

Provisions for evaluators of product dossiers within the scope of the evaluation procedure for IMD-PQS products

In the course of conducting your functions as an expert adviser to WHO under the attached Agreement for the Performance of Work (APW), you will gain access to certain information, which is proprietary to WHO or entities collaborating with WHO, including the manufacturers of the product(s) which need to be assessed as part of the prequalification evaluation procedure by WHO. You undertake to treat such information (hereinafter referred to as “the Information”) as confidential and proprietary to WHO or the aforesaid parties collaborating with WHO. In this connection, you agree:

- (a) not to use the Information for any other purpose than discharging your obligations under the above-mentioned APW; and
- (b) not to disclose or provide the Information to any person who is not bound by similar obligations of confidentiality and non-use as contained herein.

However, you will not be bound by any obligations of confidentiality and non-use to the extent that you are clearly able to demonstrate that any part of the Information:

- (i) was known to you prior to any disclosure by or on behalf of WHO (including by the manufacturer(s));
- (ii) was in the public domain at the time of disclosure by or on behalf of WHO (including the manufacturer(s));
- (iii) becomes part of the public domain through no fault of your own; or
- (iv) becomes available to you from a third party not in breach of any legal obligations of confidentiality.

You also undertake not to communicate your deliberations and findings and/or those of the team(s) of experts in which you will participate, as well as any resulting recommendations to, and/or decisions of, WHO to any third party, except as explicitly agreed by WHO.

You will fulfill your responsibilities hereunder exclusively in your capacity as an expert adviser to WHO. In this connection, you confirm that the information disclosed by you in the Declaration of Interest is correct and that no situation of real, potential or apparent conflict of interest is known to you, including that you have no financial or other interest in, and/or other relationship with, a party, which:

- (i) may have a vested commercial interest in obtaining access to any part of the Information referred to above; and/or

(ii) may have a vested interest in the outcome of the evaluation of the product(s), in which you will participate (such as the manufacturers of those products or of competing products).