The Ministry of Health

ORDER no. 80
of 12 January 2023

on approval of the structure and the Regulation for organisation and operation of the National Bioethics Committee for Medicinal Products and Medical Devices

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On seeing the Approval report of the General Directorate for Medical Assistance of the Ministry of Health no. AR/460/2023,

taking into account provisions of Title XVIII, "The medicinal product" of Law 95/2006 on healthcare reform, republished, as amended,

taking into account Article 2 (2) of Emergency Government Ordinance no. 29/2022 regarding the establishment of an institutional framework and necessary measures for implementation of Regulation (EU) No. 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, repeal of Directive 2001/20/EC and amendment of certain healthcare regulations, approved as amended and supplemented through Law 249/2022,

pursuant to Article 7 (4) of Government Decision No. 144/2010 on organisation and operation of the Ministry of Health, as further amended and supplemented,

the minister of health hereby issues the following Order:

Art. 1. — The structure of the National Bioethics Committee for Medicinal Products and Medical Devices is approved, as provided in Annex 1.

Art. 2. — The Regulation for the organisation and operation of the National Bioethics Committee for Medicinal Products and Medical Devices is approved, as provided in Annex 2.

Art. 3. — The National Bioethics Committee for Medicinal Products and Medical Devices, hereinafter referred to as the CNBMDM, an independent body without legal personality, performs the ethical analysis and issues opinions based on Regulation (EU) no. 536/2014 of the European Parliament and of the Council of April 16, 2014 regarding interventional clinical trials with medicinal products for human use and repealing Directive 2001/20/EC, implemented by Government Emergency Ordinance no. 29/2022, approved as amended and supplemented through Law 249/2022.

Art. 4. — On entry into force of this Order, Order of the Minister of Health no. 1446/2009 on establishment of the National Bioethics Committee for Medicinal Products and Medical Devices and on approval of its structure, published in the Official Gazette of Romania, Part I, no. 792 of November 19, 2009, as further amended, shall be repealed.

Art. 5. — Annexes I and II are integral parts of this Order.

Art. 6. — This Order shall be published in the Official Gazette of Romania, Part I.

Minister of Health,
Alexandru Rafila

ANNEX 1

STRUCTURE
of the National Bioethics Committee for Medicinal Products and Medical Devices (CNBMDM)

Members
1. Prof. Doina Drăgănescu, PhD
2. Prof. Emanoil Ceaușu, PhD
3. Prof. Victor Eugen Strâmbu, PhD
4. Prof. Mircea Beuran, PhD
5. Prof. pharm. Ileana Chiriță
6. Pharm. Speranța Prada, PhD
7. Pharm. Brândușa Rădulescu, PhD
8. Priest Cezar Antonio Dumitrașcu, lecturer, PhD (family physician)
9. Ioana Luminița Popescu, Lawyer

Alternate members
1. Pharm. Elena Truță, PhD
2. Pharm. Raluca Panțău, PhD
3. Assistant Radu Adrian, PhD

ANNEX 2

REGULATION
for organisation and operation of the National Bioethics Committee for Medicinal Products and Medical Devices (CNBMDM)

CHAPTER I
General dispositions

Art. 1. — (1) The National Bioethics Committee for Medicinal Products and Medical Devices, hereinafter the *CNBMDM,* organism independent, without legal personality, performs the ethical analysis and issues opinions on the basis of Regulation (EU) No. 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC, implemented through Emergency Government Ordinance no. 29/2022, approved as amended and supplemented through Law 249/2022.

(2) The CNBMDM is made up of healthcare professionals and includes at least one member who is not a healthcare specialist and who represents patients or patient organisations.

CHAPTER II
Organisational structure

Art. 2. — (1) CNBMDM members are appointed by Order of the Minister of Health and may have the following specialties: physicians, pharmacists, biologists, biochemists, lawyers, etc.

(2) The CNBMDM has 9 permanent members and 3 alternate members.

(3) During the first meeting, CNBMDM members elect by simple majority vote the Executive Office, respectively the president, vice-president and general secretary of the CNBMDM.

Art. 3. —The CNBMDM can call for the evaluation of interventional clinical studies with medicinal products for human use or medical devices to the opinion of experts from various medical specialties, people who are not part of the CNBMDM.

CHAPTER III
Objectives and duties

Art. 4. —The CNBMDM aims to protect the life, health, dignity, rights, safety, privacy and wellbeing of human subjects participating in interventional clinical trials with human medicinal products or medical devices, carried out in order to ensure progress of the therapy.

Art. 5. — CNBMDM's main duties are:

a) to analyze and assess the proposals of the manufacturers of medicinal products for human use, universities, scientific researchers or other institutions regarding interventional clinical studies with medicinal products for human use, with a view to monocentric or multicentric clinical experiments carried out on Romanian territory, as well as proposals for clinical pharmacology studies, pharmacovigilance, pharmacodynamics, pathophysiology and pharmacokinetics on human subjects;

b) to analyze and assess the proposals of medical device manufacturers regarding clinical trials of medical devices, with a view to monocentric or multicentric clinical experiments carried out on Romanian territory;

c) to verify the agreement of the documents of the proposed trial with the EU legislation, with the provisions of the Declaration of Helsinki of the World Medical Association and the good clinical practice (GCP), with the provisions of the International Conference for the harmonization of technical requirements for registration of pharmaceutical products for human use, as well as with the national legislation in force;

d) to estimate the probability that the proposed trial might lead to clinically relevant significant results, and to assess the risk/benefit report;

e) to express a favorable/unfavorable opinion on the protocol of interventional clinical trials with human medicinal products for human use or medical devices;

f) to express an opinion about the format of the informed consent form;

g) to assess aspects regarding the nature, extent of the risk, scope of applicability, exclusions from the applicability of the insurance policy;

h) to expresses the opinion on the methods of recruitment of human subjects and the conditions of inclusion/exclusion in/from interventional clinical trials with medicinal products for human use or medical devices, as well as on the proposed sites and staff involved in the clinical trial;

i) to provide a favorable/unfavorable opinion regarding the approval or rejection of interventional clinical trials with human medicinal products or medical devices proposed for examination, as well as for the conduct of clinical pharmacology, pharmacovigilance, pharmacodynamics, physiopathology and pharmacokinetics studies on human subjects;

j) to review and comment on reports of serious adverse reactions or even death and actions taken, including withdrawal of human subjects from the study or even suspension/termination of the study, for the safety of their health and life.

Art. 6. — The CNBMDM has the following attributions in the clinical trial process:

a) provides consultancy in bioethical issues during the preparation of a clinical trial project, upon explicit request of companies conducting interventional clinical trials with medicinal products for human use or medical devices;

b) evaluates interventional clinical trial projects with medicinal products for human use or medical devices in terms of the ethical implications regarding the results and foreseeable consequences for society, as well as the ethical implications of the clinical trial on the human subjects participating in the trial;

c) establishes the favorable/unfavorable ethical opinion for the conduct of the interventional clinical trial with medicinal products for human use or medical devices, following the submission of the clinical trial project;

d) decides, on the basis of information on the occurrence of adverse reactions, to continue, modify, suspend or terminate the interventional clinical trial with medicinal products for human use or medical devices to protect the safety, health or wellbeing of human subjects, in case of exposure to unacceptable risks, during the clinical trials;

e) supervises, upon completion of the interventional clinical trial with medicinal products for human use or medical devices, the compliance by the manufacturers of medicinal products for human use, universities, scientific researchers or other institutions with the ethical obligations in terms of making the results available to the studio participants, in a form accessible to their

comprehensibility, as well as the correct and transparent scientific publication of the results, without suppressing the negative ones.

Art. 7. — The CNBMDM pays particular attention, from an ethical point of view, to clinical trials in which human subjects are included who are incapable of being aware of the risks of the experiments with medicinal products or medical devices and/or who cannot independently defend their rights and cannot sign the informed consent or persons who can be abused (minors, disabled persons, psychiatric patients, etc.).

Art. 8. — It is the CNBMDM's duty to formulate its opinion on interventional clinical trials with medicinal products for human use or medical devices taking into account the following aspects:

a) the relevance of the clinical trial; the satisfactory assessment of anticipated benefits and risks and the justification of conclusions;

b) the trial protocol;

c) adequate qualification of the investigator and the staff involved;

d) the investigator's brochure;

e) the quality of the facilities;

f) the adequacy and completeness of the information to be provided, as well as the procedure to be followed in order to obtain the patient's informed consent;

g) justification of the clinical trial in persons unable to express their informed consent;

h) provision for indemnities or reparative compensations in the event of injury or death attributable to the clinical trial;

i) insurance or indemnity covering the liability of the investigator and manufacturers of medicinal products for human use, universities, scientific researchers or other institutions proposing interventional clinical trials with medicinal products for human use or medical devices;

j) related to the financing of the trial and compliance with ethical principles;

k) manners of recruiting human subjects.

CHAPTER IV
Duties of the CNBMDM members

Art. 9. — The CNBMDM President performs the following duties:

a) coordinates the entire activity of the CNBMDM;

b) represents the CNBMDM in relations with Romanian and foreign physical and legal persons;

c) issues decisions and instructions and monitors their implementation;

d) presides over the meetings of CNBMDM's executive office;

e) establishes the lists of CNBMDM members and experts who analyze the files of interventional clinical studies with medicinal products for human use or medical devices;

f) ensures the formulation of replies, according to the legally established time, to the requests for performance of interventional clinical trials with medicinal products for human use or medical devices;

g) signs the CNBMDM documents;

h) ensures that the persons validating and evaluating the application are not subject to conflicts of interest;

i) presents, annually or whenever required, information related to the activity of the CNBMDM to the Minister of Health;

j) may delegate part of his/her duties to a member of the Executive Office or of the CNBMDM.

Art. 10. — The Vice-President of the CNBMDM performs the following duties:

a) collaborates with the president in order to coordinate the entire activity of the CNBMDM;

b) represents CNBMDM in relations with Romanian and foreign natural and legal persons, within the limits of the powers established by the president;

c) signs acts and documents issued by the CNBMDM within the limits of the powers established by the president;

d) takes over all the duties of the president in his/her justified absence.

Art. 11. — The General Secretary of the CNBMDM has the following duties:

a) to collaborate with the president and vice-president in order to coordinate the entire activity of the CNBMDM;

b) to prepare the documents for CNBMDM meetings, together with the president and vice-president;

c) to check compliance with the deadlines for resolving interventional clinical trial files with medicinal products for human use or medical devices;

d) to sign acts and documents issued by the CNBMDM within the limits established by the president;

e) to take over all the duties of the president or vice-president, in their justified absence.

Art. 12. — (1) The CNBMDM executive office:

a) approves the CNBMDM strategy, projects and activity programs;

b) drafts the CNBMDM yearly activity report;

c) can establish sanctions, during ordinary or extraordinary meetings, for the violation by CNBMDM members of the Regulation for organisation and operation of the National Bioethics Committee for Medicinal Products and Medical Devices, as well as for deviations from CNBMDM decisions;

d) can initiate proposals for amendment of the Regulation on the organisation and operation of the National Bioethics Committee for Medicinal Products and Medical Devices.

(2) The sanctions which can be applied to CNBMDM members for violating the Regulation on the organisation and operation of the National Bioethics Commission for Medicines and Medical Devices, as well as for deviations from CNBMDM decisions are:

a) written warnings;

b) submission to the Minister of Health of the proposal to terminate membership in the CNBMDM.

Art. 13. — (1) CNBMDM members perform the following duties:

a) assess the files of interventional clinical studies with medicinal products for human use or medical devices assigned to them, in line with the established deadlines;

b) ask for additional viewpoints in order to evaluate interventional clinical trials with medicinal products for human use or medical devices;

c) request the support of the members of the Executive Office, as appropriate, in order to promote, defend and represent the interests of the CNBMDM;

d) inform the Executive Office of all conflict situations in which they are involved;

e) consult the members of the Executive Board or the other members of the CNBMDM when there are differences of opinion.

(2) CNBMDM members and experts have the following duties:

a) to study the files of interventional clinical trials with medicinal products for human use or medical devices distributed within the terms provided by law or established by the CNBMDM;

b) to analyze, from an ethical viewpoint, the files of interventional clinical trials with medicinal products for human use or medical devices according to the ethical principles mentioned in the Guideline for good clinical practice no. EMA/CHMP/ICH/135/1995, issued by the Committee for Medicinal Products for Human Use (CHMP) of the European Medicines Agency (EMA);

c) to express their opinion on the files of interventional clinical trials with medicinal products for human use or medical devices submitted, freely and without being influenced;

d) to not refer to the CNBMDM through personal statements.

(3) In the case of clinical trials that involve interventions meant to limit the effects of epidemics/pandemics, CNBMDM members and experts mjst formulate their point of view within a maximum of 3 working days from the receipt of interventional clinical trial files with medicinal products for human use or medical devices.

Art. 14. — CNBMDM experts have the right to sign on interventional clinical trial files with medicinal products for human use or medical devices that have been entrusted to them for being studied, with the same value as CNBMDM members.

Art. 15. — The opinions expressed by CNBMDM members and experts represent the validation, from an ethical point of view, of the scientific research activity, which means that, once expressed, they have intellectual property value, according to the law.

CHAPTER V
CNBMDM operation

Art. 16. — (1) CNBMDM members individually review the files of interventional clinical trials with medicinal products for human use or of initial medical devices.

(2) The review of the files of interventional clinical trials with medicinal products for human use or medical devices by CNBMDM members is certified by a signature, attached to the ethical opinion, which is an integral part of the file.

(3) If there are observations concerning the content or the form of presentation of the files of interventional clinical studies with medicinal products for human use or medical devices, these are recorded on an attached sheet which is an integral part of the file.

(4) Depending on their content, the comments made according to paragraph (3) may generate the following effects:

a) the study of interventional clinical trial files with medicinal products for human use or medical devices, performed by the Executive Office of the CNBMDM, which decides on the attitude to be adopted;

b) requesting the opinion of a CNBMDM expert about the file of interventional clinical trials with medicinal products for human use or medical devices.

Art. 17. — The CNBMDM may request additional information if it considers that this may contribute to an improved understanding of the situation regarding the protection, rights, safety and/or comfort of human subjects participating in the trial.

Art. 18. — The result of studying a file of interventional clinical trials with medicinal products for human use or medical devices can be completed by:

a) issuance of a favorable opinion containing the arguments for conducting the study;

b) issuance of a favorable opinion, accompanied by one or several recommendations regarding the protocol, the informed consent form, the methods for recruitment of human subjects, the conditions for inclusion/exclusion, and/or prevention and follow-up measures in order to prevent a serious adverse reaction known from previous clinical trials;

c) postponing the approval of the file of interventional clinical trials with medicinal products for human use or medical devices until the applicant corrects the points reported by one or several CNBMDM members or experts;

d) issuance of an unfavorable opinion

Art. 19. — (1) The notice provided for in Article 18 a) is signed by the CNBMDM president. In the justified absence of the president, the opinion can be signed by the vice-president or by the general secretary, as the case may be.

(2) Amendments and additional correspondence shall be signed only by one of the members of the Executive Board.

CHAPTER VI
Final provisions

Art. 20. — (1) The CNBMDM is obliged to examine objectively and impartially the requests regarding the performance of interventional clinical trials with medicinal products for human use or medical devices and to signal possible conflicts of interest of the CNBMDM members or experts.

(2) CNBMDM members, as well as CNBMDM experts, are required to sign a declaration regarding a potential conflict of interest.

Art. 21. — (1) CNBMDM members, as well as experts from various medical specialties who participated in the evaluation of interventional clinical trials with medicinal products for human use or medical devices, are under the obligation of maintaining data confidentiality.

(2) CNBMDM members, as well as CNBMDM experts, are required to sign a confidentiality statement at the time of distribution of the files of interventional clinical trials with medicinal products for human use or medical devices.