

MSD

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20 November 2014

Dr Richard Chadwick
General Manager, Adjudication
Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

MSD's submission to the Australian Competition and Consumer Commission (ACCC) in relation to Medicines Australia's application for reauthorisation of its Code of Conduct and imposed conditions. (Edition 18 of the Code of Conduct.)

Dear Sir/Madam

Merck Sharp & Dohme (Australia) Pty Ltd's ("**MSD**") through this letter to the Australian Competition and Consumer Commission would like to indicate their support for Medicines Australia's application for reauthorisation of Edition 18 of the Code of Conduct ("**Code**").

MSD believes that the proposed changes to the Code, support increased transparency and build trust and public confidence in the Australia pharmaceutical industry.

MSD argues the following:

- As the industry was not expecting the proposed Condition, if the ACCC were to impose such a condition its application should be deferred for 12 months, as proposed by the AMA. This will allow the industry time to create "reasonable expectation" of disclosure to allow us to comply with our privacy obligations.
- Transparency reporting should not refer to the name of individual medicines.
- No Condition should be imposed to require further hospitality reporting or to lower the threshold for hospitality expenditure.

MSD is a global healthcare leader working to help the world be well. Our products cover a broad range of areas including diabetes and oncology. We focus our research on conditions that affect millions of Australians – diseases like osteoporosis, cardiovascular, diabetes and cancer – while building strengths in new areas like biologics.

Because millions of people in Australia and around the world depend on our products, we are committed to the highest standards of ethics and integrity in how we conduct ourselves as a company. MSD acknowledges that our integrity and credibility is an enabler in building trust with consumers and health care professionals. We believe the proposed change in Edition 18 of the Code both supports this process and is consistent with emerging community expectations for our industry.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G. Jankelowitz', with a long horizontal stroke extending to the right.

Dr Gary Jankelowitz
Medical Director, MSD
Australia & New Zealand

Cc: Dr Susanne Fiedler, VP & Managing Director, MSD, Australia & New Zealand