

THE JOINT ETHICS COVENANT

OF

THE ISRAELI MEDICAL ASSOCIATION

AND

**THE REPRESENTATIVE ORGANIZATIONS OF THE PHARMACEUTICAL
COMPANIES OPERATING IN ISRAEL**

PREPARED BY: PROF. AVINOAM RECHES
MARCH 2014

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PHARMA ISRAEL
THE ASSOCIATION OF THE RESEARCH
BASED PHARACEUTICAL COMPANIES

FEDERATION OF ISRAELI
MANUFACTURERS
ASSOCIATION

CHAMBERS OF COMMERCE
ISRAEL'S UMBRELLA ORGANIZATION OF
THE FREE BUSINESS SECTOR

[Logo]

ISRAELI MEDICAL ASSOCIATION ETHICS BUREAU

[Logo]

ISRAELI MEDICAL ASSOCIATION

35 Jabotinsky St., 2 Twin Towers Building
POB 3566 Ramat Gan, Postal Code 52136
Tel. 03-6100444 Fax. 03-5753303
www.ima.org.il

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Everything set forth in this document refers to men and women alike and is written in the masculine form for convenience only.

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Members of the steering committee:

Prof. Avinoam Reches, Chairperson

Ethics Bureau:

Dr. Baruch Chen

Dr. Amikam Metuki

Prof. Nili Peylan-Ramu

Dr. Tami Karni

Adv. Gili Shilat

Adv. Adva Perry-Avishai

Adv. Revital Kedem

Keren Mashiach-Zwang

Pharmaceutical companies:

Pharma Israel:

Tami Altaraz

Adv. Daniel Berman

Adv. Guy Gorecki

Adv. Hezi Garfinkel

Avi Danziger

Manufacturers Association of Israel:

Iris Orad

Anat Savion

Carmel Feldman Abutbul

Dr. Roni Shiloh

Federation of Israeli Chambers of Commerce:

Hana Leidershnaider

A. INTRODUCTION – IMA CHAIRPERSON

The contribution of the pharmaceutical companies to maintaining the clinical level of physicians and the level of medical research is unquestionable and has transformed the relationship between physicians and pharmaceutical companies into an integral part of the health system in the State of Israel, as in the entire world.

This relationship has many positive aspects, such as the creation of new technologies, the updating of physicians regarding new products and the funding of research and educational programs that could not have taken place without the relationship between the physicians and the pharmaceutical companies.

In order to ensure that this relationship is sustained over time and in a manner that advances medicine, the fear that interests not necessarily related to the welfare of the patient or to the exposure of scientific truth are involved should be dispelled.

It is clear to everyone that there is no substitute for the resources devoted by the industry to the health system; however, in the modern world, the interaction may be even more complex and pose dilemmas for physicians and investigators with respect to its influence on the performance of their duties.

Precisely because of this, arose the need to create a joint code agreed upon by all entities in the system, that would entrench the ethical code to be used as a Guide to the Perplexed and would minimize, to the extent possible, the fear of undue influence on the professional considerations of the physicians, who are first and foremost committed to the health of their patients.

About a decade ago, the Israeli Medical Association (IMA) initiated, in cooperation with the representative organizations of the pharmaceutical companies operating in Israel, a joint process aimed at regulating the relationship. Thus, an ethics covenant was formed—the first of its kind. The covenant was signed by the IMA, the pharmaceutical companies and the health maintenance organizations. Its aim was to integrate between the need to sustain the relationship and the need to set clear boundaries and methods of enforcement, for the sake of sustaining the relationship with integrity, maximum transparency and concern for the health and well-being of the patient.

During the past ten years, the IMA has received hundreds of inquiries from physicians, medical institutions, pharmaceutical companies and their legal representatives, in which we were asked to address a variety of issues related to the purview of the covenant. Recently, we have identified a need to update and broaden the covenant while setting clear rules for the different topics and putting the innovations in writing.

The IMA welcomes any process that would increase the transparency and the public scrutiny of the relationship between physicians and pharmaceutical companies and within this framework it made a commitment to full disclosure of the donations that the IMA and its organizations receive for their professional activities. However, the updated covenant is replete with unique characteristics beyond this: The covenant creates a broad consensus for proper conduct between physicians and the pharmaceutical companies, while attempting to delve further into the fine details and to address the spectrum of situations

encountered on the ground, beginning with the manner of selection of physicians participating in conferences funded by the pharmaceutical companies and the presentation of medical products by lecturing physicians, through accountability for the professional content, full disclosure of any possible connection, academic independence in research and the manner of payment to investigators and ending with the prohibition of benefits and rules associated with the consulting physicians of the pharmaceutical companies, medical representatives on behalf of the pharmaceutical companies, advertising and sales promotion.

Moreover, the updated covenant gives explicit expression to the commitment of all the entities to the assimilation process and to the support of a practical enforcement system.

I have the pleasant privilege of thanking the members of the steering committee on behalf of the IMA Ethics Bureau, who invested their time and energy into formulating the detailed and impressive covenant, and particularly to the head of the Bureau, Prof. Avinoam Reches, who worked relentlessly in an attempt to lead the disagreeing entities to reaching a compromise and presented us with a cohesive document whose strength lies in the same broad consensus of the parties.

May the covenant be a tool for promoting a system of health and medicine based on values of reliability, integrity and transparency for the benefit of the patient population in Israel.

[Signature]

Dr. Leonid Eidelman, President
Israeli Medical Association

B. FOREWARD – CHAIRPERSON OF THE ETHICS BUREAU

The traditional and long standing relationship between physicians and pharmaceutical companies has undergone dramatic changes in recent years, creating a complex reality and posing to all those involved new questions that demand clear answers. Alongside the understanding that this relationship is important for promoting public health, for individual well-being and for extending life expectancy, complex ethical and moral issues arise.

The traditional role of the physician continues to expand. In addition to being, first and foremost, a faithful and dedicated care provider to his patients, he often becomes a partner in medical research. The financial resources now required in order to develop a new drug, innovative technology or advanced medical device are so massive that the chance of mobilizing them other than through the commercial companies is very slim. Physicians, hospitals and prestigious research institutions cooperate in this economic reality with the pharmaceutical industry and with the start-ups, in order to advance the level of medicine and clinical research in Israel. In light of this delicate relationship we have the obligation to protect the health and safety of the patient in a work environment where commercial considerations may seemingly overshadow scientific truth and interfere with medical decisions. This also applies with respect to the individual physician who maintains a professional relationship with the sales representative of the pharmaceutical company.

With the intent of maintaining and fostering the relationship between the physicians and the pharmaceutical companies, the Israeli Medical Association published rules that ensure a balance between the various interests while maintaining maximum transparency and integrity of all the entities relevant to this relationship. The pharmaceutical companies, on their part, out of a commitment to public health, assumed the obligation and responsibility to provide precise information to all the medical service providers and work to promote their sales while complying with high ethical standards. They operate under international and Israeli ethical rules that were published in recent years.

In order to maintain public confidence in the relationship between physicians and pharmaceutical companies, the Israeli Medical Association and the representative organizations of the pharmaceutical companies operating in Israel initiated the publication of this joint covenant, whose first edition was published in 2004. The many changes that occurred since then in this relationship required an update and improvement of the original covenant, and it now appears in an expanded and new edition.

The covenant incorporates the ethical rules of the Israeli Medical Association pertaining to the relationship between the physician community and the pharmaceutical companies, together with the joint code of marketing ethics of the pharmaceutical companies. The basic principles on which this covenant is established are first and foremost based on concern for the patient, while safeguarding his health and his right to reliable information with regard to the treatment that he receives. Concurrently, the professional independence of the physician is maintained in adherence to the clear ethical rules in the relationship with the pharmaceutical companies and observance of proper marketing and advertising rules by the companies themselves. This covenant further contains recognition and expression of the contribution of the pharmaceutical companies to the level of medicine and medical research in Israel.

I wish to thank the members of the steering committee for the precious time that they invested with devotion and enthusiasm in the drafting and updating of the joint covenant. Their contribution is invaluable – and for this we thank them.

[Signature]

Prof. Avinoam Reches
Chairperson of the Ethics Bureau

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FOREWARD – THE PHARMACEUTICAL COMPANIES

INCORPORATED IN PHARMA ISRAEL – THE ORGANIZATION OF MULTINATIONAL RESEARCH AND DEVELOPMENT BASED PHARMACEUTICAL COMPANIES; THE PHARMACEUTICAL BRANCH OF THE FEDERATION OF ISRAELI CHAMBERS OF COMMERCE; THE CHEMICAL, PHARMACEUTICAL AND CLEANTECH SOCIETY OF THE MANUFACTURERS ASSOCIATION OF ISRAEL

The pharmaceutical industry in Israel sets as its central aim the development of pharmaceuticals for the patient population in Israel in order to prevent diseases, to cure, to improve and to extend the quality and expectancy of their lives. This commitment, which the pharmaceutical companies have assumed, is reflected in the significant investment of resources in the research and development of pharmaceuticals and in the ability of the companies to give patients access to more innovative, effective and safe pharmaceuticals while advancing science, education and medical care in Israel.

This advancement of this aim necessitates the formation of a partnership between the pharmaceutical companies and the scientific and medical community in Israel.

The health system in Israel, as in the entire world, constantly operates under the constraint of scarcity of resources and research budgets. The development of pharmaceuticals is carried out only by the pharmaceutical companies, where the medical community in Israel is a key partner in the performance of the medical research associated therewith. Furthermore, pharmaceuticals and pharmacological treatment have in recent years become a cornerstone in the ability of the physician to provide proper care to his patients and to offer them a wide variety of treatments that had not been available previously, including targeted pharmaceuticals customized to the patients. For this purpose, the physician and the medical institutions must obtain all the information regarding the innovative treatments that the pharmaceutical companies offer to patients through the physicians.

These relations between the pharmaceutical companies and the medical community sometimes touch on ethical and moral issues that affect the relationship between the individual attending physician and the pharmaceutical companies, *inter alia*, in all matters related to participation in professional and scientific activity funded in part by pharmaceutical companies. This relationship necessitates the formation of rules to ensure that the physician does not encounter a conflict of interest with his commitment to the devoted care of his patients.

The pharmaceutical companies in Israel incorporated in Pharma Israel – the Organization of Multinational Research and Development Based Pharmaceuticals, the Pharmaceutical Branch of the Federation of Israeli Chambers of Commerce and the Chemical, Pharmaceutical and Cleantech Society of the Manufacturers Association of Israel- believe that the pharmaceutical industry in Israel must define and observe the highest ethical standard in all matters associated with their activity vis-à-vis the physicians and the medical community and in the marketing activity of medicinal products.

For this purpose, the pharmaceutical companies already took action in 2004, in cooperation with the Israeli Medical Association, to create a joint code of ethics that would

faithfully ensure the observance of clear ethical rules by the parties and transparency in the relations between physicians and pharmaceutical companies. In order to ensure that the code of ethics would be updated and would reflect the experience gained in recent years in the relationship between the medical community and the pharmaceutical companies, the parties worked during the past year in order to update the code of ethics and include in it many new rules, while creating a mutual commitment of the parties to the norms established in the covenant, emphasizing the basic principles of the covenant and among them the obligation to ensure the health of the patient and maintain the professional independence of the physician and the creation of a more effective control and enforcement mechanism.

[Signature]

Adv. Daniel Berman
CEO Pharma Israel

[Signature]

Carmel Feldman Abutbul
Director of the Chemical,
Pharmaceutical and
Cleantech Society of the
Manufacturers Association
of Israel

[Signature]

Hana Leidershnaider
Director of Chemicals and
Pharmaceuticals Federation
of Israeli Chambers of
Commerce

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We are certain and confident that "the joint ethics covenant" will lead to the advancement of Israeli health policy and to the improvement of public health with transparency and continuous scrutiny and in witness whereof we have hereunto set our hands:

[Signature]

Dr. Leonid Eidelman
IMA Chairperson

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ISRAELI MEDICAL
ASSOCIATION

[Signature]

Prof. Avinoam Reches
Chairperson of the Ethics
Bureau

[Signature]

Adv. Daniel Berman
CEO Pharma Israel

[Signature]

Carmel Feldman Abutbul
Director of the Chemical,
Pharmaceutical and
Cleantech Society of the
Manufacturers Association
of Israel

[Signature]

Hana Leidershnaider
Director of Chemicals and
Pharmaceuticals Federation
of Israeli Chambers of
Commerce

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PHARMA ISRAEL
THE ASSOCIATION OF THE RESEARCH
BASED PHARACEUTICAL COMPANIES

FEDERATION OF ISRAELI
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ASSOCIATION

CHAMBERS OF COMMERCE
ISRAEL'S UMBRELLA ORGANIZATION OF
THE FREE BUSINESS SECTOR

C. DEFINITIONS

1. **Scientific association:** A group of physicians in a medical branch recognized as a specialty, as set forth in the Physicians' Regulations (Approval of Specialist Title and Examinations), 5733-1973, who have incorporated for the sake of scientific work and advancing the interests of the medical branch.
2. **Scientific company:** A group of physicians from at least two different specialty fields, who have incorporated as an independent interdisciplinary company, or a group of physicians from a certain specialty field, who engage in a segment of the specialty branch, and have incorporated as an "association company" under the auspices of the relevant scientific association for the field of practice of the company and that bears within its name the name of the association to which it belongs.
3. **Workgroup:** A research group or a work group of physicians who are all members of a certain association, who have a defined field of interest within the specialty of the parent association, which they seek to advance.

Wherever "**the association**" is written, the intention for the sake of simplicity is "**the scientific association**" and/or "**the scientific society**" and/or "**the scientific workgroup**".

4. **Pharmaceutical company:** Any commercial company principally engaged in the development of pharmaceuticals, production, marketing, sale and distribution of pharmaceuticals, medical accessories, medical equipment, complementary products and new medical technologies.
5. **Medicinal product:** A pharmaceutical or biotechnological or other medicinal product marketed by a pharmaceutical company, whether prescription or over the counter (OTC), primarily intended for use following a recommendation or subject to the supervision of a professional in the field of medicine, for the purpose of diagnosis, treatment or prevention of diseases in humans, or in order to improve the quality of life of the patient population.

D. GENERAL PRINCIPLES

6. The physician may maintain a proper professional relationship with a pharmaceutical company for the purpose of advancing medicine and science.
7. A physician who is in a relationship with a pharmaceutical company shall adhere to his primary obligation to the patient and shall avoid any situation that entails a conflict of interest that undermines this commitment. A physician who identifies a situation of conflict of interest between the pharmaceutical company and a patient shall act with full transparency for the benefit of the patient.
8. The physician shall maintain his professional independence and integrity in any contact with the pharmaceutical company and shall not compromise them on account of any foreign interest.
9. The physician shall disclose any relationship with a pharmaceutical company, whenever it may appear that it could influence his professional views or opinions.
10. The signatories to this covenant undertake to work to assimilate and implement it among the physician community and those employed by the pharmaceutical companies.

E. CONFERENCES AND CONTINUING EDUCATION PROGRAMS

SCIENTIFIC CONFERENCE IN ISRAEL INITIATED BY AN ASSOCIATION:

11. SELECTION AND INVITATION OF THE PHYSICIANS PARTICIPATING IN A SCIENTIFIC CONFERENCE:
 - a. The association shall be responsible for the selection and invitation of physicians participating in a scientific conference. The pharmaceutical company shall not select or invite the physicians to the scientific conference, whether personally or through a third party.
 - b. Physicians invited to a scientific conference shall be selected according to criteria that are to be predetermined and published among the members of the association. Insofar as there is a dedicated entity appointed for this purpose within the association, the invited physicians shall be selected by this entity.

12. THE PROFESSIONAL – ACADEMIC CONTENT PRESENTED AT A SCIENTIFIC CONFERENCE:
 - a. The content presented at a scientific conference shall deal with professional medical – scientific topics.
 - b. The professional content at a scientific conference shall be determined by the association and not by the pharmaceutical company, thus maintaining academic freedom.
 - c. The professional content at a scientific conference shall be presented in a balanced and candid manner, without any influence or bias in favor of interests that serve the pharmaceutical company. The content shall be subject to rules requiring transparency and full disclosure.
 - d. Insofar as there is any connection between the professional content and the pharmaceutical company, it shall be noted in the scientific program as well as at the beginning of the lecture.

13. THE LECTURERS AT A SCIENTIFIC CONFERENCE:
 - a. The decision regarding the identity of the lecturers and the content of the lectures at a scientific conference shall be the responsibility of the association and not the responsibility of the pharmaceutical company.
 - b. The lecturer at a scientific conference shall be allowed to receive, and the pharmaceutical company shall be allowed to give, fair and reasonable payment in consideration of his lecture and he shall be allowed to receive reimbursement in respect of his personal expenses. No reimbursement shall be given in respect of the expenses of a person accompanying the physician
 - c. A physician who lectures at a scientific conference shall present his lecture in a professional, balanced and considered manner and with academic integrity.
 - d. A lecturing physician at a scientific conference, who presents a medicinal product, medical technology or medical equipment, shall make certain to mention the relevant regulatory situation of the object of the lecture, including its registration in the register of medicinal products, indications for its use, warnings and restrictions. In addition, a lecturing physician at a scientific conference, who presents a medicinal product, medical technology or medical equipment, shall make certain to present its advantages and disadvantages, as well as the available alternatives with their advantages and disadvantages.
 - e. A lecturing physician at a scientific conference shall be obligated to act with transparency and to adhere to full disclosure.

Insofar as the lecturing physician has a connection of any kind whatsoever to the pharmaceutical company, directly or indirectly related to the topic or to the content of his lecture, he shall make certain to mention this at the beginning of his lecturer in a clear and forthright manner, including what kind of connection exists and the name of the pharmaceutical company relevant to this connection.

14. PAYMENT FOR PARTICIPATION IN A SCIENTIFIC CONFERENCE:

- a. A physician participating in a scientific conference or his employer shall remit payment in respect of the cost of participation to the association initiating the conference or to the conference company operating on its behalf. The pharmaceutical company shall not be a party to this matter.
- b. Participants of a professional conference that includes lodging and/or social activity shall be required to personally bear part of the accommodation costs, including lodging and catering. The association shall be allowed to set the participation amount according to its discretion and/or to exempt certain groups for special reasons to be recorded.

15. ACCOMPANYING PERSONS:

An individual accompanying the physician, who is also participating in a scientific conference, shall pay the full supplement required to cover the cost of his participation in the conference.

16. VENUE FOR HOLDING THE CONFERENCE:

Conferences and continuing education programs shall be held at venues appropriate for hosting a professional conference.

17. SPONSORING A SCIENTIFIC CONFERENCE:

- a. A one day conference, which does not include lodging, may be carried out under the sponsorship of only one pharmaceutical company. An association seeking to hold a scientific conference that is not one day and includes lodging under the sponsorship of a pharmaceutical company, shall be required to obtain financial sponsorship of more than one pharmaceutical company. Accordingly, a pharmaceutical company shall not provide exclusive sponsorship, without sponsorship of another company, to a scientific conference that includes lodging.
- b. A pharmaceutical company's financial sponsorship of a scientific conference shall be earmarked for the sole purpose of holding the conference and for the scientific – professional content of the conference and not for other purposes.
- c. Insofar as excess amounts remain from the sponsorship money, which were not used for the benefit of the scientific conference, they shall remain in the association's treasury and shall be used to advance its professional aims. These amounts shall be presented transparently in the association's balance sheet and on the website of the IMA (Israel Medical Association).

18. DISPLAY STAND:

An association shall be allowed to permit a pharmaceutical company that provides sponsorship for the scientific convention to distribute printed material, designed to further knowledge or professional training, among the physicians participating in the convention. This shall be done in a dignified and appropriate manner befitting the presentation of scientific material. Accordingly, the sponsoring pharmaceutical company shall be allowed to distribute material intended for the physicians participating in the conference only if this material is designed to further knowledge or professional training, including brochures, medical articles and research findings,

whether through a display stand or in another manner, which shall be done in a dignified and appropriate manner that also befits the presentation of scientific material.

19. A NON-ACADEMIC PROGRAM WITHIN THE FRAMEWORK OF HOLDING A SCIENTIFIC CONFERENCE:

- a. The association may incorporate into the conference activity of a cultural nature that is not medical-professional, as long as it is modest and appropriate, not ostentatious and constitutes only a marginal part of the professional program of the conference.
- b. Social or cultural activity in the course of a conference shall not be sponsored by a pharmaceutical company.

20. REPORTING:

- a. The association shall be responsible for devising transparent criteria with respect to the selection of physicians invited to the conference and for forwarding a report to IMA on the holding of the event and the criteria for selecting the physicians.
- b. The report shall be made by e-mail notification to the IMA Ethics Bureau. This report shall include the name of the initiator of the conference, the name of the sponsoring pharmaceutical company or companies, the venue of the event, the content and the itinerary of the event, the names of the lecturers and the manner of payment to the lecturers, the date of the event, as well as the criteria for selecting the participating physicians.

A SCIENTIFIC CONFERENCE IN ISRAEL INITIATED AND FUNDED BY A PHARMACEUTICAL COMPANY

21. DEFINITION

For the purpose of this chapter, a "scientific conference" shall be deemed a conference to which at least 30 physicians are invited or a conference held outside a medical institution.

22. SELECTION AND INVITATION OF PHYSICIANS PARTICIPATING IN A SCIENTIFIC CONFERENCE

The pharmaceutical company shall forward, in advance and in writing, the criteria for selecting the invitees, together with a general program of the conference, for the information of the associations to which the invited physicians belong.

23. THE PROFESSIONAL CONTENT:

- a. A physician shall participate in a conference organized on the initiative and with the funding of a pharmaceutical company when the topic of the conference is medical-professional. Accordingly, a pharmaceutical company shall not organize a conference whose content is not medical-professional.
- b. A pharmaceutical company initiating and funding a conference shall not include entertainment performances therein, other than modest and marginal cultural activity. Accordingly, a physician shall not participate in a conference initiated by a pharmaceutical company if this conference includes entertainment performances.

24. LECTURERS

A lecturing physician at a conference organized on the initiative of a pharmaceutical company shall be subject to all the rules as set forth in clauses 13 (c) – (e) above.

25. TRANSPARENCY AND FULL DISCLOSURE:

- a. A physician shall participate in a conference organized on the initiative and with the funding of a pharmaceutical company only if the rules of transparency are observed. The pharmaceutical company shall clearly state that this is a conference it is organizing, both on the invitation to the conference and during the course of the conference itself.
- b. A physician shall participate in a conference initiated and funded by a single pharmaceutical company only if the conference is one day and does not include lodging. Accordingly, a pharmaceutical company initiating a conference on its own behalf shall not include lodging as part of the conference.

26. ACCOMPANYING PERSONS:

- a. A pharmaceutical company shall be allowed to invite physicians only, without accompanying persons, to a conference in Israel which it organizes and funds.
- b. A pharmaceutical company shall not fund any expense whatsoever related to the participation of a physician's accompanying person in professional events that have been organized on its initiative.

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27. PROFESSIONAL MEETING OF A PHYSICIAN WITH A PHARMACEUTICAL COMPANY REPRESENTATIVE FUNDED BY THE PHARMACEUTICAL COMPANY

A pharmaceutical company shall not host a physician at a restaurant or at entertainment venues at its expense, unless the entertainment is modest and not ostentatious and is marginal and incidental to giving a lecture or the discussion of significant professional content. Accordingly, a physician shall not agree to participate in an event that includes hosting at a restaurant or at entertainment venues, unless the hosting is marginal and incidental to giving a lecture or the discussion of significant professional content.

CONFERENCES AND CONTINUING EDUCATION PROGRAMS ABROAD FUNDED BY A PHARMACEUTICAL COMPANY

28.

The invitation of a physician by a pharmaceutical company to participate in a conference or professional continuing education program abroad shall be made through the relevant association or by the employer. The selection of the invited physicians shall be done according to agreed upon, transparent criteria. The pharmaceutical company shall not invite the physician directly.

29. The physician, through the association or the employer, shall be allowed to receive, and the pharmaceutical company shall be allowed to give, partial or full reimbursement of his actual expenses in connection with his travel and participation in the conference or in the continuing education program.
30. The physician is not allowed to receive funding or the equivalent and the pharmaceutical company is not allowed to fund any activity that is not directly related to the conference.
31. If dinners are not included in the conference program, a pharmaceutical company may host a medical team at its expense at a restaurant or at entertainment venues, provided that this involves hosting that is modest and not ostentatious.

32. A lecturing physician at a conference abroad shall be subject to all the rules applicable to the lecturing physician at a conference in Israel, including observance of the rules of full disclosure and transparency whenever he has any connection to the pharmaceutical company.
33. ACCOMPANYING PERSONS:
- a. A pharmaceutical company shall be allowed to invite physicians only, without accompanying persons, to a conference abroad organized and funded by it.
 - b. A pharmaceutical company shall not fund any expense whatsoever related to the participation of a physician's accompanying person in professional events that have been organized on its initiative.

F. CLINICAL STUDIES

PHYSICIAN PARTICIPATION IN A CLINICAL STUDY FUNDED BY A PHARMACEUTICAL COMPANY

34. The physician shall act with professional judgment and shall put the best interests of the study participant above any other interest.
35. The physician shall take part in conducting a clinical study funded or in some way supported by a pharmaceutical company only if there is an adequate scientific basis for the study. Accordingly, the pharmaceutical company shall not support a clinical study without an adequate scientific basis.
36. The physician shall take part in a clinical study only if the informed consent of the participants has been obtained as required and provided that maximum protection of the participants' rights is guaranteed, including protection of their medical confidentiality and their privacy.
37. The physician shall take part in any kind of study whatsoever, including a study at the phase IV stage, only if all the approvals required in order to conduct it have been obtained, including written entrenchment of the commercial engagement that contains the financial consideration that the pharmaceutical company shall pay to the medical institution / association / scientific society, as well as all the requisite regulatory and statutory approvals, including approvals of the competent ethical committee (such as a Helsinki Committee). The wording of the engagement shall detail for what the financial consideration is being given.
38. The physician shall take part in a study only if the study has been registered in advance on a publicly accessible public website, insofar as such registration is required.
39. A physician who is not involved in conducting or performing the study shall not receive, and the pharmaceutical company shall not remit to him, payment for the mere referral of patients for the study.
40. The pharmaceutical company shall be responsible for the post marketing surveillance studies (phase IV) being conducted on a scientific or professional basis. These studies should not be conducted when the scientific or professional background is scant or absent altogether and the study is designed only as a means to promote the sale of the medicinal product and in order to influence physicians.

ACADEMIC INDEPENDENCE AND TRANSPARENCY IN RESEARCH

41. The physician shall not take part in research if his complete academic freedom is not protected, including free access within reasonable restrictions to the relevant information gathered, as well as the freedom to publish it in any suitable form, save reasonable restrictions that do not compromise the safety of the patients. Accordingly, a pharmaceutical company shall not support and shall not initiate research that does not guarantee the protection of the full academic freedom of the physician and free access to the information gathered, as well as the protection of the freedom to publish it, including adverse results.
42. The investigating physician shall not sign, and the pharmaceutical company shall not have the physician sign, an agreement that could restrict his professional – academic independence or that could restrict performance of the research or the publication of its results, save reasonable restrictions that do not compromise the safety of the patients.
43. The investigating physician shall be required to fully disclose any connection to the pharmaceutical company related to the research, to the appropriate ethical

committee (such as the Helsinki Committee) as a condition to approval of the research, as well as to the research participants and in the body of the publication regarding the research.

44. The investigating physician shall not be part of research or of a publication of research if he and/or his relative have economic connections / interests of which he is aware in the pharmaceutical company related to the research and there is fear of conflict of interest between his connections to the company and his connections to the research, unless he has obtained advance approval from the applicable entities with respect to his involvement in the research / publication, after having indicated his or his relative's economic connections.
45. The physician shall not take part in research, including phase IV studies, if, in his opinion, the research was conducted without a proper scientific foundation, with its principal aim being to further commercial interests of the pharmaceutical company. Accordingly, a pharmaceutical company shall not conduct research without a scientific foundation, with its principal aim being to further commercial interests.
46. The investigating physician shall not receive payment, and the pharmaceutical company shall not allow payment to the physician, which is contingent on the research results.
47. The investigating physician shall not receive, and the pharmaceutical company shall not give the physician directly, any payment / support / consideration in value or in kind for the physician's role as an investigator in the research, other than through the association / the scientific society / the employing institution of the physician.
48. The physician shall not be allowed to receive, and the pharmaceutical company shall not be allowed to give the physician directly, a research grant other than through the association / the scientific society / the employer.

G. BENEFITS, FINANCIAL SUPPORT AND DONATIONS

50. The physician shall not receive, and the pharmaceutical company shall not give the physician, any personal benefit, save gifts of only marginal value that are intended to directly serve his work or symbolic gifts that are part of socially accepted culture or courteous behavior.
51. A medical institution, clinic or department shall be allowed to receive from a pharmaceutical company and a pharmaceutical company shall be allowed to give, financial support or a valuable donation for the advancement of medical research, for the improvement of care, research and service rendered to patients, or for the reclamation of medical equipment, so long as the receipt thereof does not compromise the professional independence of the physicians who benefit from the support and from the donation and so long as all the relevant rules ensuring the maintenance of full transparency and documented records in this context are observed.
52. A pharmaceutical company shall not fund, and the physician or the association shall not receive from the pharmaceutical company, full or partial funding for social activities of the medical team, including "fun days" or team building.
53. The receipt of support allowable to a physician or to a medical institution shall not be conditioned on the furtherance of an interest of the supporting pharmaceutical company or any other commercial entity.
54. A physician or association shall not give or demand consideration or another benefit from the pharmaceutical company and the pharmaceutical company shall not give consideration or a benefit for a visit of a medical representative on behalf of the pharmaceutical company to the clinic or department where the physician works.
55. The association or the employer shall be allowed to receive a scholarship, including one for an overseas continuing education program, from a pharmaceutical company for the sake of advancing the professional knowledge of a physician or a number of physicians. The scholarship recipients shall be selected by an awards and scholarship committee established by the entity receiving the scholarship. The selection shall be made while maintaining transparency and rules of equality and fairness. Accordingly, the pharmaceutical company shall be allowed to grant a scholarship intended for a physician or a number of physicians so long as they have been selected by the entity receiving the scholarship and not by the company itself. The scholarship shall not be transferred directly to the physician by the pharmaceutical company, but through the association or the employer.

H. PHARMACEUTICAL SAMPLES

56. The physician shall be allowed to receive, and the pharmaceutical company shall be allowed to give the physician, pharmaceutical samples, subject to the directives of the medical institution, insofar as published.
57. The samples shall be marked clearly as physician samples that are not intended for sale.
58. The physician shall not receive, and the pharmaceutical company shall not give, any consideration for the mere transfer of the pharmaceutical samples from the pharmaceutical company.
59. The physician shall not be allowed to receive, and the pharmaceutical company shall not be allowed to give the physician, pharmaceutical samples in commercial quantities.
60. The physician shall not collect any payment from the patient for a pharmaceutical sample given to him.
61. The physician, as well as the pharmaceutical company and any representative on its behalf, shall honor the procedures of the medical institution where the samples are distributed.

I. JOB SLOTS

62. A commercial entity shall in no way whatsoever fund, directly or indirectly, personnel job slots or salaries of medical institution employees that are not directly related to the research funded by it.

J. PAID SERVICE TO THE PHARMACEUTICAL COMPANY

GENERAL PRINCIPLES

63. The physician and the pharmaceutical company shall be obligated to anchor any engagement between them in an agreement executed in writing, including an ad hoc engagement.
64. Whenever a physician is employed at a hospital, medical institution or other public institution, the physician shall undertake under the agreement to report to his employer and to obtain the employer's advance approval, if and insofar as the law requires, regarding the engagement between him and the company.
65. The physician shall ensure that an engagement between him and a pharmaceutical company shall not put him in conflict of interest with his position at the institution where he is employed, whether as a salaried employee or as a service provider, or with his ethical and professional obligations toward his patients.

THE CONSULTING PHYSICIAN

66. The physician may serve as a paid consultant to a pharmaceutical company and the pharmaceutical company may receive the paid services of the physician, if the aim of the consultancy is to advance medical knowledge, research and the level of medicine in Israel.
67. The physician shall be allowed to serve as a consultant to a pharmaceutical company, whether he serves as a sole consultant or whether he serves as a consultant within the framework of an advisory committee. Accordingly, the pharmaceutical company shall be allowed to receive consultancy services of a physician also within the framework of an advisory committee that consists of additional professionals, which the company shall convene on its behalf.
68. An advisory committee shall consist of up to 15 participating physicians. Participation as a member on an advisory committee is contingent on signature of an agreement between the physician and the pharmaceutical company, which includes, *inter alia*, notification of the employer of the physician in question by the physician. The physician may receive, and the pharmaceutical company may give the physician, appropriate financial remuneration for the consultancy. The payment shall be commensurate with the professional standing of the physician and the scope of work performed by him.
69. The physician may receive from the pharmaceutical company, and the pharmaceutical company may give the physician, in addition to the financial remuneration in consideration of the consultancy services, additional payment constituting coverage of his actual expenses related to the consultancy that he provided to the pharmaceutical company.
70. The physician shall consider whether his paid work for the pharmaceutical company is liable to affect the quality and independence of his medical decisions. Whenever there is fear of conflict of interest, the physician shall decide in favor of his professional independence.
71. The convening of an advisory committee of the pharmaceutical company shall not be deemed a "scientific conference", insofar as the aim of convening the advisory committee is to receive consultancy services from the consulting physicians.

PHYSICIAN PARTICIPATION IN A LECTURE FUNDED BY THE PHARMACEUTICAL COMPANY

72. The physician may listen to a lecture funded by a pharmaceutical company if the principal aim is to advance the professional knowledge of the physician. Participation as an observer in a lecture does not entitle the physician to any remuneration.
73. The lecturing physician funded by the pharmaceutical company shall disclose at the beginning of his speech, through a slide or clear statement, the nature of the existing economic relationships, if any, between him and the funding company or between him and another company relevant to the topic of the lecture. The pharmaceutical company, on its part, shall require the physician whose lecture it funds to act as set forth in this clause.
74. The lecturing physician funded by the pharmaceutical company shall adhere to professional truth and deliver his speech in an objective, candid, fair, honest and complete manner. The pharmaceutical company funding the lecture of the physician shall not require him to lecture in a manner biased in its favor in any manner whatsoever.
75. The lecturing physician funded by a pharmaceutical company shall use the generic name of the drug in the lecture. However, the brand name of the drug may also be mentioned for the sake of informing the audience of the connection between the names. The physician shall also present in an objective, honest and candid manner the other available therapeutic options in the context of the lecture, with their advantages and their disadvantages.
76. The physician may receive from a pharmaceutical company, and the pharmaceutical company may give the physician, reasonable remuneration for his participation as a lecturer on behalf of the pharmaceutical company, if he prepared and gave a lecture of professional significance in his field of practice. Presentation of a lecture prepared by the pharmaceutical company is not included within this authorization. A physician may be aided by various background materials that he received from the pharmaceutical company in the preparation of his lecture, insofar as this material was reviewed by him and deemed well-established scientific material. The physician shall also be allowed to receive reimbursement of actual expenses related to the preparation of his lecture.
77. The physician and the pharmaceutical company shall also observe these directives in the context of a recorded lecture, transmitted by any digital means whatsoever to a listening or viewing audience in any location.

K. ADVERTISING AND ADVERTISEMENT OF MEDICAL PRODUCTS

ADVERTISING BY A PHYSICIAN / ASSOCIATION / SCIENTIFIC SOCIETY

78. The physician shall not engage in any way whatsoever in the promotion or advertising of medicinal products within or outside his clinic and the pharmaceutical company shall not require the physician to do so, other than promotion of medicinal products allowable under law by a physician employed by a pharmaceutical company for this purpose, with full disclosure of this fact.
79. The physician shall not engage in the sale of medicinal products within or outside his clinic and the pharmaceutical company shall not require the physician to do so, including a physician employed by the pharmaceutical company.
80. The physician shall not exert any pressure on a patient to use a certain medical product other than for medical and/or professional reasons.
81. The physician or the association shall not engage in any way whatsoever in the promotion, sale or advertising of commercial products and shall not make their name, academic degree and professional standing available for the benefit of the economic interests of any commercial entity whatsoever. Accordingly, the pharmaceutical company shall not require the physician or the association to engage in the sale or advertising of commercial products on its behalf.
82. In exceptional circumstances, an association shall be allowed to advertise a commercial product if the following conditions are fulfilled cumulatively:
 - a. The advertising is clearly intended to promote health awareness and it would be beneficial to public health and it is not intended to advertise a certain product / technology. The association believes that there is scientific evidence of the efficacy and safety of the medical product / technology and the topic has been discussed at the board meeting of the association, which documented the resolution that indeed the advertising should be supported.
 - b. The advertising shall be done while ensuring transparency and full disclosure in all matters concerning the name of the pharmaceutical company that provided the funding for the advertising. Medicinal products / technology shall be mentioned by their generic names and their advantages and disadvantages shall be detailed. Concurrently, the therapeutic alternatives should also be mentioned with their advantages and disadvantages.
 - c. The advertising shall obtain prior approval from the IMA Ethics Bureau.

ADVERTISING AND DISSEMINATION OF MATERIAL INTENDED FOR SALES PROMOTION ON BEHALF OF A PHARMACEUTICAL COMPANY

83. A pharmaceutical company shall be responsible for all promotional material of medicinal products disseminated or advertised by it, in any manner whatsoever, being accurate and clear and reflecting scientific truth.
84. A pharmaceutical company shall present promotional material prepared at a professional level and in a manner that meets not only the requirements of the law, but also the highest ethical standards accepted worldwide.
85. The pharmaceutical company shall be responsible for the fact that information appearing in any material intended for sales promotion, including properties attributed to the medicinal product, is based on current scientific data and that the manner of its presentation is not misleading. The information must be consistent with the information appearing in the physician labeling and not contradict it and

must be as approved by the competent authority under law for the medicinal product.

86. The pharmaceutical company representative shall forward academic background material to the physician, including information with regard to the safety of a medicinal product, contraindications, warnings, adverse effects and precautions, subject to any law.
87. The pharmaceutical company shall specify in the promotional material that it is disseminating the brand and the generic name of the medicinal product, its active ingredients, as well as the name and address of the company or the agent responsible for marketing the medicinal product.
88. In the absence of regulations or rules directing otherwise, the pharmaceutical company shall specify in the promotional material the approved indications of the medicinal product, its properties and attributes, including significant adverse effects and warnings related to the use of the medicinal product, and shall refer to the marketing company for the receipt of additional information.
89. The pharmaceutical company shall explicitly and clearly indicate the relevant references in the promotional material. References that are not directly based on clinical studies may be indicated, including medical literature and data of the pharmaceutical company, insofar as they are scientifically based and do not contradict the physician labeling approved by the Ministry of Health.
90. The pharmaceutical company shall not promote sales, including via mailing or advertising in medical journals, in a manner purporting to be academic science.
91. The pharmaceutical company shall not conduct any marketing activity with respect to a product that has not yet been registered in Israel. Nonetheless, a pharmaceutical company shall be allowed to convey scientific information, without promotional aspects, while indicating the regulatory status of the medicinal product, subject to the current regulatory rules.
92. The pharmaceutical company shall not promote the sale of its medicinal products via direct contact with the patients, save medicinal products with respect to which the law and/or the regulation so permit.
93. The pharmaceutical company may initiate support programs to increase public awareness of diseases and to raise the level of public understanding of disease prevention, symptoms and manifestations of medical conditions and available treatments, insofar as the information conveyed through the pharmaceutical company is balanced, accurate and reliable.
94. The pharmaceutical company shall not disseminate promotional material without obtaining approval from the relevant professional entity at the pharmaceutical company, who has the suitable scientific background and professional qualifications.
95. The pharmaceutical company shall be obligated to act so that the frequency and scope of the promotional material it mails to medical practitioners are reasonable. The pharmaceutical company shall honor a request of a physician to delete his name from the mailing lists of any advertising material, including printed material.
96. The pharmaceutical company shall clearly and transparently indicate on its website, which includes information relating to a medicinal product, that it is the site of said pharmaceutical company, while clarifying its identity and, insofar as relevant, for whom the advertising is intended. The pharmaceutical company shall ensure that the information content is tailored to a target audience of physicians, pharmacists, medical practitioners and the general public. Insofar as the pharmaceutical company operates in Israel, it shall ensure that the information content appearing on the website is tailored to the provisions of Israeli law and to the guidelines of the Ministry of Health, and it shall provide relevant information regarding approval of the drug in the State of Israel.

97. The pharmaceutical company shall formulate and maintain procedures that ensure full implementation of these guidelines.

L. MEDICAL REPRESENTATIVES ON BEHALF OF A PHARMACEUTICAL COMPANY

98. Marketing and sales personnel of the pharmaceutical company, including staff members in some way involved in the preparation or approval of material intended for sales promotion, which is to be presented to medical professionals, to qualified administrative staff or as information submitted to the public, shall be well versed in the provisions of this covenant.
99. A medical representative on behalf of the pharmaceutical company shall undergo suitable training, which shall include learning and becoming familiar with the ethics covenant, and shall possess scientific knowledge to the extent that enables him to provide complete and accurate information regarding the medicinal products promoted by him.
100. A medical representative shall strictly follow the provisions of Israeli law, the rules of the code of ethics detailed in this covenant and the procedures of the medical institution, insofar as agreed between the institution and the pharmaceutical company.
101. A medical representative meeting with a physician shall introduce himself by his full name and by the name of the pharmaceutical company on whose behalf he is acting, clearly and transparently.
102. A medical representative shall ensure that his visit to a physician in the course of his job does not cause any discomfort to the physician, and he shall abide by the rules of the workplace.
103. A medical representative shall ensure the protection of patient privacy and therefore shall not remain in the physician's room together with his patients, and shall not request any information that might infringe upon the privacy of the patient. Accordingly, a physician shall not allow a medical representative to remain in his room at the same time a patient is present.
104. A medical representative may convey information to a physician, verbally or in writing, insofar as this information has scientific validity. A medical representative shall provide, at the request of the physician, support for this information.
105. A medical representative shall provide, upon request of the physician, the current physician and/or consumer labeling with regard to the medicinal product that he is promoting, as approved by the Ministry of Health, or a website address where the relevant information may be found.
106. The pharmaceutical company shall bear responsibility for the actions of its representatives pursuant to the rules of this covenant.
107. The physician shall respect the presence of the medical representatives, and protect their dignity in any contact with them.

M. MEDICAL DATA MINING

108. The physician may cooperate in gathering information with regard to therapeutic approaches and the use of pharmaceuticals only if this is done in an unidentified, compiled manner, protecting the privacy and the anonymity of both the individual patient and the individual physician and subject to all provisions of law, including procedures of the Ministry of Health. Accordingly, the pharmaceutical company shall ensure that the gathering of information is done as set forth in this clause.
109. The pharmaceutical company may request information detailed in a written document, which pertains to the use of pharmaceuticals by unidentified patients, and the physician may cooperate in compiling this information, only after advance written consent has been obtained from the physician and from the employing institution. The consent shall include details of the compiled information, the purpose of the compilation and the identity of the entity using this information. Such consent shall be given for a limited period of time only.
110. The physician shall not cooperate in compiling information and the pharmaceutical company shall not compile information through a physician, with regard to the use of pharmaceuticals, if there is an intent to make use of the compiled information in order to exert any pressure, overt or covert, on the physician or on his colleagues or with intent to alter their prescriptive behavior.

N. THE JOINT FORUM FOR IMPLEMENTATION OF THE JOINT ETHICS COVENANT

ESTABLISHMENT AND POWERS OF THE FORUM

111. The signatories to this covenant shall establish a joint forum (hereinafter: "the joint forum"), whose composition and powers shall be as follows:

COMPOSITION OF THE FORUM

112. THE JOINT FORUM SHALL CONSIST OF EIGHT MEMBERS, AS FOLLOWS:

- a. The forum chairperson shall be a physician from among the members of the IMA Ethics Bureau and he shall be appointed by the chairperson of the Ethics Bureau.
- b. An additional member shall be a public official with proven and recognized social standing, agreed upon by the parties.
- c. Three additional members shall be physicians from within the Ethics Bureau and they shall be appointed by the chairperson of the Ethics Bureau.
- d. Three additional members shall be members from among the representative entities that are signatories to this covenant in the following manner: One representative from the Pharma Israel organization, an additional representative from the Manufacturers Association and a third representative on behalf of the Federation of Israeli Chambers of Commerce.
- e. A substitute may be appointed for each member of the joint forum, subject to the approval of the entity that he represents on the forum.

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113. IMPLEMENTATION AND ENFORCEMENT:

- a. The joint forum shall have the authority to review, to implement and to enforce, in accordance with the procedures detailed below, any engagement between a physician or an association or a scientific company and a pharmaceutical company, as well as any activity of a physician, association, scientific company or pharmaceutical company, provided that the rules detailed in this covenant apply with respect thereto.
- b. Hearings of the forum may be held in any manner whatsoever, by decision of the chairman of the joint forum, including via the internet.
- c. The joint forum shall hold at least two direct meetings a year, for clarification of any issue related to its areas of authority and responsibility, by decision of the chairperson of the joint forum.

114. OPINION:

- a. At the request of a company that is a signatory to this covenant or a physician or an association or a scientific company or a medical institution, the forum shall be allowed to render its opinion on questions involving the implementation of the covenant, including on the question of whether a certain action is permissible in light of the principles of this covenant.
- b. The opinion shall be rendered within 30 working days of the day of receipt of the inquiry.
- c. The forum shall discuss an opinion insofar as it relates to a prospective action, which has not yet been taken.
- d. A final opinion shall not be rendered by the forum unless there is a consensus of at least five members of the forum with respect to its content.

- e. A copy of the opinion, without identifying details, shall be disseminated among the parties that are signatories to this covenant within 60 working days of the day of delivery of the opinion to the entity that requested the opinion.
- f. A company that acts in accordance with what is set forth in the opinion shall be regarded as having acted in accordance with the rules of this covenant.

115. CONFIDENTIALITY:

Members of the joint forum shall sign a letter of confidentiality prohibiting use of any information that they obtained in the line of duty outside the forum framework, unless they receive approval of the forum.

PROCEDURES OF THE FORUM

116. Any complaint submitted by a physician or association or scientific company regarding a violation of any of the rules of the covenant by a physician or association or scientific company, shall be governed by the relevant rules as set forth in the IMA Bylaws, Addendum "D", The Ethics Bureau – The Procedures of the IMA Ethics Bureau. Members of the joint forum shall be allowed to submit a complaint regarding any violation by a physician or association or scientific company or medical institution to the IMA Ethics Bureau.

117. Any violation of any of the rules of the covenant by a pharmaceutical company or anyone on its behalf, or a complaint of a pharmaceutical company against a physician or association or scientific company, shall be governed by the rules detailed in Appendix "A" to this covenant, "Procedures of the Joint Forum".

O. ETHICS SYMBOL

118. The joint forum has selected an ethics symbol, which represents a commitment of a pharmaceutical company to observe the rules detailed in this covenant.
119. A pharmaceutical company that accepts the rules of ethical conduct detailed in this covenant is entitled to use the ethics symbol in its various documents and advertisements, as well as on lapel pins created for its employees.

APPENDIX

PROCEDURES OF THE JOINT FORUM

A. COMPLAINT

1. PERMISSION TO COMPLAIN

Any person may submit a complaint to the joint forum. The forum chairperson may determine how and whether to hear the complaint.

2. DRAFTING A LETTER OF COMPLAINT

A complaint shall be drafted in writing and shall contain the following details:

- a) Name of the complainant;
- b) Name of the complaine company or physician or association or scientific company and/or the complaine entity on their behalf and the address thereof;
- c) Description of the facts constituting the basis for the complaint;
- d) Indication of the clause in the covenant that has been violated, according to the complainant, by the complaine company or physician or association or scientific company and/or anyone on their behalf.

APPENDIX

3. JOINDER OF COMPLAINTS

The chairperson of the joint forum may join together a number of complaints with the letter of complaint, insofar as they are based on the same facts or on similar facts or on a series of interrelated acts in a manner that they constitute a single event.

The chairperson of the forum may separate between the complaints if he finds that the joint hearing of the complaints would make investigating them cumbersome or difficult.

4. JOINDER OF COMPLAINNEES

The chairperson of the joint forum may join together a number of complainees with the letter of complaint, insofar as each one of them was a party to one of the offenses in the letter of complaint, whether as a coparty or in a different manner, or if the complaint is due to a series of interrelated acts in a manner that they constitute a single event.

Nonetheless, a complaine should be allowed to object to the joinder or to request a separation of the hearing.

The forum chairperson may order the holding of separate hearings in relation to each complaine, if he finds that the joint hearing would make investigation of the complaint cumbersome or difficult.

5. COMPLAINT REGARDING THE VIOLATION OF PROVISIONS OF THE JOINT COVENANT

If a complaint has been submitted to the joint forum regarding a violation of any of the provisions of the joint covenant committed by a pharmaceutical company or by a physician or association or scientific society, the forum shall furnish a copy to the complaine.

If the chairperson believes that there is no need to hear the complaint, since it is baseless, he shall answer the complainant within 30 working days and shall give reasons for his decision, in order to afford the complainant an opportunity to consider how to proceed. If the forum chairperson believes that there is call to hear the complaint, he shall so notify the complainant and the complaine and shall afford the complaine an opportunity to answer in writing to the complaint.

If the chairperson has determined that the complaint should not be heard, the complainant may request a hearing on this decision before the joint forum. If the joint forum believes that the complaint should be heard, it shall so notify the complainee and shall afford him an opportunity to answer in writing to the complaint.

6. FURTHER DETAILS

The chairperson of the joint forum may request further details and/or documents from the complainant or from the complainee regarding the complaint or the answer, as the case may be, if he deems it necessary to clarify a matter arising therein.

7. TIME FRAME FOR SERVING ANSWERS

If notice has been served on a complainee with regard to the decision of the forum chairperson or the decision of the forum to hear a complaint, as set forth in clause 5 above, the complainee shall answer it within 30 working days of receiving the notice, or within such period as shall be prescribed according to the discretion of the forum chairperson. When this period has elapsed and no answer has been received from the complainee, the chairperson of the joint forum may order a hearing on the complaint without the presence of the complainee.

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B. INVESTIGATION OF THE COMPLAINT

1. If a complaint has been submitted and the chairperson of the joint forum has decided to establish a committee to investigate the complaint, he shall appoint the chairman of the investigative committee and its members from among the members of the joint forum and shall notify the complainee and the complainant regarding the establishment and the composition thereof.
2. The investigative committee shall consist of a chairperson and four additional members, all of them from among the members of the joint forum. Insofar as possible, the public representative shall be one of the members of the investigative committee.
3. A representative of the relevant organization shall be a member of the investigative committee whenever the complainee company is a member of this organization.

C. SUMMONING LITIGANTS AND WITNESSES

1. SETTING THE HEARING DATE

The chairperson of the investigative committee shall set the hearing commencement date and shall summon the complainee and the complainant for said date by written notice. Any contact with the parties shall be done in writing.

The hearing shall be held within 60 working days of the date set for receiving the answer of the complainee.

2. THE RIGHT TO BE REPRESENTED

The parties to a proceeding conducted under this covenant shall have a right to be represented by a third person, including an attorney.

D. HEARING PROCEEDINGS OF THE INVESTIGATIVE COMMITTEE

1. A complaint shall be heard by the investigative committee of the joint forum. The chairperson of the investigative committee shall run the hearing.
2. The complainee and the complainant shall be allowed to bring witnesses on their behalf to the hearing.
3. In cases where a pharmaceutical company is either a complainant or a complainee, an authorized representative on its behalf shall be sent to the hearing.
4. Minutes:
 - a) The chairperson of the investigative committee shall keep a record of minutes of the hearing; however, he may order that the minutes be recorded by someone else, or that a record / documentation be kept in another manner.
 - b) The complaint, documents submitted and received by the investigative committee and any certificate pertaining to said hearing, shall be attached to the minutes and shall constitute an integral part thereof.

E. PRESENCE OF THE LITIGANTS

PRESENCE OF THE COMPLAINEE

1. A complainee shall only be tried under ethical law in his presence.
2. Notwithstanding the aforesaid, the investigative committee may decide to hold a hearing outside the presence of the complainee, or adjourn the hearing to another date, provided that a summons under clause c.1 above has been served on the complainee. If another date has been set for the hearing and the complainee has not appeared, the hearing shall be held outside his presence.

F. RULING

1. **EXONERATION DUE TO LACK OF PRIMA FACIE PROOF:**

If the investigative committee has found that the facts of the complaint have not been proven, even prima facie, it shall set aside the complaint.
2. **RULING:**
 - a) At the end of the complaint investigation, the investigative committee shall rule with regard to the conduct of the complainee, unless it has decided to set aside the complaint. The ruling shall be in writing and reasoned. The ruling shall be signed by the members of the investigative committee. Copies thereof shall be sent to the complainee and to the complainant. The joint forum shall publish the ruling of the investigative committee within 30 working days of the conclusion of the hearing.
 - b) Decisions of the investigative committee shall be by majority rule.
 - c) When a ruling has a minority opinion, all the members of the investigative committee shall sign the majority decision, but the holder of the minority opinion may add his dissenting opinion and his reasons.

G. RECOMMENDATIONS AND SANCTIONS IN RESPECT OF VIOLATIONS OF THE COVENANT PROVISIONS OR THE JOINT FORUM INSTRUCTIONS

1. If the investigative committee of the joint forum finds that a complainee or someone on his behalf has violated any of the rules of the covenant or any of the instructions of the joint forum, it shall be allowed to charge him with any instruction that shall result in rectification of the situation and it shall be allowed to impose a penalty of warning.
2. If the investigative committee of the joint forum finds that a complainee or someone on his behalf has violated any of the rules of the covenant or any of the instructions of the joint forum, it shall order the posting of the key elements of the proceeding and its results, while disclosing the name and details of the complainee or the person on his behalf, on the IMA website, or without disclosing the name and details of the complainee or the person on his behalf, according to its discretion.

APPENDIX

H. DISTRIBUTION OF DECISIONS

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1. Decisions of the investigative committee of the joint forum shall be distributed only after conclusion of the hearing.
2. A complaint that has been stricken, set aside or dismissed by ruling of the committee shall be distributed only after receiving written approval of the complainee.
3. Decisions in principle of the joint forum shall be distributed to the organizations that are signatories to this covenant through the representatives who are members of the joint forum.

I. PROCEDURES IN THE ABSENCE OF INSTRUCTIONS

With any procedural matter for which there is no provision in these rules, the chairperson of the joint forum or the chairperson of the investigative committee, as the case may be, shall act in the way that they deem best to do justice.

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ISRAELI MEDICAL ASSOCIATION ETHICS BUREAU