COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 382 final - SYN 309-310-311

Brussels, 31 October 1991

Future system for the free movement of medicinal products in the European Community

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Amendment to the proposal for a SYN 309
COUNCIL REGULATION (EEC)
laying down Community provisions for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products

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Amendment to the proposal for a SYN 310
COUNCIL DIRECTIVE
amending Directives 65/65/EEC, 75/318/EEC and 75/319/EEC in respect of medicinal products

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Amendment to the proposal for a SYN 311
COUNCIL DIRECTIVE
amending Directives 81/851/EEC and 81/852/EEC in respect of veterinary medicinal products

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(presented by the Commission pursuant to Article 149 (3) of the EEC Treaty)

EXPLANATORY MEMORANDUM

Following the first readings by the Eurpoean Parliament during its part session of June 1991, the Commission has decided in accordance with Article 149, paragraph 3 of the EEC Treaty to amend the following proposals: (1)

1. Proposal for a Council Regulation (EEC) laying down Community provisions for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products (SYN 309);

2. Proposal for a Council Directive amending Directives 65/65/EEC, 75/318/EEC and 75/319/EEC in respect of medicinal products (SYN 310);

3. Proposal for a Council Directive amending Directives 81/851/EEC and 81/852/EEC in respect of veterinary medicinal products (SYN 311);

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1. O.J. N° C 330, 31.12.1990; COM (90) 283 final

The Commission has decided to accept:

- a series of amendments which would appear to improve the operation or the transparency of the centralized and decentralized Community authorization procedures or improve the safeguards for industry contained in those procedures;

- amendments which encourage greater cooperation between the Community and the World Health Organisation in relation to pharmacovigilance;

- three amendments which provide that medicinal products consisting of genetically modified organisms may only be authorized for use in the Community if they satisfy the substantive requirements of Council Directive 90/220/EEC of 23 April 1991 on the deliberate release into the environment of genetically modified organisms (2)

- that part of amendment 168 which allows the European Parliament to nominate two representatives to the Management Board of the Agency.

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2. O.J. N° L 117, 8.5.1990, p 15

However, the Commission has decided not to accept;

- those amendments which would substantially change the balance between the centralized and decentralized procedures, or which would attribute major additional tasks to the Agency in the early years of its operation;

- those amendments which seek to amend the substantive rules for the authorization of medicinal products as they have developed since 1965;

- those amendments which would lay down unduly strict rules of a procedural nature which are not found in the legislation of any Member State;

- the other amendments of an institutional nature which would reduce the rights of Member States, or of the Commission.

In summary therefore, the Commission has accepted, in whole or in part, 67 of the 155 amendments voted by Parliament.

1. **Amendment to the proposal for a** **SYN 309**
COUNCIL REGULATION (EEC)
laying down Community provisions for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products

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Original Text	Amendment to the proposal
Visas and recitals 1 - 3 unchanged	
Fourth recital	**Fourth recital**
Whereas in the interests of public health it is necessary that decisions on the authorization of such medicinal products should be based on the objective scientific criteria of the quality, the safety and the efficacy of the medicinal product concerned to the exclusion of economic or other considerations; whereas, however, Member States should exceptionally be able to prohibit the use on their territory of medicinal products for human use which infringe objectively defined concepts of public order or public morality; whereas moreover a veterinary medicinal product may not be authorized by the Community if its use would contravene the rules and objectives laid down by the Community within the framework of the common agricultural policy;	Whereas in the interests of public health and the consumers of medicinal products it is necessary that decisions on the authorization of such medicinal products should be based on the objective scientific criteria of the quality, the safety and the efficacy of the medicinal product concerned to the exclusion of economic or other considerations; whereas, however, Member States should exceptionally be able to prohibit the use on their territory of medicinal products for human use which infringe objectively defined concepts of public order or public morality; whereas moreover a veterinary medicinal product may not be authorized by the Community if its use would contravene the rules and objectives laid down by the Community within the framework of the common agricultural policy;
Recitals 5 - 11 unchanged	
Twelfth recital	**Twelfth recital**
Whereas the primary task of the Agency should be to provide scientific advice of the highest possible quality to the Community institutions and the Member States for the exercise of the powers conferred upon them by Community legislation in the field of medicinal products in relation to the authorization and supervision of medicinal products;	Whereas the primary task of the Agency should be to provide scientific advice of the highest possible quality to the Community institutions and the Member States for the exercise of the powers conferred on them by Community legislation in the field of medicinal products in relation to the authorization and supervision of medicinal products for the purposes of protecting consumers' interests and ensuring maximum transparency of procedures;

Original Text	Amendment to the proposal
Recitals 13 - 17 unchanged	
Eighteenth recital	Eighteenth recital
Whereas the Agency, working in close cooperation with the Commission, should also be entrusted with the task of coordinating the discharge of the various supervisory responsibilities of Member States and in particular monitoring the respect of good manufacturing practices, good laboratory practices and good clinical practices;	Whereas the Agency, working in close cooperation with the Commission, should also be entrusted with the task of coordinating the discharge of the various supervisory responsibilities of Member States and in particular the provision of information concerning medicinal products and monitoring the respect of good manufacturing practices, good laboratory practices and good clinical practices;
Nineteenth recital unchanged	
	Twentieth recital (new)
	Whereas risks to the environment may be associated with medicinal products containing or consisting of genetically modified organisms; whereas therefore it is necessary to provide for an environmental risk assessment of such products, similar to that provided for by Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms (9), together with the assessment of the quality, safety and efficacy of the product concerned within a single Community procedure;

(9) O.J. N° L 117, 8.5.1990, p. 15

Original Text	Amendment to the proposal
Articles 1 - 5 unchanged	
Article 6	Article 6
Article 6, paragraph 1, unchanged	
Article 6 (2)	Article 6 (2)
2. The application shall also be accompanied by the fee payable to the Agency for the examination of the application.	2. In the case of a medicinal product containing or consisting of genetically modified organisms within the meaning of Article 2 paragraphs 1 and 2 of Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms, the application shall also be accompanied by; - a copy of the written consent, from the competent authority, to the deliberate release of the genetically modified organisms for research and development purposes provided for in Article 6(4) of Directive 90/220/EEC; - the complete technical dossier supplying the information requested in Annexes II and III of Directive 90/220/EEC and the environmental risk assessment resulting from this information. Articles 11 to 18 of Directive 90/220/EEC shall not apply to medicinal products for human use containing or consisting of genetically modified organisms.
Article 6 (3)	Article 6(3)
3. The Agency shall ensure that the opinion of the Committee is given within 210 days of the receipt of a valid application.	3. The application shall also be accompanied by the fee payable to the Agency for the examination of the application.

Original Text	Amendment to the proposal
Article 6 (4)	**Article 6 (4)**
4. The Agency shall, in consultation with Member States, the Commission and interested parties, draw up detailed guidance on the form in which applications for authorization are to be presented.	4. The Agency shall ensure that the opinion of the Committee is given within 210 days of the receipt of a valid application. In the case of a medicinal product containing or consisting of genetically modified organisms, the opinion of the Committee shall take account of the environmental safety requirements laid down by Directive 90/220/EEC.
	Article 6 (5) (new)
	5. The Agency shall, in consultation with Member States, the Commission and interested parties, draw up detailed guidance on the form in which applications for authorization are to be presented.

Articles 7 - 9 unchanged

Original Text	Amendment to the proposal
Article 10 (1)	**Article 10 (1)**
1. Within 30 days of the receipt of the opinion, the Commission shall prepare a draft of the Decision to be taken in respect of the application, taking into account the objectives of Community policies and considering all the relevant information. In the event of a draft Decision which envisages the granting of a marketing authorization, the documents referred to in points (a), (b) and (c) of Article 9(3) shall be annexed. The Commission shall transmit the draft Decision to the Member States and to the applicant.	1. Within 30 days of the receipt of the opinion, the Commission shall prepare a draft of the Decision to be taken in respect of the application, taking into account the objectives of Community policies and considering all the relevant information. In the event of a draft Decision which envisages the granting of a marketing authorization, the documents referred to in points (a), (b) and (c) of Article 9(3) shall be annexed. The Commission shall transmit the draft Decision to the Member States and to the applicant.
The Commission shall explain in detail the reasons for any differences between the draft Decision and the opinion of the Committee.	If, exceptionally, the Commission intends to draw up a draft Decision which differs from the opinion of the Committee, the Commission shall explain in detail the reasons for any differences.
Article 10 (2)	**Article 10 (2)**
2. The Commission shall adopt the Decision to be taken in respect of the application unless, within 30 days, it has received a reasoned request from a Member State to reconsider the matter. The Member State concerned shall also transmit a copy of its request to the other Member States and the applicant within the same time limit.	2. The Commission shall adopt the Decision to be taken in respect of the application unless, within 30 days, it has received a reasoned request from a Member State to reconsider the matter. The Member State concerned shall also transmit a copy of its request to the other Member States and the applicant within the same time limit.
	The Member State requesting reconsideration shall provide a detailed justification based on scientific evidence or Community law.

Article 10, paragraphs 3 and 4 unchanged

Article 10 (5), new

The Agency shall, upon request, inform any interested person of the contents of its final opinion.

Original Text	Amendment to the proposal
Article 11 unchanged	
Article 12 (1)	**Article 12 (1)**
1. Without prejudice to Article 6 of Directive 65/65/EEC, a marketing authorization which has been granted in accordance with the procedure laid down in this Regulation shall apply throughout the Community. It shall confer the same rights and obligations in each of the Member States as a marketing authorization granted by that Member State in accordance with Article 3 of Directive 65/65/EEC.	1. Without prejudice to Article 6 of Directive 65/65/EEC, a marketing authorization which has been granted in accordance with the procedure laid down in this Regulation shall apply throughout the Community. It shall confer the same rights and obligations in each of the Member States as a marketing authorization granted by that Member State in accordance with Article 3 of Directive 65/65/EEC. The authorized medicinal products shall be entered in the Community Register of Medicinal Products and they shall be given a number which must appear on the packaging.
Article 12 (2) unchanged	
Article 12 (3)	**Article 12 (3)**
3. An announcement that authorization has been granted shall be published for information purposes in the Official Journal of the European Communities.	3. Notification of marketing authorization shall be published in the Official Journal of the European Communities, quoting the number in the Community Register.
Article 12 (4) unchanged	
Article 13 (1)	**Article 13 (1)**
1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date.	1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date and after consideration by the Agency of a dossier containing up-to-date information on pharmacovigilance.

Original Text	Amendment to the proposal
Article 13 (2)	**Article 13 (2)**
2. In exceptional circumstances and following consultation with the applicant, an authorization may be granted subject to such conditions as appear necessary to ensure the protection of public health, including specific obligations to conduct further studies following the granting of authorization and specific obligations in respect of the reporting of adverse reactions to the medicinal product.	2. In exceptional circumstances and following consultation with the applicant, an authorization may be granted subject, to certain specific obligations, to be defined and reviewed annually by the Agency, to: - conduct further studies following the granting of authorization; - report adverse reactions to the medicinal product. Such exceptional decisions may only be adopted for objective and verifiable reasons and must be based on one of the causes mentioned in Chapter III of Part III of the Annex to Directive 75/318/EEC. Some products may be authorized only for use in hospitals or for prescription by specialists.

Article 13 paragraph 3 unchanged

Article 14 unchanged

Article 15 paragraphs 1 - 3 unchanged

Article 15 (4)	**Article 15 (4)**
4. The Agency shall, in consultation with the Commission, adopt appropriate arrangements for the examination of amendments and variations to the terms of a marketing authorization.	4. The Agency shall, in consultation with the Commission, adopt appropriate arrangements for the examination of amendments and variations to the terms of a marketing authorization. These arrangements shall include a notification system or administrative procedures concerning minor changes and define precisely the concept of 'a minor change'.

Articles 16 and 17 unchanged

Original Text	Amendment to the proposal
Article 18 (1)	**Article 18 (1)**
1. Where the supervisory authorities or the competent authorities of any other Member State are of the opinion that the manufacturer or importer from third countries is no longer fulfilling the obligations laid down in Chapter IV of Directive 75/319/EEC, they shall forthwith inform the Committee and the Commission, stating their reasons in detail and indicating the course of action proposed.	1. Where the supervisory authorities or the competent authorities of any other Member State are of the opinion that the manufacturer or importer from third countries is no longer fulfilling the obligations laid down in Chapter IV of Directive 75/319/EEC, they shall forthwith inform the Committee and the Commission, stating their reasons in detail and indicating the course of action proposed.
The same shall apply where a Member State considers that one of the measures envisaged in Chapter V of Directive 75/319/EEC should be applied in respect of the medicinal product concerned.	**The same shall apply where a Member State or the Commission considers that one of the measures envisaged in Chapter V or Chapter Va of Direcitve 75/319/EEC should be applied in respect of the medicinal product concerned.**

Article 18 paragraphs 2 and 3 unchanged.

Article 18 (4)	Article 18(4)
4. In exceptional cases, where action is urgently necessary to protect public health, a Member State may suspend the use on its territory of a medicinal product which has been authorized in accordance with this Regulation. It shall inform the Commission no later than the following working day of the reasons for its action. The Commission shall immediately consider the reasons given by the Member State in accordance with paragraph 2 and shall initiate the procedure provided for in paragraph 3.	4. In exceptional cases, where action is urgently necessary to protect public health, a Member State may suspend the use on its territory of a medicinal product which has been authorized in accordance with this Regulation, if it finds the following: (1) The severity of the harm that could be caused by the medicinal product cannot await the definitive decision of the Commission; (2) There is a likelihood that the medicinal product will cause the suspected harm during the Commission's deliberations; (3) The risk to patients currently taking the medicinal product occasioned by the removal of the product from the market is out-weighed by the degree of harm posed by the product.

Original Text	Amendment to the proposal
	The Member State in question shall inform the Commission no later than the following working day of the reasons for its action. It shall also inform the health authorities of the other Member States. The Commission shall immediately consider the reasons given by the Member State in accordance with paragraph 2 and shall initiate the procedure provided for in paragraph 3. In such cases the Member State in question shall immediately take the necessary measures to inform the public.
Article 18 (5) unchanged	**Article 18 (6), new**
	The Agency shall, upon request, inform any interested person of the contents of the Committee's opinion referred to in paragraph 2.

Articles 19 - 21 unchanged

Article 22 paragraphs 1 and 2 unchanged

	Article 22 (3), new
	The person responsible for marketing shall accompany the records of adverse reactions with an analysis of the data regarding such reactions, in order to make them easier to understand.
Article 23	**Article 23**
Each Member State shall report any suspected serious adverse reaction arising within its territory to a medicinal product authorized in accordance with this Regulation to the Agency and the person responsible for marketing within 15 days of receipt of a report from a qualified health care professional.	Each Member State shall organize the pharmacovigilance service within its territory according to the provisions of Article 24. It shall report any suspected serious adverse reaction arising within its territory to a medicinal product authorized in accordance with this Regulation to the Agency and the person responsible for marketing within 15 days of receipt of a report from a qualified health care professional.

Original Text	Amendment to the proposal
Article 24	**Article 24**
The Agency shall, in consultation with Member States, the Commission and interested parties, draw up detailed guidance on the collection, verification and presentation of adverse reaction reports.	The Commission shall, in consultation with the Agency, Member States and interested parties, approve detailed guidance, common to all the Member States on the collection, verification and presentation of adverse reaction reports. These reports shall have a format similar to that used by the World Health Organization;
	The Agency, in consultation with the Member States and the Commission, shall set up a data-processing network for the rapid transmission of data between the competent Community authorities in the event of an alert relating to faulty manufacture, serious undesirable effects and other pharmacovigilance data regarding medicinal products marketed in the Community.
Article 25 unchanged	
	Article 25a, new
	The Agency shall collaborate with the World Health Organization on international pharmacovigilance and shall take the necessary steps to submit promptly to the World Health Organization appropriate and adequate information regarding the measures taken in the Community which may have a bearing on public health protection in third countries and shall send a copy thereof to the Commission and the Member States.

Original Text	Amendment to the proposal
Article 26 unchanged	
Article 27	Article 27
Article 27, paragraph 1, unchanged	
Article 27 (2)	Article 27 (2)
2. The application shall also be accompanied by the fee payable to the Agency for the examination of the application.	2. In the case of a veterinary medicinal product containing or consisting of genetically modified organisms within the meaning of Article 2 paragraphs 1 and 2 of Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms, the application shall also be accompanied by; - a copy of the written consent, from the competent authority, to the deliberate release of the genetically modified organisms for research and development purposes provided for in Article 6(4) of Directive 90/220/EEC; - the complete technical dossier supplying the information requested in Annexes II and III of Directive 90/220/EEC and the environmental risk assessment resulting from this information. Articles 11 to 18 of Directive 90/220/EEC shall not apply to veterinary medicinal products containing or consisting of genetically modified organisms.
Article 27 (3)	Article 27 (3)
3. The Agency shall ensure that the opinion of the Committee is given within 210 days of the receipt of a valid application.	3. The application shall also be accompanied by the fee payable to the Agency for the examination of the application.

Original Text	Amendment to the proposal
Article 27 (4)	Article 27 (4)
4. The Agency shall, in consultation with Member States, the Commission and interested parties, draw up detailed guidance on the form in which applications for authorization are to be presented.	4. The Agency shall ensure that the opinion of the Committee is given within 210 days of the receipt of a valid application. In the case of a veterinary medicinal product containing or consisting of genetically modified organisms, the opinion of the Committee shall take account of the environmental safety requirements laid down by Directive 90/220/EEC.
	Article 27 (5) (new)
	5. The Agency shall, in consultation with Member States, the Commission and interested parties, draw up detailed guidance on the form in which applications for authorization are to be presented.

Articles 28 - 30 unchanged

Original Text	Amendment to the proposal
Article 31 (1)	**Article 31 (1)**
1. Within 30 days of the receipt of the opinion, the Commission shall prepare a draft of the Decision to be taken	1. Within 30 days of the receipt of the opinion, the Commission shall prepare a draft of the Decision to be taken
in respect of the application taking into account the objectives of Community policies and considering all relevant information. In the event of a draft Decision which envisages the granting of a marketing authorization, the documents referred to in points (a), (b), and (c) of Article 30 (3) shall be annexed. The Commission shall transmit the draft Decision to the Member States and to the applicant.	in respect of the application taking into account the objectives of Community policies and considering all relevant information. In the event of a draft Decision which envisages the granting of a marketing authorization, the documents referred to in points (a), (b), and (c) of Article 30 (3) shall be annexed. The Commission shall transmit the draft Decision to the Member States and to the applicant.
The Commission shall explain in detail the reasons for any differences between the draft Decision and the opinion of the Committee.	If, exceptionally, the Commission intends to draw up a draft Decision which differs from the opinion of the Committee, the Commission shall explain in detail the reasons for any differences.
Article 31 (2)	**Article 31 (2)**
2. The Commission shall adopt the Decision to be taken in respect of the application unless, within 30 days, it has received a reasoned request from a Member State to reconsider the matter. The Member State concerned shall also transmit a copy of its request to the other Member States and the applicant within the same time limit.	2. The Commission shall adopt the Decision to be taken in respect of the application unless, within 30 days, it has received a reasoned request from a Member State to reconsider the matter. The Member State concerned shall also transmit a copy of its request to the other Member States and the applicant within the same time limit.
	The Member State requesting reconsideration shall provide a detailed justification based on scientific evidence or Community law.
Article 31, paragraphs 3 and 4 unchanged	
	Article 31 (5), new
	The Agency shall, upon request, inform any interested person of the contents of its final opinion.

Original Text	Amendment to the proposal
Article 32 unchanged	
Article 33 (1)	**Article 33 (1)**
1. Without prejudice to Article 4 of Council Directive .../.../EEC extending the scope of Directive 81/851/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products, and laying down additional provisions for immunological veterinary medicinal products, a marketing authorization which has been granted in accordance with the procedure laid down in this Regulation shall apply throughout the Community. It shall confer the same rights and obligations in each of the Member States as a marketing authorization granted by that Member State in accordance with Article 4 of Directive 81/851/EEC.	1. Without prejudice to Article 4 of Council Directive .../.../EEC extending the scope of Directive 81/851/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products, and laying down additional provisions for immunological veterinary medicinal products, a marketing authorization which has been granted in accordance with the procedure laid down in this Regulation shall apply throughout the Community. It shall confer the same rights and obligations in each of the Member States as a marketing authorization granted by that Member State in accordance with Article 4 of Directive 81/851/EEC.
	The authorized medicinal products shall be entered in the Community Register of Veterinary Medicinal Products and they shall be given a number which must appear on the packaging.
Article 33 (2) unchanged	
Article 33 (3)	**Article 33 (3)**
3. An announcement that authorization has been granted shall be published for information purposes in the Official Journal of the European Communities.	3. Notification of marketing authorization shall be published in the Official Journal of the European Communities, quoting the number in the Community Register of Veterinary Medicinal Products.
Article 33 (4) unchanged	
Article 34 (1)	**Article 34 (1)**
1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date.	1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date and after consideration by the Agency of a dossier containing up-to-date information on pharmacovigilance.

Original Text	Amendment to the proposal
Article 34 (2)	**Article 34 (2)**
2. In exceptional circumstances, and following consultation with the applicant, an authorization may be granted subject to such conditions as appear necessary to ensure the protection of human or animal health, including specific obligations to conduct further studies following the granting of authorization and specific obligations in respect of the reporting of adverse reactions to the veterinary medicinal product.	2. In exceptional circumstances, and following consultation with the applicant, an authorization may be granted subject to/ certain specific obligations defined and reviewed annually by the Agency, - to conduct further studies following the granting of authorization; - to report adverse reactions to the veterinary medicinal products.

Article 34 paragraph 3 unchanged

Article 35 unchanged

Article 36 paragraphs 1 - 3 unchanged

Article 36 (4)	**Article 36 (4)**
4. The Agency shall, in accordance with the Commission, adopt appropriate arrangements for the examination of amendments and variations to the terms of a marketing authorization.	4. The Agency shall, in accordance with the Commission, adopt appropriate arrangements for the examination of amendments and variations to the terms of a marketing authorization. These arrangements shall include a system of notification or administrative procedures to take account of changes of minor importance.

Articles 37 and 38 unchanged

Original Text	Amendment to the proposal
Article 39 (1)	**Article 39 (1)**
1. Where the supervisory authorities or the competent authorities of any other Member State are of the opinion that the manufacturer or importer from third countries is no longer fulfilling the obligations laid down in Chapter V of Directive 81/851/EEC they shall forthwith inform the Committee and the Commission, stating their reasons in detail and indicating the course of action proposed.	1. Where the supervisory authorities or the competent authorities of any other Member State are of the opinion that the manufacturer or importer from third countries is no longer fulfilling the obligations laid down in Chapter V of Directive 81/851/EEC they shall forthwith inform the Committee and the Commission, stating their reasons in detail and indicating the course of action proposed.
The same shall apply where a Member State considers that one of the measures envisaged in Chapter VI of Directive 81/851/EEC should be applied in respect of the veterinary medicinal product concerned.	**The same shall apply where a Member State <u>or the Commission</u> considers that one of the measures envisaged in Chapter VI <u>or Chapter VIa of Directive 81/851/EEC should be applied in respect of the veterinary medicinal product concerned.</u>**

Article 39 paragraphs 2 - 5 unchanged

<u>Article 39 (6), new</u>

<u>6. The Agency shall, upon request, inform any interested person of the contents of the Committee's opinion referred to in paragraph 2.</u>

Articles 40 - 42 unchanged

Article 43 paragraphs 1 and 2 unchanged

<u>Article 43 (3), new</u>

<u>The person responsible for marketing shall accompany the records of adverse reactions with an analysis of the data regarding such reactions, in order to make them easier to understand.</u>

Original Text	Amendment to the proposal
Article 44	**Article 44**
Each Member State shall report any suspected serious adverse reaction arising within its territory to a veterinary medicinal product authorized in accordance with this Regulation to the Agency and the person responsible for marketing within 15 days of receipt of a report from a qualified health care professional.	Each Member State shall organize the pharmacovigilance service within its territory according to the provisions of Article 45. It shall report any suspected serious adverse reaction arising within its territory to a veterinary medicinal product authorized in accordance with this Regulation to the Agency and the person responsible for marketing within 15 days of receipt of a report from a qualified health care professional.
Article 45	**Article 45**
The Agency shall, in consultation with Member States, the Commission and interested parties, draw up detailed guidance on the collection, verification and presentation of adverse reaction reports to veterinary medicinal products.	The Commission shall, in consultation with the Agency, Member States and the interested parties, approve detailed guidance, common to the Member States / on the collection, verification and presentation of adverse reaction reports. These reports shall have a format similar to that used by the World Health Organization The Agency, in consultation with the Member States and the Commission, shall set up a data-processing network for the rapid transmission of data between the competent Community authorities in the event of an alert relating to faulty manufacture, serious undesirable effects and other pharmacovigilance data regarding medicinal products marketed in the Community.

Article 46 unchanged

Original Text	Amendment to the proposal
Article 47 unchanged	
	Article 47a (new)
	The Agency shall collaborate with the World Health Organization on international pharmocovigilance and shall take the necessary steps to submit promptly to the World Health Organization appropriate and adequate information regarding the measures taken in the Community which may have a bearing on public health protection in third countries and shall send a copy thereof to the Commission and the Member States.
Article 48	**Article 48**
In order to promote the protection of public health throughout the Community and the adoption of uniform regulatory decisions based on scientific criteria concerning the marketing and use of medicinal products, the objective of the Agency shall be to provide the Member States and the Institutions of the Community with the best possible scientific advice on any question relating to the evaluation of the quality, the safety or the efficacy of medicinal products for human or veterinary use which is referred to it in accordance with the provisions of Community legislation relating to medicinal products.	In order to promote the protection of public health and consumers of medicinal products throughout the Community, and the adoption of uniform regulatory decisions based on scientific criteria concerning the marketing and rational use of medicinal products, the objective of the Agency shall be to provide the Member States and the Institutions of the Community with the best possible scientific advice on any question relating to the evaluation of the quality, the safety or the efficacy of medicinal products for human or veterinary use which is referred to it in accordance with the provisions of Community legislation relating to medicinal products.
In particular the Agency shall undertake the following tasks:	In particular the Agency shall undertake the following tasks:

Original Text	Amendment to the proposal
Article 48, points (a) and (b) unchanged	
Point (c)	**Point (c)**
the continuing supervision, under practical conditions of use, of medicinal products which have been authorized within the Community and the provision of advice on the measures necessary to ensure the safe and effective use of these products, in particular following the evaluation of reports of adverse reactions (pharmacovigilance);	the continuing supervision, under practical conditions of use, of medicinal products which have been authorized within the Community and the provision of advice on the measures necessary to ensure the safe and effective use of these products, in particular by collecting, evaluating and making available through the a database the information on adverse reactions to the medicinal products in question (pharmacovigilance);
Article 48, points (d), (e), (f) and (g) unchanged	
Point (h)	**Point (h)**
where necessary, to advise and to allow for direct dialogue between the applicant and the Agency on the conduct of the various tests and trials necessary to demonstrate the quality, safety and efficacy of medicinal products.	to advise and, at the request of the applicant, to allow for direct dialogue between the applicant and the Agency on the conduct of the various tests and trials necessary to demonstrate the quality, safety and efficacy of medicinal products.
Article 48, point (i) unchanged	
	Point (j), new
	registering all the authorizations for medicinal products granted in the European Community;
	Point (k), new
	the provision to health professionals of scientific information on the medicinal products authorized by this Regulation.

Original Text | Amendment to the proposal

Article 49 unchanged

Article 50 paragraphs 1 - 3 unchanged

Article 50 (4) (new)

The opinions adopted by the Committees shall be made available to anyone requesting them.

Articles 51 and 52 unchanged

Article 53 paragraphs 1 and 2 unchanged

Article 53 paragraph 3, first four indents unchanged

Fifth indent (new)

- a list of medicinal products which have been granted authorization, those for which authorization has been refused or withdrawn and those whose information records have undergone significant changes.

Article 53 paragraph 4 unchanged

Article 53 (5), new

The executive director may not have any direct or indirect interests in the pharmaceutical industry which would affect his impartiality.

Article 54 (1)

1. The management board shall consist of two representatives from each Member State and two representatives of the Commission. One representative shall have specific responsibilities relating to medicinal products for human use and one relating to veterinary medicinal products.

Article 54 (1)

1. The Management Board shall consist of two representatives from each Member State, two representatives of the Commission and two representatives appointed by the European Parliament. One representative shall have specific responsibilities relating to medicinal products for human use and one relating to veterinary medicinal products.

Original Text	Amendment to the proposal
Article 54 paragraphs 2 - 5 unchanged	
Articles 55 -64 unchanged	
Article 65 paragraphs 1 - 4 unchanged	
	Article 65 (5), (new)
	Article 52 (2) shall apply similarly to members of the Scientific Council.
Article 66 unchanged	
Article 67	Article 67
All decisions to grant, refuse, amend, suspend, withdraw or revoke a marketing authorization which are taken in accordance with this regulation shall state in detail the reasons on which they are based. Such decisions shall be notified to the party concerned, who shall be able to exercise the remedies conferred upon him under the EEC Treaty.	All decisions to grant, refuse, amend, suspend, withdraw or revoke a marketing authorization which are taken in accordance with this regulation shall state in detail the reasons on which they are based. Such decisions shall be notified to the party concerned, who shall be able to exercise the remedies conferred upon him under the EEC Treaty, in particular pursuant to its Article 173.
Articles 68 and 69 unchanged	
Article 70	Article 70
Without prejudice to Article 68, and without prejudice to the Protocol on the Privileges and Immunities of the European Communities, each Member State shall determine the penalties to be applied for the infringement of the provisions of this Regulation. The penalties shall be sufficient to promote compliance with those measures.	Without prejudice to Article 68, and without prejudice to the Protocol on the Privileges and Immunities of the European Communities, each Member State shall determine the penalties to be applied for the infringement of the provisions of this Regulation. The penalties shall be sufficient to promote compliance with those measures.
	The Member States shall also determine penalties to ensure compliance with professional secrecy on the part of the members of the Agency in accordance with the provisions of Article 62.
Member States shall forthwith inform the Commission of the institution of any infringement proceedings.	Member States shall forthwith inform the Commission of the institution of any infringement proceedings.
Articles 71 - 73 unchanged	
Annex unchanged	

2. **Amendment to the proposal for a** SYN 310
COUNCIL DIRECTIVE
amending Directives 65/65/EEC, 75/318/EEC and 75/319/EEC in respect of medicinal products

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Original Text	Amendment to the proposal
Visas and recitals 1 and 2 unchanged	
Third recital	**Third recital**
Whereas in the interests of public health it is necessary that decisions on the authorization to place medicinal products on the market be exclusively based on the criteria of quality, safety and efficacy; whereas these criteria have been extensively harmonized by Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products, as last amended by Directive 89/381/EEC, and by Directive 75/319/EEC, and by Council Directive 75/318/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to analytical, pharmaco-toxicological and clinical standards and protocols in respect of the testing of medicinal products, as last amended by Directive 89/341/EEC; whereas, however, Member States should exceptionally be able to prohibit the use on their territory of medicinal products which infringe objectively defined concepts of public order or public morality;	Whereas in the interests of public health and consumers of medicinal products it is necessary that decisions on the authorization to place medicinal products on the market be exclusively based on the criteria of quality, safety and efficacy; whereas these criteria have been extensively harmonized by Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products, as last amended by Directive 89/381/EEC, and by Directive 75/319/EEC, and by Council Directive 75/318/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to analytical, pharmaco-toxicological and clinical standards and protocols in respect of the testing of medicinal products, as last amended by Directive 89/341/EEC; whereas, however, Member States should exceptionally be able to prohibit the use on their territory of medicinal products which infringe objectively defined concepts of public order or public morality;
	New recital inserted after third recital
	Whereas there already exist in Community law adequate rules for the evaluation and monitoring of medicinal products laying down maximum levels of quality, safety and efficacy and allowing the mutual recognition of measures taken by the authorities in the Member States with regard to medicinal products;
Remaining recitals unchanged	

Original Text	Amendment to the proposal
Article 1 (1), (Directive 65/65/EEC, Article 3)	
No medicinal product may be placed on the market of a Member State unless an authorization has been issued by the competent authority of that Member State or by the Community.	No medicinal product may be placed on the market of a Member State unless an authorization has been obtained in accordance with Community rules.
Article 1(2) unchanged	
Article 1 (3) (Directive 65/65/EEC, Article 4b)	
	Third paragraph, new
	Before a medicinal product is placed on the market the competent authorities shall forward to the European Agency for the Evaluation of Medicinal Products a copy of the decision together with the summary of the product characteristics referred to in this Article. The Agency shall give the authorized medicinal product a European Register number which shall be marked on the packaging.
Article 1 (4) unchanged	
Article 1 (5) (Directive 65/65/EEC Article 7(1))	
1. Member States shall take all appropriate measures to ensure that the procedure for granting an authorization to place a medicinal product on the market is completed within 210 days of the date of submitting the application.	1. Member States shall take all appropriate measures to ensure that the procedure for granting an authorization to place a medicinal product on the market is completed within 140 days of the date of submitting the application.
paragraph 2 unchanged	
Article 1 (6) and (7) unchanged	

Original Text	Amendment to the proposal
Article 1 (8), (Directive 65/65/EEC, Article 10)	
1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date.	1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date and after consideration of a dossier containing up-to-date information on pharmacovigilance.
2. In exceptional circumstances, and following consultation with the applicant, an authorization may be granted subject to such conditions as appear necessary to ensure the protection of public health, including specific obligations to conduct further studies following the granting of authorization and specific obligations in respect of the reporting of adverse reactions to the medicinal product.	2. In exceptional circumstances, and following consultation with the applicant, an authorization may be granted subject to certain specific obligations, including: - the carrying out of further studies following the granting of authorization; - the notification of adverse reactions to the medicinal product. These decisions shall be taken in accordance with the provisions of Chapter III, Part III of the Annex to Directive 75/318/EEC.
Article 2 unchanged	
Article 3 (1) (Directive 75/319/EEC, Chapter III)	
Articles 8 - 11, proposal unchanged	
Article 12, first paragraph	
The Member States or the Commission may, in specific cases where the interests of the Community are involved, refer the matter to the Committee for the application of the procedure laid down in Article 13 before reaching a decision on a request for a marketing authorization or on the suspension or revocation of an authorization, or on any other amendment to the terms of a marketing authorization which appears necessary, in particular to take account of the information collected in accordance with Chapter Va of this Directive.	The Member States, the Commission or the applicant himself may, in specific cases where the interests of the Community are involved, refer the matter to the Committee for the application of the procedure laid down in Article 13 before reaching a decision on a request for a marketing authorization or on the suspension or revocation of an authorization, or on any other amendment to the terms of a marketing authorization which appears necessary, in particular to take account of the information collected in accordance with Chapter Va of this Directive.

Original Text	Amendment to the proposal
Article 12 paragraphs 2 and 3 unchanged	
Article 13 unchanged	
Article 14 paragraphs 1 - 5 unchanged	
Article 14 paragraph 6, new	
	6. The procedure pursuant to Articles 8 to 14 shall not apply in the instances covered by Article 9(2) of Directive ... on homeopathic medicinal products (COM(90) 0072 final - SYN 251).
Article 15 unchanged	
Article 15a	
1. Where a Member State considers that the amendment of the terms of a marketing authorization which has been granted in accordance with the provisions of this chapter or its suspension or withdrawal is necessary, the Member State concerned shall forthwith refer the matter to the Committee for the application of the procedures laid down in Articles 13 and 14.	1. Where a Member State considers that the amendment of the terms of a marketing authorization which has been granted in accordance with the provisions of this chapter or its suspension or withdrawal is necessary, the Member State concerned shall forthwith refer the matter to the Committee for the application of the procedures laid down in Articles 13 and 14.
2. In exceptional cases, where action is urgently necessary to protect public health, until a definitive decision is adopted, a Member State may suspend the use of the medicinal product concerned on its territory. It shall inform the Commission no later than the following working day of the reasons for its actions.	2. In exceptional cases, where action is urgently necessary to protect public health, until a definitive decision is adopted, a Member State may suspend the use of the medicinal product concerned on its territory if it finds the following:
	(1) The severity of the harm that could be caused by the medicinal product cannot await the definitive decision of the Commission;
	(2) There is a likelihood that the medicinal product will cause the suspected harm during the Commission's deliberations;

Original Text	Amendment to the proposal
	(3) The risk to patients currently taking the medicinal product occasioned by the removal of the product from the market is outweighed by the degree of harm caused by the product itself. The Member State concerned shall inform the Commission no later than the following working day of the reasons for its actions.

Article 15b unchanged

Article 15c paragraph 1

1. The Agency shall publish an annual report on the operation of the procedures laid down in this Chapter.	1. The Agency shall publish a biennial report on the operation of the procedures laid down in this Chapter and shall forward it for information to the European Parliament and the Council.

Article 15c paragraph 2 unchanged

Article 3 (2) unchanged

Article 3 (3) (Directive 75/319/EEC Article 29a)

In order to ensure the adoption of appropriate regulatory decisions concerning the continued authorization of medicinal products within the Community, having regard to information obtained about adverse reactions to medicinal products under practical conditions of use, Member States shall establish a pharmacovigilance system for collecting information about adverse reactions to medicinal products in human beings and for the scientific evaluation of such information.	In order to ensure the adoption of appropriate regulatory decisions concerning the continued authorization of medicinal products within the Community, having regard to information obtained about adverse reactions to medicinal products under practical conditions of use, Member States shall establish a pharmacovigilance system for collecting information about adverse reactions to medicinal products in human beings and for the scientific evaluation of such information, such that the information about adverse reactions is systematically related to the information on the consumption of medicinal products.

Original Text	Amendment to the proposal
Article 29b unchanged	
Article 29c points (a) and (b) unchanged	
Article 29c point c	
(c) ensuring that any request from the competent authority for the provision of additional information necessary for the evaluation of the benefits and risks of a medicinal product is answered fully and promptly, including the provision of information about the volume of sales or prescriptions for the medicinal product concerned, where relevant.	(c) ensuring that any request from the competent authority for the provision of additional information necessary for the evaluation of the benefits and risks of a medicinal product is answered fully and promptly, including the provision of information about the volume of sales or prescriptions for the medicinal product concerned.
Articles 29d, 29e and 29f unchanged	
Article 29g	
In order to facilitate the exchange of information about pharmacovigilance within the Community, the Agency shall, in consultation with Member States, the Commission and the interested parties, draw up detailed guidance on the collection, verification and presentation of adverse reaction reports.	In order to facilitate the exchange of information about pharmacovigilance within the Community, the Commission shall, in consultation with the Agency and the interested parties, draw up detailed guidance on the collection, verification and presentation of adverse reaction reports. Such guidance shall take into account the format used by the World Health Organization.
Article 29h	
Where as a result of the evaluation of adverse reaction reports, a Member State is considering amending the terms of a marketing authorization or its suspension or withdrawal, it shall forthwith inform the Agency.	Where as a result of the evaluation of adverse reaction reports, a Member State is considering amending the terms of a marketing authorization or its suspension or withdrawal, it shall forthwith inform the Agency and the holder of the marketing authorization.
In case of urgency, the Member State concerned may suspend the marketing of a medicinal product, provided the Agency is informed at the latest on the following working day.'	In case of urgency, the Member State concerned may suspend the marketing of a medicinal product, provided the Agency is informed at the latest on the following working day.'
Articles 4 and 5 unchanged	

3. **Amendment to the proposal for a COUNCIL DIRECTIVE amending Directives 81/851/EEC and 81/852/EEC in respect of veterinary medicinal products** SYN 311

Original Text	Amendment to the proposal

Visas and recitals unchanged

Article 1 (1)
(Directive 81/851/EEC, Article 4 (1), first sub-paragraph)

No veterinary medicinal product may be placed on the market of a Member State unless an authorization has been issued by the competent authority of that Member State or by the Community.	No veterinary medicinal product may be placed on the market of a Member State unless an authorization has been obtained in accordance with Community rules.

Articles 1 (2) and 1 (3) unchanged

Article 1 (4) Directive 81/851/EEC, Article 5b

	Third paragraph, new
	Before a veterinary medicinal product is placed on the market the competent authorities shall forward to the European Agency for the Evaluation of Medicinal Products a copy of the decision together with the summary of the product characteristics referred to in this Article. The Agency shall give the authorized veterinary medicinal product a European Register number which shall be marked on the packaging.

Article 1(5)
(Directive 81/851/EEC Article 8, first paragraph)

1. Member States shall take all appropriate measures to ensure that the procedure for granting an authorization to place a medicinal product on the market is completed within 210 days of the date of submitting the application.	1. Member States shall take all appropriate measures to ensure that the procedure for granting an authorization to place a medicinal product on the market is completed within 140 days of the date of submitting the application.

paragraph 2 unchanged

Articles 1 (6) and 1 (7) unchanged

Original Text	Amendment to the proposal
Article 1 (8) (Directive 81/851/EEC Article 15 paragraph 1)	
1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date.	1. Authorization shall be valid for five years and may be renewable for five-year periods, on application by the holder at least three months before the expiry date and after consideration of a dossier containing up-to-date information on pharmacovigilance.
paragraph 2 unchanged	
Article 1 (9) (Directive 81/851/EEC Chapter IV)	
Articles 16 - 19 proposal unchanged	
Article 20 first paragraph	
The Member States or the Commission may, in specific cases where the interests of the Community are involved, refer the matter to the Committee for the application of the procedure laid down in Article 21 before reaching a decision on a request for a marketing authorization or on the suspension or revocation of an authorization, or on any other amendment to the terms of a marketing authorization which appears necessary, in particular to take account of the information collected in accordance with Chapter VIa of this Directive.	The Member States, the Commission or the applicant himself may, in specific cases where the interests of the Community are involved, refer the matter to the Comité for the application of the procedure laid down in Article 21 before reaching a decision on a request for a marketing authorization or on the suspension or revocation of an authorization, or on any other amendment to the terms of a marketing authorization which appears necessary, in particular to take account of the information collected in accordance with Chapter VIa of this Directive.
Article 20 paragraphs 2 and 3 unchanged	
Article 21 - 23b unchanged	
Article 23c	
1. The Agency shall publish an annual report on the operation of the procedures laid down in this Chapter.	1. The Agency shall publish a biennial report on the operation of the procedures laid down in this Chapter and shall forward it for information to the European Parliament and the Council.
paragraph 2 unchanged	
Article 1 (10) unchanged	

Original Text	Amendment to the proposal
Article 1 (11) **(Directive 81/851/EEC Chapter VIa)**	
Article 42a	
In order to ensure the adoption of appropriate regulatory Decisions concerning the continued authorization of veterinary medicinal products within the Community, having regard to information obtained about adverse reactions to veterinary medicinal products under practical conditions of use, the Member States shall establish a pharmacovigilance system for collecting information about adverse reactions to veterinary medicinal products and for the scientific evaluation of such information.	In order to ensure the adoption of appropriate regulatory Decisions concerning the continued authorization of veterinary medicinal products within the Community, having regard to information obtained about adverse reactions to veterinary medicinal products under practical conditions of use, the Member States shall establish a pharmacovigilance system for collecting information about adverse reactions to veterinary medicinal products and for the scientific evaluation of such information such that the information about adverse reactions is systematically related to the information on the consumption of medicinal products.
Article 42b unchanged	
Article 42c points (a) and (b) unchanged	
Article 42cpoint (c)	
(c) ensuring that any request from the competent authority for the provision of additional information necessary for the evaluation of the benefits and risks of a veterinary medicinal product is answered fully and promptly, including the provision of information about the volume of sales for the veterinary medicinal product concerned, where relevant.	(c) ensuring that any request from the competent authority for the provision of additional information necessary for the evaluation of the benefits and risks of a veterinary medicinal product is answered fully and promptly, including the provision of information about the volume of sales for the veterinary medicinal product concerned.
Articles 42d, 42e, and 42f unchanged	
Article 42g	
In order to facilitate the exchange of information about pharmacovigilance within the Community, the Agency shall, in consultation with Member States, the Commission and the interested parties, draw up detailed guidance on the collection, verification and presentation of adverse reaction reports.	In order to facilitate the exchange of information about pharmacovigilance within the Community, the Commission shall, in consultation with the Agency and the interested parties, draw up detailed guidance on the collection, verification and presentation of adverse reaction reports. Such guidance shall take into account the format used by the World Health Organization.

Original Text	Amendment to the proposal
Article 42h	
Where as a result of the evaluation of adverse reaction reports, a Member State is considering amending the terms of a marketing authorization or its suspension or withdrawal, it shall forthwith inform the Agency.	Where as a result of the evaluation of adverse reaction reports, a Member State is considering amending the terms of a marketing authorization or its suspension or withdrawal, it shall forthwith inform the Agency and the holder of the marketing authorization.
In case of urgency, the Member State concerned may suspend the marketing of a medicinal product, provided the Agency is informed at the latest on the following working day.'	In case of urgency, the Member State concerned may suspend the marketing of a medicinal product, provided the Agency is informed at the latest on the following working day.'
Articles 2 - 4 unchanged	

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