European Parliament
2019-2024

Committee on the Environment, Public Health and Food Safety

2023/0132(COD)

21.11.2023

AMENDMENTS

Draft report
Pernille Weiss
(PE753.470v01-00)

Union code relating to medicinal products for human use, and repealing Directive 2001/83/EC and Directive 2009/35/EC

Proposal for a directive
(COM(2023)0192 – C9-0143/2023 – 2023/0132(COD))

Amendment 161
Sunčana Glavak, Tomislav Sokol

Proposal for a directive
Recital 9

Text proposed by the Commission	*Amendment*
(9) Medicinal products for rare diseases and for children, should be subject to the same conditions as any other medicinal product concerning their quality, safety and efficacy, for example for what concerns the marketing authorisation procedures, quality and the pharmacovigilance requirements. However, specific requirements also apply to them considering their unique characteristics. Such requirements, which are currently defined in separate legislations, should be integrated in general pharmaceutical legal framework in order to ensure clarity and coherency of all the measures applicable to these medicinal products. Furthermore, as some medicinal products authorised for use in children are authorised by the Member States, specific provisions should be integrated in this Directive.	(9) Medicinal products for rare diseases and for children, should be subject to the same conditions as any other medicinal product concerning their quality, safety and efficacy, for example for what concerns the marketing authorisation procedures, quality and the pharmacovigilance requirements. However, specific requirements also apply to them considering their unique characteristics***, and encountered problems such as failure to timely accomplish the paediatric clinical studies and obtain data required for marketing authorization, which results in significant delay of approval in children compared to adults***. Such requirements, which are currently defined in separate legislations, should be integrated in general pharmaceutical legal framework in order to ensure clarity and coherency of all the measures applicable to these medicinal products. Furthermore, as some medicinal products authorised for use in children are authorised by the Member States, specific provisions should be integrated in this Directive.

Amendment 238
Sunčana Glavak, Tomislav Sokol

Proposal for a directive
Recital 50

Text proposed by the Commission	*Amendment*
(50) The establishment of a criteria-based definition of ‘unmet medical need’ is required to incentivise the development of medicinal products in therapeutic areas that are currently underserved. To ensure that	(50) The establishment of a criteria-based definition of ‘unmet medical need’ is required to incentivise the development of medicinal products in therapeutic areas that are currently underserved. To ensure that

the concept of unmet medical need reflects scientific and technological developments and current knowledge in underserved diseases, the Commission should specify and update using implementing acts, the criteria of satisfactory method of diagnosis, prevention or treatment, 'remaining high morbidity or mortality', 'relevant patient population' following scientific assessment by the Agency. The Agency will seek input from a broad range of authorities or bodies active along the lifecycle of medicinal products in the framework of the consultation process established under the [revised Regulation (EC) No 726/2004] and also take into account scientific initiatives at EU level or between Member States related to analysing unmet medical needs, burden of disease and priority setting for research and development. The criteria for 'unmet medical need' can be subsequently used by Member States to identify specific therapeutic areas of interest.	the concept of unmet medical need reflects scientific and technological developments and current knowledge in underserved diseases, the Commission should specify and update using implementing acts, the criteria of satisfactory method of diagnosis, prevention or treatment, 'remaining high morbidity or mortality', 'relevant patient population'***, quality of life and long-term health and developmental consequences relevant for paediatric patients*** following scientific assessment by the Agency. The Agency will seek input from a broad range of authorities or bodies active along the lifecycle of medicinal products in the framework of the consultation process established under the [revised Regulation (EC) No 726/2004] and also take into account scientific initiatives at EU level or between Member States related to analysing unmet medical needs, burden of disease and priority setting for research and development. The criteria for 'unmet medical need' can be subsequently used by Member States to identify specific therapeutic areas of interest.

Amendment 241
Sunčana Glavak, Tomislav Sokol

Proposal for a directive
Recital 50 a (new)

Text proposed by the Commission	*Amendment*
	(50 a) The development of medical products in underserved therapeutic areas can greatly increase the quality of life for patients. In that regard, elements such as acute or chronic side effects, in particular in relation to the toxicity of a product, as well as the ability of patients to perform regular life activities, the presence of pain and the management of co-morbidities should be considered in the assessment of improving quality of life. The importance of the long-term age appropriate development and maturation of paediatric

patients, and of retaining their normal daily activities, can not be overemphasized.

Amendment 341
Sunčana Glavak

Proposal for a directive
Recital 76 a (new)

Text proposed by the Commission	*Amendment*
	(76 a) For the purpose of paediatric marketing authorization of medicinal products already approved for use in adults, when the agreed paediatric investigation plan cannot be timely accomplished due to failure to conduct paediatric clinical studies, the competent authorities may consider the evidence obtained from extrapolation of adult data and from the appropriately designed post-marketing long-term studies for monitoring safety and efficacy.

Amendment 556
Sunčana Glavak

Proposal for a directive
Article 6 – paragraph 5 – subparagraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) when the agreed paediatric investigation plan cannot be timely accomplished due to failure to conduct paediatric clinical studies, the evidence obtained from extrapolation and all information on safety and efficacy collected from the appropriately designed post-marketing long-term studies

Amendment 767
Sunčana Glavak

Proposal for a directive
Article 49 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the results of all clinical studies, conducted in compliance with an agreed paediatric investigation plan as referred to in Article 6(5), point (a), shall be included in the summary of product characteristics and, if appropriate, in the package leaflet, or	(a) the results of all clinical studies, conducted in compliance with an agreed paediatric investigation plan as referred to in Article 6(5), point (a), ***and (aa)*** shall be included in the summary of product characteristics and, if appropriate, in the package leaflet, or

Amendment 1145
Sunčana Glavak

Proposal for a directive
Article 83 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) there is no medicinal product authorised in the Union for such disease, or, where despite medicinal products being authorised for such disease in the Union, the disease is associated with a remaining high morbidity or mortality;	(a) there is no medicinal product authorised in the Union for such disease, or, where despite medicinal products being authorised for such disease in the Union, the disease is associated with a remaining high morbidity or mortality***, or significant negative impact on quality of life, or has significant negative implications on long-term development and maturation of paediatric patients***;

Amendment 1166
Sunčana Glavak

Proposal for a directive
Article 83 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the use of the medicinal product results in a meaningful reduction in disease morbidity or mortality for the relevant patient population.	(b) the use of the medicinal product results in a meaningful reduction in disease morbidity or mortality for the relevant patient population***, and minimizes the long-term side effect on growth and maturation in paediatric patients***.

Amendment 1350
Sunčana Glavak

Proposal for a directive
Article 86 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where an application for marketing authorisation, includes the results of all studies conducted in compliance with an agreed paediatric investigation plan, the holder of the patent or supplementary protection certificate shall be entitled to a six-month extension of the period referred to in Article 13, paragraphs 1 and 2 of [Regulation (EC) No 469/2009 - OP please replace reference by new instrument when adopted].	Where an application for marketing authorisation, includes the results of all studies conducted in compliance with an agreed paediatric investigation plan***, or the supplementary evidence based on extrapolation and/or from the appropriately designed post-marketing long-term studies in pediatric patients receiving the drug***, the holder of the patent or supplementary protection certificate shall be entitled to a six-month extension of the period referred to in Article 13, paragraphs 1 and 2 of [Regulation (EC) No 469/2009 - OP please replace reference by new instrument when adopted].

Amendment 1355
Sunčana Glavak, Tomislav Sokol

Proposal for a directive
Article 87 – paragraph 1 – subparagraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) to conduct a post-authorisation safety and efficacy long-term study in children receiving the drug "of the label" because the paediatric investigation plan could not be accomplished due to failure to timely complete paediatric clinical studies.

Amendment 1368
Sunčana Glavak, Tomislav Sokol

Proposal for a directive
Article 96 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Member States shall operate a pharmacovigilance system for the fulfilment of their pharmacovigilance tasks and their participation in the Union pharmacovigilance activities.	Member States shall operate a pharmacovigilance system for the fulfilment of their pharmacovigilance tasks and their participation in the Union pharmacovigilance activities ***including the pharmacovigilance over the post-authorization safety and efficacy long-term studies in children using the drug off label, because of the failed marketing authorization for reasons such as failure to timely complete paediatric clinical studies***.

European Parliament
2019-2024

Committee on the Environment, Public Health and Food Safety

2023/0131(COD)

21.11.2023

AMENDMENTS

Draft report
Tiemo Wölken
(PE753.550v02-00)

Laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing rules governing the European Medicines Agency, amending Regulation (EC) No 1394/2007 and Regulation (EU) No 536/2014 and repealing Regulation (EC) No 726/2004, Regulation (EC) No 141/2000 and Regulation (EC) No 1901/2006

Proposal for a regulation
(COM(2023)0193 – C9-0144/2023 – 2023/0131(COD))

Amendment 251
Sunčana Glavak

Proposal for a regulation
Recital 33

Text proposed by the Commission	*Amendment*
(33) To optimise the functioning and efficiency of the regulatory system, the structure of the Agency's scientific committees is simplified and reduced to two main Committees for medicinal products for human use, the Committee for Medicinal Products for Human Use (CHMP) and Pharmacovigilance Risk Assessment Committee (PRAC)**.**	(33) To optimise the functioning and efficiency of the regulatory system, the structure of the Agency's scientific committees is simplified and reduced to two main Committees for medicinal products for human use, the Committee for Medicinal Products for Human Use (CHMP) and Pharmacovigilance Risk Assessment Committee (PRAC) ***and the Committee for Paediatric and Orphan Medicinal Products (CPOMP)***

Amendment 1124
Sunčana Glavak

Proposal for a regulation
Article 70

Text proposed by the Commission	*Amendment*
Article 70	***deleted***
Orphan medicinal products addressing a high unmet medical need	
1. An orphan medicinal product shall be considered as addressing a high unmet medical need where it fulfils the following requirements:	
(a) there is no medicinal product authorised in the Union for such condition orwhere, despite medicinal products being authorised for such condition in the Union, the applicant demonstrates that the orphan medicinal product, in addition to having a significant benefit, will bring exceptional therapeutic advancement;	
(b) the use of the orphan medicinal product results in a meaningful reduction in disease morbidity or mortality for the	

relevant patient population.

2. A medicinal product for which an application has been submitted in accordance with Article 13 of [revised Directive 2001/83/EC] shall not be considered as addressing a high unmet medical need.

3. Where the Agency adopts scientific guidelines for the application of this Article, it shall consult the Commission and the authorities or bodies referred to in Article 162.

Amendment 1172
Sunčana Glavak

Proposal for a regulation
Article 71 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) ***nine*** years for orphan medicinal products other than those referred to in ***points (b) and*** (c);	(a) ***Ten*** years for orphan medicinal products other than those referred to in ***point*** (c);

Amendment 1175
Sunčana Glavak

Proposal for a regulation
Article 71 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) ten years for orphan medicinal products addressing a high unmet medical need as referred to in Article 70;	***deleted***

Amendment 1303
Sunčana Glavak

Proposal for a regulation
Article 76 – paragraph 4

Text proposed by the Commission	*Amendment*

4. In consultation with the Commission and with interested parties, the Agency shall draw up and publish guidelines for the practical application of this Article.	4. In consultation with the Commission and with interested parties**,** ***and with the CPOMP***, the Agency shall draw up and publish guidelines for the practical application of this Article.

Amendment 1306
Sunčana Glavak

Proposal for a regulation
Article 77 – paragraph 1

Text proposed by the Commission	*Amendment*
1. After the validation of the proposed paediatric investigation plan referred to in Article 74(1).which is valid in accordance with the provisions of Article 76(2), the Agency shall adopt within ***90*** days a decision as to whether or not the proposed studies will ensure the generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies proposed. When adopting its decision, the Agency shall consider whether or not the measures proposed to adapt the pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product for use in different subsets of the paediatric population are appropriate.	1. After the validation of the proposed paediatric investigation plan referred to in Article 74(1).which is valid in accordance with the provisions of Article 76(2), the Agency shall adopt within ***70*** days a decision as to whether or not the proposed studies will ensure the generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies proposed. When adopting its decision, the Agency shall consider whether or not the measures proposed to adapt the pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product for use in different subsets of the paediatric population are appropriate.

Amendment 1317
Sunčana Glavak

Proposal for a regulation
Article 78 – paragraph 7

Text proposed by the Commission	*Amendment*
7. In consultation with the Commission and with interested parties, the Agency shall draw up and publish	7. In consultation with the Commission and with interested parties**,** ***and with the CPOMP***, the Agency shall

guidelines for the practical application of this Article.	draw up and publish guidelines for the practical application of this Article.

Amendment 1326
Sunčana Glavak

Proposal for a regulation
Article 82 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. In case of the product that has already been authorized for use in adults in accordance with the provision of this Regulation, and if the cause for deferral of the PIP was a failure to timely complete clinical studies in children, before granting another deferral, the Agency may consider the evidence obtained from extrapolation and from the appropriately designed post-marketing long-term studies for monitoring safety and efficacy as specified in Article 138, paragraph 1, subparagraph 2, point za a(new)

Amendment 1337
Sunčana Glavak

Proposal for a regulation
Article 85 – paragraph 1

Text proposed by the Commission	*Amendment*
1. In consultation with the Member States, the Commission and interested parties, the Agency shall draw up the detailed arrangements concerning the format and content which applications for agreement or modification of a paediatric investigation plan, and requests for waivers or deferrals are to follow in order to be considered valid and concerning the operation of the compliance check referred to in Articles 48, 49(2), 86 and 90(2) of [revised Directive 2001/83/EC].	1. In consultation with the Member States, the Commission***,*** and interested parties, the Agency ***and its relevant Committee (CPOMP)*** shall draw up the detailed arrangements concerning the format and content which applications for agreement or modification of a paediatric investigation plan, and requests for waivers or deferrals are to follow in order to be considered valid and concerning the operation of the compliance check referred to in Articles 48, 49(2), 86 and 90(2) of [revised Directive 2001/83/EC].

Amendment 1355
Sunčana Glavak, Tomislav Sokol

Proposal for a regulation
Article 88 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Where a paediatric investigation plan, agreed in accordance with the provisions of Article 77, paragraphs 1, 2 and 4 could not be completed due to failure of timely completion of pediatric studies, for the product that has already been authorized for use in adults in accordance with the provision of this Regulation, the Agency should consider evidence from the pediatric studies as specified in Article 138, paragraph 1, subparagraph 2, point za a(new)

Amendment 1361
Sunčana Glavak, Tomislav Sokol

Proposal for a regulation
Article 91 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. Where a medicinal product is covered by a marketing authorization for adults, and the paediatric authorisation could not be completed due to the inability to timely complete the pediatric clinical studies, instead of granting deferrals, the Agency should consider evidence from the pediatric studies defined in Article 138, paragraph 1, subparagraph 2, point za a(new)

Amendment 1364
Sunčana Glavak, Tomislav Sokol

Proposal for a regulation
Article 95 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*

2 a. Within the European network, the Agency shall, together with the proposed members of the network, develop a platform study concept for paediatric patients. The objectives of the platform study concept are to create active paediatric patients' master files open for future authorizations of the same molecules or molecules with the same mechanism of action, and/or to share the same pool of patients for joined clinical trials of industry and academia within the same administrative process.

Amendment 1731
Sunčana Glavak, Tomislav Sokol

Proposal for a regulation
Article 138 – paragraph 1 – subparagraph 2 – point za a (new)

Text proposed by the Commission	*Amendment*
	(za a) providing scientific and regulatory mechanisms to efficiently reduce the time lag from adult to pediatric marketing authorization of medicinal products that failed timely completion of PIP, such as guidelines for extrapolation, and for prospective real-world evidence cohorts (for example on pediatric patients receiving drugs "of label"), the aim of which is to obtain necessary evidence on the safety and efficacy of medicinal products already licensed for adult use;

Amendment 1732
Sunčana Glavak, Tomislav Sokol

Proposal for a regulation
Article 138 – paragraph 1 – subparagraph 2 – point za b (new)

Text proposed by the Commission	*Amendment*
	(za b) facilitating joint clinical studies and the efficient use of paediatric patients' data to avoid duplication and to diminish the participation of children in numerous clinical trials by means such as

stated in Article 95, paragraph 2 a (new)

Amendment 1748
Sunčana Glavak

Proposal for a regulation
Article 142 – paragraph 1 – point e a (new)

Text proposed by the Commission	*Amendment*
	(e a) the Committee for Paediatric and Orphan Medicinal Products (CPOMP)

Amendment 1764
Sunčana Glavak

Proposal for a regulation
Article 142 – paragraph 1 – point k a (new)

Text proposed by the Commission	*Amendment*
	(k a) a pool of pediatric experts from Member States and other relevant stakeholders, with relevant experience to work in ad hoc working groups

Amendment 1868
Sunčana Glavak

Proposal for a regulation
Article 166 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. With relevance to paediatric medicinal products, the Agency may consider and decide upon additional evidence available from the real-world evidence cohorts, established following the guidelines of the Agency, independently from the data submitted by the marketing authorization applicant or marketing authorization holder.