies in Switzerland)<sup>3</sup>,

### Knowing that,

- o The members of the medical and pharmaceutical healthcare circles (healthcare professionals) and the healthcare organisations, in cooperation with the pharmaceutical industry companies (pharmaceutical companies), make independent professional knowledge available to the latter on the basis of their experience in clinical practice and management;
- o This professional knowledge makes an important contribution to the endeavours of the pharmaceutical industry to improve the quality of patient treatment, which is also of overall benefit to individual patients and society at large;
- o Healthcare professionals, healthcare organisations and patient organisations must receive fair remuneration for services and consultancy tasks provided by them for the pharmaceutical companies;
- o Interactions between the pharmaceutical companies, healthcare professionals, healthcare organisations and patient organisations have a sustained and positive influence on the quality of patient care and on the value of future research;
- o The general public, patients and other interest groups expect the pharmaceutical companies to maintain high standards of integrity in interactions with healthcare professionals, healthcare organisations and patient organisations and to arrange such interactions correctly and transparently;
- o The pharmaceutical companies must show a commitment to the interests of patients and other interest groups in transparent interactions;
- o The disclosure of details of the interactions may lead to problems in connection with data protection and the pharmaceutical companies therefore endeavour, in cooperation with healthcare professionals, healthcare organisations and patient organisations to find a suitable response to such problems;
- o Transparency and disclosure of pecuniary benefits provided by pharmaceutical companies to healthcare professionals, healthcare organisations and patient organisations are possible without sacrificing justified private interests, in particular of the healthcare professionals;
- o The pharmaceutical industry and organisations, which represent or support the interests of patients or of their carers have shared interests and relations between the pharmaceutical companies and patient

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<sup>1</sup> <http://www.en.scienceindustries.ch/public-home>

<sup>2</sup> <http://www.interpharma.ch/de/index.asp>

<sup>3</sup> <http://www.vips.ch/>

organisations must take place in an ethical and transparent manner;

**And considering the relevant regulatory provisions, international branch codes and guidelines from medical professional circles:**

- Swiss laws and ordinances applicable in this connection;
- IFPMA Code of Practice 2012<sup>4</sup>, published by the International Federation of Pharmaceutical Manufacturers and Associations, IFPMA<sup>5</sup>;
- EFPIA Code on Disclosure of Transfers of Value from Pharmaceutical Companies to Healthcare Professionals and Healthcare Organisations<sup>6</sup>, published by the European Federation of Pharmaceutical Industries and Associations, EFPIA<sup>7</sup>;
- EFPIA Code of Practice on the Promotion of Prescription-only Medicines to, and Interactions with, Healthcare Professionals (as amended by the Statutory General Assembly on 24 June 2013)<sup>8</sup>, published by EFPIA;
- EFPIA Code of Practice on Relationships between the Pharmaceutical Industry and Patient Organisations (amended by Decision of the General Assembly in June 2011)<sup>9</sup>, published by EFPIA;
- "Collaboration between the medical professions and industry", guidelines issued by the Swiss Academy of Medical Sciences (SAMW) of 29 November 2012<sup>10</sup>;

**Have adopted the following Code of Conduct which is recommended to their members.**

This Code puts into concrete terms for Switzerland the above codes of the international associations of the pharmaceutical industry, insofar as they relate to cooperation with healthcare professionals and healthcare organisations and patient organisations, together with the disclosure of pecuniary benefits which the healthcare professionals and healthcare organisations, as well as patient organisations, receive from pharmaceutical companies.

This Code likewise determines the accompanying rules for implementation of the relevant obligations by the pharmaceutical companies and for monitoring compliance with them.

The associations designated in the preamble pledge to ensure that the pharmaceutical branch companies affiliated to them will comply with the following rules of ethics and integrity and to sign the following declaration.

The obligation to comply with State law applicable in this connection and which takes priority remains unaffected by compliance with this Code.

To make the text easier to read, the male gender is used throughout this Code. However, the corresponding texts likewise always apply to female members of the groups of persons referred to.

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<sup>4</sup> <http://www.ifpma.org/ethics/ifpma-code-of-practice/about-ifpma-code-of-practice.html>

<sup>5</sup> <http://www.ifpma.org/>

<sup>6</sup> <http://transparency.efpia.eu/uploads/Modules/Documents/efpia-disclosure-code---august-2013-edited-final.pdf>

<sup>7</sup> <http://www.efpia.eu/>

<sup>8</sup> <http://transparency.efpia.eu/uploads/Modules/Documents/efpia-hcp-code---2013-consolidated-final-2.pdf>

<sup>9</sup> <http://transparency.efpia.eu/uploads/Modules/Documents/071015codeofpracticebtwpharmaandpatients.pdf>

<sup>10</sup> <http://www.samw.ch/en/Ethics/Guidelines/Currently-valid-guidelines.html>

## Regulations

### 1 General provisions

#### 11 Scope

111 This Code applies to:

111.1 cooperation between pharmaceutical companies and healthcare professionals, healthcare organisations and patient organisations, together with

111.2 the disclosure of pecuniary benefits provided by pharmaceutical companies for such persons and organisations.

112 This Code applies to pharmaceutical companies which have undertaken to comply with this Code (Annex) by signing the declaration.

113 Pharmaceutical companies which manufacture or distribute prescription-only medicinal products for humans in Switzerland but do not belong to any of the associations designated in the preamble may likewise undertake to respect this Code.

#### 12 Delimitation

The Code of conduct of the pharmaceutical industry in Switzerland (Pharma Code)<sup>11</sup> applies to other interactions between pharmaceutical companies and healthcare professionals or healthcare organisations in the case of those pharmaceutical companies which have undertaken so to comply by signing the relevant declaration<sup>12</sup>.

#### 13 Terms

131 *Medicinal products*: medicinal products for humans within the meaning of the Swiss law on therapeutic products; this Code applies solely to prescription-only medicinal products (original preparations and generics).

132 *Pharmaceutical companies*: companies which manufacture or distribute prescription-only medicinal products for humans by way of business in Switzerland.

133 *Healthcare professionals*: physicians, dentists and pharmacists who are working in particular in a practice or hospital, together with pharmacists active in retail businesses, and persons who are authorised by Swiss law on therapeutic products, to prescribe, deliver or use prescription-only medicinal products for humans.

134 *Healthcare organisations*: institutions, organisations, associations or other groups of healthcare professionals which provide healthcare services or consultancy tasks or other services in healthcare (e.g. hospitals, clinics, foundations, universities or other educational establishments, scientific societies or professional associations, community practices or networks, but not patient organisations).

135 *Patient organisations*: not-for-profit organisations (including the organisations to which they are affiliated) based or active in Switzerland, which consist primarily of patients or their carers and which represent or support the needs of patients or their carers.

136 *Events*: events which are organised or conducted by a pharmaceutical company or in its name or financially or otherwise supported by it, such as symposia or congresses, meetings of healthcare professionals, advisory bodies or bodies for the planning of clinical trials or non-interventional investigations or for the training of testers for clinical trials, visits and inspections of research and manufacturing establishments of pharmaceutical companies, together with events held by or with patient organisations for their purposes or in their interest.

<sup>11</sup> <http://www.scienceindustries.ch/engagements/pharmakodex>

<sup>12</sup> <http://www.scienceindustries.ch/engagements/pharmakodex/unterzeichner-des-pharmakodexes>

137 *Pecuniary benefits (general)*: in cash, as non-cash contributions, donations, grants or payments made either directly or indirectly in some other form for consultancy tasks or services, research and development, advertising, sales or other purposes, always in connection with medicinal products within the meaning of Section 131. Direct pecuniary benefits are those which a pharmaceutical company provides directly for a particular recipient. Indirect pecuniary benefits are those which a third party (e.g. supplier, agent, partner, subsidiary company or foundation) provides for a recipient in the name or on behalf of a pharmaceutical company, the identity of the pharmaceutical company being known or recognisable to the recipient.

138 *Pecuniary benefits for research and development services*: benefits within the meaning of Section 137 in connection with the planning or conduct of non-clinical studies (in compliance with GLP standards), clinical studies (compliant with GCP standards) and non-interventional studies (within the meaning of Section 4 of the Pharmaceutical Code).

139 *Recipients of pecuniary benefits*: healthcare professionals or healthcare organisations together with patient organisations whose primary practice or determining business address or registered place of business are in Switzerland.

#### **14 Principles of integrity**

141 Where pharmaceutical companies cooperate with healthcare professionals, healthcare organisations or patient organisations, such cooperation and the pecuniary benefits granted in return must not constitute an inducement to recommend, prescribe, acquire, supply, sell or administer specific medicinal products for humans.

142 Pharmaceutical companies may not offer, promise or grant any inappropriate benefits to healthcare professionals, healthcare organisations or patient organisations including, in particular, any gifts (either in cash or non-cash considerations).

143 The following are reserved:

143.1 Usual remuneration for healthcare professionals in connection with orders and deliveries of medicinal products;

143.2 Delivery of free of charge samples of medicinal products to healthcare professionals;

143.3 Objects, information and training materials of moderate value provided for healthcare professionals which are intended solely for the medical or pharmaceutical activity or are used for post-graduate or continuing education in medicine or pharmacy and which, in both cases, are also beneficial to patients;

143.4 Items of modest value, such as writing instruments or folders which are made available by pharmaceutical companies to the participants in events; these items may bear the name of the pharmaceutical company, but must not show any references to specific medicinal products;

143.5 Payment for meals (including beverages) on a reasonable and modest scale, subject to a maximum of CHF 150 per healthcare professional per meal.

144 The laws and ordinances applicable in this connection are reserved, as is their enforcement by the State authorities.

#### **15 Principles of conduct**

151 Pharmaceutical companies which undertake to comply with this Code, acknowledge the rules for the enforcement of this Code if proceedings are taken because of conduct in breach of the Code.

152 As long as relevant proceedings are pending, they will in principle not refer the matter at the same time to a State authority or to a court on grounds of breach of the Swiss legal order.

153 The safeguarding of rights which may be endangered or defeated by compliance with the principles of conduct is reserved.

## **2 Cooperation with healthcare professionals and healthcare organisations and disclosure of pecuniary benefits to such recipients**

### **21 Consultancy or service contracts**

- 211 The pharmaceutical companies may entrust healthcare professionals either in groups or individually with consultancy tasks or services, such as papers and the conduct of meetings, medical or scientific studies, clinical trials, training, market research and participation in consultancy bodies and provide reasonable compensation for expenditure incurred by them in this connection according to the usual standards.
- 212 The pharmaceutical companies must agree such orders with healthcare professionals in writing before the work begins; in particular, the consultancy task or service to be provided and the compensation for it must be adequately specified.
- 213 In this connection, the pharmaceutical companies respect the following principles:
- 213.1 There must be a justified need for the proposed consultancy task or service.
- 213.2 The healthcare professional(s) retained for the task must be qualified to perform it.
- 213.3 No more healthcare professionals will be entrusted with a consultancy task or service than are needed to perform or provide it.
- 213.4 The commissioning pharmaceutical company documents the consultancy tasks or services provided by one or more healthcare professionals and uses the documents for their intended purpose.
- 213.5 Sham contracts designed to enable healthcare professionals to receive financial benefits without any obligation to perform a consultancy task or service are prohibited.
- 214 In the orders placed by them, the pharmaceutical companies must stipulate that the healthcare professionals shall disclose their order relationship if they write or speak in public about matters which are the subject of the order or otherwise related to the commissioning pharmaceutical company.
- 215 Pharmaceutical companies which recruit practising healthcare professionals on an employment contract shall stipulate in such contracts that these healthcare professionals must disclose their employment relationship when they write or speak in public about matters which are the subject of the employment contract or otherwise related to this pharmaceutical company.
- 216 The consultancy or service contracts must be based in every case on this Code.

### **22 Support for research or other services in the healthcare sector**

- 221 Pharmaceutical companies may enter into contracts with healthcare organisations in virtue of which the latter shall provide specific consultancy tasks or services for the pharmaceutical companies insofar as such consultancy tasks or services are confined to research or other areas of healthcare.
- 222 Pharmaceutical companies may likewise provide financial or other support for healthcare organisations, provided that such support is confined to research, or other services in healthcare, is set down in writing and that the relevant documents are available at the pharmaceutical company.

### **23 Disclosure of pecuniary benefits**

- 231 The pharmaceutical companies which are required to comply with this Code shall disclose pecuniary benefits which they grant to healthcare professionals or healthcare organisations in compliance with the following rules.
- 232 The pharmaceutical companies shall call the attention of the healthcare professionals or healthcare organisations in the contracts with them to the fact that they are required to disclose the pecuniary benefits connected with the contractually agreed service pursuant to this Code. They shall also stipulate in this contract that the recipients of the pecuniary benefits agree to disclosure.

- 233 The following are not covered by the obligation of disclosure:
- 233.1 payments to healthcare professionals for orders and deliveries of medicinal products;
  - 233.2 The delivery of free of charge samples of medicinal products to healthcare professionals;
  - 233.3 Objects intended for healthcare professionals, information and training materials of moderate value which are intended exclusively for the medical or pharmaceutical activity or used for advanced or further medical or pharmaceutical training and which, in both cases, are also of benefit to patients;
  - 233.4 Items of modest value, such as writing implements or folders, made available to participants at events by pharmaceutical companies; these items may bear the name of the pharmaceutical company, but must not show any references to particular medicinal products;
  - 233.5 Payment for meals (including beverages).
- 234 Disclosure is not required if it is incompatible with the provisions of data protection law or other State legal provisions<sup>13</sup>.

## **24 Technical requirements for disclosure**

- 241 In making their disclosures, the pharmaceutical companies shall in principle respect the relevant technical criteria pursuant to the EFPIA Code on Disclosure of Transfers of Value from Pharmaceutical Companies to Healthcare Professionals and Healthcare Organisations.
- 242 The Code Secretariat will, if necessary, make further recommendations on this subject to the pharmaceutical companies.

## **25 Periods**

- 251 The pharmaceutical company shall, in each case, disclose the pecuniary benefits which it has granted to healthcare professionals and healthcare organisations annually for a full calendar year (reporting period).
- 252 The pecuniary benefits are to be disclosed in each case within six months of the end of a reporting period.
- 253 This information must remain accessible to the public for at least three years after its disclosure.

## **26 Internet platform**

- 261 The pharmaceutical companies must satisfy their obligation of disclosure on their corporate website, which is accessible to the public, either in Switzerland or internationally.
- 262 If the international website of the pharmaceutical company is used for disclosure, its Swiss subsidiary of the pharmaceutical company must ensure that the requirements of this Code are respected.
- 263 In principle, disclosure must be made in the English and whenever possible in the German, French and Italian languages; for the indication of the healthcare organisations, their name in the relevant language or languages is to be used.
- 264 As needed, the Code Secretariat will make further recommendations on the practical implementation of the disclosure obligation.

## **27 Individual and aggregated form of disclosure**

- 271 When taking the decision on the disclosure of a pecuniary benefit, the pharmaceutical companies shall, whenever possible, identify the healthcare professional who is the recipient and name such person upon disclosure to the extent that this is possible with sufficient accuracy and legally permitted within the framework of the following rules.
- 272 The pharmaceutical companies shall disclose pecuniary benefits in principle on an individual basis.

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<sup>13</sup> as amended on May 1, 2014

Wherever possible and legally permitted, they shall disclose all pecuniary benefits which they have provided in the reporting period to clearly identifiable healthcare professionals with the relevant amounts paid; the remuneration for the agreed service or consultancy task and the compensation for the related costs of the service provider are to be disclosed separately.

- 273 The pharmaceutical companies may disclose pecuniary benefits by category if the individual disclosure is only made in justified exceptional cases to the relevant recipients or to the appropriate authorities at their request.
- 274 The pharmaceutical companies may disclose pecuniary benefits which they have granted to the healthcare organisations in a aggregated form for each such healthcare organisation (i.e. without identifying individual healthcare professionals who are indirect beneficiaries in this connection), if they demonstrably belong to one of the following categories:
- 274.1 Donations, grants and other pecuniary benefits;
- 274.2 Contributions to the costs of participation of healthcare professionals within the framework of their activity for the healthcare organisation at events, e.g. payment of registration fees, contributions to travel and accommodation costs, regardless of whether the healthcare organisation or a third party retained by it organises the event and regardless of whether the contributions directly benefit the professional or do so via the healthcare organisation or the retained third party;
- 274.3 Compensation for services and consultancy tasks which a healthcare organisation or a healthcare professional acting on its behalf has provided for the pharmaceutical company under a contractual agreement, in which case the compensation for the agreed service or consultancy task and the compensation for the related costs of the service provider are to be disclosed separately.
- 275 In a aggregated form (listing of all the healthcare professionals concerned or of all the healthcare organisations affected), the pharmaceutical companies shall disclose direct or indirect pecuniary benefits to healthcare professionals or healthcare organisations as follows:
- 275.1 for each reporting period, the amounts of the pecuniary benefits falling within one of the above categories but which for legal reasons cannot be disclosed individually for each healthcare professional or healthcare organisation;
- 275.2 the number of healthcare professionals covered by the disclosure in aggregated form, the total amount of the pecuniary benefit granted and its percentage distribution between the healthcare professionals concerned;
- 275.3 financial support of all kinds for research and development in the healthcare sector; related subsidiary costs of events in this connection may be covered by the summary disclosure.
- 276 Where a pharmaceutical company has granted a pecuniary benefit which must be disclosed according to the above categories to a healthcare organisation indirectly via a particular professional, this pecuniary benefit need only be disclosed in an overall manner for the healthcare organisation.
- 277 Where a pecuniary benefit for a healthcare professional which must be disclosed is provided indirectly via a healthcare organisation, it need only be disclosed once, but if at all possible individually.

## **28 Publication of the disclosure method**

- 281 In a summary communication, the pharmaceutical companies must indicate the methods used by them for the disclosures and the determination of the pecuniary benefits for each of the above categories.
- 282 This communication must likewise examine the procedures for multiannual contracts, the allowance for value added tax, other tax aspects and currency factors, together with further references in connection with the period and amount of the pecuniary benefits which are to be disclosed pursuant to this Code.

## **29 Documentation**

- 291 The pharmaceutical companies must document their pecuniary benefits which are to be disclosed and the recipients of these benefits.
- 292 They shall keep the relevant records for at least five years after the end of the relevant reporting period.
- 293 The exceptions stipulated in Sections 233 and 234 are reserved.

## **3 Cooperation with patient organisations and disclosure of pecuniary benefits to such recipients**

### **31 Principles**

- 311 The pharmaceutical companies which are required to comply with this Code shall safeguard the independence of the patient organisations with reference to their political attitude, their mode of action and their activity. They shall make sure that persons, pharmaceutical companies or organisations retained by them in this connection proceed in the same way.
- 312 All partnerships between patient organisations and pharmaceutical companies must be based upon mutual respect, the views and decisions of both partners to be of equal value.
- 313 The pharmaceutical companies may neither require patient organisations to promote certain specific prescription-only medicinal products nor may they consider corresponding requests made by patient organisations.
- 314 The aims, scope and agreement on support and partnerships must be evidenced in writing and transparent.
- 315 The aim is for patient organisations to be supported by more than one pharmaceutical company. Pharmaceutical companies may not require patient organisations to provide financial or other support for them as a particular pharmaceutical company either overall or for their individual projects.

### **32 Support for patient organisations**

- 321 Where pharmaceutical companies grant financial or other support on a significant scale to a patient organisation, they must agree such support in writing with the patient organisation before it begins.
- 322 The following points in particular must be included in the agreement which is to be signed with due legal validity by both parties:
- 322.1 the name of the partner organisations: pharmaceutical companies, patient organisation, where appropriate the retained persons, companies or organisations;
- 322.2 description of the nature and purpose of the support;
- 322.3 aims and activities within the framework of the support (events, publications, other);
- 322.4 tasks, rights and obligations of the pharmaceutical company and patient organisation;
- 322.5 if financial support is provided: its amount;
- 322.6 in the case of other kinds of support: nature (payment of the costs of a public relations agency working for the patient organisations, training courses provided free of charge etc.);
- 322.7 date and duration of the agreement.
- 323 The pharmaceutical companies must make arrangements for the internal approval of such agreements.

### **33 Use of logos and legally protected documents**

- 331 If the pharmaceutical company wishes to use logos or legally protected documents of patient or-

ganisations for publications, it must obtain the written permission of the organisation concerned.

332 In order to obtain this permission, the pharmaceutical company must clearly state the specific purpose of the use and publication and also indicate how it intends to use the logo or the legally protected documents.

#### **34 Documents of patient organisations**

Pharmaceutical companies must not try to influence the content of documents of patient organisations to which they are granting financial or other support in their own commercial interest; the right to correct factual errors is reserved.

#### **35 Disclosure of pecuniary benefits**

351 The pharmaceutical companies shall disclose the pecuniary benefits which they have granted to particular patient organisations on an individual basis and annually for a full calendar year (reporting period).

352 The pecuniary benefits are to be disclosed in each case within six months of the end of a reporting period.

353 This information must remain accessible to the public for at least three years after its disclosure.

354 The pharmaceutical companies perform their obligation of disclosure on a website for which they are responsible and which is accessible to the public either in Switzerland or at international level.

355 If the international website of the pharmaceutical company is used for disclosure, its Swiss subsidiary of the pharmaceutical company must ensure that the requirements of this Code are respected.

356 In principle, disclosure must be made in the English and whenever possible in the German, French and Italian languages; for the indication of the healthcare organisations, their name in the relevant language or languages is to be used.

357 The pharmaceutical companies must publish:

357.1 The total amounts which they have paid in the course of a calendar year to one or more patient organisations;

357.2 The names of the particular patient organisations which they have supported financially or to a significant extent in some other way. This list must contain a short description of the nature of the support and be complete in the sense that the average reader can recognise the scale of the support. The description must include the pecuniary value of financial support and the invoiced costs. If significant non-financial support is provided, for which no meaningful pecuniary value can be determined, the non-pecuniary benefit must be clearly described showing the benefit received by the patient organisation;

357.3 The names of the patient organisations for which they have given a contractual assurance of the provision of substantial consultancy or services. The nature of the consultancy or services shall (without disclosing confidential details of the agreement) be specified in sufficient detail for the average reader to be able to recognise the scale of the support.

#### **36 Agreed consultancy or services**

361 Contracts between pharmaceutical companies and patient organisations in virtue of which the latter provide consultancy tasks or services of any kind for the pharmaceutical company are permitted only if such consultancy tasks or services are provided to support healthcare or research.

362 Pharmaceutical companies may retain representatives of patient organisations as experts for consultancy or services, for instance to attend meetings of consultancy bodies or provide speaker services. Agreements which relate to consultancy tasks or services must satisfy the following conditions:

- 362.1 A written contract must be signed in advance which stipulates the nature of the consultancy tasks or services to be provided and subject to Section 362.6 provides the basis for the payment of these consultancy tasks or services.
- 362.2 The need for the consultancy tasks or services must be justified and clearly designated and documented before the consultancy or services are used or agreed.
- 362.3 The conditions for the selection of the consultancy tasks or services must correspond directly to the need specified for them. The persons responsible for selection of the consultancy tasks or services must have the professional expertise needed to determine whether the proposed specialists from the patient organisations meet these conditions.
- 362.4 The scope of the consultancy tasks or services must be no greater than is reasonably necessary to satisfy the specified requirement.
- 362.5 The contractually retained pharmaceutical company must record the consultancy tasks and services provided and make expedient use thereof.
- 362.6 The compensation for the consultancy tasks or services must be reasonable and may not exceed the normal market value of such consultancy tasks or services. In this connection, no sham contracts may be concluded to justify payments for patient organisations.
- 362.7 The pharmaceutical companies shall include provisions in their contracts with patient organisations stipulating that the patient organisation must disclose the fact that it has provided paid consultancy tasks or services for the pharmaceutical company whenever it writes or speaks in public on a topic which is the subject of the contract or on other matters which relate to the particular pharmaceutical company.

### **37 Events and hospitality**

- 371 The events are to be held on premises which are appropriate and conducive to the main purpose of the event. Their choice should be guided primarily by the space and infrastructure availability with a view to the appropriate performance of the main purpose. Premises which are famous for their entertainment facilities or regarded as extravagant are to be avoided.
- 372 All forms of hospitality granted to the patient organisations by pharmaceutical companies must be of an appropriate level and subordinated to the main purpose of the event, regardless of whether the event is organised by patient organisations or by pharmaceutical companies.
- 373 Hospitality in connection with events must be confined to the journey, subsistence, accommodation and participation fees.
- 374 Hospitality may only be granted to persons who are entitled to it as participants. In exceptional cases, i.e. in instances where clear health grounds so justify (e.g. handicapped persons), the travel, subsistence, accommodation and participation fees may be paid for an accompanying person who provides care.
- 375 Hospitality must not include the support (sponsorship) or organisation of entertainment (e.g. sport or leisure activities).
- 376 The pharmaceutical companies may not organise or sponsor events which are held outside Switzerland, except in the following cases:
  - 376.1 most of the guests come from other countries, making it more appropriate for logistic reasons to hold the event in a different country; or
  - 376.2 the determining resources or professional knowledge which constitute the objective or personal reason for an event are available in another country, making it more appropriate for logistic reasons to organise the event there.

## **4 Obligations of the pharmaceutical company when implementing this Code**

### **41 Personnel of the pharmaceutical company**

Pharmaceutical companies shall ensure that their personnel who are responsible for the preparation, supervision and approval, as well as for the conduct of the activities governed by this Code, are familiar with the Code and with the provisions of Swiss law applicable in connection with this Code and that they comply with these rules.

### **42 Responsible persons at the pharmaceutical companies**

421 The pharmaceutical companies shall ensure that the activities regulated by this Code are approved prior to their practical implementation by an expert (responsible person) employed by the company or instructed by it who is designated for this purpose.

422 The pharmaceutical companies may entrust this responsibility to different persons, organised according to the subject matter pursuant to Sections 1 to 3. The responsible person(s) shall take his/their decisions independently of the marketing and sales interests of the pharmaceutical company.

423 The pharmaceutical companies shall provide the names of this (these) person(s) to the Code Secretariat.

### **43 Information for the Code Secretariat concerning the disclosure of platforms**

431 The pharmaceutical companies shall inform the Code Secretariat of the platforms (websites) on which they perform their disclosure obligations pursuant to this Code.

432 They shall likewise inform the Code Secretariat without delay of important modifications to these platforms.

## **5 Supervision of compliance with this Code**

### **51 Code Secretariat**

511 scienceindustries entrusts an appropriate healthcare professional (as a rule a physician) who is independent from the pharmaceutical companies to direct the Code Secretariat<sup>14</sup>. It also appoints a person with comparable qualifications as his substitute.

512 The Code Secretariat is attached to the scienceindustries secretariat for administrative purposes.

513 The Code Secretariat shall ensure the objective and impartial supervision of the work and activities governed by this Code performed or arranged by the pharmaceutical companies and of their duties prescribed in Section 4.

514 It shall make sample verifications of performance of the disclosure obligations of the pharmaceutical companies pursuant to this Code.

515 In particular, the Code Secretariat shall ensure that:

515.1 Pharmaceutical companies which have demonstrably acted in breach of the Code cease such conduct or, if that is impossible in view of the concrete circumstances, give a guarantee that conduct in breach of the Code will cease in future;

515.2 Differences of opinion between the participants involved in a procedure are settled by joint agreement through mediation.

516 The Code Secretariat shall perform the administrative activities necessary for supervision, supported by the scienceindustries secretariat.

517 It shall keep the pharmaceutical companies regularly informed of decisions on implementation

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<sup>14</sup> The Code Secretariat is also responsible for supervision of the Code of Conduct of the Pharmaceutical Industry in Switzerland (Pharma Code).

(without naming pharmaceutical companies or specific prescription-only medicinal products) and of experience with practical implementation which is of general interest.

518 It shall publish an annual report on its activity<sup>15</sup>.

519 scienceindustries provides the necessary secretariat infrastructure for the appointed person.

## **52 Notifications**

521 The Code Secretariat investigates, either on its own initiative or upon receiving notification, alleged breaches of the Code.

522 Anyone may notify the Code Secretariat of circumstances which are suspected to be in breach of the Code.

523 The Code Secretariat acts upon notifications if they are made in writing and the charge is founded. If necessary, it may ask the notifying person to supplement or document his substantiation and set an appropriate deadline for doing so.

524 The Code Secretariat will not respond to anonymous or manifestly unfounded notifications.

525 To clarify notifications, the Code Secretariat may request documents from the relevant pharmaceutical companies and set an appropriate deadline for them to comply; it may also put questions to their staff or appointed agents.

## **53 Procedure adopted by the Code Secretariat**

531 If the Code Secretariat itself opens a case, it shall inform in writing the pharmaceutical company concerned of the conduct found to be in breach of the Code, stating its reasons.

532 If a suspected breach of the Code is notified to the Code Secretariat, it shall forward a complete copy of the notification to the pharmaceutical company concerned at the earliest opportunity.

533 The Code Secretariat shall give the pharmaceutical company concerned an opportunity to state a written opinion and shall set a reasonable deadline for it do so.

534 If the procedure cannot be settled by consensus, the Code Secretariat may invite the parties to verbal negotiations.

535 The Code Secretariat sets down the outcome of the negotiations, together with a summary of the arguments, in writing for the attention of the parties.

536 If the pharmaceutical company concerned acknowledges the conduct in breach of the Code, it shall desist from such conduct and confirm that fact in writing to the Code Secretariat.

537 The Code Secretariat shall set deadlines for the remedial measures to be taken and for their written confirmation. These deadlines shall be commensurate with the severity of the breach of the Code.

## **54 Serious breaches of the Code**

541 Should the Code Secretariat consider a breach to be patent and serious, it shall, as soon as possible, issue a written summons to the pharmaceutical company to discontinue the conduct contrary to the Code and to guarantee that it will desist from such conduct in future. It sets the pharmaceutical company concerned a short deadline for these remedial measures to be undertaken and for a written confirmation that this has been done.

542 Should the pharmaceutical company concerned provide credible evidence within the stipulated deadline that there has been no breach or no serious breach of the Code, the Code Secretariat shall review the matter as appropriate.

## **55 Procedure for unresolved cases**

551 Should the pharmaceutical company concerned fail to comply within the set period with the ruling

<sup>15</sup> <http://www.scienceindustries.ch/engagements/pharmakodex/pharmakodex-jahresberichte>

of the Code Secretariat, or should it decline to do so or fail to comply with its confirmation pursuant to Sections 536 or 541, the Code Secretariat may refer the matter to the appropriate State authority for a judgment after a warning to comply has not been respected.

552 At the same time, the Code Secretariat shall inform in writing the pharmaceutical company or the person who reported the breach of the Code to the Code Secretariat.

## **56 Duration of the proceedings**

561 The proceedings according to this Code shall be completed within the shortest possible deadline. They shall not last for more than one month.

562 In justified cases, the Code Secretariat may extend the duration of the proceedings by a reasonable length of time.

563 The proceedings commence on the date when the Code Secretariat receives notification of a charge, or on the date when a case is opened by the Code Secretariat.

564 The duration of the procedure ends upon the date of receipt of timely confirmation by the pharmaceutical company concerned that it will comply with the request of the Code Secretariat or the outcome of the consensus settlement to the proceedings recorded by the Code Secretariat and will cease in a timely manner its conduct in breach of the Code and guarantee that it will desist from such conduct in future.

565 If cessation of the breach of the Code is not possible in the light of the concrete circumstances, the pharmaceutical company shall guarantee in writing to the Code Secretariat that it will desist from such conduct in future.

566 The Code Secretariat and the parties to the proceedings shall use their best endeavours to ensure that the proceedings can be brought to a speedy conclusion.

567 If the proceedings cannot be concluded by the specified time limit, the case shall be deemed to be unresolved (Section 55).

## **57 Proceedings before the State authorities or courts**

571 If pharmaceutical companies refer conduct which they deem to be in breach of the scope of this Code or suspect in this connection to constitute a breach of State law to a State authority or to a court, the Code Secretariat shall suspend any proceedings which have already been opened for as long as none of the participating pharmaceutical companies ask for the proceedings to be terminated.

572 The Code Secretariat shall refrain from any participation in proceedings which pharmaceutical companies bring before a State authority or a court.

## **6 Consultative activity of the Code Secretariat**

61 To safeguard its independence in the assessment of notifications of suspected breach of the Code, the Code Secretariat shall not assess any forms of conduct, documents or publications governed by this Code before they have been implemented or circulated by the pharmaceutical companies.

62 On request, it shall provide information about the interpretation of provisions of this Code, without determining the accuracy of certain statements made in the documents or publications of a pharmaceutical company.

## **7 Code Committee**

### **71 Formation and membership**

711 In consultation with the associations designated in the preamble, the management of scienceindustries shall appoint a committee to advise the Code Secretariat (Code Committee).

- 712 The Code Committee consists of between seven and twelve professionals who are competent and experienced in the scope of this code (especially medicine, pharmacy, marketing, promotion and law).
- 713 At least three members of the Code Committee shall not be employees or representatives of pharmaceutical companies.
- 714 A member of the scienceindustries executive board shall be appointed to chair the Code Committee. The scienceindustries secretariat handles the administrative matters of the Code Committee.
- 715 The term of office of the Code Committee members is four years. It begins in each case on the first day of a calendar year. Re-election is possible. New members taking over the responsibilities of predecessors shall serve out the term of office of the members whom they replace.

## **72 Activity**

- 721 The Chairman convenes a meeting of the Code Committee at least once annually.
- 721 Based on the Code Secretariat's annual report, and other reports concerning its enforcement activity, the Code Committee advises the Code Secretariat.

## **8 Final provisions**

### **81 Amendments**

- 811 Where Swiss State law undergoes changes which have an immediate impact on this Code, or if IFPMA or EFPIA change particular provisions of their codes which are referred to in the preamble to this Code as the basis for the latter in a manner which is binding for the national associations affiliated to them, scienceindustries shall reach agreement with the partner associations referred to in the preamble on a suitable amendment to this Code.
- 812 Prior to the enactment of such changes, the associations cited above will hold a consultation of the pharmaceutical companies that have signed the declarations of compliance with this Code.
- 813 scienceindustries shall determine in agreement with the partner associations referred to in the preamble the date on which such amendments are to enter in force.

### **82 Entry into force and transitional provisions**

- 821 This Code enters into force on 1 January 2014.
- 822 The pharmaceutical companies shall perform the disclosure obligations referred to in Section 2 of this Code for the first time from the reporting period 2016 for the pecuniary benefits provided for healthcare professionals and healthcare organisations in the calendar year 2015. For that purpose, they shall adapt the existing agreements with healthcare professionals and healthcare organisations to the requirements of Section 232.
- 823 Sections 142 and 143 of this Code enter into force on 1 July 2014.

### **83 List of obligated pharmaceutical companies**

scienceindustries shall publish a list of the pharmaceutical companies<sup>16</sup>, which have undertaken to comply with this code by signing the declaration (annex).

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<sup>16</sup> Link to follow

**Code of conduct  
of the pharmaceutical industry in Switzerland on cooperation with healthcare professionals and patient organizations (Pharma Cooperation Code)**

**Declaration**

The pharmaceutical company cited below hereby declares, independently of its membership of any of the associations named in the Preamble, that it will comply with the rules of this Code and respect the instructions given by the Code Secretariat.

Name of the pharmaceutical company:

Address:

Date:

Stamp and legally binding signature(s):

– Chief Executive Officer:

– Responsible person(s) (Section 42 of the Pharma Cooperation Code):