

COCIR guidance to remain compliant during the COVID-19 crisis

During the unprecedented COVID-19 crisis, Healthcare Professionals (“HCPs”) whether individual HCPs or Healthcare Organisations (“HCOs”) find themselves in situations of urgent support needs in order to be able to help patients.

The purpose of this guidance is to allow industry to respond to requests from HCPs or to give support to them linked to the COVID-19 crisis. Such responses or support may mitigate the effect of the crisis on HCPs and patients. This guidance will be reviewed on an ongoing basis as the evolution of COVID-19 crisis may require.

Depending on the type of responses or support given by the industry, this may imply a temporary softening of certain rules of the [COCIR Code of Conduct](#) (the “Code”).

1/ Code softenings linked to emergency requests/support due to COVID-19 crisis

The table below describes the types of emergency requests/supports and Code softenings.

| Types of emergency requests/support | Code softenings |
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| Donations | <p>Under the Code, donations can only be made to charitable organisations (Article 8)</p> <p>With the COVID 19-crisis, COCIR Company Members may consider donations to be given to HCOs such as hospitals which are not charitable organisations. Not for profit organisations should be preferred.</p> <p>Due to the temporary duration of the crisis, loans of equipment with a retrieval clause should be considered instead of donations of equipment.</p> <p>In all cases, donations can never be made to an individual HCP.</p> |
| Free-of-charge temporary loans of medical devices | <p>Under the Code, COCIR Company Members may offer equipment for evaluation and demonstration to HCPs for a limited period that should not go beyond a period of six months (Article 12).</p> <p>With the COVID-19 crisis, the purpose to support HCPs urgent needs may be acceptable as well as purposes for evaluation and demonstration already set forth in the Code.</p> |
| Staff related support (loan of staff/remote work force (e.g. logistics specialists) free of charge | <p>Under the Code, this staff related support free of charge could be viewed as a gift (Article 7). The Code allows occasional gifts of modest value.</p> <p>With the COVID-19 crisis, temporary staff related support may be tolerated provided that necessary approvals have been sought and that such support does not contravene applicable laws (e.g. labor laws).</p> |
| Payment deferrals and waivers | <p>Under the Code, payment deferrals and waivers could be viewed as a benefit that may be assimilated to a gift (Article 7). The Code allows occasional gifts of modest value.</p> <p>With the COVID-19 crisis, payment deferrals should be preferred over payment waivers. They may be tolerated from a compliance point of view</p> |

| Types of emergency requests/support | Code softening |
|--|--|
| | and would not be considered as improper benefits if the HCP is in a financially critical situation which is more likely to be the case in the COVID-19 crisis than under normal circumstances. |
| Temporary software license and software updates free-of-charge | Under the Code, temporary software license and software updates free-of-charge could be viewed as a gift (Article 7). The Code allows occasional gifts of modest value. With the COVID-19 crisis, those licenses and updates may be critical for the management of the crisis. The purpose of such licenses and updates should be the urgent need of the HCPs linked to the crisis. |

2/ Principles according to which emergency requests/support should be dealt with by COCIR Company Members

The principles are the following:

- Responses to requests or decision to support should:
 - not be made by sales departments
 - be done bona fide and motivated by the COVID-19 crisis, meaning that they should not be intended to induce purchase of products or services
 - be made in full transparency
 - not give a perception of undue influence
 - not be used longer than necessary
 - be fully documented with a reference to the COVID-19 crisis
 - not contravene, without limitation, any applicable laws such as labor, tax, anti-corruption, transparency or competition laws
- Evidence of internal approvals should be kept
- Legal/Compliance Department should be involved in the process