

# Celgene GmbH

## Methodological Statement

*summarizing the methodologies used in preparing the disclosure of transfers of value to healthcare professionals and institutions pursuant to Clause 9 of the Pharmig Code of Conduct of 1 July 2007, lastly amended on 1 July 2015, the “Code”*

### **Introduction**

Celgene GmbH, a company duly organized and existing under the laws of Austria, is responsible for the sales and marketing of six medicinal products in Austria.

Celgene GmbH also collaborates in pre-clinical research and clinical trials in Austria.

In the course of these activities, Celgene GmbH and other members of the Celgene Group (“**Celgene**”) engage with healthcare professionals<sup>1</sup> whose registered practice addresses are in Austria and with institutions based in Austria.

The disclosures represent the transfers of value that Celgene has made to such healthcare professionals and institutions during the course of 2015 insofar as those transfers of value fall within Celgene’s disclosure obligations as defined in Clause 9 of the Code.

### **Methodology**

The data upon which Celgene’s disclosures are based has been collected and compiled by Celgene Corporation’s Spend Transparency Office based in Summit, New Jersey, United States of America. The Spend Transparency Office is responsible for the disclosure of transfers of value to healthcare professionals and institutions made by any Celgene affiliate worldwide in accordance with relevant local laws and codes of practice.

In order to prepare for compliance with Clause 9 of the Code, the Spend Transparency Office first identified all of the possible sources of information within the Celgene finance system and held by third party vendors that could identify any and all payments made by Celgene. Using information supplied by IMS Health, verified and supplemented by various commercial operations resources within Celgene, publically available information and information from third party vendors, the Spend Transparency Office narrowed down the list of payees to those that fell within the definitions of health professional and institution. Celgene used the IMS OneKey Code as a unique identifier of any given health professional.

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<sup>1</sup> as defined by Clause 3 of the Code.

On the basis of these data Celgene has used its best endeavours to disclose all direct and indirect transfers of value made between 1 January 2015 and 31 December 2015 inclusive that fall within its disclosure obligations as set out in Clause 9 of the Code, applying the relevant definitions contained therein. Celgene undertakes to adapt promptly any corrections or additions that may be required as a result of knowledge acquired after the date the disclosures are submitted.

### ***Third parties***

Celgene has included in its contractual templates, on the basis of which it contracts with all third parties, a binding clause requiring the third party to notify to Celgene all transfers of value made to healthcare professionals and institutions on behalf of Celgene. Celgene has used its best endeavours to include all such transfers of value so notified within the scope of its disclosures.

### ***Cross border transactions***

Celgene Spend Transparency Office has worked with all of Celgene's functions and affiliates worldwide to capture data relating to transfers of value made by them to healthcare professionals with their practice address in Austria and institutions based in Austria. Celgene has used its best endeavours to include all such transfers of value within its disclosures.

### ***Consent***

Celgene has sought consent from all healthcare professionals and institutions to disclosure on an individual basis, naming the recipient and identifying the value of the transfer. To this end, Celgene has incorporated a clause to this effect in its contractual templates on the basis of which, pursuant to Celgene's relevant policies, all such engagements should proceed.

In the event that a health professional or institution has declined to give consent to such individual disclosure, the General Manager of Celgene GmbH, or her designee, has considered whether there is a need to pursue the potential engagement with the result that any transfer of value may only be disclosed in aggregate pursuant to Clause 9.5 of the Code.

In circumstances where a health professional or institution declines to give, or subsequently withdraws, consent to one or more transfers of value in the course of the 2015 reporting year, Celgene has disclosed all transfers of value made to that person or institution in aggregate.

### ***Disclosure in aggregate***

Where the recipients of transfers of value cannot be disclosed for legal reasons, including where a health professional has declined to give consent to disclosure on an individual basis, Celgene has disclosed those transfers of value on an aggregate basis.

Celgene has also disclosed on an aggregate basis transfers of value falling within the definition of "Research and Development Transfers of Value" pursuant to Clause 9.5 of the Code.

***Currency***

Celgene has made its disclosures in Euro, using a published monthly average exchange rate with Euro for those payments made in any other currency.

***Tax***

Celgene has made its disclosures relating to direct transfers of value exclusive of all applicable taxes. It is possible, however, that some indirect transfers of value made by third party vendors have been reported to us inclusive of taxes.

***Date methodology***

Celgene has made its disclosures relating to cash payments by reference to the payment date. In circumstances where transfers of value represent benefits in kind Celgene has made its disclosures by reference to the date of the event.

Prepared by

Celgene GmbH, Vienna, Austria

Celgene Corporation, Spend Transparency Office, Summit, New Jersey, United States of America

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