1. INTRODUCTION

Certain aspects of the implementation of the Falsified Medicines Directive (Directive 2011/62/EU) and the new delegated act on the safety features (Commission Delegated Regulation (EU) 2016/161 - "the Delegated Regulation") may impact on the product information and the marketing authorisation dossier; in particular the placing of safety features, a unique identifier (UI) carried by a 2-D barcode and an anti-tampering device (ATD), on the packaging of prescription medicines and certain non-prescription medicines for the purposes of authentication and identification.

The CMDh has prepared this implementation plan to guide applicants and Marketing Authorisation Holders (MAHs) through the regulatory changes necessary to accommodate the new legislative requirements for nationally authorised products, including those approved in mutual recognition and decentralised procedures. This plan is in line with the plan prepared by the European Medicines Agency (EMA) and the European Commission (EC) with respect to centrally authorised products.

The EMA and the Quality Review of Documents (QRD) Group have revised the Human Product Information templates. The updated CMDh ANNOTATED QRD TEMPLATE FOR MR/DC PROCEDURES facilitates the implementation of the relevant standard statements on the UI and its carrier in the product information, under sections 17 and 18 of the PARTICULARS TO APPEAR ON THE <OUTER PACKAGING> (or <THE IMMEDIATE PACKAGING> if the medicinal product has no outer packaging), in order for the MAHs to implement the safety features by the 9th of February 2019 as required by the Delegated Regulation.

NOTE: The inclusion of information relating to safety features in the QRD product information template does not, in itself, indicate that the safety features have been actually implemented on the packaging placed on the market, rather that the product information has been updated to confirm that the safety features will be implemented on the marketed pack in line with the provisions of the Delegated Regulation.

The implementation of the ATD is not expected to impact the product information. However, when the ATD is placed on the immediate packaging because there is no outer packaging, certain section(s) of the marketing authorisation dossier may be impacted.
2. REGULATORY REQUIREMENTS AND TIMELINES

2.1. New marketing authorisation applications for medicinal products which have to bear the safety features

For any new marketing authorisation applications submitted from April 2016:

a. the revised QRD template should be used;

b. in the case of medicinal products where the ATD is placed on the immediate packaging because there is no outer packaging and the ATD affects the container and its closure system(s), applicants are required to include information on the ATD and how the ATD affects the container and its closure system(s) (sections 3.2.P.2.4 and/or 3.2.P.7 of the Notice to Applicants Volume 2B).

c. the revised QRD and ATD are not conditions of validation of the application but should be submitted at the earliest opportunity during the evaluation of the application.

For ongoing marketing authorisation applications that will be finalised after 1 April 2016:

a. Applicants are advised to comply with the revised QRD template, i.e. implement the standard statements on the UI and its carrier under sections 17 and 18 of the PARTICULARS TO APPEAR ON <THE OUTER PACKAGING> (or <THE IMMEDIATE PACKAGING> if the medicinal product has no outer packaging);

b. in the case of medicinal products where the ATD is placed on the immediate packaging because there is no outer packaging and the ATD affects the container and its closure system(s), applicants are required to submit information on the ATD and how the ATD affects the container and its closure system(s) (sections 3.2.P.2.4 and/or 3.2.P.7 of the Notice to Applicants Volume 2B). The information should be submitted at the latest by Day 160 in the decentralised procedure (DCP). In the mutual recognition procedure (MRP) the appropriate variation should be submitted following closure of the procedure. For purely national procedures, the recommendations of the national competent authority should be followed.

2.2. For existing approved marketing authorisations granted via national, mutual recognition or decentralised procedures before the publication of the Delegated Regulation and the revised QRD template

During the 3-year transition period between the entry into force and the application of the Delegated Regulation, MAHs are encouraged to use a subsequent regulatory procedure affecting the Product Information (e.g. Renewal, Variation II, Variation IB, Variation IA) to provide an updated version of the QRD template confirming the implementation of the safety features in the product information (i.e. implement the standard statements on the UI and its carrier under sections 17 and 18 of the PARTICULARS TO APPEAR ON <THE OUTER PACKAGING> (or <THE IMMEDIATE PACKAGING> if the medicinal product has no outer packaging)).

In case there are additional amendments introduced in the updated QRD template these may not be included in any type IA variation, instead a type IB or type II variation of the C-category of the Classification Guideline should be used, see Q/A variations 3.16.

The end of procedure for the above procedures should fall within the 3 years period following the publication of the revised QRD template and shall occur no later than the 9th of February 2019.

If no regulatory procedures occur within this timeframe, then MAHs are requested to submit a Notification pursuant to article 61(3) of Directive 2001/83/EC, providing an updated version of the QRD template.
confirming implementation of the safety features on the packaging, well in advance of the 9th of February 2019.

Concerning the ATD, in the case of medicinal products where the ATD is placed on the immediate packaging because there is no outer packaging and the ATD affects the container and its closure system(s), applicants are required to submit the appropriate variations to include the information on the ATD and how the ATD affects the container and its closure system(s) (see section B.II.e of the Variation Guidelines). The end of procedure for the above procedures should fall within the 3 year period following the publication of the Delegated Regulation and shall occur no later than the 9th of February 2019.

If the ATD does not affect the container and its closure system, or is placed on the outer packaging, no regulatory procedure is necessary. However, if the addition of the ATD has an impact on the readability of the packaging information, MAHs are requested to submit a Notification pursuant to article 61(3) of Directive 2001/83/EC to register the change.

2.3. In case the medicinal product no longer needs to bear the safety features

If the medicinal product no longer needs to bear the safety features (e.g. prescription medicinal products added to Annex I of the Delegated Regulation or non-prescription medicinal products removed from the Annex II of that Regulation), MAHs are encouraged to use an upcoming regulatory procedure affecting the Product Information (e.g. Renewal, Variation II, Variation IB, Variation IA) to remove the standard statements regarding the UI and its carrier.

If no regulatory procedure affecting the Product Information occurs between the entry into force and the application of the legislative act adding or removing products from Annex I or II of the Delegated Regulation, then MAHs are required to submit a Notification pursuant to Article 61(3) of Directive 2001/83.

Concerning the ATD, in event that there are no obligatory safety features for a particular approved product, removal of an existing approved ATD is not required. If it is intended to remove an existing approved ATD from the immediate packaging, MAHs may be required to submit variations to delete the information on the ATD and describe any changes affecting the container and its closure system(s) triggered by the removal of the ATD from the immediate packaging (see section B.II.e of the Variation Guidelines). In these situations MAHs are advised to contact the national competent authority of the Member States concerned for advice on what submission type is required.

If the ATD is to be removed from the outer packaging, no regulatory procedure is necessary.

2.4. Change of legal status

In case the legal status of a medicinal product changes from non-prescription to prescription, MAHs should use that application to comply with the revised QRD template and implement the standard statements on the UI and its carrier, and submit the ATD information, if the ATD is placed on the immediate packaging and affects the container and its closure system(s).

For products included in mutual recognition or decentralised procedure and with different legal supply status among CMSs, the revised QRD template should be used (as above) with relevant sections shaded in grey to indicate the information that will only be displayed in the printed version in those CMS in which it is applicable.
2.5. Transitional Arrangements in Belgium, Greece and Italy

Three Member States (Belgium, Greece and Italy) already operate a national system for identification of medicinal products. These Member States have a longer transition period for the implementation of the safety features as outlined in the Delegated Regulation. It is noted that in mutual recognition or decentralised procedures involving these Member States, the content of sections 17 and 18 of the PARTICULARS TO APPEAR ON <THE OUTER PACKAGING> (or <THE IMMEDIATE PACKAGING> if the medicinal product has no outer packaging) may not be fully harmonised between all Member States as a result of these transitional arrangements in Belgium, Greece and Italy. MA Holders and applicants are advised to contact these Member States directly for advice and information on the implementation of the provisions of the Delegated Regulation in that Member State.