

Recommendation No. 2 concerning the Pharma Cooperation Code (PCC)¹**Organisation of events: disclosure of pecuniary benefits****Background**

On 24 June 2013, the General Assembly of the European Federation of Pharmaceutical Industries and Associations (EFPIA) adopted the new EFPIA Code on Disclosure of Transfers of Value from Pharmaceutical Companies to Healthcare Professionals and Healthcare Organisations (EFPIA HCP/HCO Disclosure Code).² As the corresponding member association of EFPIA, scienceindustries was responsible for implementation in Switzerland. Accordingly, the Code of Conduct of the pharmaceutical industry in Switzerland was drawn up in cooperation with expert groups and patient organisations (Pharma Cooperation Code, PCC) on 6 September 2013 and approved by the scienceindustries Board.

On the basis of section 23 PCC, the signatory companies disclose pecuniary benefits which they grant to healthcare professionals (HCP) or healthcare organisations (HCO) on their company websites which are open to the public. Only a few pecuniary benefits are exempt from this obligation of disclosure (Sections 233 and 234 PCC).

In connection with the organisation of events by the signatory companies themselves, questions arise in connection with the implementation of the PCC as to how, in this case, the pecuniary benefits are to be disclosed.

Recommendations**A. Persons who take an active part in events****1. Fees for consultancy or services**

The pharmaceutical companies may instruct HCPs either in groups or individually to provide consultancy or services such as papers, chairing meetings, trainings or similar; the companies may pay appropriate compensation for expenditure incurred by the HCPs in this connection on the normal scale (see section 211 PCC). All fees for consultancy or services are to be disclosed in compliance with the provisions of the EFPIA template³. Disclosure must as a rule be made individually and may only relate in exceptional cases to a group if an individual allocation of the pecuniary benefit to a particular HCP is not possible or if the costs incurred were to be disproportionate (see Section 274.3 PCC).

2. Attendance fees, travel and accommodation costs

The contributions paid by the pharmaceutical companies to the HCPs or groups of HCPs to defray travel and accommodation costs are to be disclosed according to the same principles. As a rule, the disclosure is to take place individually and may only relate to a group in exceptional cases if an individual apportionment of the pecuniary benefit to specific HCPs is not possible or if the costs incurred were to be disproportionate (see Section 274.2 PCC).

¹ <http://www.en.scienceindustries.ch/involvement/pharma-code-and-pharma-cooperation-code>

² <http://transparency.efpia.eu/uploads/Modules/Documents/efpia-disclosure-code---august-2013-edited-final.pdf>

³ <http://transparency.efpia.eu/EFPIA%20DISCLOSURE%20CODE%20Schedule%20%20Template%20-%202013%20Template.pdf>

3. Subsistence costs

On the basis of section 233.5 PCC there is no requirement for subsistence costs to be disclosed. Please note that the payment for meals (including beverages) must be reasonable and may not exceed 150 francs per HCP per meal (Section 143.5 PCC).

B. Persons who are passive attendees at events (visitors)

1. Attendance fees

a) Events lasting for up to one day

If the attendance fee for events lasting up to one day does not cover all the costs and this results in a specific, pecuniary reduction in the attendance fee financed by a company, the amount of any such reduction only needs to be shown in summary form for reasons of practicality and under an additional heading entitled “Contributions to the continuing training of HCP/HCO”. The same provision applies to the amount of the attendance fee at such events, which is deducted or refunded by a company for the benefit of an HCP or HCO. The benefits provided in connection with events lasting for up to one day may therefore be disclosed in summary form under a separate heading. This will only show an aggregated number for each year and for each disclosing national company. There is no need provisionally to fix a limit in respect of the maximum amount of the deduction or refund per HCP. In this connection, the legal requirements and the PC must be followed.

b) Events lasting for more than one day

Pecuniary benefits for HCPs or HCOs in connection with events lasting for more than one day are as a rule to be disclosed individually in accordance with the criteria of the EFPIA template³ and may only refer in exceptional cases to a group if an individual apportionment of the pecuniary benefit to particular HCPs is not possible or if the costs incurred were to be disproportionate (see section 274.2 PCC).

2. Travel and accommodation costs

The contributions made by pharmaceutical companies to the travel and accommodation costs of HCPs and HCOs are to be disclosed according to the same principles. As a rule, the disclosure is to be made individually and may only refer to a group in exceptional cases if an individual apportionment of the pecuniary benefit to particular HCPs is either impossible or if the costs incurred were to be disproportionate (see section 274.2 PCC).

3. Subsistence costs

On the basis of section 233.5 PCC there is no requirement for subsistence costs to be disclosed. Please note that the payment for meals (including beverages) must be reasonable and may not exceed 150 francs per HCP per meal.

Reminder: If consent is declined, depending on the decision of each company itself, a summarised disclosure may be made in compliance with the provisions of the EFPIA template³. However, if consent is declined, companies are recommended to refrain from cooperation (see practical recommendation No. 1 to PCC).

Extract from the PCC rules which apply in this connection**13 Terms**

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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.

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.

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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:

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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. This amount applies only to events which are held in Switzerland. For events which are held abroad, the limits set out in the code which claims territorial validity for the host country, apply to all the participants regardless of where they have their primary practice or definitive business address or their registered business headquarters.

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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 and participation in consultancy bodies and provide reasonable compensation for expenditure incurred by them in this connection according to the usual standards.

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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.

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233 The following are not covered by the obligation of disclosure:

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233.5 Payment for meals (including beverages).

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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. 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 an 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.

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Code Secretariat