

Recommendations No. 4 to the Pharma Code¹

Events which are organised or supported by pharmaceutical companies: financial share of the participants

Background

On 15 January 2006 Swissmedic published a communication on the above matter: “Prohibition of the promise and acceptance of pecuniary benefits pursuant to Article 33 of the Therapeutic Products Act², in particular in connection with support for further and advanced training of medical personnel provided by the pharmaceutical industry³. In practice this communication was given a divided reception, not least because of the controversial issue as to whether the participation of professionals at events which are organised or supported by pharmaceutical companies is indeed critical from the angle of Art. 33 TPA.

Since 1 January 2004 the Pharma Code (PC)⁴ has already stipulated that pharmaceutical companies must in principle require professionals who take part in an event to pay an *appropriate financial contribution* in the interest of their independence (Section 33 PC). The PC does not define any particular sum or cost share for this purpose but stipulates that, in determining the cost contribution and in particular the duration of the event, its location, its distance from the domicile of the participants and the professional occupation of the participating professionals must be taken into account (Section 331 PC).

As the need for harmonisation in practice became increasingly clear, in May/June 2009 scienceindustries conducted a survey among the PC signatories on the application of the relevant PC rules. This revealed that a great majority of the pharmaceutical companies require participants at events organised or supported by them to pay cost contributions on the scale proposed by Swissmedic in its communication referred to above.

Recommendations

The Code secretariat recommends that pharmaceutical companies proceed as follows in relation to the financial participation within the meaning of Sec. 33 PC:

1. The pharmaceutical companies as the organisers or sponsors of an event must require the invited participants to pay financial contributions on the following scale:
 - a. Professionals (Section 133 PC): ≥33%
 - b. Professionals undergoing further training pursuant to the further training ordinance of the FMH⁵: ≥20%
2. The financial contributions are to be calculated in each individual case on the following basis:
 - a. Events which are prepared or conducted by a pharmaceutical company itself or on its behalf by an organiser:

The overall external costs incurred for the preparation and conduct of the event (i.e. outside the pharmaceutical company concerned) are the decisive factor.

¹ <http://www.scienceindustries.ch/engagements/pharmakodex-und-pharma-kooperations-kodex>

² <http://www.admin.ch/opc/de/classified-compilation/20002716/index.html#a33>

³ Published on the Swissmedic Webpage “Promotion of Pharmaceuticals – Promise and acceptance of pecuniary benefits” (<https://www.swissmedic.ch/marktueberwachung/00135/00136/00140/00142/00143/00988/index.html?lang=de>) and in the Swissmedic Journal 01-2006, p. 20 ff. (<https://www.swissmedic.ch/ueber/00134/00441/00445/00566/00583/index.html?lang=de>)

⁴ http://www.scienceindustries.ch/_file/12856/pharmakodex-version-2013-d.pdf

⁵ http://www.fmh.ch/bildung-siwf/weiterbildung_allgemein.html

* PC: Pharma Code; PCC: Pharma Cooperation Code

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- b. Events which are prepared and organised by professional societies, universities, clinics, professionals or other institutions or prepared and held on their behalf by an organiser and supported (sponsored by) pharmaceutical companies:

The decisive factor is the overall financial expenditure incurred for preparation and conduct of the event as stated by the event organiser or the organising company acting on his behalf.

3. To permit rational billing, the financial contributions levied in an individual case may be rounded upwards or downwards by a small amount.

Extracts from the Pharma Code rules that are relevant in this connection

13 Terms

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

135 Events: events which are organised 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.

33 Financial contribution by the participants

331 For the purpose of maintaining the independence of healthcare professionals who participate in an event, the pharmaceutical companies require as a matter of principle that these persons should make an appropriate financial contribution. When determining this financial contribution, the following are to be considered in particular: the duration of the event, the location, the distance from the domicile of the participants and the professional level of the participating healthcare professionals.

332 A reduced contribution may be requested from healthcare professionals who are still in postgraduate medical training.

333 For events that are held in Switzerland and last less than one day, the financial contribution by the participant may be waived.

334 These regulations likewise apply to events that are financially supported by pharmaceutical companies. They must be respected when regulating the financial support in a contract (Section 362).

335 Should pharmaceutical companies invite healthcare professionals to an event that is offered or carried out by professional societies, universities, clinics, healthcare professionals or other institutions, then, along the same lines, the pharmaceutical companies will also request an appropriate financial contribution from the healthcare professionals.

336 The pharmaceutical companies may not refund to the participants, or have someone else refund to them, either partially or totally, the financial contribution made by the participants.

34 Financial support for healthcare professionals attending events

341 The pharmaceutical companies shall not allow healthcare professionals to receive any financial compensation purely for the time they spend attending an event.

342 If a pharmaceutical company does grant a healthcare professional financial support for taking part in an event with international participation, such financial support is subject to the rules of the jurisdiction under which such healthcare professionals carry out their profession.