



## **CODE OF CONDUCT**

### **ON INTERACTIONS WITH HEALTHCARE PROFESSIONALS**

#### **Statement by all Company Members of COCIR**

COCIR is dedicated to the advancement of medical science and the improvement of patient care.

As participants in an industry largely funded from public funds, COCIR company members recognize that adherence to the highest levels of integrity and ethical standards and compliance with all industry laws are critical.

Accordingly, the company members of COCIR adopt this Code of Conduct, which represents our collective commitment to the highest standards of integrity. It is intended to supplement and not supersede any legal requirements and individual member company codes.

**Signed by CEOs of Company Members of COCIR**

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| <p><b>Agfa HealthCare</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>    | <p><b>Bosch</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>              |
| <p><b>Canon</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>              | <p><b>Carestream</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>         |
| <p><b>Elekta</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>             | <p><b>Fujifilm</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>           |
| <p><b>IBA</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>                | <p><b>IBM</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>                |
| <p><b>INTEL</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>              | <p><b>ISOFT</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>              |
| <p><b>Philips Healthcare</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p> | <p><b>Siemens Healthcare</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p> |
| <p><b>Toshiba Europe</b><br/> Name:.....<br/> Function: .....<br/> Signature:</p>     |   |
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Brussels  
17 June 2009

## 1. Introduction

This Code of Conduct becomes effective 1 October 2009 and governs COCIR company members' ("Members") interactions with Healthcare Professionals.

**"Healthcare Professionals"** refers to individuals (and the institutions for which they work) involved in the decision making process resulting in the procurement of Members' products or services. This includes doctors, nurses, hospital managers, and consultants employed by hospitals.

This Code applies to Healthcare Professionals in geographic Europe.

The Members agree to pass the responsibility to abide by the principles contained in this Code on to their dealers and agents.

This Code is not intended to supplant or supersede supranational, national or local laws or regulations or professional codes (including company codes) that may impose particular requirements upon Members or Healthcare Professionals.

## 2. Basic Principles

The following fundamental principles form the foundation of this Code:

- 2.1 *The Separation Principle* – A clear separation should exist between any advantages or benefits granted by Members to Healthcare Professionals and the decision making process resulting in the procurement of Members' products or services. The purpose of this principle is to ensure that such advantages or benefits do not influence business transactions between Members and Healthcare Professionals.
- 2.2 *The Transparency Principle* - Advantages or benefits to Healthcare Professionals should be disclosed to their institution's administration or management.
- 2.3 *The Proportionality Principle* - Any consideration given to a Healthcare Professional in exchange for a service or other performance should not exceed normal market value.
- 2.4 *The Documentation Principle* - The granting of any advantages or benefits to Healthcare Professionals by Members should be documented.

## 3. Meetings

- 3.1 *Meeting locations.* All Member organized meetings should be conducted at an appropriate location and venue.

- 3.2 *Permitted Expenses.* Members may pay for reasonable travel and lodging costs incurred by Healthcare Professionals for attending Member organized meetings or meetings organized by third parties.
- 3.3 *Subordinate Hospitality.* Members may pay for reasonable hospitality in the form of meals, receptions, and entertainment (e.g. a music, sports or theatre event) in connection with the program of a meeting. However, any such hospitality should be subordinate in both time and focus to the educational or training purpose of any meeting.
- 3.4 *Separation from Sales.* It is always inappropriate for Members to organize hospitality for the purpose of inducing Healthcare Professionals to enter into a business transaction. It is also inappropriate for Members to arrange hospitality linked to past, present or future business transactions.
- 3.5 *Guests.* It is inappropriate for Members to invite to a meeting any other person without a professional interest in the meeting, such as the spouse or guest of a Healthcare Professional. Members should clearly state in all cases that invitations to Healthcare Professionals do not extend to such individuals. It will always be inappropriate for Members to pay for the travel or lodging expenses for such individuals. In addition, it will be inappropriate for Members to pay for the expense of meals and hospitality for such individuals, except in the rare circumstances where such a guest appears at an event (such as dinner) despite not being invited, in which case the reasonable cost of a meal and hospitality may be borne by the Member.
- 3.6 *Sponsoring Conferences.* Members may support conferences organized by third parties. They may provide financial grants to conference organizers to cover costs such as venue hire or catering, under the following conditions:
- (a) the conference is primarily dedicated to promoting objective scientific and educational activities;
  - (b) the conference organizer is responsible for and controls the selection of program content, faculty, educational methods, and materials;
  - (c) the support of a conference by a Member is clearly stated in advance of and at the meeting.
- 3.7 *Faculty Honoraria.* Members may make grants for reasonable honoraria for Healthcare Professionals who are conference faculty members.

#### **4. Hospitality Unconnected with Meetings**

- 4.1 *Permitted Hospitality Restricted to Meals.* Members shall be permitted to pay for meals and drinks which are unconnected with a meeting of the kind described in Section 3. However, Members may not pay for any other kind

of hospitality, for example in the form of entertainment (e.g. a music, sports or theatre event), that is unconnected with such a meeting.

## **5. Consultancy Agreements**

- 5.1 *Agreements in Writing.* Consultancy agreements between Members and Healthcare Professionals must be written, signed by both parties, and specify all services to be provided.
- 5.2 *Separation from Sales.* Consultancy agreements between Members and Healthcare Professionals should not be made on the basis of the volume or value of business generated by the consultants or their affiliates.
- 5.3 *Management Approval.* Consultancy agreements between Members and Healthcare Professionals must be approved by the administration/management of the institution with which the Healthcare Professional is affiliated.
- 5.4 *Fair Market Compensation.* Compensation paid to Healthcare Professionals for consultancy should be consistent with fair market value for the services provided.
- 5.5 *Legitimate Need.* Members should only enter into consultancy agreements where a legitimate need and purpose for the contracted services has been identified in advance.
- 5.6 *Consultant Qualifications.* Selection of consultants should be made on the basis of the Healthcare Professionals' qualifications and expertise to address the identified purpose. Selection should not be made on the basis of the volume or value of business generated by the consultants or their affiliates (see Section 5.2).

## **6. Gifts**

*Gifts should be Modest.* Members may occasionally provide gifts such as branded promotional items to Healthcare Professionals. Any gift from a Member to a Healthcare Professional should be modest in nature and not exceed any amounts specified by the relevant law. Gifts may not be given in the form of cash or cash equivalents.

*Note.* This section on Gifts is not intended to address other types of interactions between Members and Healthcare Professionals that are addressed more specifically elsewhere in this Code or address the legitimate practice of providing appropriate sample products and opportunities for product evaluation.

## **7. Charitable Donations**

- 7.1 *Charitable Purpose & Recipient.* Members may make donations for a charitable purpose. Donations should be made only to charitable organizations.
- 7.2 *Separation from Sales.* It is inappropriate for Members to make charitable donations for the purpose of inducing Healthcare Professionals to enter into a business transaction. It is also inappropriate for Members to make charitable donations linked to past, present or future business transactions.
- 7.3 *Transparency.* The recipient of the donation and the recipient's planned use of the donation should be documented. Members must be able to justify the reason for the donation at all times.
- 7.4 *Evaluation & Documentation.* The establishment of a process whereby Members can ensure that requests for Charitable Donations are evaluated separately to the Member's commercial activities and is consistently documented is recommended.

## **8. Research Agreements**

- 8.1 *Research Services.* When a Member contracts with a Healthcare Professional for research services, there must be a written agreement specifying all services to be provided, and a written protocol for a genuine research purpose. Well-defined milestones and deliverables must be documented in detail.
- 8.2 *Research to be Legitimate & Documented.* The research should be legitimate scientific work. Well-defined milestones and deliverables must be documented in a detailed written agreement. Selection of the Healthcare Professional should be made on the basis of qualifications and expertise to address the identified purpose.
- 8.3 *Separation from Sales.* The research funding should not be linked to or contingent upon past, present or future sales of the Member's products or services to the Healthcare Professional. Conditions linking the research funding with the Health Professional's purchase of products or services from the Member are only permissible if the said products or services are being purchased for specific use within the research or are required to be linked by tender.
- 8.4 *Management Approval.* Research Agreements must be approved by the administration/management of the institution with which the Healthcare Professional is affiliated.
- 8.5 *Fair Market Compensation.* Compensation paid to Healthcare Professional should be consistent with fair market value for the services provided.

## **9. Loan equipment**

*Limited Duration Evaluation.* Members may offer equipment for demonstration and evaluation to Healthcare Professionals for a reasonable period of time. Written approval by Healthcare Professionals' administration or management is required and should be filed alongside the appropriate loan documentation.

## **10. Monitoring the Code**

*Code of Conduct Committee.* COCIR will establish a mechanism for anyone concerned that a Member may have breached this Code to report such concern directly to COCIR. Such concerns will be referred to senior legal or compliance officers within the relevant Member for proper investigation, handling and resolution. COCIR will establish a Code of Conduct Committee consisting of one senior legal or compliance officer from each Member. The Members shall disclose to the Committee, on an aggregated basis, how concerns relating to that Member have been addressed and resolved.