



KYRIAKIDES
GEORGOPOULOS
LAW FIRM



LIFE SCIENCES & HEALTHCARE PRACTICE

MedTech Europe Code of Ethical Business Practice: March 2022 New Version

May 24, 2022

MedTech Europe Code of Ethical Business Practice: March 2022 New Version (part a)

BY ORAIOZILI KOUTSOUPA, AITHRA ANTONIADOU

On 25th March 2022, a new version of the MedTech Europe Code of Ethical Business Practice, which will enter into force on 1st January 2023, was approved, to ensure that National Associations and Member Companies will have sufficient time to transpose and implement such revisions accordingly.

Some of the most noteworthy changes from Chapters 1 – 4 are summarized as follows.

Reasonable Hospitality and Travel

Accommodation and/or other services as well as travel expenses provided to Healthcare Professionals should not cover a period of stay beyond the official duration of the event, unless when required by travel arrangements in relation to Company Organized Events arranged around Third Party Organized Educational Events.

Transparency

Member Companies shall ensure full compliance with national laws/regulations as regards the disclosure or approval requirements and shall maintain appropriate transparency measures.

Virtual Events

Virtual Events must comply with all provisions that may apply to such events considering their nature. Member Companies may provide financial and/or In Kind support to Virtual Events in accordance with the rules of Chapters 1 - 4.

Third Party Organized Procedure Training

Member Companies may support Third Party Organized Procedure Training *via* (a) Educational Grants or (b) by providing financial support directly to individual Healthcare Professionals to cover the cost of attendance at such Third Party Organized Procedure Training sessions.

In case the participants' practical, hands-on portion of a Third Party Organized Procedure Training is cancelled or becomes virtual, the event would no longer qualify as a Third Party Organized Procedure Training.

Member Companies would only be able to support such events *via* Educational Grants and registration fee/access to the recording to such events. No travel expenses should be paid.

Company Organized Educational Events

Company Organized Educational Events aim at bona fide medical education and enhancement of professional skills. In all cases the information and/or training must directly concern a Member Company's Medical Technologies, therapies and/or related services.

The entire event shall comply with the criteria in Chapters 1 and 3 and program of such event should:

- a) be rigorous from a scientific and/or educational point of view;
- b) be genuine and bona fide educational, i.e. it should not have a primary sales and marketing objective.
- c) clearly indicate the name of the Company organizing the Event. Relevant information should be made available sufficiently in advance in order for invited Healthcare Professionals to be able to make a reasoned judgment. However, subsequent changes, deletions and additions to the program are acceptable to the extent that those are reasonable and do not significantly modify the quality or nature of the program.
- d) involve full days, with the majority of the morning and afternoon parts dedicated to scientific and/or educational sessions, unless

the Event is a half day event, commences or ends at midday or lasts less than half a day.

Company Events taking place in the context of Third-Party Organized Educational Events

Company Events may be organized at or around a Third Party organized Educational Event for reasons of convenience and efficiency. However, Member Companies cannot directly support travel and/or accommodation or other expenses of individual Healthcare Professionals participating in such Company Events taking place during, around, or at the same time and in the same approximate location as a Third Party Organized Event.

Specific rules on Satellite symposia or booth speaker engagements organized in the context of Third Party Organized Educational Events as well as hospitality costs and requirements at Company Events organized in the context of Third Party organized Educational Events are also being specified.

Grants/Charitable Donations

Member Companies shall implement an independent decision making/review process with criteria that are not sales and/or commercially related, so as to identify, prevent and mitigate potential bribery and corruption risks. The Member Company's sales and/or commercial departments shall not decide upon and/or approve decisions to provide Grants or Charitable Donations. This process should be

fully documented and an evaluation of the information available and of all associated risks as regards the intended recipient organization or entity should be conducted.

Fundraisers

The Answer to the Question no. 35 of the currently applicable MedTech Europe Code of Ethical Business Practice with Q&A (December 2015) has been incorporated into the new version of the Code as a separate clause in Chapter 4. In particular:

Charitable Donations may take the form of dinner invitations for a fundraising dinner or participating in other recreational events, if arranged by a charitable or other non-profit philanthropic organization.

Each Member Company may use some or all of its tickets for its own employees and return the unused ones to the charitable/non-profit organizer.

Healthcare Professionals shall not be invited by Member Companies to attend at their expense and shall not be suggested by Member Companies in order to be invited to attend such event.

Educational Grants

Educational Grants may be offered:

- a. to support Third Party organized Educational Events and in particular to:

- Support HCP's Participation at Third Party organized Educational Events;
- Support Third Party organized Educational Events;
- Support Third Party organized Events via commercial organizations not involved in the organization of the Event;

- b. For Scholarships and Fellowships, so as to support advancement of medical education of Healthcare Professionals;
- c. to support medical education for Healthcare Professionals on general healthcare-related topics;
- d. for providing information, promoting awareness and/or educating patients, carers or the general public about relevant healthcare topics or medical conditions or diseases in therapeutic areas.

In conclusion, the new version of the MedTech Europe Code of Ethical Business Practice seems to provide additional clarity, guidance and clarifications of the existing Code provisions covering the needs of the industry. We eagerly anticipate the transposition and implementation of the new version of the Code by the National Association, namely the Association of Health-Research & Biotechnology Industry.

Contact Us



Irene Kyriakides

PARTNER

i.kyriakides@kglawfirm.gr



Victoria Mertikopoulou

PARTNER

v.mertikopoulou@kglawfirm.gr



Follow Us

ATHENS OFFICE

28, Dimitriou Soutsou Str.,
115 21 Athens

T +30 210 817 1500

F +30 210 685 6657-8

E kg.law@kglawfirm.gr

THESSALONIKI OFFICE

31, Politechniou Str.,
551 34 Thessaloniki

T +30 2310 441 552

E kg.law@kglawfirm.gr

www.kglawfirm.gr

Disclaimer: This newsletter contains general information only and is not intended to provide specific legal, or other professional advice or services, nor is it suitable for such professional advice, and should not be used as a basis for any decision or action that may affect you or your business. Before making any decision or taking any action that may affect you or your business, you should consult a qualified professional advisor. We remain at your disposal should you require any further information or clarification in this regard.

©Kyriakides Georgopoulos, 2022