

European Federation of Pharmaceutical  
Industries and Associations (EFPIA)  
HCP/HCO Disclosure Transparency  
Requirements

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Biogen Methodology Note

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## **1. Overview of the EFPIA Requirements**

### **European Federation of Pharmaceutical Industries and Associations (EFPIA):**

The European Federation of Pharmaceutical Industries and Associations (EFPIA) represents the pharmaceutical industry operating in Europe. Through its direct membership of 33 national associations and 40 leading pharmaceutical companies, EFPIA is the voice on the EU scene of 1,900 companies committed to researching, developing and bringing to patients new medicines that will improve health and the quality of life around the world.

### **The call for Transparency:**

EFPIA believes that interactions between the pharmaceutical industry and healthcare professionals have a profound and positive influence on the quality of patient treatment and the value of future research. At the same time, the integrity of the decision of a healthcare professional to prescribe a medicine is one of the pillars of the healthcare system. EFPIA recognizes that interactions between the industry and healthcare professionals can create the potential for conflicts of interest. Consequently, professional and industry associations, including EFPIA and its member associations, have adopted codes and guidelines to ensure that these interactions meet the high standards of integrity that patients, governments and other stakeholders expect.

In order to continue to be successful, self-regulation needs to respond to the evolving demands of society. In particular, there is a growing expectation that interactions between corporations and society are not only conducted with integrity but are also transparent. Following the EU Commission initiative on Ethics & Transparency in the pharmaceutical sector, a multi-stakeholders' platform – including, among others, EFPIA – has adopted a “List of Guiding Principles Promoting Good Governance in the Pharmaceutical Sector”.

In line with these Guiding Principles, EFPIA believes that it is critical to the future success of the pharmaceutical industry to respond to society's heightened expectations. EFPIA has therefore decided that its existing Code on the Promotion of Prescription-Only Medicines to, and Interactions with, Healthcare Professionals (the “HCP Code”) and Code of Practice on Relationships between the Pharmaceutical Industry and Patient Organizations (the “PO Code”) should be supplemented by requirements for detailed disclosure regarding the nature and scale of the interactions between the industry and healthcare professionals and organisations. EFPIA hopes that, by taking this step, it can enable public scrutiny and understanding of these relationships and thus contribute to the confidence of stakeholders in the pharmaceutical industry.

### **Countries in Scope:**

Countries with an EFPIA Member Association currently include the following 33 countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom.

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**2. Decisions**

The purpose of this methodology note document is to provide guidance on Biogen-specific decisions that explain the disclosure data. This document highlights the decisions that drive our collection, aggregation and reporting process.

<b>Tax &amp; VAT</b>	All payments and transfers of value to be disclosed exclusive of taxes such as VAT where possible. Exceptions include when Biogen has paid a withholding tax as part of the transfer of value.
<b>Consent</b>	<p>Biogen is collecting consent at the first point of first engagement for a 1 or 3 year fixed period with all HCPs and HCOs based on local requirements:</p> <ul style="list-style-type: none"> <li>• If consent is given for all engagements, Biogen will disclose transfers of value to the HCP under the individual section of the applicable disclosure report ("Disclosure Report").</li> <li>• If Biogen does not receive consent for all engagements, Biogen will default all transfers of value to the aggregate section of the applicable Disclosure Report.</li> <li>• If the consent form is not returned to Biogen, Biogen will default all transfers of value to the aggregate section of the applicable Disclosure Report.</li> </ul> <p>Revoking of individual consent:</p> <ul style="list-style-type: none"> <li>• If an HCP or HCO revokes consent prior to publication of the data, Biogen will update the data and include the transfers of values for the corresponding HCP or HCO, yet without identifying them, in the aggregate section of the applicable Disclosure Report.</li> <li>• If an HCP or HCO revokes consent after publication of the data, Biogen will remove personal data about transfers of value to the corresponding HCP or HCO from the Disclosure Report at the latest by the end of the month following the month in which Biogen received notice of withdrawal of consent, and will update the transfers of values for the corresponding HCP or HCO, yet without identifying them, in the aggregate section of applicable Disclosure Report.</li> </ul>
<b>Currency</b>	All payments and transfers of value will be disclosed in local currency. If a payment is captured in another currency, it will be converted into local country currency based on the date at which the transfer of value occurred and corresponding daily exchange rate.

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<b>Transfer of values correction</b>	HCPs or HCOs may request correction of published transfers of values that are found to be incorrect. In these cases, Biogen will correct and re-publish these transfers of values.
<b>Transfer of Value Dates</b>	Biogen will disclose payments and transfers of value based on the <b>date</b> the payment or transfers of value occurred as follows: <ul style="list-style-type: none"> <li>• For direct payments (all Fees to HCPs and HCOs, Sponsorships, Grants &amp; Donations): the transfer of value date is the date of the wire transfer to the recipient as opposed to the date of the event</li> <li>• For other transfers of value (Travel &amp; Accommodation): the transfer of value date is the start date of the event or the date the transfer of value took place</li> </ul>
<b>Events that are cancelled or HCP does not participate</b>	Biogen will attribute the transfers of value that is incurred and can be reasonably associated to the HCP. In the circumstances when a flight or accommodation is booked but the event is cancelled or HCP does not attend, <b>no</b> transfer of value will be attributed to that HCP.
<b>Disclosure of cross-border Transfers of Value</b>	Transfers of Value to an HCP / HCO whose practice, professional address or place of incorporation is in Europe, are required to be disclosed in the country where the recipient has its principal practice.
<b>Reporting of HCPs in Countries where Biogen does not have an Affiliate</b>	Where there are transfers of value to European HCPs in countries where there is not a Biogen presence; disclosure will be made on the Headquarters website.
<b>Language</b>	Disclosure shall be made in language prescribed in the national code and can be made available in English.
<b>Local Identifiers</b>	Biogen will disclose the “Country Unique Identifier” for HCPs and/or HCOs where the local code has mandated the population of this data point
<b>Disclosure of Recipient</b>	Biogen will disclose the entity or the legal person to whom we transferred the value except in the circumstance when a transfer of value is made to a HCO for a registration fee or travel expenses related to attending a congress or symposia. In those situations, we will report the HCP whom we consider the beneficiary of the transfer of value.

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**3. Submission Requirements**

<b>Disclosure Method</b>	<p>Biogen will publish the disclosure file on the Biogen website for the following countries:</p> <p>Austria, Finland, Germany, Hungary, Italy, Norway, Poland, Slovenia, Spain, Sweden, Switzerland</p> <p>Biogen will publish on the local Association website/central registry for the following countries:</p> <p>Czech Republic, Slovakia, Ireland, Netherlands, Portugal, France, Belgium, United Kingdom</p> <p>Biogen will publish for all other countries in scope of EFPIA where they do not have an Affiliate on the Biogen Headquarters website located in Zug, Switzerland.</p>
<b>Disclosure Period</b>	Each reporting period shall cover a full calendar year.
<b>Timing of Disclosure</b>	June 30 <sup>th</sup> unless local Association sets a specific date.
<b>Public Disclosure Retention Period</b>	<p>Per the guidance from EFPIA, Biogen will ensure that the information disclosed shall be required to remain in the public domain for a minimum of 3 years after such information is disclosed in accordance with the disclosure method unless, in each case:</p> <ul style="list-style-type: none"> <li>• A shorter period is required under applicable national data privacy or other laws or regulations; or</li> <li>• The recipient’s consent relating to a specific disclosure, if required by applicable national law or regulation, has been revoked. <i>(Section 2.02)</i></li> </ul>
<b>Documentation &amp; Records Retention</b>	Per the guidance from EFPIA, Biogen will ensure that all the transfers of value required to be disclosed must be documented and retained for a minimum of 5 years after the end of the relevant reporting period, unless a shorter period is required under applicable national data privacy or other laws or regulations. <i>(Section 2.07)</i>

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**4. Categories for Disclosure:**

Description	Types of Transfer of Value Included
<b>Donations and Grants to HCO's</b>	Donations and Grants to HCOs that support healthcare including donations, grants and benefits in kind to institutions, organizations or associations that are comprised of HCPs and/or that provide healthcare.
<b>Research &amp; Development (Disclosed at an aggregate level)</b>	Research and Development transfer of values to HCPs/HCOs associated with: <ul style="list-style-type: none"> <li>• Non-clinical (Good Laboratory Practice (GLP))</li> <li>• Clinical trials in Phase I to Phase IV</li> <li>• Investigator sponsored studies</li> <li>• Non-interventional studies</li> </ul>
<b>Contribution to costs of Events (as per HCP Code):</b>  <b>1. Sponsorship agreements</b>	Events include all scientific professional meetings, congresses, conferences, symposia and other similar events.  Sponsorships with HCOs/third party appointed by an HCO to manage an Event.  <u>Examples:</u> <ul style="list-style-type: none"> <li>• Rent of booths at an event</li> <li>• Advertisement space (in paper, electronic or other format)</li> <li>• Satellite symposia at a Congress</li> <li>• Sponsoring of speakers/faculty</li> <li>• Drinks or meals provided by the organisers ( included in the "Sponsorship Agreement")</li> <li>• Courses provided by an HCO (where the Member Company does not select the individual HCPs participating)</li> </ul>
<b>Contribution to cost of Events:</b>  <b>1. Registration Fees</b>	Registrations fees related to attending a Congress or Symposia.
<b>Contribution to costs of Events:</b>  <b>2. Travel &amp; Accommodation</b>	<ul style="list-style-type: none"> <li>• Travel in relation to attending a Congress or Symposia.</li> <li>• Accommodation in relation to attending a Congress or Symposia.</li> </ul> <u>Examples:</u> <ul style="list-style-type: none"> <li>• Fees for airfare, train, boat or ferry (incl. booking fees)</li> <li>• Car rental, car services, taxi transfers</li> <li>• Parking fees</li> <li>• Petrol</li> <li>• Tolls</li> </ul>

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Description	Types of Transfer of Value Included
	<ul style="list-style-type: none"> <li>• Etc.</li> </ul> <p>Note: Meals that are part of a reimbursement to an HCP may be included in the Travel &amp; Accommodation amount</p>
<p><b>Fee for service and consultancy:</b></p> <p><b>1. Fees</b></p>	<p>Transfers of value resulting from or related to contracts between Member Companies and institutions, organisations, associations or HCPs under which such institutions, organisation, association or HCPs provide any type of services to a Member Company or any other type of funding not covered in the previous categories.</p> <p><u>Examples:</u></p> <ul style="list-style-type: none"> <li>• Speaker fees</li> <li>• Speaker training</li> <li>• Medical writing</li> <li>• Data analysis</li> <li>• Development of education materials</li> <li>• General Consulting/Advising</li> </ul>
<p><b>Fee for service and consultancy:</b></p> <p><b>2. Related expenses agreed in the fee for service or consultancy contract</b></p>	<p>Related expenses agreed in the fee for service or consultancy contract:</p> <p><u>Examples:</u></p> <ul style="list-style-type: none"> <li>• Fees for airfare, train, boat or ferry (incl. booking fees)</li> <li>• Car rental, car services, taxi transfers</li> <li>• Parking fees</li> <li>• Petrol</li> <li>• Tolls</li> <li>• Etc.</li> </ul> <p>Note: Meals that are part of a reimbursement to an HCP will be included in the Travel &amp; Accommodation amount</p>



## **5. Definitions**

### **HCO**

Any legal person (i) that is a healthcare, medical or scientific association or organisation (irrespective of the legal or organisational form) such as a hospital, clinic, foundation, university or other teaching institution or learned society (except for patient organizations within the scope of the PO Code) whose business address, place of incorporation or primary place of operation is in Europe or (ii) through which one or more HCPs provide services. Per guidance from local Associations in some countries, if the personal name of the HCP is contained in the name of the legal entity, namely “self-incorporated HCP”, then the HCO will be considered an HCP for consent and disclosure purposes.

### **HCP**

Any natural person that is a member of the medical, dental, pharmacy or nursing professions or any other person who, in the course of his or her professional activities, may prescribe, purchase, supply, recommend or administer a medicinal product and whose primary practice, principal professional address or place of incorporation is in Europe. For the avoidance of doubt, the definition of HCP per the EFPIA Code includes: (i) any official or employee of a government agency or other organisation (whether in the public or private sector) that may prescribe, purchase, supply or administer medicinal products and (ii) any employee of a Member Company whose primary occupation is that of a practising HCP, but excludes (x) all other employees of a Member Company and (y) a wholesaler or distributor of medicinal products, and subject to local requirements.

### **Donations and Grants**

Collectively, means those donations and grants (either cash or benefits in kind) within the scope of Article 11 of the HCP Code.

### **Events**

All promotional, scientific or professional meetings, congresses, conferences, symposia, and other similar events (including, but not limited to, advisory board meetings, visits to research or manufacturing facilities, and planning, training or investigator meetings for clinical trials and non-interventional studies) (each, an “**Event**”) organised or sponsored by or on behalf of a company (*Article 10 of the HCP Code*).

### **HCP Code**

EFPIA Code on the Promotion of Prescription-Only Medicines to, and Interactions with, Healthcare Professionals, adopted by the EFPIA Board on 5 July 2007 and ratified by the EFPIA Statutory General Assembly on 19 June 2008, amended on 14 June 2011, and as further amended on 24 June 2013, and as may be amended, supplemented or modified from time to time.

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**Medicinal Products**

(a) Any substance or combination of substances presented as having properties for treating or preventing disease in human beings; or (b) any substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis. (*Article 1 of Council Directive 2001/83/EC, as amended*)

**Member Associations**

Collectively, the national member associations or their constituent members, as the context may require, that are members of EFPIA and bound by the EFPIA codes of practice.

**Member Companies**

Collectively, “corporate members” (as defined in the HCP Code) of EFPIA, their respective parent companies, if different, subsidiary companies (irrespective of whether a subsidiary is a company or such other form of enterprise or organisation) and any companies affiliated with corporate members or their subsidiaries if such affiliated companies have agreed to be bound by this Code.

**Recipient**

Any HCP or HCO as applicable per local requirements, in each case, whose primary practice, principal professional address or place of incorporation is in Europe.

**Research and Development Transfers of Value**

Transfers of Value to HCPs or HCOs related to the planning or conduct of (i) non-clinical studies (as defined in *OECD Principles on Good Laboratory Practice*); (ii) clinical trials (as defined in Directive 2001/20/EC); or (iii) non-interventional studies that are prospective in nature and that involve the collection of patient data from or on behalf of individual, or groups of, HCPs specifically for the study (*Section 15.02 of the HCP Code*).

**1. Non-clinical studies as defined in the OECD Principles on Good Laboratory Practice**

The OECD Principles on Good Laboratory Practice (as latest revised in 1997) define non-clinical studies as follows (Section I – 2. Definitions of Terms; section 2.3.1):

*Non-clinical health and environmental safety study, henceforth referred to simply as "study", means an experiment or set of experiments in which a test item is examined under laboratory conditions or in the environment to obtain data on its properties and/or its safety, intended for submission to appropriate regulatory authorities.*

For complete reference, see [www.oecd.org](http://www.oecd.org)

## **2. Clinical trials (as defined in Directive 2001/20/EC)**

The EU Directive 2001/20/EC (Article 2(a)) defines clinical trials as:

*any investigation in human subjects intended to discover or verify the clinical, pharmacological and/or other pharmaco-dynamic effects of one or more investigational medicinal product(s), and/or to identify any adverse reactions to one or more investigational medicinal product(s) and/or to study absorption, distribution, metabolism and excretion of one or more investigational medicinal product(s) with the object of ascertaining its (their) safety and/or efficacy.*

For complete reference, see [EUR-lex.europa.eu](http://eur-lex.europa.eu).

## **3. Non-interventional studies**

The EU Directive 2001/20/EC (Article 2(c)) defines non-interventional trials as:

*Study (ies) where the medicinal product(s) is (are) prescribed in the usual manner in accordance with the terms of the marketing authorisation. The assignment of the patient to a particular therapeutic strategy is not decided in advance by a trial protocol but falls within current practice and the prescription of the medicine is clearly separated from the decision to include the patient in the study. No additional diagnostic or monitoring procedures shall be applied to the patients and epidemiological methods shall be used for the analysis of collected data.*

## **Transfers of Value**

Direct and indirect transfers of value, whether in cash, in kind or otherwise, made, whether for promotional purposes or otherwise, in connection with the development and sale of generic or branded prescription-only Medicinal Products exclusively for human use. Direct transfers of value are those made directly by a Member Company for the benefit of a Recipient. Indirect transfers of value are those made on behalf of a Member Company for the benefit of a Recipient, where the identity of such Member Company is known to or can be identified by the Recipient.

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**Appendix 1:**

**Sources**

<b>Name</b>	<b>Document</b>	<b>Edition</b>
EFPIA HCP/HCO Disclosure Code	EFPIA Code On Disclosure Of Transfers Of Value From Pharmaceutical Companies To Healthcare Professionals And Healthcare Organisations	June 24 <sup>th</sup> , 2013
Consolidated version EFPIA HCP/HCO Disclosure Code	Consolidated version and schedule 2 - model of a standardised template	June 6 <sup>th</sup> , 2014
EFPIAHCP/HCO Disclosure Code Q&A	EFPIA Code On Disclosure Of Transfers Of Value From Pharmaceutical Companies To Healthcare Professionals And Healthcare Organisations: Questions and Answers	DRAFT July 7 <sup>th</sup> , 2013
EFPIA Patient Organization Code	EFPIA Code Of Practice On Relationships Between The Pharmaceutical Industry And Patient Organisations	June 14 <sup>th</sup> , 2011
EFPIA HCP Code	EFPIA Code On The Promotion of Prescription-Only Medicines to, And Interactions With, Healthcare Professionals	June 6 <sup>th</sup> , 2014

## **Appendix 2:**

### **UK Specific Requirements**

#### **Definitions**

**Other Relevant Decision Maker (ORDM):** In the UK there is a requirement to disclose transfers of value for Other Relevant Decision Makers (ORDMs) in addition to HCPs and HCOs. The term ORDM includes anyone else, particularly those with an NHS role, who could influence in any way the administration, consumption, prescription, purchase, recommendation, sale, supply or use of any medicine but who are not health professionals.

#### **HCP Disclosure Consent Metrics - 2018**

- Individual HCP Consent Agreed: 89
- Aggregate HCP Consent: 332