

Guidance on Clause 23.7 of the 2008 ABPI Code and the requirement to make publicly available certain support to patient organisations

Background

Clause 23.7 of the 2008 ABPI Code states:

‘Each company must make publicly available, at a national or European level, a list of patient organisations to which it provides financial support and/or significant indirect/non-financial support, which must include short descriptions of the nature of the support. The list of organisations being given support must be updated at least once a year.’

The supplementary information to Clause 23.7 states:

‘The information required by Clause 23.7 must be made publicly available by no later than 31 March 2009 and must cover activities commenced on or after 1 January 2008 or ongoing on that date.

Until the first such disclosure is made, the requirements for disclosure of all patient organisations to which a company provides financial support set out in the supplementary information to Clause 20.3 of the 2006 Code of Practice remain applicable.

Companies are encouraged to be prepared to make available up-to-date information about such activities at any time in response to enquiries.’

The EFPIA Code of Practice on Relationships between the Pharmaceutical Industry and Patient Organisations states in Article 8, Enforcement, that member associations shall provide guidance on the meaning of a number of terms, including ‘significant’, as used in that Code.

The PMCPA has already been asked what significant means in relation to significant indirect/non financial support. It was discussed at length at two meetings with patient organisations and companies organised by the PMCPA to update patient organisations on the 2008 Code. The following proposed guidance has been agreed by the Code of Practice Appeal Board.

Proposed Guidance

Clause 23.7 of the 2008 Code requires companies to make publicly available a list of patient organisations to which they provide financial support and/or significant indirect/non financial support. Short descriptions of the nature of the support must be included. The list of organisations must be updated at least once a year. The supplementary information to Clause 23.7 sets out the timeframe for such disclosure.

In relation to what is ‘significant’ with regard to indirect/non financial support the guidance from the PMCPA is that anything which has a value to the organisation of £500 or more (excluding VAT) would be considered significant indirect/non financial support and thus should be declared in accordance with Clause 23.7. This guidance does not apply to Clause 23.3 which states:

‘Companies working with patient organisations must have in place a written agreement setting out exactly what has been agreed, including funding, in relation to every significant activity or ongoing relationship.’

Separate guidance is given about written agreements and their certification.

1 July 2008