

EFPIA Code of practice: ethical guidance in light of COVID-19

During the COVID-19 pandemic, EFPIA and its members remained fully committed to EFPIA Code requirements. We have continued implementing and applying the highest ethical standards as well as applicable laws and regulations such as competition, data protection, anti-bribery and anti-corruption legislation.

The EFPIA ethical principles have helped in assessing urgently the appropriateness of activities:

- Patients first
- Integrity
- Respect
- Transparency

Nevertheless, the COVID-19 pandemic has directly impacted the transposition of the EFPIA Code in the national Codes and the disclosure provisions. Therefore, EFPIA has drafted guidance to extend certain time periods in relation to meeting commitments relevant to these two specific topics.

Due to the lockdown, the interactions and activities that are needed to maintain the scientific exchange, have moved to virtual to protect the health and safety of patients and healthcare professionals.

In addition to maintaining the EFPIA, IFPMA, and PhRMA Codes of Practice standards in virtual settings.

The 3 organisations have decided, for the first time, to jointly issue guidance on Virtual International Medical Congresses impacted by COVID-19, which will be in effect until December 31, 2020.

Besides this joint guidance, EFPIA guidance includes the decision endorsed by the EFPIA members in May to prohibit the provision of meals for the healthcare professionals attending individually a virtual congress.

This guidance could be amended to take into consideration concrete experiences occurring in the coming weeks/months.

1. Transposition of the new EFPIA Code provisions introduced during the consolidation

The EFPIA Code of Practice was agreed in 2019 with Member Associations asked to transpose the revised EFPIA Code provisions by 30 June 2020 and implement the EFPIA Code by no later than 31 December 2020. Member Associations started this work and although some have finished, others are still working on changes to their local codes.

In light of the COVID-19 pandemic, Member Associations, which have not completed work on their national code, are asked to use their best efforts to implement the EFPIA Code and to inform the EFPIA secretariat of any delay in transposing or implementing the Code provisions.

Member Associations are expected to have transposed at the latest by 31 December 2020 and work to ensure that implementation is completed at the latest by 30 June 2021

2. Disclosure provisions (Articles 22-23-24 of the EFPIA Code of practice)

a. 2020 disclosure of 2019 ToV

Based on the current information and feedback received from some companies and associations, the disclosure period is not postponed and should happen between the 22nd and the 30th of June 2020. Nevertheless, and due to the exceptional circumstances related to COVID-19 (including that it is inappropriate to contact the Healthcare Professionals and Healthcare Organisations to obtain consent), **Member Companies that cannot satisfy the requirements of the data protection regulations should disclose the data in aggregate and provide explanations for this aggregate disclosure in their methodological notes. EFPIA asks them to complete the disclosure with individual data when it will be possible.**

b. 2021 disclosure of 2020 data

Disclosure requirements remain unchanged, as a reminder each Transfer of Value made in 2020 with an identifiable recipient must be disclosed in June 2021 such as donations and grants, contributions to costs related to Events, fees for services.

c. Disclosure of ToVs related to Events cancelled

Even if an Event is cancelled, the Transfers of Value related to the Event must be disclosed if they can be attributed to a recipient. Planned Transfers of Value for educational support to Events should only be disclosed if a recipient received the benefit e.g. if Event was cancelled and no Transfer of Value occurred to an individual then no disclosure required, if an Event was converted from face to face to virtual and recipient will receive a Transfer of Value via a virtual registration that Transfer of Value must be disclosed.

d. Disclosure of registration fees for recorded Event (Section 23.05)

The registration fee for an Event, live and/or recorded, is a Transfer of Value that must be disclosed.

e. Methodological note

Member Companies must provide detailed explanations on the consequences of COVID-19 on the disclosure data in their methodological note.

3. Events and hospitality (Article 10 of the EFPIA Code of practice)

The rules applicable to the virtual Events¹ organized by a third-party are described in the Joint Guidance on Virtual International Medical Congresses impacted by COVID-19 in Annex.

Regarding the hospitality provided during virtual Events, Member Companies cannot provide hospitality for the Healthcare Professionals attending individually a virtual third-party organized Event.

Unless prohibited by local laws and regulations (including individual company's position), the hospitality provided to a group of Healthcare Professionals attending a virtual Event together could be assimilated to a face-to-face meeting.

Therefore, the rules applicable to Events and hospitality (Article 10) apply and the Member Companies must implement processes to ensure compliance with those rules.

¹ As defined in the EFPIA Code of practice – Definitions section