Law no. 95/2006 on healthcare reform, as republished

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TITLE XVIII
The Medicinal Product
CHAPTER I
Definitions

Article 699. - For the purposes of this Title, the following terms shall bear the following meanings:

1. *Medicinal product:*

a) Any substance or combination of substances presented as having properties for treating or preventing disease in human beings; or

b) Any substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis.

2. *Substance:* Any matter irrespective of origin which may be:

- human, e.g. human blood and human blood products;
- animal, e.g. micro-organisms, whole animals, parts of organs, animal secretions, toxins, extracts, blood products;
- vegetable, e.g. micro-organisms, plants, parts of plants, vegetable secretions, extracts;
- chemical, e.g. elements, naturally occurring chemical materials and chemical products obtained by chemical change or synthesis.

3. *Active substance*: Any substance or combination of substances used in the manufacturing of a medicinal product and which, through use in the manufacturing process, becomes an active ingredient of the respective product, with a view to exert a pharmacological, immunological or metabolic action, or to making a medical diagnosis;

4. Excipient: Any constituent of a medicinal product other than an active substance or a packaging material;

5. *Immunological medicinal product*: Any medicinal product consisting of vaccines, toxins, serums or allergen products:

a) vaccines, toxins and serums shall cover in particular: (i) agents used to produce active immunity, such as cholera vaccine, BCG, polio vaccines, smallpox vaccine; (ii) agents used to diagnose the state of immunity, including in particular tuberculin and tuberculin PPD, toxins for the Schick and Dick Tests, brucellin; (iii) agents used to produce passive immunity, such as diphtheria antitoxin, anti-smallpox globulin, antilymphocytic globulin;

b) 'allergen product' - Any medicinal product which is intended to identify or induce a specific acquired alteration in the immunological response to an allergizing agent.

6. *Homeopathic medicinal product*: Any medicinal product prepared from substances called homeopathic stocks in accordance with a homeopathic manufacturing procedure described by the European Pharmacopoeia or, in the absence thereof, by the pharmacopoeias currently used officially in the Member States. A homeopathic medicinal product may contain a number of active principles.

7. *Radiopharmaceutical*: Any medicinal product which, when ready for use, contains one or more radionuclides (radioactive isotopes) included for a medicinal purpose.

8. *Radionuclide generator*: Any system incorporating a fixed parent radionuclide from which is produced a daughter radionuclide which is to be obtained by elution or by any other method and used in a radiopharmaceutical.

9. *Kit:* Any preparation to be reconsitituted or combined with radionuclides in the final radiopharmaceutical, usually prior to its administration.

10. *Radionuclide precursor*: Any other radionuclide produced for the radio-labelling of another substance prior to administration.

11. *Medicinal products derived from human blood or human plasma*: Medicinal products based on blood constitutents which are prepared industrially by public or private establishments; such medicinal products including, in particular, albumin, coagulating factors and immunoglobulins of human origin.

12. *Adverse reaction*: A response to a medicinal product which is noxious and unintended;

13. *Serious adverse reaction*: An adverse reaction which results in death, is life-threatening, requires inpatient hospitalisation or prolongation of existing hospitalisation, results in persistent or significant disability or incapacity, or is a congenital anomaly/birth defect;

14. *Unexpected adverse reaction*: An adverse reaction, the nature, severity or outcome of which is not consistent with the summary of product characteristics;

15. *Post-authorisation safety study*: A pharmacoepidemiological study or a clinical trial carried out in accordance with the terms of the marketing authorisation, conducted with the aim of identifying or quantifying a safety hazard relating to an authorised medicinal product.

16. *Abuse of medicinal products*: Persistent or sporadic, intentional excessive use of medicinal product which is accompanied by harmful physical or psychological effects.

17. *Wholesale distribution of medicinal products*: All activities consisting of procuring, holding, supplying or exporting medicinal products, apart from supplying medicinal products to the public. Such activities are carried out with manufacturers or their depositories, importers, other wholesale distributors or with pharmacists and persons authorised or entitled to supply medicinal products to the public in Romania.

18. *Brokerage of medicinal products* - All activities related to the sale or purchase of drugs, excepting wholesale distribution, that do not include physical handling and that consist of negotiating independently and on behalf of another legal or physical person;

19. *Public service obligation* - The obligation placed on the MAH/MAH representative and on the wholesale distributor to guarantee permanently an adequate range of medicinal products to meet the requirements of a specific geographical area, as formulated and motivated by the Ministry of Health, and to deliver the supplies requested over the entire area in question within the shortest time possible after order;

20. *Representative of the marketing authorisation holder*: The person, commonly known as local representative, designated by the marketing authorisation holder to represent him in Romania.

21. *Medical prescription*: any medicinal product prescription issued by a professional person qualified to do so.

22. *Name of the medicinal product*: The name, which may be either an invented name not liable to confusion with the common name, or a common or scientific name accompanied by a trade mark or the name of the marketing authorisation holder.

23. *Common name*: The international non-proprietary name recommended by the World Health Organisation (WHO), or, if one does not exist, the usual common name.

24. *Strength of the medicinal product*: The content of the active substances expressed quantitatively per dosage unit, per unit of volume or weight according to the pharmaceutical form.

25. *Immediate packaging:* The container or other form of packaging immediately in contact with the medicinal product.

26. *Outer packaging:* The packaging into which the immediate packaging is placed.

27. *Labelling*: Information on the immediate or outer packaging.

28. *Package leaflet*: A leaflet containing information for the user which accompanies the medicinal product.

29. *Competent authority*: - The National Agency for Medicines and Medical Devices, hereinafter the NAMMD;

30. *Risks related to use of the medicinal product:*

- Any risk relating to the quality, safety or efficacy of the medicinal product as regards patients' health or public health;
- Any risk of undesirable effects on the environment.

31. *Pharmacovigilance concepts:*

a) Risk management system: A set of pharmacovigilance activities and interventions designed to identify, characterize, prevent or minimize risks relating to a medicinal product, including the assessment of the effectiveness of those activities and interventions;

b) Risk management plan – a detailed description of the risk management system;

c) Pharmacovigilance system - a system used by the Marketing Authorisation Holder and Member States to fulfil the tasks and responsibilities listed in Section X and designed to monitor the safety of authorised medicinal products and detect any change to the risk-benefit balanced;

d) Pharmacovigilance system master file - a detailed description of the pharmacovigilance system used by the Marketing Authorisation Holder in relation to one or more authorised medicinal products.

32. *Risk-benefit balance*: An evaluation of the positive therapeutic effects of the medicinal product in relation to the risks as defined in point 30, first indent.

33. *Traditional herbal medicinal product*: Any herbal medicinal product meeting the conditions mentioned in Article 718 paragraph (1);

34. *Herbal medicinal product*: Any medicinal product, exclusively containing as active ingredients one or more herbal substances or one or more

herbal preparations, or one or more such herbal substances in combination with one or more such herbal preparations.

35. *Herbal substances*: All mainly whole, fragmented or cut plants, plant parts, algae, fungi, lichen in an unprocessed, usually dried, form, but sometimes fresh; certain exudates that have not been subjected to a specific treatment are also considered to be herbal substances. Herbal substances are precisely defined by the plant part used as well as the botanical name according to the binomial system (genus, species, variety and author).

36. *Herbal preparations*: Preparations obtained by subjecting herbal substances to treatments such as extraction, distillation, expression, fractionation, purification, concentration or fermentation; these include comminuted or powdered herbal substances, tinctures, extracts, essential oils, expressed juices and processed exudates.

37. *Centralised procedure*: Marketing authorisation procedure provided in the Regulation of the European Parliament and of the Council no. 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency and in Regulation (EC) no. 1.394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products;

38. *Third countries*: States other than Romania and Member States.

39. *Advanced therapy medicinal product*: A medicinal product, as defined in Article 2 of Regulation (EC) no. 1.394/2007;

40. *Falsified medicinal product*: Any medicinal product with a false representation of:

a) identity, including packaging and labelling, name and composition as regards any of its ingredients, including the excipients and strength of the respective ingredients;

b) source, including the manufacturer, manufacturing country, country of origin or Marketing Authorisation Holder; or

c) history, including records and documents referring to the distribution channels employed.

This definition does not include unintentional quality non-compliances and does not refer to violation of intellectual property rights.

CHAPTER II
Scope

Article 700. - (1) The present Title shall apply to medicinal products for human use intended to be placed on the market in Romania and either prepared industrially or manufactured by a method involving an industrial process.

(2) In cases where, taking into account all its characteristics, a product may fall within the definition of a 'medicinal product' as well as within the definition of a product covered by different national legislation, the provisions of this Title shall apply.

(3) Notwithstanding paragraph 1 and Article 701(1) d), provisions in Section 4 of this Title shall apply to medicinal products intended only for export and to intermediate products, active substances and excipients.

(4) Implementation of paragraph 1 provisions shall be without prejudice to provisions of Articles 772 and 809.

Article 701. - (1) The present Title shall not apply to:

a) Any medicinal product prepared in a pharmacy in accordance with a medical prescription for an individual patient (commonly known as the magistral formula);

b) Any medicinal product which is prepared in a pharmacy in accordance with the prescriptions of a pharmacopoeia and is intended to be supplied directly to the patients served by the pharmacy in question (commonly known as the officinal formula);

c) Medicinal products intended for research and development trials, but without prejudice to legal provisions relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use;

d) Intermediate products intended for further processing by an authorised manufacturer;

e) Any radionuclides in the form of sealed sources;

f) Whole blood, plasma or blood cells of human origin, except for plasma which is prepared by a method involving an industrial process.

g) Any advanced therapy medicinal product, as defined in Regulation (EC) No 1394/2007, which is prepared on a non-routine basis according to specific quality standards, and used within Romania in hospitals under the exclusive professional responsibility of a medical practitioner, in order to comply with an individual medical prescription for a custom-made product for an individual patient.

(2) Manufacturing of medicinal products mentioned in paragraph (1) g) shall be authorised by the NAMMD. The NAMMD shall ensure that national traceability and pharmacovigilance requirements as well as the specific quality standards referred to in this paragraph are equivalent to those provided for at Community level in respect of advanced therapy medicinal products for which authorisation is required pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency.

Article 702. - (1) Nothing in this Title shall in any way derogate from provisions of national legislation harmonised with European Community rules for the radiation protection of persons undergoing medical examination or treatment, or from the rules laying down the safety standards for the health protection of the general public and workers against the dangers of ionizing radiation.

(2) This Title shall be without prejudice to national legislation harmonised with European Community rules for the exchange of therapeutic substances of human origin.

(3) The provisions of this Title shall not affect the powers of the Ministry of Health either as regards the setting of prices for medicinal products or their inclusion in the scope of national health insurance schemes, on the basis of health, economic and social conditions.

Article 703. - (1) To fulfil special needs, exemption from provisions of this Title may be applied with respect to medicinal products supplied in response to bona fide unsolicited orders, in accordance with specifications of an authorised healthcare professional and for use by individual patients under their direct responsibility. Conditions for exclusion are set by order of the Minister of Health[1].

(2) The NAMMD may allow temporary authorisation of the distribution of an unauthorised medicinal product in response to suspected or confirmed spread of pathogenic agents, toxins, chemical agents or nuclear radiation any of which could cause harm to public health or in any other case of necessity not covered by authorised medicinal products, pursuant to provisions established through order of the minister of health[1].

[1] Please see Order of the Minister of Health no. 85/2013 for approval of Implementation rules regarding Article 699 (1) and (2), included as Article 703 in consolidated Law 95/2006 on healthcare reform, on medicinal products for special needs.

(3) Without prejudice to paragraph (1), marketing authorisation holders, manufacturers and healthcare professionals are not subject to civil or administrative liability for any consequences resulting from:

a) use of a medicinal product otherwise than for the authorised indications;

b) use of an unauthorised medicinal product, when such use is recommended or required by a national competent authority in response to the suspected or confirmed spread of pathogenic agents, toxins, chemical agents or nuclear radiation any of which could cause harm.

(4) Paragraph (3) provisions shall apply irrespective of grant of a national or European Community authorisation and shall not affect provisions of consolidated Law 240/2004 on manufacturer's liability for costs incurred by defective medicinal products.

CHAPTER III
Placing on the Market
SECTION 1
Marketing Authorisation

Article 704. - (1) No medicinal product may be placed on the market of Romania unless a marketing authorisation has been issued by the NAMMD in accordance with this Title or an authorisation has been granted in accordance with the centralised procedure.

(2) When a medicinal product has been granted an initial marketing authorisation in accordance with (1), any additional strengths, pharmaceutical forms, administration routes, additional presentations as well as any variations and extensions shall also be granted a separate authorisation in accordance with (1), or be included in the initial marketing authorisation; all these marketing authorisations shall be considered as belonging to the same global marketing authorisation, in particular for the purpose of the application of Article 708 (1) and Article 891.

(3) The marketing authorisation holder shall be responsible for marketing the medicinal product; the designation of a representative shall not relieve the marketing authorisation holder of his legal responsibility.

(4) The authorisation referred to in paragraphs (1) and (2), respectively, shall also be required for radionuclide generators, kits, radionuclide precursor and industrially prepared radiopharmaceuticals.

Article 705. - A marketing authorisation shall not be required for a radiopharmaceutical prepared at the time of use by a person or by an establishment authorised, according to national legislation, to use such medicinal products in an approved healthcare establishment exclusively from authorised radionuclide generators, kits or radionuclide precursors in accordance with the manufacturer's instructions.

Article 706. - (1) In order to obtain an authorisation to place a medicinal product on the market, an application shall be submitted to the NAMMD.

(2) Provisions of (1) shall not apply to medicinal products to be authorised through centralised procedure by the European Medicines Agency.

(3) A marketing authorisation may only be granted to an applicant established in Romania or a Member State.

(4) The marketing authorisation application shall be accompanied by the following particulars and documents, submitted in accordance with the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of health[2]:

a) name or corporate name and permanent/office address of the applicant and, where applicable, of the manufacturer;

b) name of the medicinal product;

c) qualitative and quantitative particulars of all the constituents of the medicinal product, including its international non-proprietary name (INN) recommended by the WHO, where an INN for the medicinal product exists, or a reference to the relevant chemical name;

d) evaluation of the potential environmental risks posed by the medicinal product; this impact shall be assessed and, on a case-by-case basis, specific arrangements to limit it shall be envisaged;

e) description of the manufacturing method;

f) therapeutic indications, contra-indications and adverse reactions;

g) posology, pharmaceutical form, method and route of administration and expected shelf life;

h) reasons for any precautionary and safety measures to be taken for the storage of the medicinal product, its administration to patients and for the disposal of waste products, together with an indication of potential risks presented by the medicinal product for the environment;

[2] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.

i) description of the control methods employed by the manufacturer;

j) A written confirmation attesting that the product's manufacturer assessed compliance by the active substance manufacturer with Good Manufacturing Practice principles and guidelines via performance of audits, in accordance with provisions of Article 761 f). The written confirmation shall contain a reference to the date of the audit and a statement on the audit result confirming that the manufacture is performed in accordance with good manufacturing principles and guidelines.

k) results of:

- pharmaceutical (physico-chemical, biological or microbiological) tests;
- pre-clinical (toxicological and pharmacological) tests;
- clinical trials.

l) A summary of the applicant's pharmacovigilance system which shall include the following elements:

— proof that the applicant has at his disposal a qualified person responsible for pharmacovigilance,

— the Member States in which the qualified person resides and carries out his/her tasks,

— the contact details of the qualified person,

— a statement signed by the applicant to the effect that the applicant has the necessary means to fulfil the tasks and responsibilities listed in Chapter X,

— a reference to the location where the pharmacovigilance system master file for the medicinal product is kept.

m) the risk management plan, describing the risk management system which the applicant will introduce for the medicinal product concerned, together with a summary thereof;

n) A statement to the effect that clinical trials carried out outside Romania and the EU meet the ethical criteria of the Norms for implementation of Good Clinical Practice rules in conduct of clinical trials with medicinal products for human use, as approved through order of the minister of health[3];

o) A summary, in accordance with Article 712, of the product characteristics, a mock-up of the outer packaging, containing the details provided for in Article 774, and of the immediate packaging of the medicinal product, containing the details provided for in Article 776, together with a package leaflet in accordance with Article 781.

[3] Please see Order of the Minister of Health no. 904/2006 on approval of Implementation of Good Clinical Practice Rules for medicinal products for human use.

p) A document showing that the manufacturer is authorised in his own country to produce medicinal products.

q) copies of the following:

- Any authorisation obtained in another member state or in a third country, a summary of safety data, including data available in Periodic Safety Update Reports, if any, as well as reports on suspected adverse reactions, together with a list of those Member States in which an application for authorisation submitted in accordance with Directive 2001/83/EC on a Community code for medicinal products for human use, as amended, is under examination;

- The summary of the product characteristics proposed by the applicant in accordance with Article 712 or approved by the NAMMD in accordance with Article 781;

- Details of any decision to refuse authorisation in either the EU or a third country, and the reasons for such a decision.

r) A copy of any designation of the medicinal product as an orphan medicinal product under Regulation (EC) No. 141/2000 of the European Parliament and of the Council on orphan medicinal products, as published in OJEC no. L 018 of 22 January 2000, accompanied by a copy of the relevant European Medicines Agency opinion;

(5) The documents and information concerning the results of the pharmaceutical and pre-clinical tests and the clinical trials referred to in (4), point k) shall be accompanied by detailed summaries in accordance with Article 713.

(6) The risk management system referred to in point (4) m) shall be proportionate to the identified risks and the potential risks of the medicinal product, and the need for post-authorisation safety data. The information referred to in (4) shall be updated where and when appropriate.

Article 707. – In addition to the requirements set out in Articles 706 and 708 (1), applications for marketing authorisation for radionuclide generators shall also contain the following information and particulars:

a) a general description of the system together with a detailed description of the components of the system which may affect the composition or quality of the daughter radionucleid preparation;

b) qualitative and quantitative particulars of the eluate or the sublimate.

Article 708. - (1) By way of derogation from Article 706 (4) k), and without prejudice to the law relating to the protection of industrial and commercial property, the applicant shall not be required to provide the results of preclinical

tests and of clinical trials if they can demonstrate that the medicinal product is a generic of a reference medicinal product which is or has been authorised for not less than eight years in Romania, in a Member State or, through centralised procedure, in the European Union.

A generic medicinal product authorised pursuant to this provision shall not be placed on the market until ten years have elapsed from the initial authorisation of the reference product.

The first subparagraph shall also apply if the reference medicinal product has not been authorised in Romania, and the application for the generic medicinal product is submitted in this country. In this case, the applicant shall indicate in the application form the name of the Member State in which the reference medicinal product is or has been authorised. The NAMMD shall request a confirmation from the competent authority of the Member State that the reference medicinal product is or has been authorised, together with the full composition of the reference product and other relevant documentation, if necessary. The NAMMD shall transmit the same information requested by Member State competent authorities within a one month period.

The ten-year period referred to in the second subparagraph shall be extended by one year at most, if, during the first eight years of those ten years, the marketing authorisation holder has obtained an authorisation for one or more new therapeutic indications which, according to the scientific assessment for authorisation purposes, are held to bring a significant clinical benefit in comparison with existing therapies.

(2) For the purposes of this Article, the following terms shall mean:

a) *reference medicinal product*: A medicinal product authorised under Articles 704 and 706 of the present Title or a medicinal product authorised in any Member State, or the European Union, through centralised procedure;

b) *generic medicinal product* - A medicinal product which has the same qualitative and quantitative composition in active substances and the same pharmaceutical form as the reference medicinal product, and whose bioequivalence with the reference medicinal product has been demonstrated by appropriate bioavailability studies. The different salts, esters, ethers, isomers, mixture of isomers, complexes or derivatives of an active substance shall be considered to be the same active substance, unless they differ significantly in properties with regard to safety and/or efficacy. In such cases, additional information providing proof of the safety and/or efficacy of the various salts, esters or derivatives of an authorised active substance must be supplied by the

applicant. The various immediate-release oral pharmaceutical forms shall be considered to be one and the same pharmaceutical form. Bioavailability studies need not be required of the applicant if they can demonstrate that the generic medicinal product meets the relevant criteria as defined in the appropriate detailed guidelines.

(3) In cases where the medicinal product does not fall within the definition of a generic medicinal product as provided in (2) b) or where the bioequivalence cannot be demonstrated through bioavailability studies or in case of changes in the active substance(s), therapeutic indications, strength, pharmaceutical form or route of administration, vis-à-vis the reference medicinal product, the results of the appropriate pre-clinical tests or clinical trials shall be provided.

(4) Where a biological medicinal product which is similar to a reference biological product does not meet the conditions in the definition of generic medicinal products, owing to, in particular, differences relating to raw materials or differences in manufacturing processes of the biological medicinal product and the reference biological medicinal product, the results of appropriate pre-clinical tests or clinical trials relating to these conditions must be provided. The type and quantity of supplementary data to be provided must comply with the relevant criteria stated in the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of health[4] and the related detailed guidelines. The results of other tests and trials from the reference medicinal product's dossier need not be provided.

(5) In addition to the provisions laid down in (1), where an application is made for a new indication for a well-established substance, a non-cumulative period of one year of data exclusivity shall be granted, provided that significant pre-clinical or clinical studies were carried out in relation to the new indication.

(6) Conducting the necessary studies and trials with a view to the application of paragraphs (1) - (4) and the consequential practical requirements shall not be regarded as contrary to patent rights or to supplementary protection certificates for medicinal products.

Article 709. - By way of derogation from Article 706 (4) k) and without prejudice to the law relating to the protection of industrial and commercial property, the applicant shall not be required to provide the results of pre-clinical tests or clinical trials if they can demonstrate that the active substances of the

[4] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.

medicinal product have been in well-established medicinal use within the European Union for at least ten years, with recognised efficacy and an acceptable level of safety in terms of the conditions set out in the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health; in that event, the test and trial results shall be replaced by appropriate scientific literature.

Article 710. - In the case of medicinal products containing active substances used in the composition of authorised medicinal products but not hitherto used in combination for therapeutic purposes, the results of new pre-clinical tests or new clinical trials relating to that combination shall be provided in accordance with Article 706 (4) k), but it shall not be necessary to provide scientific references relating to each individual active substance.

Article 711. - Following the granting of a marketing authorisation, the authorisation holder may allow use to be made of the pharmaceutical, pre-clinical and clinical documentation contained in the file on the medicinal product, with a view to examining further applications relating to other medicinal products possessing the same qualitative and quantitative composition in terms of active substances and the same pharmaceutical form.

Article 712. - (1) The summary of the product characteristics shall contain, in the order indicated below, the following information:

1. name of the medicinal product followed by the strength and the pharmaceutical form;

2. qualitative and quantitative composition in terms of the active substances and constituents of the excipient, knowledge of which is essential for proper administration of the medicinal product; the usual common name or chemical description shall be used;

3. pharmaceutical form;

4. clinical particulars:

4.1. therapeutic indications;

4.2. posology and method of administration for adults and, where necessary, for children;

4.3. contra-indications;

4.4. special warnings and precautions for use and, in the case of immunological medicinal products, any special precautions to be taken by persons handling such products and administering them to patients, together with any precautions to be taken by the patient;

4.5. interaction with other medicinal products and other forms of interactions;

4.6. use during pregnancy and lactation;

4.7. effects on ability to drive and to use machines;

4.8. adverse reactions;

4.9. overdose (symptoms, emergency procedures, antidotes).

5. pharmacological properties:

5.1. pharmacodynamic properties;

5.2. pharmacokinetic properties;

5.3. preclinical safety data.

6. pharmaceutical particulars:

6.1. list of excipients;

6.2. major incompatibilities;

6.3. shelf life, when necessary after reconstitution of the medicinal product or when the immediate packaging is opened for the first time;

6.4. special precautions for storage;

6.5. nature and contents of container;

6.6. special precautions for disposal of a used medicinal product or waste materials derived from such medicinal product, if appropriate.

7. marketing authorisation holder;

8. marketing authorisation number(s);

9. date of the first authorisation or renewal of the authorisation;

10. date of revision of the text;

11. for radiopharmaceuticals, full details of internal radiation dosimetry;

12. for radiopharmaceuticals, additional detailed instructions for extemporaneous preparation and quality control of such preparation and, where appropriate, maximum storage time during which any intermediate preparation such as an eluate or the ready-to-use pharmaceutical will conform with its specifications;

(2) For authorisations under Article 708, those parts of the summary of product characteristics of the reference medicinal product referring to indications or dosage forms which were still covered by patent law at the time when a generic medicine was marketed need not be included.

(3) As regards medicinal products included on the List mentioned in Article 23 of Regulation (EC) no. 726/2004 of the European Parliament and of the

Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, as amended, the Summary of Product Characteristics shall include the statement: "This medicinal product is subject to additional monitoring". This statement shall be preceded by the black symbol referred to in Article 23 of Regulation (EC) no. 726/2004 and followed by an appropriate standardised explanatory note. All medicinal products shall be accompanied by a standard text expressly requiring healthcare professionals to report suspected adverse reactions to the NAMMD, pursuant to Article 836 (1). Different ways of reporting, including electronic reporting, are available, in compliance with Article 836 (1).

Article 713. - (1) The applicant shall ensure that, before the detailed summaries referred to in Article 706(5) are submitted to the NAMMD, they have been drawn up and signed by experts with the necessary technical or professional qualifications, which shall be set out in a brief curriculum vitae.

(2) Persons having the technical and professional qualifications referred to in (1) shall justify any use made of scientific literature under Article 709 in accordance with the conditions set out in the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of health[5].

(3) Detailed experts' reports shall form part of the file which the applicant submits to the NAMMD.

SECTION 2
Specific Provisions Applicable to Homeopathic Medicinal Products

Article 714. - (1) Homeopathic medicinal products manufactured and placed on the market within Romania shall be authorised in accordance with Articles 715, 716 and 717 of the present Title.

(2) The NAMMD shall establish a special simplified authorisation procedure for the medicinal products referred to in Article 715, approved by order of the minister of health[6].

Article 715. - (1) Only homeopathic medicinal products meeting all of the following conditions may be subject to a special, simplified authorisation procedure:

[5] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.
[6] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.

- they are administered orally or externally;
- no specific therapeutic indication appears on the labelling of the medicinal product or in any information relating thereto;
- there is a sufficient degree of dilution to guarantee the safety of the medicinal product; in particular, the medicinal product may not contain either more than one part per 10 000 of the mother tincture or more than 1/100th of the smallest dose used in allopathy with regard to active substances whose presence in an allopathic medicinal product results in the obligation to submit a doctor's prescription. At the time of authorisation, the NAMMD shall determine the classification for dispensing of the medicinal product.

(2) The criteria and rules of procedure provided for in Article 726(1), Article 732-740, 860, 864 and 881 shall apply by analogy to the special, simplified authorisation procedure for homeopathic medicinal products, with the exception of the proof of therapeutic efficacy.

Article 716. - (1) An application for special, simplified authorisation may cover a series of medicinal products derived from the same homeopathic stock.

(2) The following documents shall be included with the application in order to demonstrate, in particular, the pharmaceutical quality and the batch-to-batch homogeneity of the products concerned:

- scientific name or other name given in a pharmacopoeia of the homeopathic stock or stocks, together with a statement of the various routes of administration, pharmaceutical forms and degrees of dilution to be authorised;
- dossier describing how the homeopathic stocks are obtained and controlled, and justifying their homeopathic use, on the basis of an adequate bibliography;
- manufacturing and control file for each pharmaceutical form and a description of the method of dilution and potentisation;
- manufacturing authorisation for the medicinal products concerned;
- copies of any authorisations or registration certificates obtained for the same medicinal product in Member States;
- one or more mock-ups or samples of the outer packaging and the immediate packaging of the medicinal products to be authorised;
- data concerning the stability of the medicinal product

Article 717. - (1) Homeopathic medicinal products other than those referred to in Article 715(1), shall be authorised and labelled in accordance with Article 706 and Articles 708 - 712.

(2) Chapter 10 provisions shall apply to homeopathic medicinal products, with the exception of those referred to in Article 715(1).

SECTION 3
Specific Provisions Applicable to Traditional Herbal Medicinal Products

Article 718. - (1) A simplified authorisation procedure, hereinafter called 'traditional-use authorisation', is hereby established for herbal medicinal products for traditional use which fulfil all of the following criteria:

a) they have indications exclusively appropriate to traditional herbal medicinal products which, by virtue of their composition and purpose, are intended and designed for use without the supervision of a medical practitioner for diagnostic purposes or for prescription or monitoring of treatment;

b) they are exclusively for administration in accordance with a specified strength and posology;

c) they are an oral, external and/or inhalation preparation;

d) the period of traditional use as laid down in Article 720(1) c) has elapsed;

e) the data on the traditional use of the medicinal product are sufficient; in particular the product proves not to be harmful in the specified conditions of use and the pharmacological effects or efficacy of the medicinal product are plausible on the basis of longstanding use and experience.

(2) By way of derogation from Article 699 34), the presence in the herbal medicinal product of vitamins or minerals for the safety of which there is well-documented evidence shall not prevent the product from being eligible for authorisation in accordance with paragraph 1, provided that the action of the vitamins or minerals is ancillary to that of the herbal active ingredients regarding the specified claimed indication(s).

(3) However, in cases where the NAMMD judges that a traditional herbal medicinal product fulfils the criteria for authorisation in accordance with Article 704 or Article 715, the provisions of this Chapter shall not apply.

Article 719. - (1) The applicant and registration holder shall be established in Romania or in a Member State.

(2) In order to obtain traditional-use registration, the applicant shall submit an application to the NAMMD.

Article 720. - (1) The application shall be accompanied by:

a) the particulars and documents: (i) referred to in Article 706(4) a) - i), o) and p); (ii) the results of the pharmaceutical tests referred to in the first indent of Article 706(4) k); (iii) the summary of product characteristics, without the data specified in Article 712(4); (iv) in case of combinations, as referred to in Article 699 34) or Article 718(2), the information referred to in Article 718(1) e) relating to the combination as such; if the individual active ingredients are not sufficiently known, the data shall also relate to the individual active ingredients;

b) any authorisation obtained by the applicant in another Member State and details of any decision to refuse to grant an authorisation, whether in the European Union or a third country, and the reasons for any such decision;

c) bibliographical or expert evidence to the effect that the medicinal product in question, or a corresponding product has been in medicinal use throughout a period of at least 30 years preceding the date of the application, including at least 15 years within the European Union; the NAMMD may request the Committee for Herbal Medicinal Products within the European Medicines Agency to draw up an opinion on the adequacy of the evidence of the long-standing use of the product, or of the corresponding product. To that purpose, the NAMMD shall submit relevant documentation supporting the referral to the Committee;

d) a bibliographic review of safety data together with an expert report and where required by the NAMMD, data necessary for assessing the safety of the medicinal product. The Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of health[7] apply by analogy to the particulars and documents specified in (a).

(2) A corresponding product, as referred to in (1) c) is characterised by having the same active ingredients, irrespective of the excipients used, the same or similar intended purpose, equivalent strength and posology and the same or similar route of administration as the medicinal product applied for.

(3) The requirement to show medicinal use throughout the period of 30 years, referred to in (1) c) is satisfied even where the marketing of the product has not been based on a specific authorisation; it is likewise satisfied if the number or quantity of ingredients of the medicinal product has been reduced during that period.

[7] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.

(4) Where the product has been used in Romania or the European Union for less than 15 years, but is otherwise eligible for simplified authorisation, on submission of an application for traditional-use authorisation, the NAMMD shall refer the product to the Committee for Herbal Medicinal Products within the European Medicines Agency. To that purpose, the NAMMD shall submit relevant documentation supporting the arbitrating procedure. If the Committee establishes a European Union herbal monograph, this shall be taken into account by the NAMMD when taking its final decision.

Article 721. - (1) Without prejudice to Article 725(1), Section 5, Chapter 3 shall apply by analogy to authorisations granted in accordance with Article 718, provided that:

a) a community herbal monograph has been established in accordance with Article 725(3);

b) the herbal medicinal product consists of herbal substances, preparations or combinations thereof contained in the list referred to in Article 723.

(2) For other herbal medicinal products as referred to in Article 718, the NAMMD shall, when evaluating an application for traditional-use authorisation, take due account of authorisations granted by another Member State in accordance with Section 2a of Directive 2001/83/ EC, as amended.

Article 722. - (1) Traditional-use authorisation shall be refused if the application does not comply with Articles 718, 719 or 720 or if at least one of the following conditions is fulfilled:

a) the qualitative and/or quantitative composition is not as declared;

b) the indications do not comply with the conditions laid down in Article 718;

c) the product could be harmful under normal conditions of use;

d) the data on traditional use are insufficient, especially if pharmacological effects or efficacy is not plausible on the basis of longstanding use and experience;

e) the pharmaceutical quality is not satisfactorily demonstrated.

(2) The NAMMD shall notify the applicant, the European Commission and any competent authority that requests it, of any decision they take to refuse traditional-use authorisation and the reasons for the refusal.

Article 723. - (1) The NAMMD shall take over the list of herbal substances, preparations and combinations thereof for use in traditional herbal medicinal products established by the European Commission. The list shall contain, with regard to each herbal substance, the indication, the specified strength and the

posology, the route of administration and any other information necessary for the safe use of the herbal substance as a traditional medicinal product.

(2) The NAMMD regulations on traditional herbal medicinal products, as well as the List of herbal substances, preparations and combinations of these used in traditional herbal medicinal products, included in these provisions, shall apply prior to Accession.

(3) If an application for traditional-use authorisation relates to a herbal substance, preparation or a combination thereof contained in the list referred to in paragraphs (1) and (2), respectively, the data specified in Article 720(1) b), c) and d) do not need to be provided; provisions of Article 722(1) c) and d) shall not apply.

(4) If a herbal substance, preparation or a combination thereof ceases to be included in the List referred to in paragraphs (1) and (2), respectively, authorisations pursuant to (3) for herbal medicinal products containing this substance, preparation or a combination thereof, shall be revoked unless the particulars and documents referred to in Article 720(1) are submitted within three months.

Article 724. - (1) The provisions of Article 701 (1) a) and b), Article 704 (1), Article 713, Article 726 (1), Articles 728, 729, 736, 738, 739, 755-770, 792-808, 827-854, Article 857 (1) and (11), Articles 860, 864, 865, 867, 878, 879, 881, Article 882 (2) and Article 885, as well as Good Practice principles and guidelines related to manufacturing of medicinal products for human use and investigational medicinal products for human use, approved through order of the Minister of Health shall apply, by analogy, to traditional-use authorisation of herbal medicinal products granted under this Section.

(2) In addition to the requirements of Articles 774 to 787, any labelling and user package leaflet shall contain a statement to the effect that:

a) the product is a traditional herbal medicinal product for use in specified indication(s) exclusively based upon long-standing use; and

b) the user should consult a doctor or a qualified health care practitioner if the symptoms persist during the use of the medicinal product or if adverse effects not mentioned in the package leaflet occur.

(3) In addition to the requirements of Articles 811 - 825, any advertisement for a medicinal product authorised under this Section shall contain the following statement: „*Traditional herbal medicinal product for use in specified indication(s) exclusively based upon long-standing use.”*

Article 725. - (1) The NAMMD shall appoint, for a renewable three-year term, one member and one alternate to the Committee for Herbal Medicinal Products. The alternates shall represent and vote for the members in their absence. Members and alternates shall be selected for their role and experience in the assessment of herbal medicinal products and shall represent the NAMMD.

(2) Prior to Romania's accession to the European Union, representatives of the NAMMD shall take part as active observers in activities carried out by the Committee for Herbal Medicinal Products.

(3) On examining an application for marketing authorisation, the NAMMD shall take into account European Union herbal monographs established and published by the Committee for Herbal Medicinal Products within the European Medicines Agency.

Where no such European Union herbal monograph has yet been established, other appropriate monographs, publications or data may be referred to.

When new European Union herbal monographs are established, the authorisation holder shall consider whether it is necessary to modify the authorisation dossier accordingly. The authorisation holder shall notify any such modification to the NAMMD.

SECTION 4
Procedures Relevant to the Marketing Authorisation

Article 726. - (1) The NAMMD shall take every appropriate measure to ensure that the procedure for granting a marketing authorisation is completed within a maximum of 210 days after submission of a valid application; applications for marketing authorisations in Romania and one or several Member States in respect of the same medicinal product shall be submitted in accordance to Articles 743 - 754.

(2) Where the NAMMD notes that another marketing authorisation application for the same medicinal product is being examined by another Member State, the NAMMD shall decline to assess the application and shall advise the applicant that Articles 743 - 754 apply.

Article 727. - Where the NAMMD is informed in accordance with Article 706(4) q), that another Member State has authorised a medicinal product which is the subject of a marketing authorisation application in Romania, the

NAMMD shall reject the application unless it was submitted in compliance with Articles 743 - 754.

Article 728. - In order to examine the application submitted in accordance with Article 706 and Articles 708 - 711, the NAMMD:

a) must verify whether the particulars submitted in support of the application comply with Article 706 and Articles 708 to 711 and examine whether all the conditions for issuing a marketing authorisation are complied with;

b) may submit the medicinal product, its starting materials and, if need be, its intermediate products or other constituent materials, for testing by laboratories authorised / approved by the NAMMD to that purpose in order to ensure that the control methods employed by the manufacturer and described in the particulars accompanying the application in accordance with Article 706(4) i) are satisfactory;

c) may, where appropriate, require the applicant to supplement the dossier accompanying the application in respect of the items listed in Article 706(4) and Articles 708 to 711; where the NAMMD avails itself of this option, the time limits laid down in Article 726 (1) shall be suspended until the supplementary information required has been provided; likewise, these time limits shall be suspended for the time allowed the applicant, where appropriate, for giving oral or written explanation;

d) may perform inspections under certain circumstances, when it considers there is reason to suspect lack of compliance with Good manufacturing practice principles and guidelines mentioned in Article 764.

Article 729. - The Ministry of Health shall take all appropriate measures to ensure that:

a) The NAMMD verifies that manufacturers and importers of medicinal products coming from third countries are able to carry out manufacture in compliance with the particulars supplied pursuant to Article 706(4) e), and/or to carry out controls according to the methods described in the particulars accompanying the application in accordance with Article 706(4) i);

b) The NAMMD authorises manufacturers and importers of medicinal products coming from third countries, in justifiable cases, to have certain stages of manufacture and/or certain of the controls referred to in (a) carried out by third parties; in such cases, the verifications by the NAMMD shall also be made in the establishments of the designated third parties.

Article 730. - (1) When the marketing authorisation is issued, the holder shall be informed by the NAMMD of the summary of the product characteristics as approved by it.

(2) The NAMMD shall take all necessary measures to ensure that the information given in the summary is in conformity with that accepted when the marketing authorisation is issued or subsequently.

(3) The NAMMD shall, without delay, make publicly available the marketing authorisation together with the leaflet, summary of the product characteristics and any requirements established in accordance with Articles 731, 732 and 733, together with any deadlines for the fulfilment of those conditions, if required, for each medicinal product which they have authorised.

(4) The NAMMD shall draw up an assessment report and make comments on the file as regards the results of the pharmaceutical and pre-clinical tests and the clinical trials of the medicinal product concerned. The assessment report shall be updated whenever new information becomes available which is of importance for the evaluation of the quality, safety or efficacy of the medicinal product concerned. The NAMMD shall make the assessment report publicly accessible without delay, together with the rationale for their opinion, except for any information of a commercially confidential nature; the justification shall be provided separately for each indication applied for. The public assessment report shall include a summary written in a manner that is understandable to the public. The summary shall contain, in particular, a section relating to the conditions of use of the medicinal product.

Article 731. - (1) In addition to provisions laid down in Article 728, a marketing authorisation of a medicinal product may be granted subject to one or more of the following conditions:

a) to take certain measures for ensuring the safe use of the medicinal product to be included in the risk management system;

b) to conduct post-authorisation safety studies;

c) to comply with obligations on the recording or reporting of suspected adverse reactions which are stricter than those referred to in Chapter X;

d) any other conditions or restrictions with regard to the safe and effective use of the medicinal product;

e) existence of an appropriate pharmacovigilance system;

f) conduct of post-authorisation efficacy studies where concerns relating to certain aspects of the efficacy of the medicinal product are identified and can be resolved only after the medicinal products has been marketed, in accordance

with delegated acts adopted by the European Commission in accordance with Article 22b of Directive 2010/84/EU of the European Parliament and of the Council of 15 December 2010 amending, as regards pharmacovigilance, Directive 2001/83/EC on the Community code relating to medicinal products for human use, at the same time being compliant with scientific guidelines mentioned in Article 854.

(2) The marketing authorisation shall lay down deadlines for the fulfilment of conditions under (1), where necessary.

Article 732. - (1) In exceptional circumstances and following consultation with the applicant, the authorisation may be granted subject to a requirement for the applicant to meet certain conditions concerning the safety of the medicinal product, notification to the NAMMD of any incident relating to its use, and action to be taken.

(2) The marketing authorisation may only be granted if the applicant can show that, for objective and verifiable reasons, they are unable to provide comprehensive data on the efficacy and safety of the medicinal products under normal conditions of use and must be based on one of the grounds set out in the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products, approved through order of the minister of health[8]; continuation of the authorisation shall be linked to the annual reassessment of these conditions.

Article 733. - (1) After the granting of a marketing authorisation, the NAMMD may impose an obligation on the marketing authorisation holder:

a) to conduct a post-authorisation safety study if there are concerns about the risks of an authorised medicinal product. If the same concerns apply to several medicinal products, the NAMMD recommends marketing authorisation holders involved, following consultation with the Pharmacovigilance Risk Assessment Committee, to conduct a joint post-authorisation safety study;

b) to conduct a post-authorisation efficacy study when the understanding of the disease or the clinical methodology indicate that previous efficacy evaluations might have to be revised significantly. The obligation to perform post-authorisation efficacy studies is based upon delegated acts adopted in accordance with Article 22b of Directive 2010/84/EU, also considering the scientific guidelines mentioned in Article 854 of this Title. The imposition of

[8] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.

such obligations shall be duly justified, notified in writing and include the objectives and timeframe for conduct and submission of the study.

(2) The NAMMD shall provide the marketing authorisation holder the opportunity to submit written comments on imposition of the obligation within the timeframe specified, upon a request of the marketing authorisation holder in that respect, submitted within 30 days as of receipt of the written notification of the obligation.

(3) On the basis of the written observations submitted by the marketing authorisation holder, the NAMMD shall withdraw or confirm the obligation. Where the NAMMD confirms the obligation, the marketing authorisation shall be varied to include the obligation as a condition of the marketing authorisation and the risk management system shall be updated accordingly.

Article 734. - In addition to - provisions of Articles 731 and 733, the NAMMD shall monitor the implementation by the marketing authorisation holders of provisions of delegated acts adopted by the European Commission to establish situations in which post-authorisation efficacy studies may be required.

Article 735. - (1) The marketing authorisation holder shall incorporate any conditions referred to in Articles 731, 732 or 733, as required, in their risk management system

(2) The NAMMD shall inform the European Medicines Agency about marketing authorisations granted subject to conditions pursuant to Articles 731, 732 or 733, as required.

Article 736. - (1) After a marketing authorisation has been granted, the authorisation holder shall, in respect of the methods of manufacture and control provided for in Article 706(4) e) and i), take account of scientific and technical progress and introduce any changes that may be required to enable the medicinal product to be manufactured and checked by means of generally accepted scientific methods; these changes shall be subject to NAMMD approval.

(2) The marketing authorisation holder shall forthwith provide to the NAMMD with any new information which might entail the amendment of the particulars or documents referred to in Article 706(4), Articles 708, 709, 710, 712 or Article 747 or in the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved

by order of the minister of health[9]. The marketing authorisation holder shall inform the NAMMD of any prohibition or restriction imposed by the competent authorities of any country in which the medicinal product for human use is marketed and of any other new information which might influence the evaluation of the benefits and risks of the medicinal product for human use concerned. The information shall include both positive and negative results of clinical trials or other studies in all indications and populations, whether or not included in the marketing authorisation, as well as data on the use of the medicinal product where such use is outside the terms of the marketing authorisation.

(3) The marketing authorisation holder shall ensure that the product information is kept up to date with the current scientific knowledge, including the conclusions of the assessment and recommendations made public by means of the European medicines web-portal established in accordance with Article 26 of Regulation (EC) No 726/2004.

(4) In order to be able to continuously assess the risk-benefit balance, the NAMMD may at any time ask the marketing authorisation holder to forward data demonstrating that the risk-benefit balance remains favourable. The marketing authorisation holder shall answer fully and promptly any such request. The NAMMD may at any time ask the marketing authorisation holder to submit a copy of the pharmacovigilance system master file. The marketing authorisation holder shall submit the copy at the latest 7 days after receipt of the request.

Article 737. - (1) After a marketing authorisation has been granted, the holder of the authorisation shall inform the NAMMD of the date of actual marketing of the medicinal product for human use in Romania, taking into account the various presentations authorised.

(2) The marketing authorisation holder shall also notify the NAMMD if the product ceases to be placed on the Romanian market, either temporarily or permanently; such notification shall, other than in exceptional circumstances, be made no less than 6 months before the discontinuation in the placing on the market of the product; if the product is not placed on the market for commercial reasons, the notification shall be made no less than 12 months before discontinuation of the marketing authorisation. During that 6-month/12-month period, the marketing authorisation holder shall comply with provisions of

[9] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.

Article 804 (2) on ensurance of appropriate and permanent supplies of medicinal products. The marketing authorisation holder shall notify the NAMMD on the grounds for such measures, in accordance with provisions of Article 879 (2).

(3) Upon request by the Ministry of Health, particularly in the context of pharmacovigilance, the marketing authorisation holder shall provide the Ministry of Health with all data relating to the volume of sales of the medicinal product, and any data in their possession relating to the volume of prescriptions.

Article 738. - (1) Without prejudice to paragraphs (4) and (5), the marketing authorisation shall be valid for five years.

(2) The marketing authorisation may be renewed after five years on the basis of a re-evaluation of the risk-benefit balance by the NAMMD as authoriser; to this end, the marketing authorisation holder shall provide the NAMMD with a consolidated version of the file in respect of quality, safety and efficacy, including all variations introduced since the marketing authorisation was granted, forwarded in accordance with Chapter X, at least nine months before the marketing authorisation ceases to be valid in accordance with provisions under (1).

(3) Medicinal products for which application has been submitted for renewal of marketing authorisation may be preserved in the therapeutic circuit till resolution of application for renewal.

(4) Once renewed, the marketing authorisation shall be valid for an unlimited period, unless the NAMMD decides, on justified grounds relating to pharmacovigilance, including an insufficient number of patients exposed to the respective product, to proceed with one additional five-year renewal in accordance with (2).

(5) Any authorisation which within three years of its granting is not followed by the actual placing on the market of the authorised product in Romania shall cease to be valid.

(6) When an authorised product previously placed on the market has not been actually present on the Romanian market for three consecutive years, the authorisation for that product shall cease to be valid.

(7) The NAMMD may, in exceptional circumstances and on public health grounds, grant exemptions from provisions under (5) and (6); such exemptions must be duly justified.

(8) If no application for renewal of marketing authorisation has been submitted with respect to a medicinal product within the terms provided in (2),

the respective medicinal product may be preserved in the therapeutic chain until depletion of stocks in the pharmaceutical chain but no later than one year after cessation of marketing authorisation.

(9) The procedure for marketing authorisation of a medicinal product may be stopped in result of application for withdrawal by the applicant.

Article 739. - Authorisation shall not affect the civil and criminal liability of the manufacturer and, where applicable, of the marketing authorisation holder.

Article 740. - (1) The marketing authorisation shall be refused if, after verification of the particulars and documents listed in Article 706 and Articles 708 - 711, it is clear that:

a) the risk-benefit balance is not considered to be favourable; or

b) the therapeutic efficacy is insufficiently substantiated by the applicant; or

c) its qualitative and quantitative composition is not as declared.

(2) Authorisation shall likewise be refused if any particulars or documents submitted in support of the application do not comply with Article 706 and Articles 708 - 711.

(3) The applicant or the holder of a marketing authorisation shall be responsible for the accuracy of the documents and the data submitted.

Article 741. - Medicinal products authorised through centralised, mutual recognition or decentralised procedure for placement on the market in the EU shall be authorised in Romania according to simplified procedures as provided in NAMMD regulatory provisions.

Article 742. - (1) The NAMMD appoints a representative and an alternate for the Coordination Group, for a renewable 3-year period. The NAMMD representative in the Coordination Group may be accompanied by experts. The members and experts of the Coordination Group rely, for accomplishment of their tasks, on scientific and regulatory resources of national competent authorities. The NAMMD monitors the scientific level of assessments performed and facilitates the activities of members of the Coordination Group and assigned experts. As regards transparency and independence of members of the Coordination Group, provisions of Article 63 of Regulation (EC) no. 726/2004, as amended, shall apply.

(2) The Coordination Group has the following functions:

a) the examination of any question relating to a marketing authorisation of a medicinal product in two or more Member States in accordance with the procedures laid down in Chapter 5;

b) the examination of questions related to the pharmacovigilance of medicinal products authorised by the Member States, in accordance with Articles 838, 840, 842, 846 and 852;

c) the examination of questions relating to variations of marketing authorisations granted by the Member States, in accordance with Article 750. For fulfilment of its pharmacovigilance tasks, including approval of risk-management systems and monitoring their efficacy, the Coordination Group relies on scientific assessment and on recommendations of the Pharmacovigilance Risk Assessment Committee mentioned in Article 56 (1) (aa) of Regulation (EC) no. 726/2004, as amended.

(3) The NAMMD representative to the Coordination Group makes sure that there is proper coordination between the tasks of the Group and the activity of national competent authorities.

(4) Subject to opposed provisions in this Law, member states represented within the Coordination Group shall do the best they can to reach a position by consensus on the measures to be taken. If a consensus cannot be reached, the position of the majority of member states represented within the Coordination Group shall be taken into account.

(5) The NAMMD representative to the Coordination group is required to ensure privacy and to not provide any confidential information at all, even after fulfilment of their duties.

SECTION 5
Mutual Recognition Procedure and Decentralised Procedure

Article 743. - (1) With a view to the granting of a marketing authorisation for a medicinal product in Romania as well as in one or several Member States, an applicant shall submit an application based on an identical dossier to the NAMMD and competent authorities in respective Member States. The dossier shall contain the information and documents referred to in Articles 706 and Article 708 to 712. The documents submitted shall include a list of Member States concerned by the application.

The applicant shall request that Romania or other Member State to act as ‘reference Member State’ and to prepare an assessment report on the medicinal product in accordance with (2) or (3).

(2) Where the medicinal product has already received a marketing authorisation at the time of application, Romania shall act as concerned Member

State and the NAMMD shall recognise the marketing authorisation granted by the reference Member State. To this end, the marketing authorisation holder shall request the reference Member State either to prepare an assessment report on the medicinal product or, if necessary, to update any existing assessment report. In case Romania is the reference Member State, the NAMMD shall prepare/update the assessment report within 90 days after receipt of a valid application. The assessment report together with the approved summary of product characteristics, labelling and package leaflet shall be sent to the concerned Member States and to the applicant.

(3) In cases where the medicinal product has not received a marketing authorisation at the time of application to the NAMMD, when Romania is the reference Member State, the applicant shall request the NAMMD to prepare a draft assessment report, a draft summary of product characteristics and a draft of the labelling and package leaflet; the NAMMD shall prepare these draft documents within 120 days after receipt of a valid application and shall send them to the concerned Member States and to the applicant. On record of all parties' agreement, the NAMMD shall close the procedure and inform the applicant accordingly.

(4) When Romania acts as concerned Member State, within 90 days after receipt of the documents referred to under (2) and (3), the NAMMD shall approve the assessment report, the summary of product characteristics and the labelling and package leaflet and shall inform the reference Member State accordingly.

(5) In case an application has been submitted in accordance with (1), the NAMMD shall adopt a decision in conformity with the approved assessment report, the summary of product characteristics and the labelling and package leaflet as approved, within 30 days after acknowledgement of the agreement.

Article 744. - (1) If, within the period laid down in Article 743(4), the NAMMD cannot approve the assessment report, the summary of product characteristics, the labelling and the package leaflet on the grounds of potential serious risk to public health, it shall give a detailed exposition of the reasons for its position to the reference Member State, to the other Member States concerned and to the applicant; the points of disagreement shall be forthwith referred to the Coordination Group.

(2) The NAMMD shall apply provisions of guidelines adopted by the European Commission defining a potential serious risk to public health.

(3) Within the Coordination Group, through its NAMMD appointed representatives, Romania together with representatives of other member States mentioned in (1) shall use their best endeavours to reach agreement on the action to be taken. They shall allow the applicant the opportunity to make his point of view known orally or in writing. If, within 60 days of the communication of the points of disagreement, the Member States reach an agreement, Romania as reference Member State shall record the agreement, close the procedure and inform the applicant accordingly; Article 743(5) shall apply.

(4) If the Member States fail to reach an agreement within the 60-day period laid down in (3), the European Medicines Agency shall be immediately informed, with a view to the application of the procedure under Articles 32, 33 and 34 of Directive 2001/83/EC. Respective information shall provide a detailed statement of the matters on which the Member States have been unable to reach agreement and the reasons for their disagreement. A copy shall be forwarded to the applicant.

(5) As soon as the applicant is informed that the matter has been referred to the European Medicines Agency, they shall forthwith forward to the Agency a copy of the information and documents referred to in Article 743(1).

(6) In the circumstances referred to in (3), in case the NAMMD has approved the assessment report, the draft summary of product characteristics and the labelling and package leaflet of the reference Member State, the NAMMD may, at the request of the applicant, authorise the medicinal product without waiting for the outcome of the procedure laid down in Article 32 of Directive 2001/83/EC; in that event, the authorisation granted shall be without prejudice to the outcome of that procedure.

Article 745. - (1) If two or more applications submitted in accordance with Article 706 and Articles 708 - 712 have been made for marketing authorisation for a particular medicinal product, and if the NAMMD and other competent authorities in Member States have adopted divergent decisions concerning the authorisation of the medicinal product or its suspension or revocation, the NAMMD or the competent authority of a different Member State, the European Commission or the applicant or the marketing authorisation holder may refer the matter to the Committee for Medicinal Products for Human Use, within the European Medicines Agency, hereinafter referred to as ‘the Committee’, for the application of the procedure laid down in Articles 32, 33 and 34 of Directive 2001/83/EC.

(2) In order to promote harmonisation of marketing authorisations for medicinal products in the European Union, the NAMMD shall, each year, forward to the Coordination group a list of medicinal products for which a harmonised summary of product characteristics should be drawn up.

Article 746. - (1) The NAMMD, Member States, the European Commission, the applicant or the marketing authorisation holder shall, in specific cases where the interests of the European Union are involved, refer the matter to the Committee for application of the procedure laid down in Articles 32, 33 and 34 of Directive 2001/83/EC, as amended, before any decision is reached on a request for a marketing authorisation or on the suspension or revocation of an authorisation, or on any other variation to the terms of a marketing authorisation which appears necessary.

(2) Where the referral results from assessment of pharmacovigilance data related to an authorised medicinal product, the Committee for Medicinal Products for Human Use may inform the Pharmacovigilance Risk Assessment Committee about the respective issue, leading to application of provisions of Article 845 (2). The Pharmacovigilance Risk Assessment Committee may issue a recommendation in accordance with the procedure mentioned in Article 32 of Directive 2001/83/EC, as amended; the final recommendation is forwarded to the Committee for Medicinal Products for Human Use or to the Coordination Group, as appropriate, and the procedure mentioned in Article 46 shall apply. Where one of the criteria listed in Article 844 (1) is met, the procedure laid down in Article 844-846 shall apply. If required, the NAMMD shall clearly identify the question which is referred to the Committee for consideration and shall inform the applicant or the marketing authorisation holder.

(3) The NAMMD and the applicant or the marketing authorisation holder shall supply the Committee with all available information relating to the matter in question.

(4) Where the referral to the Committee concerns a group of medicinal products or a therapeutic class, the procedure may be limited to certain specific parts of the authorisation; in that event, Article 750 shall apply to those medicinal products only if they were covered by the authorisation procedures referred to in this section. Medicinal products authorised in accordance with Regulation (EC) no. 726/2004, belonging to the same therapeutic range/class shall also fall under the scope of the procedure initiated in accordance with this Article.

(5) Without prejudice to paragraph 1, the NAMMD may, where urgent action is necessary to protect public health at any stage of the procedure, suspend the marketing authorisation and prohibit the use of the medicinal product concerned on Romanian territory until a definitive decision is adopted. The NAMMD shall inform the Commission, the Agency and the other Member States, no later than the following working day, of the reasons for its action.

(6) Where, according to (4), the scope of the procedure initiated under this Article includes medicinal products authorised in accordance with Regulation (EC) no. 726/2004, the NAMMD shall, where urgent action is necessary to protect public health, at any stage of the procedure, apply the measures imposed by the European Commission on suspension of marketing authorisations and prohibition of the use of the medicinal products concerned, until adoption of a definitive decision by the European Commission.

Article 747. - Within 15 days after its adoption, the NAMMD as well as the applicant or the marketing authorisation holder shall be forwarded by the European Medicines Agency the final opinion of the Committee together with a report describing the assessment of the medicinal product and stating the reasons for its conclusions. In the event of an opinion in favour of granting or maintaining an authorisation to place the medicinal product concerned on the market, the following documents shall be annexed to the opinion:

a) a draft sumary of the product characteristics, as referred to in Article 712;

b) any conditions affecting the authorisation within the meaning of Article 32(4) c) of Directive 2001/83/EC, as amended;

c) details of any recommended conditions or restrictions with regard to the safe and effective use of the medicinal product;

d) the proposed text of the labelling and leaflet.

Article 748. - In the event that the European Commission decides to grant a marketing authorisation, it shall forward to the NAMMD as well as to the applicant or marketing authorisation holder a draft of the decision to be taken in respect of the application accompanied by documents referred to in Article 747; where, exceptionally, the draft decision is not in accordance with the opinion of the European Medicines Agency, the European Commission shall also annex a detailed explanation of the reasons for the differences.

Article 749. - (1) The NAMMD shall have 22 days to forward its written observations on the draft decision to the European Commission. However, if the European Commission has to take an urgent decision, a shorter time-limit may be set according to the degree of urgency involved.

(2) The NAMMD shall have the option of submitting a written request that the draft Decision be discussed in a plenary meeting of the Standing Committee of the European Commission.

(3) The NAMMD shall either grant or revoke the marketing authorisation, or vary its terms as necessary to comply with the decision within 30 days following its notification, and they shall refer to it. The NAMMD shall inform the European Commission and the European Medicines Agency accordingly.

Article 750. - Any application by the marketing authorisation holder to vary a marketing authorisation which has been granted in accordance with the provisions of this Section shall be submitted to the NAMMD and all Member States which have previously authorised the medicinal product concerned.

Article 751. - (1) As regards marketing authorisations granted before 1 January 1998 for medicinal products authorised only in Romania, national regulations approved through order of the minister of health[10] apply for regulation of changes to marketing authorisation conditions.

(2) If, for medicinal products authorised only in Romania, in accordance with provisions mentioned under (1), a marketing authorisation is subsequently granted in another Member State to the respective medicinal products, provisions of Regulation (EC) no. 1.234/2008 of the Commission of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products shall apply, as of date of grant of these authorisations.

Article 752. - The NAMMD shall submit to the European Medicines Agency all information needed for the establishment and publication of an annual report on the operation of procedures laid down in this section.

Article 753. - The NAMMD shall submit to the European Commission all information needed for preparation of a report on experience acquired based on procedures described herein.

Article 754. - (1) Article 744, paragraphs (4) to (6) and Articles 745 to 749 shall not apply to homeopathic medicinal products referred to in Article 715.

(2) Articles 743 - 749 shall not apply to homeopathic medicinal products referred to in Article 717(2).

CHAPTER IV
Manufacture and Importation

[10] Please see Order of the Minister of Health no. 895/2006 on approval of Rules for marketing authorisation and surveillance of medicinal products for human use, as amended.

Article 755. - (1) The NAMMD shall take all appropriate measures to ensure that the manufacture of the medicinal products within Romania's territory is only subject to the holding of an authorisation. This manufacturing authorisation shall be required nothwithstanding that the medicinal products manufactured are intended for export.

(2) The authorisation referred to in (1) shall be required for both total and partial manufacture, and for the various processes of dividing up, packaging or presentation; however, such authorisation shall not be required for preparation, dividing up, changes in packaging or presentation form where these processes are carried out, solely for retail supply, by pharmacists in dispensing pharmacies or by persons legally authorised in Romania to carry out such processes.

(3) Authorisation referred to in (1) shall also be required for imports coming from third countries into Romania; this Section and Article 867 shall have corresponding application to such imports as they have to manufacture.

(4) The NAMMD shall forward to the European Medicines Agency a copy of the authorisation referred to in (1), which information shall be entered in the EU database referred to in Article 857(14).

Article 756. - (1) In order to obtain the manufacturing authorisation, the applicant shall at least meet all the following requirements:

a) specify the medicinal products and pharmaceutical forms which are to be manufactured or imported and also the place where they are to be manufactured and/or controlled;

b) have at their disposal, for the manufacture or import of medicinal products referred to point a), suitable and sufficient premises, technical equipment and control facilities complying with the legal requirements which Romania lays down as regards both manufacture and control and the storage of medicinal products, in accordance with Article 729;

c) for special testing purposes, quality control of medicinal products may be carried out based on a contract between the manufacturing unit and the control unit, outside the manufacturing site, in control units authorised/approved by the NAMMD, in full compliance with regulations laid down by the NAMMD and approved by order of the minister of health[11];

d) have at their disposal the services of at least one qualified person within the meaning of Article 766.

[11] Please see Order of the Minister of Health no. 1295/2015, repealing Order of the Minister of Health no. 873/2006, on approval of Rules for contracted quality control of medicinal products, concluded between the manufacturing site and an external site, for special tests.

(2) The applicant shall provide particulars in support of the above in their application according to (1).

Article 757. - (1) The NAMMD shall issue the manufacturing authorisation, which shall be valid for three years, only after having made sure of the accuracy of the particulars supplied pursuant to Article 756, by means of an inspection carried out by its inspectors.

(2) In order to ensure that the requirements referred to in Article 756 are complied with, authorisation may be made conditional on the carrying out of certain obligations imposed either when authorisation is granted or at a later date.

(3) The authorisation shall apply only to the premises, medicinal products and pharmaceutical forms specified in the application.

Article 758. - The NAMMD shall take all appropriate measures to ensure that the time taken for the procedure for granting the manufacturing authorisation does not exceed 90 days from the day on which the NAMMD receives the application.

Article 759. - If the marketing authorisation holder requests a change in any of the particulars referred to in Article 756(1) a) and b), the time taken for the procedure relating to this request shall not exceed 30 days; in exceptional cases this period of time may be extended to 90 days.

Article 760. - The NAMMD may require from the applicant further information concerning the particulars supplied pursuant to Article 756 and concerning the qualified person referred to in Article 766; where the NAMMD exercises this right, application of the time-limits referred to in Articles 758 and 759 shall be suspended until the additional data required have been supplied.

Article 761. - The manufacturing authorisation holder shall at least be obliged:

a) to have at their disposal the services of staff who comply with the legal requirements existing in Romania as regards both manufacture and controls;

b) to dispose of the authorised medicinal products only in accordance with the legislation of Romania;

c) to give prior notice to the NAMMD of any changes they may wish to make to any of the particulars supplied pursuant to Article 756; the NAMMD shall, in any event, be immediately informed if the qualified person referred to in Article 766 is replaced unexpectedly;

d) to allow NAMMD inspectors access to their premises at any time;

e) to enable the qualified person referred to in Article 766 to carry out their duties, for example by placing at their disposal all the necessary facilities;

f) to comply with Good Manufacturing Practice principles and guidelines for medicinal products and to use only active substances manufactured in line with the Good Manufacturing Practice for active substances and distributed in accordance with the Good Distribution Practice for active substances. In this respect, the marketing authorisation holder checks compliance by the manufacturer and distributors of active substances with the Good Manufacturing Practice and the Good Distribution Practice through audits at manufacturing and distribution sites of the manufacturer and distributors of active substances. The holder of the manufacturing authorisation checks compliance with Good Practices either by himself or, without prejudice to their responsibility in accordance with this Title, through an entity acting on their behalf under a contract. The marketing authorisation holder shall ensure that the excipients are suitable for use in manufacturing of medicinal products, establishing the appropriate Good Manufacturing Practice. This is ascertained based upon a formalised risk assessment in accordance with applicable guidelines referred to in Article 764 d). Such risk assessment shall take account of the requirements under other appropriate quality systems, as well as the source and intended use of the excipients and previous cases of quality defects. The marketing authorisation holder shall ensure that the appropriate Good Manufacturing Practice guidelines so ascertained are applied. The marketing authorisation holder shall document the measures taken under this paragraph;

g) to immediately notify the NAMMD and the marketing authorisation holder if they have gained information that medicinal products under the scope of their manufacturing authorisation are, or are suspected of being, falsified, irrespective of whether the respective medicinal products were distributed within the legal supply chain or by illegal means, including illegal sale by means of information society services;

h) to verify that the manufacturers, importers or distributors from whom they obtains active substances are registered with the competent authority of the Member State in which they are established;

i) to verify the authenticity and quality of the active substances and the excipients.

Article 762. - (1) For the purposes of this Title, manufacture of active substances used as starting materials shall include both total and partial manufacture or import of an active substance used as a starting material as

defined in Part I, point 3.2.1.1 (b) of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of health[12], and the various processes of dividing up, packaging or presentation prior to its incorporation into a medicinal product, including repackaging or relabelling, such as are carried out by a distributor of starting materials.

(2) The NAMMD shall take account of any change required for adjustments of (1) to scientific and technical progress identified and notified by the Standing Committee.

Article 763. - (1) The NAMMD shall take all appropriate measures to ensure that manufacturing, import and distribution of active substances in Romania, including active substances meant for export, comply with the Good Manufacturing Practice and the Good Distribution Practice for active susbtances.

(2) Active substances shall only be imported if the following conditions are met:

a) the active substance has been manufactured in accordance with standards of Good Manufacturing Practice at least equivalent with those laid down by the Union pursuant to provisions of Article 764 b);

b) active substances are accompanied by a written confirmation from the competent authority in the exporting third country according to which: (i) standards on Good Manufacturing Practice applicable to the plant manufacturing the exported active substance are at least equivalent to those laid down by the Union pursuant to provisions of Article 764 b); (ii) the manufacturing plant concerned is subject to regular, strict and transparent controls and to the effective enforcement of Good Manufacturing Practice, including repeated and unannounced inspections, so as to ensure a protection of public health at least equivalent to that in the Union; (iii) in the event of findings relating to non-compliance, information on such findings is supplied by the exporting third country to the Union without any delay. This written confirmation shall be without prejudice to the obligations set out in Articles 706 and 761 f).

(3) The requirement set out in (2) b) shall not apply if the exporting country is included in the list referred to in Article 859.

[12] Please see Order of the Minister of Health no. 906/2006 on approval of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products.

(4) Exceptionally, and where necessary to ensure the availability of medicinal products, when a plant manufacturing an active substance for export has been inspected by a Member State and was found to comply with the principles and guidelines of good manufacturing practice laid down pursuant to Article 764 b), the requirement set out in (2) b) may be waived by the Ministry of Health and the NAMMD for a period not exceeding the validity of the certificate of Good Manufacturing Practice; in the event the opportunity of such waiver is used, the Ministry of Health and the NAMMD shall inform the European Commission thereof.

Article 764. – The NAMMD pursues implementation of:

a) the principles and guidelines of Good Manufacturing Practice for medicinal products for human use, adopted by the European Commission;

b) the principles and guidelines of Good Manufacturing Practice for active substances referred to in Article 761 f) and Article 763, adopted by the European Commission;

c) the principles of Good Distribution Practice for active substances, as referred to under Article 761 f), adopted as Guidelines by the European Commission;

d) guidelines on formalised risk assessment for ascertaining the appropriate Good Manufacturing Practice for excipients, referred to in Article 761 f), adopted by the European Commission.

Article 765. - (1) Safety features referred to in Article 774 o) shall not be removed or covered, either fully or partially, unless the following conditions are met:

a) prior to partly or fully removing or covering the specified safety features, the holder of the manufacturing authorisation shall verify that the medicinal product concerned is authentic and that it has not been tampered with;

b) the holder of the manufacturing authorisation complies with provisions of Article 774 o) replacing those safety features with safety features which are equivalent as regards the possibility to verify the authenticity, identification and to provide evidence of tampering of the medicinal product. Such replacement shall be conducted without opening the immediate packaging as defined in Article 699, 25). Safety features shall be considered equivalent if they comply with requirements set out in delegated acts adopted by the European Commission, pursuant to Article 775 (2), are equally effective in enabling the verification of authenticity and identification of medicinal products and in providing evidence of tampering with medicinal products;

c) the replacement of the safety features is conducted in accordance with Good Manufacturing Practice for medicinal products;

d) the replacement of the safety features is subject to supervision by the NAMMD.

(2) Manufacturing authorisation holders, including those conducting the activities referred to in (1), shall be regarded as producers and therefore held liable for damages in the cases and under the conditions set forth in consolidated Law no. 240/2004.

Article 766. - (1) The NAMMD shall take all appropriate measures to ensure that the marketing authorisation holder has permanently and continuously at their disposal the services of at least one qualified person, in accordance with the conditions laid down in Article 767, responsible in particular for carrying out the duties specified in Article 769.

(2) If the marketing authorisation holder personally fulfils the conditions laid down in Article 767, they may themselves assume the responsibility referred to in (1).

Article 767. - (1) The NAMMD shall ensure that the qualified person referred to in Article 766 meets the conditions for qualification set out in paragraphs (2) - (8).

(2) A qualified person shall be in possession of a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course of study, or a course recognized as equivalent by Romania, extending over a period of at least four years of theoretical and practical study in one of the following scientific disciplines: pharmacy, medicine, veterinary medicine, chemistry, pharmaceutical chemistry and technology, biology.

(3) By way of exception to (2), the minimum duration of university courses may be three and a half years where the course is followed by a period of theoretical and practical training of a minimum duration of one year and including a training period of at least six months in a pharmacy open to the public, corroborated by an examination at university level.

(4) Where two university courses or two courses recognized by Romania as equivalent co-exist in Romania and where one of these extends over four years and the other over three years, the three-year course leading to a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course or its recognized equivalent shall be considered to fulfil the condition of duration referred to in (3), insofar as the diplomas, certificates or

other evidence of formal qualifications awarded on completion of both courses are recognized as equivalent by Romania.

(5) The course shall include theoretical and practical study bearing upon at least the following basic subjects:

a) Experimental physics;

b) General and inorganic chemistry;

c) Organic chemistry;

d) Analytical chemistry;

e) Pharmaceutical chemistry, including analysis of medicinal products;

f) General and applied biochemistry (medical);

g) Physiology;

h) Microbiology;

i) Pharmacology;

j) Pharmaceutical technology;

k) Toxicology;

l) Pharmacognosy (study of the composition and effects of the natural active substances of plant and animal origin).

Studies in these subjects should be so balanced as to enable the person concerned to fulfil the obligations specified in Article 769.

(6) Insofar as certain diplomas, certificates or other evidence of formal qualifications referred to (2), do not fulfil the criteria laid down in paragraphs (2) to (5), the NAMMD shall ensure that the person concerned provides evidence of adequate knowledge of the subjects involved.

(7) The qualified person shall have acquired practical experience over at least two years, in one or more undertakings which are authorised to manufacture medicinal products, in the activities of qualitative analysis of medicinal products, of quantitative analysis of active substances and of the testing and checking necessary to ensure the quality of medicinal products.

(8) The duration of practical experience may be reduced by one year where a university course lasts for at least five years and by a year and a half where the course lasts for at least six years.

Article 768. - (1) A person engaging in the activities of the person referred to in Article 766 from the time of the application of Directive 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products, in a Member State without complying with the provisions of Article 767 shall be eligible to continue to engage in those activities within the European Union.

(2) The holder of a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course — or a course recognized as equivalent by Romania — in a scientific discipline allowing him to engage in the activities of the person referred to in Article 766 in accordance with the laws of that state may — if they began their course prior to 21 May 1975 — be considered as qualified to carry out in that state the duties of the person referred to in Article 766 provided that they has previously engaged in the following activities for at least two years before 21 May 1985 in one or more undertakings authorised to manufacture: production, supervision and/or qualitative and quantitative analysis of active substances, and the necessary testing and checking under the direct authority of the person referred to in Article 767 to ensure the quality of the medicinal products.

(3) If the person concerned has acquired the practical experience referred to in (2) before 21 May 1965 a further one year's practical experience in accordance with the conditions referred to in (2) shall be required to be completed immediately before they engages in such activities.

Article 769. - (1) The NAMMD shall take all appropriate measures to ensure that the qualified person referred to in Article 766, without prejudice to their relationship with the Marketing Authorisation Holder, is responsible, in the context of the procedures referred to in Article 770, for securing:

a) in the case of medicinal products manufactured within Romania, that each batch of medicinal products has been manufactured and checked in compliance with the laws in force in Romania and in accordance with the requirements of the marketing authorisation;

b) in the case of medicinal products coming from third countries, irrespective of whether the product has been manufactured in the European Union, that each manufacturing batch has undergone in a Member State a full qualitative analysis, a quantitative analysis of at least all the active substances and all the other tests or checks necessary to ensure the quality of medicinal products in accordance with the requirements of the marketing authorisation.

For medicinal products intended to be placed on the EU market, the qualified person referred to in Article 766 shall ensure that the safety features set out in Article 774 o) have been affixed on the packaging.

The batches of medicinal products which have undergone such controls in a Member State shall be exempt from the controls if they are marketed in Romania, accompanied by the control reports signed by the qualified person.

(2) In the case of medicinal products imported from a third country, where appropriate arrangements have been made by the European Union with the exporting country to ensure that the manufacturer of the medicinal product applies standards of Good Manufacturing Practice at least equivalent to those laid down by the European Union and to ensure that the controls referred to under (1) b) have been carried out in the exporting country, the qualified person may be relieved of responsibility for carrying out those controls.

(3) In all cases and particularly where the medicinal products are released for sale, the qualified person must certify in a register or equivalent document provided for that purpose, that each production batch satisfies the provisions of this Article; the said register or equivalent document must be kept up to date as operations are carried out and must remain at the disposal of the inspectors of the NAMMD for at least five years.

Article 770. - (1) The NAMMD shall ensure that the duties of qualified persons referred to in Article 766 are fulfilled, by means of appropriate administrative measures.

(2) The NAMMD may provide for the temporary suspension of such a person upon the commencement of administrative or disciplinary procedures against him for failure to fulfil their obligations.

Article 771. - (1) Importers, manufacturers and distributors of medicinal products established in Romania shall register their activity with the NAMMD.

(2) The registration form should include at least the following:

a) name or corporate name and permanent address;

b) active substances to be imported, manufactured or distributed;

c) particulars regarding the premises and the technical equipment for their activity.

(3) The persons referred to in (1) shall submit the registration form to the NAMMD at least 60 days prior to the intended commencement of their activity.

(4) The NAMMD may, based on a risk assessment, decide to carry out an inspection. If the NAMMD notifies the applicant within 60 days of the receipt of the registration form that an inspection will be carried out, the activity shall not begin before the NAMMD has notified the applicant that they may commence the activity. If, within 60 days of the receipt of the registration form, the NAMMD has not notified the applicant that an inspection will be carried out, the applicant may commence the activity.

(5) The persons referred to (1) shall annually submit the NAMMD an inventory of changes of the changes which have taken place as regards the

information provided in the registration form. Any changes that may have an impact on the quality or safety of the active substances that are manufactured, imported or distributed must be notified immediately.

(6) The NAMMD shall introduce the information provided in accordance with provisions of (2) into the EU database referred to in Article 857 (14).

(7) This Article shall be without prejudice to Article 857.

Article 772. - (1) Notwithstanding provisions of Article 700 (1) and without prejudice to Chapter VII, the NAMMD and the other competent authorities shall take the necessary measures in order to prevent medicinal products that are introduced into Romania, but are not intended to be placed on the market of Romania, if there are sufficient grounds to suspect that the respective products are falsified.

(2) In order to comply with provisions of (1), the NAMMD and the other competent authorities, as required, implement the measures established through delegated acts adopted by the European Commission, supplementing provisions of (1) as regards the criteria to be considered and the verifications to be made when assessing the potential falsified character of medicinal products introduced into Romania, but not intended to be placed on the market.

Article 773. - The provisions of this chapter shall also apply to homeopathic medicinal products.

CHAPTER V
Labelling and Package Leaflet

Article 774. - The following particulars shall appear on the outer packaging of medicinal products or, where there is no outer packaging, on the immediate packaging:

a) the name of the medicinal product followed by its strength and pharmaceutical form, and, if appropriate, whether it is intended for babies, children or adults; where the product contains up to three active substances, the international non-proprietary name (INN) shall be included, or, if one does not exist, the common name;

b) a statement of the active substances expressed qualitatively and quantitatively per dosage unit or according to the form of administration for a given volume or weight, using their common names;

c) the pharmaceutical form and the contents by weight, by volume or by number of doses of the product;

d) a list of those excipients known to have a recognized action or effect and included in the detailed guidance published pursuant to Article 787; however, if the product is injectable, or a topical or eye preparation, all excipients must be stated;

e) the method of administration and, if necessary, the route of administration. Space shall be provided for the prescribed dose to be indicated;

f) a special warning that the medicinal product must be stored out of the reach and sight of children;

g) a special warning, if this is necessary for the medicinal product, other than specified under f);

h) the expiry date in clear terms (month/year);

i) special storage precautions, if any;

j) specific precautions relating to the disposal of unused medicinal products or waste derived from medicinal products, where appropriate, as well as reference to any appropriate collection system in place;

k) the name and address of the marketing authorisation holder and, where applicable, the name of the representative appointed by the holder to represent them;

l) the number of the authorisation for placing the medicinal product on the market;

m) the manufacturer's batch number;

n) in the case of non-prescription medicinal products, instructions for use.

o) for medicinal products other than radiopharmaceuticals referred to in Article 775 (1), safety features enabling wholesale distributors and persons authorised or entitled to supply medicinal products to the public to verify the authenticity of the product, to identify individual packages, as well as a device allowing verification whether the secondary packaging has been tampered with.

Article 775. - (1) Medicinal products subject to prescription shall bear the safety features referred to in Article 774 o), unless they have been listed in accordance with the procedure pursuant to provisions of (3) b).

(2) Medicinal products not subject to prescription shall not bear the safety features referred to in Article 774 o), unless, by way of exception, they have been listed in accordance with the procedure pursuant to (3) b), after having been assessed to be at risk of falsification.

(3) The NAMMD shall adopt and implement the detailed rules for the safety features laid down in Article 774 o), in accordance with provisions of delegated

acts adopted by the European Commission on measures for supplementation of provisions of Article 774 o). These rules set for the following:

a) the characteristics and technical specifications of the unique identifier of the safety features referred to in point (o) of Article 774 that enables the authenticity of medicinal products to be verified and individual packs to be identified;

b) the lists containing the medicinal products or product categories which, in the case of medicinal products subject to prescription shall not bear the safety features, and in the case of medicinal products not subject to prescription shall bear the safety features referred to in Article 774 (o). Those lists shall be established considering the risk of and the risk arising from falsification relating to medicinal products or categories of medicinal products. To this end, at least the following criteria shall be applied:

(i) the price and sales volume of the medicinal product;

(ii) the number and frequency of previous cases of falsified products reported in the EU and in third countries and the evolution of the number and frequency of such cases to date;

(iii) the specific characteristics of the medicinal product concerned;

(iv) the severity of conditions intended to be treated;

(v) other potential risks for public health;

c) the procedures for the notification to the Commission provided for in paragraph 4 and a rapid system for evaluating and deciding on such notification for the purpose of applying point (b);

d) the modalities for the verification of the safety features referred to in Article 774, o) by the manufacturers, wholesalers, pharmacists and persons authorised or entitled to supply medicinal products to the public and by the competent authorities. Those modalities shall allow the verification of the authenticity of each supplied pack of the medicinal products bearing the safety features referred to in Article 774 o) and determine the extent of such verification. When establishing those modalities, the particular characteristics of the supply chains in Member States, and the need to ensure that the impact of verification measures on particular actors in the supply chains is proportionate, shall be taken into account;

e) provisions on the establishment, management and accessibility of the repositories system in which information on the safety features, enabling the verification of the authenticity and identification of medicinal products, as provided for in Article 774 o), shall be contained. The costs of the repositories

system shall be borne by the manufacturing authorisation holders of medicinal products bearing the safety features.

(4) The NAMMD shall notify the European Commission of non-prescription medicinal products judged at falsification risk, and may inform the Commission of medicinal products which they deem not to be at risk according to the criteria set out in (3) b) above.

(5) For the purposes of reimbursement or compliance with pharmacovigilance provisions, the NAMMD may extend the scope of the unique identifier referred to in Article 774 o) to any medicinal product subject to prescription or, upon Ministry of Health request, to any medicinal product subject to reimbursement. For the purposes of reimbursement, pharmacovigilance and pharmacoepidemiology, the NAMMD and the Ministry of Health, as appropriate, may use the information contained in the repositories system referred to (3) e).

For the patient safety purposes, the NAMMD may extend the scope of application of the anti-tampering device referred to in Article 774 o) to any medicinal product.

Article 776. - (1) The particulars laid down in Article 774 shall appear on immediate packagings other than those referred to in paragraphs (2) and (3).

(2) The following particulars at least shall appear on immediate packaging which take the form of blister packs and are placed in an outer packaging that complies with the requirements laid down in Article 774 (a):

– the name of the medicinal product as laid down in point (a) of Article 763;
– the name of the marketing authorisation holder;
– the expiry date;
– the batch number.

(3) The following particulars at least shall appear on small immediate packaging units on which the particulars laid down in Article 774 and Article 784 cannot be displayed:

– the name of the medicinal product as laid down in Article 774 (a), and, if necessary, the route of administration;
– the method of administration;
– the expiry date;
– the batch number;
– the contents by weight, by volume or by unit.

Article 777. - The particulars referred to in Article 774, Article 776 and Article 784 shall be easily readable, clearly comprehensible and indelible.

Article 778. - (1) The name of the medicinal product, as referred to in Article 774 a) must also be expressed in Braille format on the packaging.

(2) The marketing authorisation holder shall ensure that the package information leaflet is made available on request from patients' organisations in formats appropriate for the blind and partially-sighted.

Article 779. - (1) Notwithstanding Article 782, the NAMMD may require the use of certain forms of labelling of the medicinal product making it possible to ascertain the legal status for supply to the patient, in accordance with Chapter 6, and authenticity and identification in accordance with provisions of Article 775 (5).

(2) For medicinal products authorised by centralised procedure, the NAMMD shall, when applying this Article, observe the detailed guidance referred to in Article 787 of this Title.

Article 780. - The inclusion in the packaging of all medicinal products of a package leaflet shall be obligatory unless all the information required under Article 781 and Article 784 is directly conveyed on the outer packaging or on the immediate packaging.

Article 781. - (1) The package leaflet shall be drawn up in accordance with the summary of the product characteristics; it shall include, in the following order:

a) for the identification of the medicinal product:

(i) the name of the medicinal product followed by its strength and pharmaceutical form, and, if appropriate, whether it is intended for babies, children or adults. The common name shall be included where the product contains only one active substance and if its name is an invented name;

(ii) the pharmaco-therapeutic group or type of activity in terms easily comprehensible for the patient;

b) the therapeutic indications;

c) a list of information which is necessary before the medicinal product is taken:

(i) contra-indications;

(ii) the necessary and usual instructions for proper use, and in particular:

(iii) forms of interaction with other medicinal products and other forms of interaction (e.g. alcohol, tobacco, foodstuffs) which may affect the action of the medicinal product;

(iv) special warnings;

d) the necessary and usual instructions for proper use, and in particular:

(i) the dosage;

(ii) the method and, if necessary, route of administration;

(iii) the frequency of administration, specifying if necessary the appropriate time at which the medicinal product may or must be administered and, as appropriate, depending on the nature of the product;

(iv) the duration of treatment, where it should be limited;

(v) the action to be taken in case of an overdose (such as symptoms, emergency procedures);

(vi) what to do when one or more doses have not been taken;

(vii) indication, if necessary, of the risk of withdrawal effects;

(viii) a specific recommendation to consult the doctor or the pharmacist, as appropriate, for any clarification on the use of the product;

e) a description of the adverse reactions which may occur under normal use of the medicinal product and, if necessary, the action to be taken in such a case. The following statement shall be added for medicinal products included in the List referred to in Article 23 of Regulation (EC) no. 726/2004: "*This product is subject to additional monitoring*", preceded by the black symbol referred to in Article 23 of Regulation (EC) no. 726/2004 and followed by an appropriate standardised explanatory note; a standardised text shall be included for all medicinal products, requiring that patients be expressly invited to report any adverse reaction not referred to in the package leaflet, to their physician, pharmacist or healthcare professional or, in accordance with Article 836 (1), to the NAMMD, also indicating the various reporting means available (electronic reporting, postal address and/or other), in accordance with Article 836 (1), first line;

f) a reference to the expiry date indicated on the label, with:

(i) a warning against using the product after that date;

(ii) where appropriate, special storage precautions;

(iii) if necessary, a warning concerning certain visible signs of deterioration;

(iv) the full qualitative composition (in active substances and excipients) and the quantitative composition in active substances, using common names, for each presentation of the medicinal product;

(v) for each presentation of the product, the pharmaceutical form and content in weight, volume or units of dosage;

(vi) the name and address of the marketing authorisation holder and, where applicable, the name of their appointed representatives in Romania;

(vii) the name and address of the manufacturer;

g) where the medicinal product is authorised in accordance with Articles 743 - 754 under different names in the Member States concerned, a list of the names authorised in each Member State;

h) the date on which the package leaflet was last revised.

(2) The list set out in (1) c) shall:

a) take into account the particular condition of certain categories of users (children, pregnant or breastfeeding women, the elderly, persons with specific pathological conditions);

b) mention, if appropriate, possible effects on the ability to drive vehicles or to operate machinery;

c) list those excipients knowledge of which is important for the safe and effective use of the medicinal product and which are included in the detailed guidance published pursuant to Article 787.

(3) The package leaflet shall reflect the results of consultations with target patient groups to ensure that it is readable, clear and easy to use.

Article 782. - The NAMMD may not prohibit or impede the placing on the market of medicinal products within Romania's territory on grounds connected with labelling or the package leaflet where these comply with the requirements of this Chapter.

Article 783. - (1) One or more mock-ups of the outer packaging and the immediate packaging of a medicinal product, together with the draft package leaflet, shall be submitted to the NAMMD at the same time with the submission of the marketing authorisation application; the results of assessments carried out in cooperation with target patient groups shall also be provided to the NAMMD.

(2) The NAMMD shall refuse the marketing authorisation if the labelling or the package leaflet does not comply with the provisions of this Chapter or if they are not in accordance with the particulars listed in the summary of product characteristics.

(3) All proposed changes to an aspect of the labelling or the package leaflet covered by this Chapter and not connected with the summary of product characteristics shall be submitted to the NAMMD; if the NAMMD has not opposed a proposed change within 90 days following the introduction of the request, the applicant may put the change into effect.

(4) The fact that the NAMMD does not refuse a marketing authorisation pursuant to (2) or a change to the labelling or the package leaflet pursuant to (3) does not alter the general legal liability of the manufacturer and the marketing authorisation holder.

Article 784. - The outer packaging and the package leaflet may include symbols or pictograms designed to clarify certain information referred to in Articles 774 and 781(1) and other information compatible with the summary of the product characteristics which is useful for the patient, to the exclusion of any element of a promotional nature.

Article 785. - (1) The particulars for labelling listed in Article 774, Article 781 and Article 784 shall appear in Romanian, which shall not prevent these particulars from being indicated in several languages, provided that the same particulars appear in all the languages used.

In the case of certain orphan medicinal products, the particulars listed in Article 774 may, on reasoned request, appear in only one of the official languages of the European Union.

(2) The package leaflet must be written and designed to be clear and understandable, enabling the users to act appropriately, when necessary with the help of healthcare professionals. The package leaflet must be clearly legible in Romanian.

The first subparagraph shall not prevent the package leaflet from being printed in several languages, provided that the same information is given in all the languages used.

(3) Where the medicinal product is not intended to be delivered directly to the patient or where there are significant problems in respect of medicinal product availability, the NAMMD may subject to measures deemed necessary to safeguard public health, grant an exemption to the obligation that certain particulars should appear on the labelling and in the package leaflet; likewise, the NAMMD may grant full or partial exemption to the obligation that the labelling and the package leaflet must be in Romanian.

Article 786. - Where the provisions of this Chapter are not complied with, and a notice served by the NAMMD on the holder of the marketing authorisation has remained without effect, the NAMMD may suspend the marketing authorisation, until the labelling and the package leaflet of the medicinal product in question have been made to comply with the requirements of the Chapter.

Article 787. - The NAMMD shall take part in consultations organised by the European Commission with Member States and the parties concerned in view of drawing up and publication of detailed guidance concerning in particular:

(a) the wording of certain special warnings for certain categories of medicinal products;

(b) the particular information needs relating to non-prescription medicinal products;

(c) the legibility of particulars on the labelling and package leaflet;

(d) the methods for the identification and authentication of medicinal products;

(e) the list of excipients which must feature on the labelling of medicinal products and the way in which these excipients must be indicated;

(f) harmonised provisions for the implementation of Article 57 of Directive 2001/83/EC.

The NAMMD shall apply provisions of this detailed guidance.

Article 788. - (1) The outer packaging and the container of medicinal products containing radionuclides shall be labelled in accordance with the regulations for the safe transport of radioactive materials laid down by the International Atomic Energy Agency; moreover, the labelling shall comply with the provisions set out in paragraphs (2) and (3).

(2) The label on the shielding shall include the particulars referred to in Article 774; in addition, the labelling on the shielding shall explain in full, the coding used on the vial and shall indicate, where necessary, for a given time and date, the amount of radioactivity per dose or per vial and the number of capsules, or, for liquids, the number of millilitres in the container.

(3) The vial shall be labelled with the following information:

– the name or code of the medicinal product, including the name or chemical symbol of the radionuclide;
– the batch identification and expiry date;
– the international symbol for radioactivity;
– the name and address of the manufacturer;
– the amount of radioactivity as specified in (2).

Article 789. - (1) The NAMMD shall ensure that a detailed instruction leaflet is enclosed with the packaging of radio-pharmaceuticals, radionuclide generators, radionuclide kits or radio-nuclide precursors.

(2) The text of this leaflet referred to (1) shall be established in accordance with the provisions of Article 781; in addition, the leaflet shall include any

precautions to be taken by the user and the patient during the preparation and administration of the medicinal product and special precautions for the disposal of the packaging and its unused contents.

Article 790. - Without prejudice to the provisions of Article 781, homeopathic medicinal products shall be labelled in accordance with the provisions of this Section and shall be identified by a reference on their labels, in clear and readable form, to their homeopathic nature.

Article 791. - In addition to the clear mention of the words 'homeopathic medicinal product', the labelling and, where appropriate, the package insert for the medicinal products referred to in Article 715(1) shall bear the following, and no other, information:

– the scientific name of the stock or stocks followed by the degree of dilution, making use of the symbols of the pharmacopoeia used in accordance with Article 699 (6); if the homeopathic medicinal product is composed of two or more stocks, the scientific names of the stocks on the labelling may be supplemented by an invented name;
– name and address of the authorisation holder and, where appropriate, of the manufacturer;
– method of administration and, if necessary, route;
– expiry date, in clear terms (month, year);
– pharmaceutical form;
– contents of the sales presentation,
– special storage precautions, if any;
– a special warning if necessary for the medicinal product,
– manufacturer's batch number;
– marketing authorisation number;
– 'homeopathic medicinal product without approved therapeutic indications';
– a warning advising the user to consult a doctor if the symptoms persist.

CHAPTER VI
Classification of Medicinal Products

Article 792. - (1) When a marketing authorisation is granted, the NAMMD shall specify the classification of the medicinal product into:

— a medicinal product subject to medical prescription,
— a medicinal product not subject to medical prescription.

To this end, the criteria laid down in Article 793(1) shall apply.

(2) The NAMMD may fix sub-categories for medicinal products which are available on medical prescription only. In that case, they shall refer to the following classification:

a) medicinal products on medical prescription retained in the pharmacy (non-renewable) or not retained in the pharmacy (renewable);

b) medicinal products subject to special medical prescription;

c) medicinal products on restricted medical prescription, reserved for use in certain specialised areas.

Article 793. - (1) Medicinal products shall be subject to medical prescription where they:

— are likely to present a danger either directly or indirectly, even when used correctly, if utilized without medical supervision, or

— are frequently and to a very wide extent used incorrectly, and as a result are likely to present a direct or indirect danger to human health, or

— contain substances or preparations thereof, the activity and/or adverse reactions of which require further investigation, or

— are normally prescribed by a doctor to be administered parenterally.

(2) On establishing sub-categories for medicinal products subject to special medical prescription, the following factors shall be taken into account:

— the medicinal product contains, in a non-exempt quantity, a substance classified as a narcotic or a psychotropic substance within the meaning of the international conventions in force, such as the United Nations Conventions of 1961 and 1974, or

— the medicinal product is likely, if incorrectly used, to present a substantial risk of medicinal abuse, to lead to addiction or be misused for illegal purposes, or

— the medicinal product contains a substance which, by reason of its novelty or properties, could be considered as belonging to the group envisaged in the second indent as a precautionary measure.

(3) On establishing sub-categories for medicinal products subject to restricted prescription, the following factors shall be taken into account:

— the medicinal product, because of its pharmaceutical characteristics or novelty or in the interests of public health, is reserved for treatments which can only be followed in a hospital environment,

— the medicinal product is used in the treatment of conditions which must be diagnosed in a hospital environment or in institutions with adequate diagnostic

facilities, although administration and follow-up may be carried out elsewhere, or

— the medicinal product is intended for outpatients but its use may produce very serious adverse reactions requiring a prescription drawn up as required by a specialist and special supervision throughout the treatment.

(4) The NAMMD may waive application of paragraphs (1)(2) and (3) having regard to:

a) the maximum single dose, the maximum daily dose, the strength, the pharmaceutical form, certain types of packaging; and/or

b) other circumstances of use which it has specified.

(5) If the NAMMD does not designate medicinal products into sub-categories referred to in Article 792(2), it shall nevertheless take into account the criteria referred to in paragraphs (2) and (3) of this Article in determining whether any medicinal product shall be classified as a prescription-only medicine.

Article 794. - Medicinal products not subject to prescription shall be those which do not meet the criteria listed in Article 793.

Article 795. - (1) The NAMMD shall draw up a list of the medicinal products subject, in Romania, to medical prescription, specifying, if necessary, the category of classification; this list shall be updated annually.

(2) The NAMMD issues a yearly updated Index of medicinal products for human use, containing medicinal products authorised for marketing in Romania, specifying the classification for release of each product.

Article 796. - The NAMMD examines any new facts that are brought to its attention and, as appropriate, amend the classification of a medicinal product by applying the criteria listed in Article 793.

Article 797. - Where a change of classification of a medicinal product has been authorised on the basis of significant pre-clinical tests or clinical trials, the NAMMD shall not refer to the results of those tests or trials when examining an application by another applicant for or holder of marketing authorisation for a change of classification of the same substance for one year after the initial change was authorised.

Article 798. - Annually, the NAMMD communicates to the European Commission and to the other Member States the changes that have been made to the list referred to in Article 795.

CHAPTER VII
Wholesale Distribution of Medicinal Products

Article 799. - (1) Without prejudice to Article 4, the NAMMD shall take all appropriate action to ensure that only medicinal products in respect of which a marketing authorisation has been granted in accordance with this Title are distributed on Romania.

(2) Without prejudice to Article 704, the NAMMD shall take all appropriate action to ensure that only medicinal products in respect of which a marketing authorisation has been granted in accordance with this Title and by centralised procedure are distributed in Romania.

(3) Wholesale distribution and storage of medicinal products shall be covered only for medicinal products subject to a marketing authorisation granted by:

a) the European Commission, according to the centralised procedure; or

b) the NAMMD, according to this Title.

(4) Any distributor, not being the marketing authorisation holder, who imports a product from a Member State shall notify the marketing authorisation holder and the NAMMD;

(5) In case of medicinal products which have not been granted an authorisation by the centralised procedure, the distributor shall submit the notification in accordance with provisions of (4) to the marketing authorisation holder and to the European Medicines Agency.

(6) Medicinal product reimbursed within the national social health insurance system, the marketing authorisation holder or their representative in Romania shall take all measures required so that wholesale distribution of these products be performed by at least 3 authorised wholesalers, except for in situations established through order of the minister of health[13].

Article 800. - (1) The NAMMD shall take all appropriate measures to ensure that the wholesale distribution of medicinal products is subject to the possession of an authorisation to engage in activity as a wholesaler in medicinal products, stating the place(s) in Romania for which it is valid.

(2) Under national law, legal persons authorised or entitled to supply medicinal products to the public may not also engage in wholesale of medicinal products[14].

[13] Please see Order of the Minister of Health no. 761/2015, repealing Order of the Minister of Health 1.963/2008 on approval of the Guideline on Good Distribution Practice for medicinal products, as amended.

[14] Pursuant to provisions of Article III of Law no. 91/2015 amending Law 95/2006 on healthcare reform, implementations of stipulations of Article 788 (2), included as Article 800 (2) in the consolidated version of the law, shall be suspended until 1 January 2016 (in line with provisions of Government Ordinance no. 67/2015, as amended).

(3) The Ministry of Health shall take all appropriate measures to ensure that retail sale of medicinal products is subject to possession of an authorisation for retail sale of medicinal products, stating the premise(s) for which it is valid.

(4) Possession of a manufacturing authorisation shall include authorisation for wholesale distribution of medicinal products covered by that authorisation; possession of an authorisation to engage in activity as a wholesaler in medicinal products shall not give dispensation from the obligation to possess a manufacturing authorisation and to comply with the conditions set out in that respect, even where the manufacturing or import business is secondary.

(5) The NAMMD enters the data on the authorisations referred to (1) into the EU database referred to in Article 857 (14); at the request of the European Commission or any Member State, the NAMMD shall provide all appropriate information concerning the individual authorisations which they have granted under (1).

(6) Checks on the persons authorised to engage in wholesaler activities for medicinal products and the inspection of their premise(s), shall be carried out under the responsibility of the NAMMD, which has granted an authorisation for the premise(s) located in Romania.

(7) The NAMMD shall suspend or revoke the authorisation referred to in (1) if the conditions of authorisation cease to be met; the NAMMD shall forthwith inform the Member States and the European Commission thereof.

(8) The NAMMD suspends or revokes the authorisation referred to (3) if conditions for authorisation are no longer met.

(9) Should the NAMMD consider that, in respect of a person holding an authorisation granted by a Member State under the terms of Article 77(1) of consolidated Directive 2001/83/EC, the conditions for authorisation are no longer met, it shall forthwith inform the European Commission and the other Member State involved.

(10) NAMMD inspectors may collect samples from wholesalers for laboratory testing.

(11) The costs of samples taken and of the analyses shall be covered according to Article 857 (8) b).

Article 801. - (1) The NAMMD shall ensure that the time taken for the procedure for examining the application for the distribution authorisation does not exceed 90 days from the day on which it receives the application.

(2) If the documentation submitted by the applicant is incomplete, the NAMMD may require the applicant, if need be, to supply all necessary information concerning the conditions of authorisation.

(3) Where the NAMMD notes that not all necessary information has been submitted according to paragraph (2), the period laid down in paragraph (1) shall be suspended until the requested additional data have been supplied.

Article 802. - In order to obtain the distribution authorisation, applicants must fulfil the following minimum requirements:

a) they must have suitable and adequate premises, installations and equipment, so as to ensure proper conservation and distribution of the medicinal products;

b) they must have staff, and in particular, a qualified person designated as responsible, meeting the conditions provided for by the legislation of Romania;

c) they must undertake to fulfil the obligations incumbent on them under the terms of Article 803.

Article 803. - Holders of the distribution authorisation must fulfil the following minimum requirements:

a) they must make the premises, installations and equipment referred to in Article 802, letter a), accessible at all times to the persons responsible for inspecting them;

b) they must obtain their supplies of medicinal products only from persons who are themselves in possession of the distribution authorisation or who are exempt from obtaining such authorisation under the terms of Article 800 (4);

c) wholesale distributors of medicinal products must supply medicinal products only to persons who are themselves in possession of the wholesale distribution authorisation or who are authorised by the NAMMD to supply medicinal products to the public in Romania;

d) to verify whether the products received are not falsified by checking the safety features on the outer packaging, in accordance with the requirements of delegated acts laid down in Article 775 (3);

e) they must have an emergency plan which ensures effective implementation of any recall from the market ordered by the NAMMD or carried out in cooperation with the manufacturer or marketing authorisation holder for the medicinal product concerned;

f) they must keep records either in the form of purchase/sales invoices, on computer or in any other form, giving for any transaction in medicinal products received/dispatched/ brokered of medicinal products at least the following

information: date of the operation, name of the medicinal product, name and country of origin of the manufacturer, presentation, pharmaceutical form, strength of the active substances, size of the package, batch number and expiry date, quality certificate and test bulletin, as appropriate, quantity received/supplied/ brokered, name and address of the supplier or consignee, as appropriate, as well as the product batch (at least of products bearing safety features, as referred to in Article 774 o));

g) they must keep the records referred to under f) available to the NAMMD, for inspection purposes, for a period of five years;

h) they must comply with the principles and guidelines of good distribution practice and good pharmaceutical practice for medicinal products as laid down in Article 807;

i) they must maintain a quality system which involves the responsibilities, processes and measures of risk management related to their activities;

j) they must immediately inform the NAMMD and, where applicable, the marketing authorisation holder about the medicinal products they receive or are offered which they identify as falsified or suspect to be falsified.

For the purposes of b), where the product is obtained from another wholesale distributor, holders of wholesale distribution authorisations must verify compliance of the wholesale distributor providing the respective product with the principles and guidelines of Good Distribution Practice; this includes verifying whether the wholesale distributor providing the medicinal product actually holds a wholesale distribution authorisation.

Where the medicinal product is obtained from the manufacturer or importer, wholesale distribution authorisation holders must verify that the manufacturer or importer holds a manufacturing authorisation.

Where the medicinal product is obtained through brokering, the wholesale distribution authorisation holders must verify that the broker involved fulfils the requirements set out in this Title.

k) to monthly report to the NAMMD the accounts referred to f), in line with conditions set out by order of the minister of health[15].

Article 804. - (1) With regard to the supply of medicinal products to pharmacists and persons authorised or entitled to supply medicinal products to the public, the NAMMD shall not impose upon the holder of a wholesale distribution authorisation which has been granted by a Member State, any

[15] Please see Order of the Minister of Health no. 761/2015, repealing Order of the Minister of Health 1.963/2008 on approval of the Guideline on Good Distribution Practice for medicinal products, as amended.

obligation, in particular public service obligations, more stringent than those imposed on persons authorised to engage in equivalent activities in Romania.

(2) The marketing authorisation holder/their representative for a medicinal product and wholesale distributors of that product actually placed on the Romanian market shall, within the limits of their responsibilities, ensure appropriate and continued supplies of the respective product to pharmacies and persons authorised to supply medicinal products, so that the needs of patients in Romania are covered, pursuant to conditions established through order of the minister of health[15].

(3) Measures for implementation of provisions of this Article shall be justified on grounds of public health protection and be proportionate in relation to the objective of such protection, in compliance with the European Union Treaty rules, particularly those concerning the free movement of goods and competition

Article 805. - (1) For all supplies of medicinal products to a person authorized or entitled to supply medicinal products to the public in Romania, the authorised wholesaler distributor must enclose a document that makes it possible to ascertain: the date, name and pharmaceutical form of the product, quantity supplies, name and address of the supplier or consignee, as well as the product batch (at least for products bearing the safety features referred to in Article 774 o));

(2) The NAMMD shall take all appropriate measures to ensure that persons authorised or entitled to supply medicinal products to the public are able to provide information that makes it possible to trace the distribution path of every medicinal product.

Article 806. - The provisions of this Chapter shall not prevent the application of more stringent requirements in respect of the wholesale distribution of:

a) narcotic or psychotropic substances within Romanian territory;

b) medicinal products derived from blood;

c) immunological medicinal products;

d) radiopharmaceuticals.

Article 807. - (1) The NAMMD shall monitor the application of guidelines on good distribution practice, published by the European Commission.

(2) The Ministry of Health has the duty to monitor implementation of Good Pharmaceutical Practice guidelines set forth in the legislation.

Article 808. - This Chapter shall also apply to homeopathic medicinal products.

Article 809. – The provisions of Article 799 and Article 803 c) shall not apply to wholesale distribution of medicinal products in third countries, and the provisions of Article 803 b) and d) shall not apply where a product is directly received from a third country but not imported. However, in such case, wholesale distributors shall ensure that the medicinal products are obtained only from persons who are authorised or entitled to supply medicinal products in accordance with the applicable legal and administrative provisions of the third country concerned. Where wholesale distributors supply medicinal products to persons in third countries, they shall ensure that such supplies are only made to persons who are authorised or entitled to receive medicinal products for wholesale distribution or supply to the public in accordance with the applicable legal and administrative provisions of the third country concerned. The requirements set out in Article 805 shall apply to the supply of medicinal products to persons in third countries authorised or entitled to supply medicinal products to the public.

Article 810. - (1) Persons brokering medicinal products shall ensure that the brokered medicinal products are covered by a marketing authorisation granted through centralised procedure or by the NAMMD, in accordance with provisions of this Title. Persons brokering medicinal products shall have a permanent address and contact details in the Union, so as to ensure accurate identification, location, communication and supervision of their activities by the NAMMD or other competent authorities. The requirements set out in Article 803 e)-j) shall apply *mutatis mutandis* to the brokering of medicinal products.

(2) Persons may only broker medicinal products if they are registered with the NAMMD, if their permanent address referred to (1) is from Romania. In order to register, persons concerned shall submit at least their name, the corporate name and permanent address. They shall notify the NAMMD within 30 days on any change thereof. The NAMMD enters the information referred to the first thesis in a publicly available register.

(3) The guidelines referred to in Article 807 include specific provisions on brokering.

(4) This Article shall be without prejudice to Article 857. Inspections referred to in Article 857 shall be carried out under the responsibility of the NAMMD where the person brokering medicinal products is registered in Romania. If a person brokering medicinal products does not comply with the requirements set out in this Article, the NAMMD may decide to remove that person from the

register referred to in paragraph (2). The NAMMD shall notify that person thereof.

CHAPTER VIII
Advertising

Article 811. - (1) For the purposes of this Chapter, "advertising of medicinal products" shall include any form of door-to-door information, canvassing activity or inducement designed to promote the prescription, supply, sale or consumption of medicinal products; it shall include in particular:

— the advertising of medicinal products to the general public;

— advertising of medicinal products to persons qualified to prescribe or supply them;

— visits by medical sales representatives to persons qualified to prescribe medicinal products;

— the supply of samples;

— the provision of inducements to prescribe or supply medicinal products by the gift, offer or promise of any benefit or bonus, whether in money or in kind, except when their intrinsic value is minimal,

— sponsorship of promotional meetings attended by persons qualified to prescribe or supply medicinal products,

— sponsorship of scientific congresses attended by persons qualified to prescribe or supply medicinal products and in particular payment of their travelling and accommodation expenses in connection therewith.

(2) The following are not covered by this section:

— the labelling and the accompanying package leaflets, which are subject to the provisions of Section 5;

— correspondence, possibly accompanied by material of a non-promotional nature, needed to answer a specific question about a particular medicinal product,

— factual, informative announcements and reference material relating, for example, to pack changes, adverse-reaction warnings as part of general drug precautions, trade catalogues and price lists, provided they include no product claims,

— information relating to human health or diseases, provided that there is no reference, even indirect, to medicinal products.

Article 812. - (1) The NAMMD shall prohibit any advertising of a medicinal product in respect of which a valid marketing authorisation has not been granted in Romania.

(2) All parts of the advertising of a medicinal product must comply with the particulars listed in the summary of product characteristics.

(3) The advertising of a medicinal product:

— shall encourage the rational use of the medicinal product, by presenting it objectively and without exaggerating its properties,

— shall not be misleading.

Article 813. - (1) Advertising to the general public shall be prohibited for medicinal products which:

a) are available on medical prescription only, in accordance with Chapter 6;

b) contain substances defined as psychotropic or narcotic by international convention, such as the United Nations Conventions of 1961 and 1971 and the national law.

(2) Medicinal products may be advertised to the general public which, by virtue of their composition and purpose, are intended and designed for use without the intervention of a medical practitioner for diagnostic purposes or for the prescription or monitoring of treatment, with the advice of the pharmacist, if necessary.

(3) Advertising to the general public of medicinal products prescribed and medicinal products the cost of which may be reimbursed in the health insurance system shall be prohibited in Romania.

(4) The prohibition contained in paragraph 1 shall not apply to vaccination campaigns carried out by the pharmaceutical industry and approved by the Ministry of Health.

(5) The prohibition referred to in paragraph 1 shall apply without prejudice to provisions of national law on advertising (Law 148/2000) transposing Article 14 of Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

(6) The direct distribution of medicinal products to the public by manufacturers for promotional purposes shall be prohibited.

Article 814. - (1) Manufacturers, Marketing Authorisation Holders or their representatives in Romania, wholesale distributors and retailers, medical devices and health materials are required to declare to the Ministry of Health and to the NAMMD, as appropriate, all sponsorship activities, as well as any

other expenses covered for physicians, medical assistants, professional organisations, patient organisations and any organisations with healthcare-related activities, in line with the conditions set out in Order of the Minister of Health.

(2) The liability referred to paragraph (1) also goes to recipients of sponsorship, physicians, medical assistants, professional organisations, patient organisations and any organisations conducting healthcare-related activities.

(3) The forms for declaration of sponsoring activities referred to paragraphs (1) and (2) are approved through Order of the Minister of Health.

(4) The information declared in the forms referred to paragraph (3) is published on the NAMMD website, for medicinal product advertising, on the Ministry of Health website for medical devices and health materials, on the website of the entity providing sponsoring or the website of sponsoring recipients, as appropriate.

CHAPTER IX
Information to the General Public

Article 815. - (1) Without prejudice to Article 813, all advertising to the general public of a medicinal product shall:

a) be set out in such a way that it is clear that the message is an advertisement and that the product is clearly identified as a medicinal product;

b) include the following minimum information:

— the name of the medicinal product, as well as the common name if the medicinal product contains only one active substance,

— the information necessary for correct use of the medicinal product,

— an express, readable invitation to carefully read the instructions on the package leaflet or outer packaging, as follows: "*This medicinal product is a non-prescription medicinal product. Careful reading of the leaflet or the outer package is recommended. In case of undesired effects, please inform your physician or pharmacist*."

(2) The NAMMD may decide that the advertising of a medicinal product to the general public may, notwithstanding paragraph 1, include only the name of the medicinal product or its international non-proprietary name, where this exists, or the trademark if it is intended solely as a reminder.

Article 816. - The advertising of a medicinal product to the general public shall not contain any material which:

a) gives the impression that a medical consultation or surgical operation is unnecessary, in particular by offering a diagnosis or by suggesting treatment by mail;

b) suggests that the effects of taking the medicinal product are guaranteed, are unaccompanied by adverse reactions or are better than, or equivalent to, those of another treatment or medicinal product;

c) suggests that the health condition of the subject can be enhanced by taking the medicinal product;

d) suggests that the health of the subject could be affected by not taking the medicinal product; this prohibition shall not apply to the vaccination campaigns referred to in Article 813, paragraph (4);

e) is directed exclusively or principally at children;

f) refers to a recommendation by scientists, health professionals or persons who are neither of the foregoing but who, because of their celebrity, could encourage the consumption of medicinal products;

g) suggests that the medicinal product is a foodstuff, cosmetic or other consumer product;

h) suggests that the safety or efficacy of the medicinal product is due to the fact that it is natural;

i) could, by a description or detailed representation of a case history, lead to erroneous self-diagnosis;

j) refers, in improper, alarming or misleading terms, to claims of recovery;

k) uses, in improper, alarming or misleading terms, pictorial representations of changes in the human body caused by disease or injury, or of the action of a medicinal product on the human body or parts thereof.

Article 817. - (1) Any advertising of a medicinal product to persons qualified to prescribe or supply such products shall include:

— essential information compatible with the summary of product characteristics;

— the supply classification of the medicinal product.

(2) The NAMMD may decide that the advertising of a medicinal product to persons qualified to prescribe or supply such products may, notwithstanding paragraph 1, include only the name of the medicinal product, or its international non-proprietary name, where this exists, or the trademark, if it is intended solely as a reminder.

Article 818. - (1) Any documentation relating to a medicinal product which is transmitted as part of the promotion of that product to persons qualified to

prescribe or supply it shall include, as a minimum, the particulars listed in Article 817, paragraph (1) and shall state the date on which it was drawn up or last revised.

(2) All the information contained in the documentation referred to in paragraph (1) shall be accurate, up-to-date, verifiable and sufficiently complete to enable the recipient to form their or her own opinion of the therapeutic value of the medicinal product concerned.

(3) Quotations as well as tables and other illustrative matter taken from medical journals or other scientific works for use in the documentation referred to in paragraph (1) shall be faithfully reproduced and the precise sources indicated.

Article 819. - (1) Medical sales representatives shall be given adequate training by the firm which employs them and shall have sufficient scientific knowledge to be able to provide information which is precise and as complete as possible about the medicinal products which they promote.

(2) During each visit, medical sales representatives shall give the persons visited, or have available for them, summaries of the product characteristics of each medicinal product they present together with details of the price and conditions for reimbursement.

(3) Medical sales representatives shall transmit to the scientific service referred to in Article 824, paragraph (1) any information about the use of the medicinal products they advertise, with particular reference to any adverse reactions reported to them by the persons they visit.

Article 820. - (1) Where medicinal products are being promoted to persons qualified to prescribe or supply them, no gifts, pecuniary advantages or benefits in kind may be supplied, offered or promised to such persons unless they are inexpensive and relevant to the practice of medicine or pharmacy.

(2) Hospitality at sales promotion events shall always be strictly limited to their main purpose and must not be extended to persons other than healthcare professionals.

(3) Persons qualified to prescribe or supply medicinal products shall not solicit or accept any inducement prohibited under paragraph (1) or contrary to paragraph (2).

(4) Existing measures or trade practices in Romania relating to prices, margins and discounts shall not be affected by paragraphs (1) to (3).

Article 821. - The provisions of Article 820, paragraph (1) shall not prevent hospitality being offered, directly or indirectly, at events for purely professional

and scientific purposes; such hospitality shall always be strictly limited to the main scientific objective of the event; it must not be extended to persons other than healthcare professionals.

Article 822. - Free samples shall be provided on an exceptional basis only to persons qualified to prescribe them and on the following conditions:

a) the number of samples for each medicinal product each year on prescription shall be limited;

b) any supply of samples shall be in response to a written request, signed and dated, from the prescribing agent;

c) suppliers of samples shall maintain an adequate system of control and accountability;

d) each sample shall be no larger than the smallest presentation on the market;

e) each sample shall be marked ‘free medical sample — not for sale’ or shall show some other wording having the same meaning;

f) each sample shall be accompanied by a copy of the summary of product characteristics;

g) no samples of medicinal products containing psychotropic or narcotic substances within the meaning of international conventions, such as the United Nations Conventions of 1961 and 1971, may be supplied.

Article 823. - (1) The NAMMD shall take adequate and effective measures to monitor the advertising of medicinal products, as follows:

a) in the case of non-prescription medicinal products, advertising material intended for the public is subject to prior approval by the NAMMD;

b) advertising material for prescription or non-prescription medicinal products, intended for persons qualified for medicinal product prescription and supply shall be reviewed by the NAMMD after dissemination, randomly or following certain complaints.

(2) Physical or legal entities with legitimate interests in prohibiting any advertisement inconsistent with the provisions of this section shall refer such advertisement to the NAMMD; the NAMMD shall respond such complaints within 60 days.

(3) In cases it becomes aware of violations by the advertising material of the provisions in the present Chapter, the NAMMD shall take necessary measures, taking account of all interests involved, and in particular of the public interest:

a) if the advertising material has already been published, to require cessation of misleading advertising, or

b) if misleading advertising has not yet been published but publication is imminent, to require prohibition of, or appropriate legal proceedings for an request for prohibition of such publication, even without proof of actual loss or damage or of intention or negligence on the part of the advertiser.

(4) The measure provided for in paragraph (3), point b) shall be taken through expedited procedure, either with interim or definitive effect.

(5) To eliminate the continuing effects of misleading advertising the cessation of which has been ordered by the NAMMD, the latter shall:

a) require publication of that decision in full or in part and in such form as it deems adequate;

b) require in addition the publication of a corrective statement.

(6) Provisions of this Article shall not exclude voluntary control of advertising of medicinal products by self-regulatory bodies and recourse to such bodies.

Article 824. - (1) The marketing authorisation holder shall establish, within their undertaking, a scientific service in charge of information about the medicinal products which they places on the market.

(2) The marketing authorisation holder shall:

a) keep available for, or communicate to the NAMMD, a sample of all advertisements emanating from their undertaking together with a statement indicating the persons to whom it is addressed, the method of dissemination and the date of first dissemination;

b) ensure that advertising of medicinal products by their undertaking conforms to the requirements of this Chapter;

c) verify that medical sales representatives employed by their undertaking have been adequately trained and fulfil the obligations imposed upon them by Article 819, paragraphs (2) and (3);

d) supply the NAMMD with the information and assistance it requires to carry out its responsibilities;

e) ensure that NAMMD decisions are immediately and fully complied with.

(3) The co-promotion of a medicinal product by the holder of the marketing authorisation and one or more companies nominated by them shall not be prohibited.

Article 825. - The NAMMD shall take the appropriate measures to ensure that the provisions of this Chapter are applied and shall impose penalties should the provisions adopted in the execution of this Chapter be infringed.

Article 826. - (1) Advertising of the homeopathic medicinal products referred to in Article 715, paragraph (1) shall be subject to the provisions of this Chapter with the exception of Article 812 paragraph (1).

(2) However, only the information specified in Article 791 may be used in the advertising of such medicinal products.

CHAPTER X
Pharmacovigilance
SECTION 1
General Provisions

Article 827. - (1) The NAMMD shall operate a pharmacovigilance system for the fulfilment of their pharmacovigilance tasks and their participation in Union pharmacovigilance activities. The pharmacovigilance system shall be used to collect information on the risks of medicinal products as regards patients' or public health. That information shall in particular refer to adverse reactions in human beings, arising from use of the medicinal product within the terms of the marketing authorisation as well as from use outside the terms of the marketing authorisation, and to adverse reactions associated with occupational exposure.

(2) The NAMMD shall, by means of its pharmacovigilance system, evaluate all information scientifically, consider options for risk minimisation and prevention and take regulatory action concerning the marketing authorisation as necessary. It shall perform a regular audit of their pharmacovigilance system and report the results to the Commission on 21 September 2013 at the latest and then every 2 years thereafter.

(3) Coordination and performance of pharmacovigilance activities shall be conducted by the special structure within the NAMMD.

(4) Under the coordination of the European Medicines Agency, the NAMMD shall participate in international harmonisation and standardisation of technical measures in the pharmacovigilance field.

Article 828. - (1) The NAMMD has the following duties:

a) take all appropriate measures to encourage patients, doctors, pharmacists and other healthcare professionals to report suspected adverse reactions to the special structures referred to in Article 827 (3); for these tasks, organisations representing consumers, patients and healthcare professionals may be involved as appropriate;

b) facilitate patient reporting by making available alternative reporting forms, others than those available for healthcare professionals on the NAMMD website;

c) take all appropriate measures to obtain accurate and verifiable data for scientific assessment of suspected adverse reactions reports;

d) ensure that the public is given important information on pharmacovigilance concerns relating to the use of a medicinal product in a timely manner through publication on the web-portal and through other means of publicly available information as necessary;

e) ensure, through the methods for collecting information and where necessary through the follow-up of suspected adverse reaction reports, that all appropriate measures are taken to identify clearly any biological medicinal product prescribed, dispensed, or sold in Romania, which is the subject of a suspected adverse reaction report, with due regard to the name of the medicinal product, in accordance with Article 699, 22), and the batch number;

f) take the necessary measures to ensure that a marketing authorisation holder who fails to discharge the obligations laid down in this Chapter is subject to effective, proportionate and dissuasive penalties.

(2) For the purposes of paragraphs (1) a) and e), the Ministry of Health may impose specific requirements on physicians, pharmacists and other healthcare professionals.

Article 829. - The NAMMD may delegate any of the tasks entrusted to it under this Chapter to another Member State subject to a written agreement of the latter. The NAMMD may represent no more than one other Member State. If the NAMMD is the delegating Member State, it shall inform the Commission, the Agency and all other Member States of the delegation in writing. The delegating Member State and the Agency shall make that information public.

Article 830. - (1) The marketing authorisation holder shall operate a pharmacovigilance system for the fulfilment of their pharmacovigilance tasks equivalent to the NAMMD pharmacovigilance system provided for under Article 827(1).

(2) The marketing authorisation holder shall by means of the pharmacovigilance system referred to in paragraph 1 evaluate all information scientifically, consider options for risk minimisation and prevention and take appropriate measures as necessary. The marketing authorisation holder shall perform a regular audit of their pharmacovigilance system. The marketing authorisation holder shall place a note concerning the main findings of the audit

on the pharmacovigilance system master file and, based on the audit findings, ensure that an appropriate corrective action plan is prepared and implemented. Once the corrective actions have been fully implemented, the note may be removed.

(3) As part of the pharmacovigilance system, the marketing authorisation holder shall:

a) have permanently and continuously at his disposal an appropriately qualified person responsible for pharmacovigilance;

b) maintain and make available on request a pharmacovigilance system master file;

c) operate a risk management system for each medicinal products;

d) monitor the outcome of risk minimisation measures which are contained in the risk management plan or which are laid down as conditions of the marketing authorisation pursuant to Article 731, 732 or 733;

e) update the risk management system and monitor pharmacovigilance data to determine whether there are new risks or whether risks have changed or whether there are changes to the benefit-risk balance of medicinal products.

(4) The qualified person referred to in under (3) a) shall reside and operate in the EU and should be responsible for the establishment and maintenance of the pharmacovigilance system. The marketing authorisation holder shall submit the name and contact details of the qualified person to the NAMMD and to the European Medicines Agency.

(5) Notwithstanding the provisions of paragraph (4), the NAMMD may require nomination of a contact person for pharmacovigilance issues at national level reporting to the qualified person responsible for pharmacovigilance activities.

Article 831. - (1) Without prejudice to paragraphs (2), (3) and (4) of this Article, holders of marketing authorisations granted before entry into force of this Title are not required, by way of derogation from Article 830 paragraph (3) c), to operate a risk management system for each medicinal product.

(2) The NAMMD may impose an obligation on a marketing authorisation holder to operate a risk management system, as referred to in Article 830 paragraph (3) c) if there are concerns about the risks affecting the risk-benefit balance of an authorised medicinal product. In that context, the national competent authority shall also oblige the marketing authorisation holder to submit a detailed description of the risk-management system which they intend to introduce for the medicinal product concerned. Imposition of such obligation

shall be duly justified, notified in writing and shall include the timeframe for submission of the detailed description of the risk-management system.

(3) The NAMMD shall provide the marketing authorisation holder with an opportunity to present written observations in response to the imposition of the obligation within a time limit which it shall specify, if the marketing authorisation holder so requests within 30 days of receipt of the written notification of the obligation.

(4) On the basis of the written observations submitted by the marketing authorisation holder, the NAMMD shall withdraw or confirm the obligation. Where the NAMMD confirms the obligation, the marketing authorisation shall be varied accordingly to include the measures to be taken as part of the risk management system as conditions of the marketing authorisation referred to in Article 731 paragraph (1) a).

Article 832. - (1) The NAMMD requires fees for pharmacovigilance activities, in line with the provisions of Article 896.

(2) The funds resulted from these activities are entirely used by the NAMMD for funding of pharmacovigilance activities, operation of communication networks and market surveillance only.

(3) To this purpose, under the law, as chief credit officer, the Ministry of Health sets up NAMMD pharmacovigilance operations as fully self-funded.

SECTION 2
Transparency and Communication

Article 833. – The NAMMD shall set up and maintain a national web portal for medicinal products, linked to the European medicines web portal established in accordance with Article 26 of Regulation (EC) no. 726/2004. By means of the national medicines web-portals, the NAMMD shall make publicly available at least the following:

a) public assessment reports, accompanied by a summary thereof;

b) Summary of Product Characteristics and package leaflets;

c) Summaries of risk management plans for medicinal products authorised in line with this Title;

d) the list of medicinal products, referred to in Article 23 of Regulation (EC) no. 726/2004;

e) information related to the various ways of reporting to the NAMMD of suspected adverse reactions by healthcare professionals and patients, and to the

structured standard electronic forms referred to in Article 25 of Regulation (EC) no. 726/2004.

Article 834. - (1) As soon as the marketing authorisation holder intends to make a public announcement relating to information on pharmacovigilance concerns in relation to the use of a medicinal product, they shall be required to inform the NAMMD, the EMA and the Commission. The marketing authorisation holder shall ensure that information to the public is presented objectively and is not misleading.

(2) Unless urgent public announcements are required for the protection of public health, the NAMM and the other competent authorities, the Member States, the Agency and the Commission shall inform each other not less than 24 hours prior to a public announcement relating to information on pharmacovigilance concerns.

(3) Under the coordination of the EMA, the NAMMD shall make all reasonable efforts to agree on a common public announcement in relation to the safety of medicinal products containing the same active substances and the timetables for their distribution; the Pharmacovigilance Risk Assessment Committee shall, at the request of the Agency, provide advice on those safety announcements.

(4) When the NAMMD makes public information referred to in paragraphs 2 and 3, any information of a personal or commercially confidential nature shall be deleted unless its public disclosure is necessary for the protection of public health.

SECTION 3
Recording, Reporting and Assessment of Pharmacovigilance Data
SUBSECTION 1
PARAGRAPH 1
Recording and Reporting of Suspected Adverse Reactions

Article 835. - (1) Marketing authorisation holders shall record all suspected adverse reactions in the Union or in third countries which are brought to their attention, whether reported spontaneously by patients or healthcare professionals, or occurring in the context of a post-authorisation study. marketing authorisation holders shall ensure that those reports are accessible at a single point within the Union. By way of derogation from the first subparagraph, suspected adverse reactions occurring in the context of a clinical

trial shall be recorded and reported in accordance with the Norms referring to implementation of the Good Clinical Practice rules for medicinal products for human use, approved through order of the minister of health[16].

(2) Marketing authorisation holders shall not refuse to consider reports of suspected adverse reactions received electronically or by any other appropriate means from patients and healthcare professionals.

(3) Marketing authorisation holders shall submit electronically to the database and data-processing network referred to in Article 24 of Regulation (EC) No 726/2004 (hereinafter referred to as the 'Eudravigilance database') information on all serious suspected adverse reactions that occur in the Union and in third countries within 15 days following the day on which the marketing authorisation holder concerned gained knowledge of the event. Marketing authorisation holders shall submit electronically to the Eudravigilance database information on all non-serious suspected adverse reactions that occur in the Union, within 90 days following the day on which the marketing authorisation holder concerned gained knowledge of the event. For medicinal products containing the active substances referred to in the list of publications monitored by the Agency pursuant to Article 27 of Regulation (EC) No 726/2004, marketing authorisation holders shall not be required to report to the Eudravigilance database the suspected adverse reactions recorded in the listed medical literature, but they shall monitor all other medical literature and report any suspected adverse reactions.

(4) Marketing authorisation holders shall establish procedures in order to obtain accurate and verifiable data for the scientific evaluation of suspected adverse reaction reports. They shall also collect follow-up information on these reports and submit the updates to the Eudravigilance database.

(5) Marketing authorisation holders shall collaborate with the Agency, the NAMMD and the other national competent authorities in the detection of duplicates of suspected adverse reaction reports.

Article 836. - (1) The NAMMD shall record all suspected adverse reactions on Romanian territory brought to attention by healthcare professionals and patients and shall make sure that the reports of these adverse reactions can be forwarded via the national web portal for medicinal products or via other means; if needed, the NAMMD shall involve patients and healthcare

[16] Please see Order of the Minister of Health no. 904/2006 on approval of Implementation of Good Clinical Practice Rules for medicinal products for human use.

professionals in monitoring any results received, in order to comply with the provisions of Article 828 (1) c) and e).

(2) For reports submitted by a marketing authorisation holder for suspected adverse reactions occurred in Romania, the NAMMD shall involve the marketing authorisation holder in follow-up of reports.

(3) The NAMMD shall collaborate with the European Medicines Agency and with marketing authorisation holders in the detection of duplicates of suspected adverse reaction reports.

(4) The NAMMD shall, within 15 days following the receipt of the reports of serious suspected adverse reactions referred to in paragraph 1, submit the reports electronically to the Eudravigilance database. It shall, within 90 days from the receipt of reports referred to in paragraph 1, submit reports of non-serious suspected adverse reactions electronically to the Eudravigilance database. Marketing authorisation holders shall access those reports through the Eudravigilance database.

(5) The NAMMD shall ensure that reports of suspected adverse reactions arising from an error associated with the use of a medicinal product that are brought to its attention are made available to the Eudravigilance database and to any authorities, bodies, organisations and/or institutions, responsible for patient safety within Romania. They shall also ensure that the NAMMD is informed of any suspected adverse reactions brought to the attention of any other authority in Romania. These reports shall be appropriately identified in the forms referred to in Article 25 of Regulation (EC) No 726/2004.

(6) Unless there are justifiable grounds resulting from pharmacovigilance activities, the NAMMD shall not impose any additional obligations on marketing authorisation holders for the reporting of suspected adverse reactions.

SUBSECTION 2
PARAGRAPH 2
Periodic Safety Update Reports

Article 837. - (1) Marketing authorisation holders shall submit to the EMA periodic safety update reports containing:

a) summaries of data relevant for the risks and benefits of the medicinal product, including results issued from all trials, considering their potential impact upon the marketing authorisation;

b) a scientific assessment of the risk-benefit balance of the medicinal product;

c) all data referring to the volume of product sales, as well as any data owned by the MAH related to the volume of prescriptions, including an estimation of the population exposed to the medicinal product.

The evaluation referred to in b) shall be based on all available data, including data from clinical trials in unauthorised indications and populations. Periodic Safety Update Reports shall be submitted electronically.

(2) The European Medicines Agency shall make available the reports referred to in paragraph 1 to the NAMMD, the members of the Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use and the coordination group by means of the repository referred to in Article 25a of Regulation (EC) No 726/2004.

(3) By way of derogation from paragraph 1 of this Article, the holders of marketing authorisations for medicinal products referred to in Article 708 (1), or Article 709, and the holders of registrations for medicinal products referred to in Articles 715 or 718, shall submit periodic safety update reports for such medicinal products in the following cases:

a) where such obligation has been laid down as a condition in the marketing authorisation in accordance with Article 731 or Article 732; or

b) when requested by the NAMMD/other competent authority on the basis of concerns relating to pharmacovigilance data or due to the lack of periodic safety update reports relating to an active substance after the marketing authorisation has been granted. The assessment reports of the requested periodic safety update reports shall be communicated to the Pharmacovigilance Risk Assessment Committee, which shall consider whether there is a need for a single assessment report for all marketing authorisations for medicinal products containing the same active substance and inform the coordination group or the Committee for Medicinal Products for Human Use accordingly, in order to apply the procedures laid down in Article 838 (4) and Article 840.

Article 838. - (1) The frequency with which the periodic safety update reports are to be submitted shall be specified in the marketing authorisation. The dates of submission according to the specified frequency shall be calculated from the date of the authorisation.

(2) Holders of marketing authorisations granted before entry into force of this regulatory act, and for which the frequency and dates of submission of the periodic safety update reports are not laid down as a condition to the marketing authorisation, shall submit the periodic safety update reports in accordance with the second subparagraph of this paragraph until another frequency or other dates

of submission of the reports are laid down in the marketing authorisation or determined in accordance with paragraphs 4, 5 or 6. Periodic Safety Update Reports shall be submitted to the NAMMD immediately upon request or in accordance with the following provisions:

a) where the medicinal product has not yet been placed on the market, at least every 6 months following authorisation and until placement on the market;

b) where a medicinal product has been placed on the market, at least every 6 months every 2 years starting with the first placement on the market, yearly for the first 2 years and, afterwards, every 3 years.

(3) Paragraph (2) also applies for medicinal products authorised in a single member state, for which paragraph (4) does not apply.

(4) Where medicinal products that are subject to different marketing authorisations contain the same active substance or the same combination of active substances, the frequency and dates of submission of the periodic safety update reports resulting from the application of paragraphs 1 and 2 may be amended and harmonised to enable a single assessment to be made in the context of a periodic safety update report work-sharing procedure and to set a Union reference date from which the submission dates are calculated. This harmonised frequency for the submission of the reports and the Union reference date may be determined, after consultation of the Pharmacovigilance Risk Assessment Committee, by one of the following:

a) the Committee for Medicinal Products for Human Use, where at least one of the marketing authorisations for the medicinal products containing the active substance concerned has been granted in accordance with the centralised procedure provided for in Chapter 1 of Title II of Regulation (EC) No 726/2004;

b) The Coordination Group, in other cases than those referred to a).

The harmonised frequency for the submission of the reports determined pursuant to the first and second subparagraphs shall be made public by the Agency. Marketing Authorisation Holders shall submit an application for a variation of the marketing authorisation accordingly.

(5) For the purposes of paragraph (4), the EU reference date for medicinal products containing the same active substance or the same combination of active substances shall be one of the following:

a) the date of first marketing authorisation in the EU of a medicinal product containing that active substance or that combination of active substances;

b) if the date referred to in point (a) cannot be ascertained, the earliest of the known dates of the marketing authorisations for a medicinal product containing that active substance or that combination of active substances.

(6) Marketing authorisation holders shall be allowed to submit requests to the Committee for Medicinal Products for Human Use, or as appropriate, the Coordination Group, to determine EU reference data or change the frequency of submission of Periodic Safety Update Reports on one of the following grounds:

a) for reasons relating to public health;

b) to avoid duplication of assessment;

c) to achieve international harmonisation.

Such requests shall be submitted in writing and shall be duly justified. The Committee for Medicinal Products for Human Use or the coordination group shall, following the consultation with the Pharmacovigilance Risk Assessment Committee, shall either approve or deny such requests; any change in the dates or the frequency of submission of periodic safety update reports shall be made public by the Agency. The marketing authorisation holders shall accordingly submit an application for a variation of the marketing authorisation.

(7) The EMA shall make public a list of Union reference dates and frequency of submission of periodic safety update reports by means of the European medicines web-portal; any change to the dates of submission and frequency of periodic safety update reports specified in the marketing authorisation as a result of the application of paragraphs 4 - 6 shall take effect 6 months after the date of such publication.

Article 839. – The NAMMD shall assess periodic safety update reports to determine whether there are new risks or whether risks have changed or whether there are changes to the risk-benefit balance of medicinal products.

Article 840. - (1) For medicinal products authorised in several Member States and, as regards cases falling under Article 838 (4) - (6), for all medicinal products containing the same active substance or the same combination of active substances and for which a Union reference date and frequency of periodic safety update reports has been established single assessment of periodic safety update reports shall be. This single assessment is carried out by either:

a) a Member State appointed by the Coordination Group, where none of the marketing authorisations concerned has been granted in accordance with the centralised procedure provided in Chapter 1 of Title II of Regulation (EC) no. 726/2004;

b) a rapporteur appointed by the Pharmacovigilance Risk Assessment Committee, where at least one of the marketing authorisations concerned has been granted in accordance with the centralised procedure provided in Chapter 1 of Title II of Regulation (EC) no. 726/2004.

When selecting the Member State in accordance with a), the Coordination Group shall take into account whether any Member State is acting as a reference Member State, in accordance with Article 743 paragraph (1).

(2) When appointed to conduct the single assessment, the NAMMD shall prepare an assessment report within 60 days of receipt of the periodic safety update report and send it to the EMA and to the Member States concerned. The EMA shall send the report to the marketing authorisation holder. Within 30 days of receipt of the assessment report, the Member States and the marketing authorisation holder may submit comments to the EMA and the NAMMD.

(3) Following the receipt of the comments referred to in paragraph 2, the NAMMD shall within 15 days update the assessment report taking into account any comments submitted, and forward it to the Pharmacovigilance Risk Assessment Committee. The Pharmacovigilance Risk Assessment Committee shall adopt the assessment report with or without further changes at its next meeting and issue a recommendation. The recommendation shall mention the divergent positions with the grounds on which they are based. The Agency shall include the adopted assessment report and the recommendation in the repository set up under Article 25a of Regulation (EC) No 726/2004 and shall forward both of them to the marketing authorisation holder.

Article 841. - Following assessment of Periodic Safety Update Reports, the NAMMD shall consider whether any action concerning the marketing authorisation for the medicinal product concerned is necessary. The NAMMD may decide to maintain, vary, suspend or, as required, to revoke the marketing authorisation, as appropriate.

Article 842. - (1) In the case of a single assessment of periodic safety update reports that recommends any action concerning more than one marketing authorisation in accordance with Article 840 (1) which does not include any marketing authorisation granted in accordance with the centralised procedure provided for in Chapter 1 of Title II of Regulation (EC) No 726/2004, the coordination group shall, within 30 days of receipt of the report of the Pharmacovigilance Risk Assessment Committee, consider the report and reach a position on the maintenance, variation, suspension or revocation of the

marketing authorisations concerned, including a timetable for the implementation of the agreed position.

(2) If, within the coordination group, the Member States represented reach agreement on the action to be taken by consensus, the chairman shall record the agreement and send it to the Marketing authorisation holder and the Member States. The NAMMD shall adopt necessary measures to maintain, vary, suspend or revoke the marketing authorisations concerned in accordance with the timetable for implementation determined in the agreement. In the event of a variation, the Marketing authorisation holder shall submit to the national competent authorities an appropriate application for a modification, including an updated summary of product characteristics and package leaflet within the determined timetable for implementation. If an agreement by consensus cannot be reached, the position of the majority of the Member States represented within the coordination group shall be forwarded to the Commission which shall apply the procedure laid down in Articles 33 and 34 of the consolidated Directive 2001/83/EC. Where the agreement reached by the Member States represented within the coordination group or the position of the majority of Member States differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the coordination group shall attach to the agreement or the majority position a detailed explanation of the scientific grounds for the differences together with the recommendation.

(3) In the case of a single assessment of periodic safety update reports that recommends any action concerning more than one marketing authorisation in accordance with Article 840 (1) which includes at least one marketing authorisation granted in accordance with the centralised procedure provided for in Chapter 1 of Title II of Regulation (EC) No 726/2004, the Committee for Medicinal Products for Human Use shall, within 30 days of receipt of the report of the Pharmacovigilance Risk Assessment Committee, consider the report and adopt an opinion on the maintenance, variation, suspension or revocation of the marketing authorisations concerned, including a timetable for the implementation of the opinion. Where this opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the differences together with the recommendation.

(4) On the basis of the opinion of the Committee for Medicinal Products for Human Use referred to in paragraph 3, the Commission shall:

a) adopt a decision addressed to the Member States concerning the measures to be taken in respect of marketing authorisations granted by the Member States and concerned by the procedure provided for in this section; and

b) where the opinion states that regulatory action concerning the marketing authorisation is necessary, adopt a decision to vary, suspend or revoke the marketing authorisations granted in accordance with the centralised procedure provided for in Regulation (EC) No 726/2004 and concerned by the procedure provided for in this section.

Articles 33 and 34 of this Directive shall apply to the adoption of the decision referred to in point (a) of the first subparagraph of this paragraph and to its implementation by the Member States. Article 10 of Regulation (EC) No 726/2004 shall apply to the decision referred to in point (b) of the first subparagraph of this paragraph. Where the Commission adopts such decision, it may also adopt a decision addressed to the NAMMD and to competent authorities in the other Member States pursuant to Article 127a of consolidated Directive 2001/83/EC. The NAMMD implements the decisions of the European Commission referred to a) and b), in accordance with provisions of Articles 748, 749 and 886.

SUBSECTION 3
PARAGRAPH 3
Signal Detection

Article 843. - (1) Regarding medicinal products authorised in accordance with this Title, the NAMMD in collaboration with the EMA, shall take the following measures:

a) to monitor the outcome of risk minimisation measures contained in risk management plans and of the conditions referred to in Articles 731, 732 or 733;

b) to assess updates of the risk management system;

c) to monitor the data in the Eudravigilance database to determine whether there are new risks or whether risks have changed and whether those risks impact on the risk-benefit balance.

(2) The Pharmacovigilance Risk Assessment Committee shall perform the initial analysis and prioritisation of signals of new risks or risks that have changed or changes to the risk-benefit balance. Where it considers that follow-up action may be necessary, the assessment of those signals and agreement on any subsequent action concerning the marketing authorisation shall be

conducted in a timescale commensurate with the extent and seriousness of the issue.

(3) The European Medicines Agency, the NAMMD and the marketing authorisation holder shall inform each other in the event of new risks or risks that have changed or changes to the risk-benefit balance being detected.

Member States shall ensure that marketing authorisation holders inform the Agency and national competent authorities in the event of new risks or risks that have changed or when changes to the risk-benefit balance have been detected.

SUBSECTION 4
PARAGRAPH 4
Urgent Union Procedure

Article 844. - (1) The NAMMD, if required, shall, on the basis of concerns resulting from the evaluation of data from pharmacovigilance activities, initiate the procedure provided for in this section by informing the other Member States, the Agency and the Commission where:

(a) it considers suspending or revoking a marketing authorisation;

(b) it considers prohibiting the supply of a medicinal product;

(c) it considers refusing the renewal of a marketing authorisation; or

(d) it is informed by the Marketing Authorisation Holder that, on the basis of safety concerns, the holder has interrupted the placing on the market of a medicinal product or has taken action to have a marketing authorisation withdrawn, or intends to take such action or has not applied for the renewal of a marketing authorisation.

(2) The NAMMD shall, on the basis of concerns resulting from the evaluation of data from pharmacovigilance activities, inform the other Member States, the Agency and the Commission where it considers that a new contraindication, a reduction in the recommended dose or a restriction to the indications of a medicinal product is necessary; the information shall outline the action considered and the reasons therefore. The NAMMD shall, when urgent action is considered necessary, initiate the procedure provided for in this section in any of the cases referred to in paragraph (1). Where the procedure provided for in this section is not initiated, for medicinal products authorised in accordance with the procedures laid down in Chapter III of Title XVII, Section 5, the case shall be brought to the attention of the Coordination group. Article 746 shall be applicable where the interests of the Union are involved.

(3) Where the procedure provided for in this section is initiated by the NAMMD and the product is authorised in another member state as well, the Agency shall verify whether the safety concern relates to medicinal products other than the one covered by the information, or whether it is common to all products belonging to the same range or therapeutic class. In this case, procedures laid down in Articles 845 and 846 shall apply. Otherwise, the safety concern shall be addressed by the NAMMD. If required, the NAMMD shall make the information that the procedure has been initiated available to marketing authorisation holders.

(4) Without prejudice to the provisions of paragraphs (1) and (2), Articles 845 and 846, the NAMMD may, where urgent action is necessary to protect public health, suspend the marketing authorisation and prohibit the use of the medicinal product concerned in Romania until a definitive decision is adopted. The NAMMD shall inform the Commission, the EMA and the competent authorities in the other Member States no later than the following working day of the reasons for its action.

(5) At any stage of the procedure laid down in Articles 845 and 846, the Commission may request Member States in which the medicinal product is authorised to take temporary measures immediately. Where the scope of the procedure, as determined in accordance with paragraphs 1 and 2, includes medicinal products authorised in accordance with Regulation (EC) No 726/2004, the Commission may, at any stage of the procedure initiated under this section, take temporary measures immediately in relation to those marketing authorisations.

(6) The information referred to in this Article may relate to individual medicinal products or to a range of medicinal products or a therapeutic class. If the Agency identifies that the safety concern relates to more medicinal products than those which are covered by the information or that it is common to all medicinal products belonging to the same range or therapeutic class, it shall extend the scope of the procedure accordingly. Where the scope of the procedure initiated under this Article concerns a range of medicinal products or therapeutic class, medicinal products authorised in accordance with Regulation (EC) No 726/2004 which belong to that range or class shall also be included in the procedure.

(7) At the time of the information referred to in paragraphs 1 and 2, the NAMMD shall make available to the Agency all relevant scientific information that it has at its disposal and any assessment performed.

Article 845. - (1) Following receipt of the information referred to in paragraphs 1 and 2 of Article 844, the NAMMD shall publicly announce the initiation of the procedure by means of the European medicines web-portal. In parallel, Member States may publicly announce the initiation on their national medicines web-portals. The announcement shall specify the matter submitted to the Agency in accordance with Article 844, and the medicinal products and, where applicable, the active substances concerned. It shall contain information on the right of the marketing authorisation holders, healthcare professionals and the public to submit to the EMA information relevant to the procedure and it shall state how such information may be submitted.

(2) The Pharmacovigilance Risk Assessment Committee shall assess the matter which has been submitted to the Agency in accordance with Article 844. The rapporteur shall closely collaborate with the rapporteur appointed by the Committee for Medicinal Products for Human Use and the Reference Member State for the medicinal products concerned. For the purposes of that assessment, the marketing authorisation holder may submit comments in writing. Where the urgency of the matter permits, the Pharmacovigilance Risk Assessment Committee may hold public hearings, where it considers that this is appropriate on justified grounds particularly with regard to the extent and seriousness of the safety concern. The hearings shall be held in accordance with the modalities specified by the Agency and shall be announced by means of the European medicines web-portal. The announcement shall specify the modalities of participation. In the public hearing, due regard shall be given to the therapeutic effect of the medicinal product. Where a marketing authorisation holder or another person intending to submit information has confidential data relevant to the subject matter of the procedure, they may request permission to present that data to the Pharmacovigilance Risk Assessment Committee in a non-public hearing.

(3) Within 60 days of the information being submitted, the Pharmacovigilance Risk Assessment Committee shall make a recommendation, stating the reasons on which it is based, having due regard to the therapeutic effect of the medicinal product. The recommendation shall mention the divergent positions and the grounds on which they are based. In the case of urgency, and on the basis of a proposal by its chairman, the Pharmacovigilance Risk Assessment Committee may agree to a shorter deadline. The recommendation shall include any or a combination of the following conclusions:

(a) no further evaluation or action is required at Union level;

(b) the Marketing Authorisation Holder should conduct further evaluation of data together with the follow-up of the results of that evaluation;

(c) the Marketing Authorisation Holder should sponsor a post-authorisation safety study together with the follow up evaluation of the results of that study;

(d) the Member States or Marketing Authorisation Holder should implement risk minimisation measures;

(e) the marketing authorisation should be suspended, revoked or not renewed;

(f) the marketing authorisation should be varied.

For the purposes of (d), the recommendation shall specify the risk minimisation measures recommended and any conditions or restrictions to which the marketing authorisation should be made subject. Where, in the cases referred to in point (f) of the first subparagraph, it is recommended to change or add information in the summary of product characteristics or the labelling or package leaflet, the recommendation shall suggest the wording of such changed or added information and where in the summary of the product characteristics, labelling or package leaflet such wording should be placed.

Article 846. - (1) Where the scope of the procedure, as determined in accordance with Article 844 (4), does not include any marketing authorisation granted in accordance with the centralised procedure provided for in Chapter 1 of Title II of Regulation (EC) No 726/2004, the coordination group shall, within 30 days of receipt of the recommendation of the Pharmacovigilance Risk Assessment Committee, consider the recommendation and reach a position on the maintenance, variation, suspension, revocation or refusal of the renewal of the marketing authorisation concerned, including a timetable for the implementation of the agreed position. Where an urgent adoption of the position is necessary, and on the basis of a proposal by its chairman, the coordination group may agree to a shorter deadline.

(2) If, within the coordination group, the Member States represented reach agreement on the action to be taken by consensus, the chairman shall record the agreement and send it to the marketing authorisation holder and the Member States. The Member States shall adopt necessary measures to maintain, vary, suspend, revoke or refuse renewal of the marketing authorisation concerned in accordance with the implementation timetable determined in the agreement. In the event that a variation is agreed upon, the marketing authorisation holder shall submit to the NAMMD an appropriate application for a variation,

including an updated summary of product characteristics and package leaflet within the determined timetable for implementation.

If an agreement by consensus cannot be reached, the position of the majority of the Member States represented within the coordination group shall be forwarded to the Commission which shall apply the procedure laid down in Articles 33 and 34 of Directive 2001/83/EC, as amended. However, by way of derogation from Article 34(1) of Directive 2001/83/EC, as amended, the procedure referred to in Article 121(2) shall apply. In such case, the NAMMD shall apply the decisions of the European Commission.

Where the agreement reached by the Member States represented within the coordination group or the position of the majority of the Member States represented within the coordination group differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the coordination group shall attach to the agreement or majority position a detailed explanation of the scientific grounds for the differences together with the recommendation.

(3) Where the scope of the procedure, as determined in accordance with Article 844 (4), includes at least one marketing authorisation granted in accordance with the centralised procedure provided for in Chapter 1 of Title II of Regulation (EC) No 726/2004, the Committee for Medicinal Products for Human Use shall, within 30 days of receipt of the recommendation of the Pharmacovigilance Risk Assessment Committee, consider the recommendation and adopt an opinion on the maintenance, variation, suspension, revocation or refusal of the renewal of the marketing authorisations concerned. Where an urgent adoption of the opinion is necessary, and on the basis of a proposal by its chairman, the Committee for Medicinal Products for Human Use may agree to a shorter deadline. Where the opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the differences together with the recommendation.

(4) On the basis of the opinion of the Committee for Medicinal Products for Human Use referred to under 3:

(a) a decision may be adopted by the Commission, addressed to the Member States concerning the measures to be taken in respect of marketing authorisations that are granted by the Member States and that are subject to the procedure provided for in this paragraph; and

(b) where the opinion is that regulatory action is necessary, the Commission may adopt a decision to vary, suspend, revoke or refuse renewal of the marketing authorisations granted in accordance with Regulation (EC) No 726/2004 and subject to the procedure provided for in this paragraph.

Articles 33 and 34 of Directive 2001/83 shall apply to the adoption of the decision referred to in point (a) of the first subparagraph of this paragraph and to its implementation by the NAMMD. However, by way of derogation from Article 34(1) of Directive 2001/83, the procedure referred to in Article 121(2) thereof shall apply. Article 10 of Regulation (EC) No 726/2004 shall apply to the decision referred to in point (b) of the first subparagraph of this paragraph. However, by way of derogation from Article 10(2) of that Regulation, the procedure referred to in Article 87(2) thereof shall apply. Where the Commission adopts such decision, it may also adopt a decision addressed to the Member States pursuant to Article 127a of Directive 2001/83. The NAMMD shall apply the Decisions of the European Commission referred to a) and b), in accordance with provisions of Articles 748, 749 and 886 of this Title.

SUBSECTION 5
PARAGRAPH 5
Publication of Assessments

Article 847. – The NAMMD shall make public the final assessment conclusions, recommendations, opinions and decisions referred to in Articles 837-846 by means of the European medicines web-portal, managed by the European Medicines Agency.

SECTION 4
Supervision of Post-Authorisation Safety Studies

Article 848. - (1) This section applies to non-interventional post-authorisation safety studies which are initiated, managed or financed by the marketing authorisation holder voluntarily or pursuant to obligations imposed in accordance with Articles 731 or 733 21a or 22a, and which involve the collection of safety data from patients or healthcare professionals.

(2) This section is without prejudice to national and EU requirements for ensuring the well-being and rights of participants in non-interventional post-authorisation safety studies.

(3) The studies shall not be performed where the act of conducting the study promotes the use of a medicinal product.

(4) Payments to healthcare professionals for participating in non-interventional post-authorisation safety studies shall be restricted to the compensation for time and expenses incurred.

(5) The NAMMD may require the marketing authorisation holder to submit the protocol and the progress reports to the competent authorities of the Member States in which the study is conducted.

(6) The Marketing Authorisation Holder shall send the final report to the competent authorities of the Member States in which the study was conducted within 12 months of the end of data collection.

(7) While a study is being conducted, the marketing authorisation holder shall monitor the data generated and consider its implications for the risk-benefit balance of the medicinal product concerned. Any new information which might influence the evaluation of the risk-benefit balance of the medicinal product shall be communicated to the competent authorities of the Member State in which the medicinal product has been authorised in accordance with Article 736. The obligation laid down in the second subparagraph is without prejudice to the information on the results of studies that the marketing authorisation holder shall make available by means of the periodic safety update reports as laid down in Article 837.

(8) Articles 849-852 shall apply exclusively to studies referred to in paragraph 1 which are conducted pursuant to an obligation imposed in accordance with Articles 731 or 733.

Article 849. - (1) Before a study is conducted, the marketing authorisation holder shall submit a draft protocol to the Pharmacovigilance Risk Assessment Committee, except for studies to be conducted in Romania only, where conduct of the study is requested according to Article 733. For such studies, the marketing authorisation holder shall submit a draft protocol to the NAMMD.

(2) Within 60 days of the submission of the draft protocol, the NAMMD or the Pharmacovigilance Risk Assessment Committee, as appropriate, shall issue:

a) letter endorsing the draft protocol;

b) a letter of objection, which shall set out in detail the grounds for the objection, in any of the following cases:

(i) it considers that the conduct of the study promotes the use of a medicinal product;

(ii) it considers that the design of the study does not fulfil the study objectives; or

c) a letter notifying the marketing authorisation holder that the study is a clinical trial falling under the scope of Rules for Implementation of Good Clinical Practice with medicinal products for human use, approved through Order of the Minister of Health[*)].

(3) The study may only commence when the written endorsement from the NAMMD or the Pharmacovigilance Risk Assessment Committee, as appropriate, has been issued; Where a letter of endorsement as referred to in paragraph 2(a) has been issued, the marketing authorisation holder shall forward the protocol to the NAMMD and may thereafter commence the study according to the endorsed protocol.

Article 850. – After a study has been commenced, any substantial amendments to the protocol shall be submitted, before their implementation, to the NAMMD or the Pharmacovigilance Risk Assessment Committee, as appropriate. The NAMMD or the Pharmacovigilance Risk Assessment Committee, as appropriate, shall assess the amendments and inform the marketing authorisation holder of its endorsement or objection. Where applicable, the marketing authorisation holder shall inform Member States in which the study is conducted.

Article 851. - (1) Upon completion of the study, a final study report shall be submitted to the national competent authority or the Pharmacovigilance Risk Assessment Committee within 12 months of the end of data collection unless a written waiver has been granted by NAMMD or the Pharmacovigilance Risk Assessment Committee, as appropriate

(2) The marketing authorisation holder shall evaluate whether the results of the study have an impact on the marketing authorisation and shall, if necessary, submit to the NAMMD an application to vary the marketing authorisation.

(3) Together with the final study report, the marketing authorisation holder shall electronically submit an abstract of the study results to the NAMMD or the Pharmacovigilance Risk Assessment Committee for risk assessment.

Article 852. - (1) Based on the results of the study and after consultation of the marketing authorisation holder, the Pharmacovigilance Risk Assessment Committee may make recommendations concerning the marketing authorisation, stating the reasons on which they are based. The recommendations shall mention the divergent positions and the grounds on which they are based.

(2) When recommendations for the variation, suspension or revocation of the marketing authorisation are made for a medicinal product authorised by the Member States pursuant to Directive, 2001/83/EC, AS AMENDED the NAMMD and competent authorities of the other Member States represented within the coordination group shall agree ON a position on the matter taking into account the recommendation referred to in paragraph 1 and including a timetable for the implementation of the agreed position. If, within the coordination group, the Member States represented reach agreement on the action to be taken by consensus, the chairman shall record the agreement and send it to the marketing authorisation holder and the Member States. The NAMMD and competent authorities of the other Member States shall adopt necessary measures to maintain, vary, suspend or revoke the marketing authorisation concerned in accordance with the implementation timetable determined in the agreement. In the event that a variation is agreed upon, the marketing authorisation holder shall submit to the NAMMD an appropriate application for a variation, including an updated summary of product characteristics and package leaflet within the determined timetable for implementation.

The agreement shall be made public on the European medicines web-portal established in accordance with Article 26 of Regulation (EC) no. 726/2004. If an agreement by consensus cannot be reached, the position of the majority of the Member States represented within the coordination group shall be forwarded to the Commission, which shall apply the procedure laid down in Articles 33 and 34 of Directive 2001/83/EC, as amended. In such cases, the NAMMD shall apply the decisions of the European Commission, in accordance with provisions of Articles 748 and 749 of this Title. Where the agreement reached by the Member States represented within the coordination group or the position of the majority of Member States differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the coordination group shall attach to the agreement or majority position a detailed explanation of the scientific grounds for the differences together with the recommendation.

SECTION 5
Implementation and Guidance

Article 853. – In order to harmonise the performance of the pharmacovigilance activities provided for in this Law, the NAMMD shall apply

the implementing measures adopted by the European Commission in the following areas for which pharmacovigilance activities are provided for in Article 706(4) and Articles 827, 830, 831, 835, 836, 837, 843, 849 and 851:

a) the content and maintenance of the pharmacovigilance system master file kept by the marketing authorisation holder;

b) the minimum requirements for the quality system for the performance of pharmacovigilance activities by the NAMMD and the marketing authorisation holder;

c) the use of internationally agreed terminology, formats and standards for the performance of pharmacovigilance activities;

d) the minimum requirements for the monitoring of data in the Eudravigilance database to determine whether there are new risks or whether risks have changed;

e) the format and content of the electronic transmission of suspected adverse reactions by Member States and the marketing authorisation holder;

f) the format and content of electronic periodic safety update reports and risk management plans;

g) the format of protocols, abstracts and final study reports for the post-authorisation safety studies.

Implementation rules shall take account of the work on international harmonisation carried out in the area of pharmacovigilance and shall, where necessary, be revised to take account of technical and scientific progress The NAMMD shall apply any measures deemed necessary for update of provisions of this chapter in order to take account of technical and scientific progress, after their adoption by the European Commission.

Article 854. – In order to facilitate the performance of pharmacovigilance activities within the EU, the NAMMD cooperates with the European Medicines Agency and with other interested parties to prepare the following guidelines:

a) guidance on good pharmacovigilance practices for both competent authorities and marketing authorisation holders;

b) scientific guidance on post-authorisation efficacy studies.

CHAPTER XI
Special Provisions on Medicinal Products Derived from Human Blood and Plasma

Article 855. – For the collection and testing of human blood and human plasma, national legislation transposing provisions of Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC, as amended, shall apply.

Article 856. – The ministry of health shall take the necessary measures to promote self-sufficiency in human blood or human plasma in Romania. For this purpose, it shall encourage the voluntary unpaid donation of blood and plasma and shall take the necessary measures to develop the production and use of products derived from human blood or human plasma coming from voluntary unpaid donations. The ministry of health shall notify the Commission of such measures.

CHAPTER XII
Supervision and Sanctions

Article 857. - (1) The NAMMD shall, in cooperation with the European Medicines Agency, ensure that the legal requirements governing medicinal products are complied with, by means of inspections, if necessary unannounced, and, where appropriate, by requiring its own laboratory or a laboratory certified/acknowledged by the for that purpose to carry out tests on samples. This cooperation shall consist in sharing information with the Agency on both inspections that are planned and that have been conducted. The NAMMD, Member States and the EMA shall cooperate in the coordination of inspections in third countries. The inspections shall include but not be limited to the ones mentioned in paragraphs (2) – (7).

(2) Manufacturers, located in the Union or in third countries, and wholesale distributors of medicinal products shall be subject to repeated inspections.

(3) The NAMMD shall have a system of supervision including by inspections at an appropriate frequency based on risk, at the premises of the manufacturers, importers, or distributors of active substances, located on its territory, and effective follow-up thereof.. Whenever it considers that there are grounds for suspecting non-compliance with the legal requirements laid down in this Law, including the principles and guidelines of good manufacturing practice and good distribution practices referred to in Article 761 f) and Article 764 b) and c), the NAMMD may carry out inspections at the premises of:

a) manufacturers or distributors of active substances located in third countries;

b) manufacturers or importers of excipients.

(4) Inspections referred to in paragraphs (2) and (3) may also be carried out in the Union and in third countries at the request of a Member State, the Commission or the EMA.

(5) Inspections may also take place at the premises of marketing authorisation holders and of brokers of medicinal products.

(6) In order to verify whether the data submitted in order to obtain a conformity certificate comply with the monographs of the European Pharmacopoeia, the NAMMD may respond requests of the European Commission or of the European Medicines Agency to conduct such inspection if the concerned starting material is subject to a Ph.Eur. monograph;

(7) The NAMMD may carry out inspections of starting material manufacturers at the specific request of the manufacturer.

(8) Inspections shall be carried out by officials representing the NAMMD, who shall be empowered to:

a) inspect the manufacturing or commercial establishments of manufacturers of medicinal products, of active substances or of excipients, and any laboratories employed by the holder of the manufacturing authorisation to carry out checks pursuant to Article 729;

b) take samples including with a view to independent tests being carried out by a NAMMD laboratory or by a laboratory certified/acknowledged to this purpose by the NAMMD; the costs of samples collected during supervision shall be covered, as required, by the manufacturer or the distributor; the cost of tests performed by the NAMMD or by the NAMMD certified laboratories are paid from the NAMMD budget, if the product is of appropriate quality, and by the responsible manufacturer or distributor, if the product is non-compliant in terms of quality;

c) examine any documents relating to the object of the inspection, subject to relevant provisions of national legislation in force placing restrictions on these powers with regard to the description of the manufacturing method;

d) inspect the premises, records, documents and pharmacovigilance system master file of the marketing authorisation holder or any companies employed by the marketing authorisation holder to perform the activities described in Section IX.

(9) Inspections shall be carried out in accordance with the guidelines referred to in Article 858.

(10) The NAMMD shall take all appropriate steps to ensure that the manufacturing processes used in the manufacture of immunological products are properly validated and attain batch-to-batch consistency.

(11) Following every inspection as referred to in (1), the NAMMD shall report on whether the inspected entity complies with the principles and guidelines of good manufacturing practice and good distribution practices referred to in Articles 764 and 807, as applicable, or on whether the marketing authorisation holder complies with the requirements laid down in Section X; the NAMMD shall communicate the content of those reports to the inspected entity. Before adopting the report, the NAMMD shall give the inspected entity concerned the opportunity to submit comments.

(12) Without prejudice to any arrangements which may have been concluded between the Union and third countries, the NAMMD, the Commission or the EMA may require a manufacturer established in a third country to submit to an inspection as referred to in this Article.

(13) Within 90 days of an inspection as referred to in paragraph 1, a certificate of good manufacturing practice or good distribution practices shall, when applicable, be issued to the inspected entity if the outcome of the inspection shows that it complies with the principles and guidelines of good manufacturing practice or good distribution practices as provided for by Union legislation. If inspections are performed as part of the certification procedure for the monographs of the European Pharmacopoeia, a certificate shall be drawn up.

(14) The NAMMD shall enter the certificates of good manufacturing practice and good distribution practices which they issue in a Union database managed by the EMA on behalf of the Union. Pursuant to Article 771(7), the NAMMD shall also enter information in that database regarding the registration of importers, manufacturers and distributors of active substances. The database shall be publicly accessible.

(15) If the outcome of the inspection as referred to in (8) or the outcome of an inspection of a distributor of medicinal products or active substances or at the site of a manufacturer of excipients is that the inspected entity does not comply with the legal requirements and/or the principles and guidelines of good manufacturing practice or good distribution practices as provided for by

national law, the information shall be entered in the EU database as provided for in (14).

(16) Inspections mentioned in (8) d) may also be performed upon request of a Member State, the European Commission or the European Medicines Agency.

(17) If the outcome of the inspection mentioned in (8) d) is that the marketing authorisation holder does not comply with the pharmacovigilance system as described in the pharmacovigilance system master file and with Section X of this Title, the NAMMD shall bring the deficiencies to the attention of the marketing authorisation holder and give him the opportunity to submit comments. In such case the NAMMD shall inform the other Member States, the EMA and the Commission. Where appropriate, NAMMD shall take the necessary measures to ensure that the marketing authorisation holder is subject to effective, proportionate and dissuasive penalties.

Article 858. – The NAMMD shall apply the detailed guidelines laying down the principles applicable to inspections referred to in Article 857, adopted by the European Commission; the NAMMD transposes the form and the contents of the authorisation mentioned in Article 755 (1) and in Article 800 (1), of reports mentioned in Article 857 (11), of the Good Manufacturing Practice and of Good Distribution Practice certificates mentioned in Article 857 (13), established by the European Medicines Agency.

Article 859. - (1) In the context of Article 763 (3), Romania shall take into account the list of active substance exporting third countries, set up by the European Commission upon request of an exporting third country, based on the assessment whether that country’s regulatory framework applicable to active substances exported to the Union and that the respective control and enforcement activities ensure a level of protection of public health equivalent to that of the Union.

(2) The NAMMD shall cooperate with the European Commission, the European Medicines Agency and competent authorities in the other Member States for conduct of assessment provided for under (1).

Article 860. – The NAMMD shall take all appropriate measures to ensure that the holder of the marketing authorisation for a medicinal product and, where appropriate, the holder of the manufacturing authorisation, furnish proof of the controls carried out on the medicinal product and/or the ingredients and of the controls carried out at an intermediate stage of the manufacturing process, in accordance with the methods laid down in Article 706 (4) i).

Article 861. – For the purpose of implementing provisions of Article 860, the NAMMD may require manufacturers of immunological products to submit copies of all control reports signed by the qualified person, in accordance with Article 769.

Article 862. - (1) Where it considers it necessary in the interests of public health, the NAMMD may require the MAH:

- live vaccines;

- immunological products used in primary immunisation of infants or of other risk groups;

- immunological medicinal products used in public health immunisation programmes;

- new immunological medicinal products or immunological medicinal products manufactured using new or altered kinds of technology for a particular manufacturer, during a transitional period normally specified in the marketing authorisation, to submit samples from each medicinal product batch of the bulk for examination by a State laboratory or NAMMD designated laboratory for that purpose before release on to the market unless, in the case of a batch manufactured in another Member State, the competent authority of that Member State has previously examined the batch in question and declared it to be in conformity with the approved specifications.

The NAMMD shall ensure that any such examination is completed within 60 days of the receipt of the samples.

(2) In the interest of public health, the NAMMD may require the marketing authorisation holder for medicinal products derived from human blood or human plasma to submit samples from each batch of the bulk for testing by a State laboratory or a NAMMD designated laboratory for that purpose before being released into free circulation, unless the competent authorities of another Member State have previously examined the batch in question and declared it to be in conformity with the approved specifications. Member States shall ensure that any such examination is completed within 60 days of the receipt of the samples.

Article 863. - (1) The NAMMD shall take all necessary measures to ensure that the manufacturing and purifying processes used in the preparation of medicinal products derived from human blood or human plasma are properly validated, attain batch-to-batch consistency and guarantee, insofar as the state of technology permits, the absence of specific viral contamination.

(2) To this end, manufacturers shall notify the NAMMD of the method used to reduce or eliminate pathogenic viruses liable to be transmitted by medicinal products derived from human blood or human plasma.

(3) The NAMMD may submit samples of the bulk and/or the medicinal product for testing by a State laboratory or a NAMMD designated laboratory for that purpose, either during the examination of the application pursuant to Article 728, or after a marketing authorisation has been granted.

Article 864. - (1) The NAMMD shall suspend, revoke or vary a marketing authorisation if the view is taken that the medicinal product is harmful or that it lacks therapeutic efficacy, or that the risk-benefit balance is not favourable, or that its qualitative and quantitative composition is not as declared. Therapeutic efficacy shall be considered to be lacking when it is concluded that therapeutic results cannot be obtained from the medicinal product.

(2) A marketing authorisation may also be suspended, revoked or varied where the particulars supporting the application as provided for in Articles 706, 708, 709, 710, 711 or 712 are incorrect or have not been amended in accordance with Article 736, or where any conditions referred to in Articles 731, 732 or 733 have not been met or where the controls referred to in Article 860 have not been carried out.

(3) The provisions of (2) also apply in cases where the manufacture of the medicinal product is not carried out in compliance with the particulars provided pursuant to point Article 706 (4) e) or where controls are not carried out in compliance with the control methods described pursuant to 706 (4) i).

Article 865. - (1) Without prejudice to the measures provided for in Article 864, the NAMMD shall take all appropriate steps to ensure that the supply of the medicinal product is prohibited and the medicinal product withdrawn from the market, if the view is taken that:

a) the product is harmful; or

b) it lacks therapeutic efficacy; or

c) the risk-benefit balance is not favourable; or

d) the qualitative and quantitative composition is not as declared; or

e) the controls on the medicinal product and/or on the ingredients and the controls at an intermediate stage of the manufacturing process have not been carried out or if some other requirement or obligation relating to the grant of the manufacturing authorisation has not been met.

(2) The NAMMD may limit the prohibition to supply the product, or its withdrawal from the market, to those batches which are the subject of dispute.

(3) for a medicinal product for which the supply has been prohibited or which has been withdrawn from the market in accordance with paragraphs (1) and (2), the NAMMD may, in exceptional circumstances during a transitional period, allow the supply of the medicinal product to patients who are already being treated with the medicinal product.

Article 866. - (1) Competent authorities shall have a regulatory system in place which aims at preventing medicinal products that are suspected to present a danger to health from reaching the patient.

(2) The regulatory system referred to (1) shall cover the receipt and handling of notifications of suspected falsified medicinal products as well as of suspected quality defects of medicinal products. Moreover, the system shall also cover recalls of medicinal products by marketing authorisation holders or withdrawals of medicinal products from the market ordered by the NAMMD from all relevant actors in the supply chain both during and outside normal working hours. The system shall also make it possible to recall, where necessary with the assistance of healthcare professionals, medicinal products from patients who received such products.

(3) If the medicinal product in question is suspected of presenting a serious risk to public health, the NAMMD shall, without any delay, transmit a rapid alert notification to all Member States and all actors in the supply chain in that Member State. In the event of such medicinal products being deemed to have reached patients, urgent public announcements shall be issued within 24 hours in order to recall those medicinal products from the patients. Those announcements shall contain sufficient information on the suspected quality defect or falsification and the risks involved.

(4) By 22 July 2013, the NAMMD notifies the European Commission of the details of the national regulatory system adopted in line with this Article.

Article 867. - (1) The NAMMD shall suspend or revoke the marketing authorisation for a category of preparations or all preparations where any one of the requirements laid down in Article 756 is no longer met.

(2) In addition to the measures specified in Article 865, the NAMMD may suspend manufacture or imports of medicinal products coming from third countries, or suspend or revoke the manufacturing authorisation for a category of preparations or all preparations where Articles 757, 761, 769 and are not complied with.

Article 868. - The NAMMD shall notify the national provisions adopted pursuant to this Article to the Commission by 2 January 2013 and shall notify any subsequent amendment of those provisions without delay.

Article 869. – The NAMMD shall organise meetings involving patients and consumers' organisations and, as necessary, prevention and enforcement authorities in Romania, in order to communicate public information about the actions undertaken in the area of prevention and enforcement to combat the falsification of medicinal products.

Article 870. - In applying this Law, the Ministry of Health and the NAMMD shall take the necessary measures to ensure cooperation with customs authorities.

Article 871. – Provisions of this Section shall also apply to homeopathic medicinal products.

Article 872. - (1) Wholesale and retail distribution units are required to inform the NAMMD on quality deficiencies brought to their knowledge.

(2) The NAMMD reviews the complaints related to quality deficiencies and proposes appropriate administrative measures.

(3) Pharmaceutical units are required to comply with legal provisions on recall of non-compliant medicinal products.

(4) Any manufacturer or distributer shall dispose of products non-compliant in terms of quality or expired, in accordance with the regulations in force; psychotropic or psychoactive medicines shall be disposed of in accordance with legislation in force.

(5) Any medicinal product user may inform the NAMMD on quality deficiencies found in relation to the products used.

Article 873. – Non-compliance with provisions of this Title elicits disciplinary, civil, administrative or criminal liability, as appropriate.

Article 874. - (1) Non-compliance with Good Clinical Practice rules is an offence and is punishable by 1- to 6 months imprisonment or a fine.

(2) Conduct by clinical trial unqualified staff of clinical trials requiring NAMMD approval is punishable by 3 months - 2 years imprisonment or a fine.

Article 875. - (1) The following acts shall constitute offences and shall be sanctioned as follows:

a) a 10,000 – 30,000 RON fine applied to the manufacturer and closure of the site shall be applied, in cases of manufacturing site operating without a NAMMD authorisation for manufacture; the same fine and closure of the site

shall be applied and the site shall be closed in the case of wholesale distribution units operating without NAMMD authorisation;

b) 5,000–10,000 RON fine shall be applied, in case of noncompliance with good laboratory practice by laboratories carrying out pharmacotoxicological testing for set up of documentation for marketing authorisation of a medicinal product for human use;

c) 5,000–10,000 RON fine shall be applied to the manufacturer/importer/distributor, as appropriate, in case of: conduct, within their premises, of activities other than authorised; distribution of medicinal products by the manufacturer or wholesale distributors to units not authorised according to the law; distribution by wholesalers to drugstores of medicinal products other than OTCs; participation in the manufacturing and distribution process involving technical operations which require specialised training, of staff not appropriately qualified, as well as violation of provisions on medicinal product labelling and package leaflet, medicinal product advertising, reporting of changes in manufacturing/import/distribution, noncompliance with good pharmacovigilance practices withdrawals by the marketing authorisation holder, disregard for conditions of medicinal product storage, violation of export legislation, of provisions on medicinal product donations and supply of free medicinal product samples;

d) 10,000–30,000 RON fine shall be applied to the manufacturer/importer/ distributor for violation of conditions underlying authorisation of the manufacturing/import/distribution site or non-compliance with provisions of the Good Manufacturing Practice and the Good Distribution Practice guidelines;

e) 10,000–20,000 RON fine shall be applied for medicinal product manufacturing and distribution in the absence of documents certifying their origin and/or quality, for violation of provisions of the procedure for medicinal product recall by manufactures or distributors as well as for possession and distribution of medicinal products whose shelf life is overdue or with noncompliant test reports;

f) 5,000–10,000 RON fine shall be applied for absence of the chief pharmacist or his alternate from the distribution premises during operation hours; the same fine applies in instances of absence from the distribution premises of the Quality Responsible Person or their alternate during operation hours;

g) 10,000–30,000 RON fine and one-year suspension of the manufacturing/import/distribution authorisation shall be applied for repeated offence as per c), e), j) and m) over a 3-month period;

h) 5,000 – 20,000 RON fine and suspension of the wholesale distribution authorisation for noncompliance with Good Distribution Practice guidelines until remedy of deficiencies found; the same shall be applied and exclusion from the Brokers' Registry of brokers who disregard specific stipulations of Good Distribution Practice guidelines;

i) 10,000 – 30,000 RON fine for violation by the marketing authorisation holder of conditions/restrictions provided for in the marketing authorisation on medicinal product classification for release or use as well as those related to safe and effective use of medicinal products, of their obligations to: report adverse reactions and submit Periodic Safety Update Reports to the NAMMD as well as variations to marketing authorisation terms, notify the NAMMD on the date of actual marketing, provide the NAMMD or the Ministry of Health, as appropriate, with data on the medicinal product amount and of sales and prescription, in accordance with provisions of this Title;

j) 2,000 –5,000 RON fine shall be applied for importers in violation of their commitment to submit the NAMMD the status of each import, in accordance with provisions in force or for incomplete or inaccurate reporting;

k) 5,000–10,000 RON fine shall be applied for violation of the obligation to submit, within 6 months as of completion, any other marketing authorisation holder sponsored studies/trials involving paediatric use on a medicinal product covered by the respective marketing authorisation, irrespective of whether conducted in accordance with an agreed paediatric investigation plan;

l) 10,000–30,000 RON fine and prohibition of operations shall be applied to brokers failing to inform the NAMMD on brokerage operations concerning medicinal products/ active substances in Romania;

m) 10,000– 30,000 RON fine shall be applied to manufacturers/importers/ wholesale distributors in breach of their commitment to submit the NAMMD the status of medicinal products distributed, in accordance with provisions in force or for incomplete or inaccurate reporting;

n) 50,000–100,000 RON fine and suspension of authorisation shall be applied for wholesale distributors in breach of their obligations as stipulated in Article 699 19), Article 799 (6) and Article 804 (2).

o) 50,000– 100,000 RON fine shall be applied for marketing authorisation holders/marketing authorisation holder representatives in breach of marketing

authorisation holder representative obligations as stipulated in Article 699 19) and Article 804 (2) as well as obligations provided for in Article 799 (6);

p) 10,000– 0,000 RON fine shall be applied for violation of the obligation stipulated in Article 737 (2);

q) 10,000–20,000 RON fine shall be applied for inaccurate release by the manufacturer's/importer's Qualified Person of the medicinal product batch manufactured in/imported to Romania;

r) 10,000–30,000 RON fine and 1-year suspension of the Qualified Person Certificate shall be applied for repeated violation within 6 months of the same offence as referred to under p); the suspension shall only be lifted based on proof that the Qualified Person has been included in at least one relevant training session during suspension;

s) 10,000–30,000 RON fine shall be applied to the investigator and suspension of clinical trial for NAMMD unauthorised conduct of clinical trials in Romania or trials for which the National Ethics Commission or the Institutional Ethics Commission has not granted a favourable opinion;

ș) 10,000–30,000 RON fine shall be applied to the investigator and suspension of clinical trial for conduct of clinical trials in Romania on sites not authorised by the ministry of health for conduct of clinical trials on medicinal products for human use;

t) 10,000–20,000 RON fine shall be applied to the sponsor for supply of an investigator/institution with the investigational medicinal product before documentation has been prepared in its entirety (e.g., approval by the National Ethics Commission or the Institutional Ethics Commission and the NAMMD);

ț) 2,000– 5,000 RON fine shall be applied to the sponsor for violation of their obligations relating to assessment of investigational medicinal product safety during the study;

u) 2,000– 5,000 RON fine shall be applied to the investigator for violation of their obligations relating to reporting of serious adverse reactions occurring after administration of the investigational medicinal product safety during the study;

v) 10,000– 30,000 RON fine shall be applied for not allowing NAMMD inspectors' access to documents or premises of the inspected site;

w) 10,000– 30,000 RON fine shall be applied to active substance manufacturers/importers/wholesale distributors or violation of stipulations in this Law on active substance manufacture/import and distribution;

x) 10,000– 30,000 RON fine shall be applied to medicinal product manufacturers in violation of provisions under Article 761 f);

y) 5.000– 10,000 RON fine shall be applied to distributors not in possession of a marketing authorisation for breach of stipulations under Article 799 (4);

z) 5,000– 10,000 RON fine shall be applied to manufacturers/importers/ wholesalers/retailers/marketing authorisation holders, as appropriate, in violation of provisions on medicinal product advertising;

(2) Offences ascertained and fines under (1) are applied by NAMMD inspectors and the ministry of health, as appropriate;

Article 876. - Provisions of Article 875 shall be supplemented with provisions of Government Ordinance no. 2/2001 on the legal regime of contraventions, approved by Law 180/2002, as amended.

Article 877. - Violation of legal provisions on the regime of psychotropic and psychoactive medicinal products is punishable as provided by the law in force.

CHAPTER XIII
General Provisions

Article 878. - (1) The Ministry of Health shall take all appropriate measures to ensure that the NAMMD communicates to competent authorities of the Member States such information as is appropriate to guarantee that the requirements placed on the authorisations referred to in Articles 755 and 800, on the certificates referred to in Article 857(13) or on the marketing authorisations are fulfilled.

(2) Upon reasoned request, the NAMMD shall communicate by e-mail the reports referred to in Article 857(11) to the competent authorities of another Member State or the European Medicines Agency.

(3) The conclusions reached in accordance with Article 857(1) shall be valid throughout the European Community. However, in exceptional cases, if the NAMMD is unable, for reasons relating to public health, to accept the conclusions reached following an inspection under Article 857(1), it shall forthwith inform the European Commission and the European Medicines Agency.

Article 879. - (1) The NAMMD shall take all the appropriate measures to ensure that decisions authorising marketing, refusing or revoking a marketing authorisation, cancelling a decision refusing or revoking a marketing authorisation, prohibiting supply, or withdrawing a product from the market,

together with the reasons on which such decisions are based, are brought to the attention of the European Medicines Agency forthwith.

(2) The marketing authorisation holder shall be obliged to immediately notify the NAMMD, as well as the competent authorities of the Member States concerned forthwith of any action taken by him to suspend the marketing of a medicinal product or to withdraw a medicinal product from the market, or to not request renewal of a marketing authorisation, together with the reasons for such action. The Marketing Authorisation Holder should especially declare whether such action is based on any of the grounds mentioned in Article 864 or Article 865 (1).

(3) The Marketing Authorisation Holder shall also resort to notification mentioned in (2) when the action takes place in a third country and is based on any of the grounds mentioned in Article 864 or Article 865 (1).

(4) The Marketing Authorisation Holder also notifies the European Medicines Agency when the actions mentioned in (2) or (3) are based on any of the grounds mentioned in Article 864 or Article 865 (1).

(5) The NAMMD shall ensure that appropriate information about action taken pursuant to paragraphs (1) and (2), which may affect the protection of public health in third countries is forthwith brought to the attention of the World Health Organisation, with a copy to the European Medicines Agency.

(6) The NAMMD shall take into account the yearly List published by the European Medicines Agency, made available to the public, concerning medicinal products whose marketing authorisations have been refused, revoked or suspended at EU level, whose supply has been prohibited or which have been withdrawn from the market, including the grounds for such action.

Article 880. - The NAMMD shall communicate to Member States and receive from them all the information necessary to guarantee the quality and safety of homeopathic medicinal products manufactured and marketed within Romania and the European Community and in particular the information referred to in Articles 8789 and 879.

Article 881. - (1) Every decision referred to in this Title which is taken by the NAMMD shall state in detail the reasons on which it is based.

(2) Such decision shall be notified to the party concerned, together with information as to the redress available to them under the laws in force and of the time-limit allowed for access to such redress.

(3) Decisions to grant or revoke a marketing authorisation shall be made publicly available.

Article 882. - (1) An authorisation to market a medicinal product shall not be refused, suspended or revoked except on the grounds set out in this Title.

(2) No decision concerning suspension of manufacture or of importation of medicinal products coming from third countries, prohibition of supply or withdrawal from the market of a medicinal product may be taken except on the grounds set out in Articles 865 and 867.

Article 883. - (1) In the absence of a marketing authorisation or of a pending application for a medicinal product authorised in another Member State in accordance with Directive 2001/83/EC, as amended, the NAMMD may for justified public health reasons authorise the placing on the market of the said medicinal product.

(2) When the NAMMD avails itself of this possibility, it shall adopt the necessary measures in order to ensure that the requirements of this Title are complied with, in particular those referred to in Sections 5, 6, 8, 10 and 12 of this Title. The NAMMD may decide that provisions of Article 785 paragraphs (1) and (2) do not apply to medicinal products authorised in line with (1).

(3) Before granting such an authorisation, the NAMMD shall:

a) notify the marketing authorisation holder, in the Member State in which the medicinal product concerned is authorised, of the proposal to grant an authorisation under this Article in respect of the product concerned; and

b) request the competent authority in that Member State to submit copies of the assessment report referred to in Article 21 (4) of Directive 2001/83/EC and of the marketing authorisation in force in respect of the medicinal product concerned. If so requested, the competent authority in the respective Member State shall supply, within 30 days of receipt of the request, a copy of the assessment report and the marketing authorisation in respect of the medicinal product concerned.

(4) The NAMMD shall notify the European Commission if any medicinal product is authorised, or ceases to be authorised, under (1), including the name or corporate name and permanent address of the authorisation holder.

Article 884. - (1) In order to guarantee independence and transparency, the NAMMD shall ensure that members of its staff responsible for granting authorisations, rapporteurs and experts concerned with the authorisation and surveillance of medicinal products have no financial or other interests in the pharmaceutical industry which could affect their impartiality; these persons shall make an annual declaration of their financial interests.

(2) In addition, the NAMMD shall make publicly accessible its rules of procedure and those of its committees, agendas for its meetings and records of its meetings, accompanied by decisions taken, details of votes and explanations of votes, including minority opinions.

Article 885. - (1) At the request of the manufacturer, the exporter or the authorities of an importing third country, the NAMMD shall certify that a manufacturer of medicinal products is in possession of the manufacturing authorisation; when issuing such certificates, the NAMMD shall comply with the following conditions:

a) they shall have regard to the recommendations of the World Health Organisation;

b) for medicinal products intended for export which are already authorised in Romania, they shall supply the summary of the product characteristics as approved in accordance with Article 730.

(2) When the manufacturer is not in possession of a marketing authorisation they shall provide the NAMMD with a declaration explaining why no marketing authorisation is available.

Article 886. - When a medicinal product authorised in accordance with the centralised procedure, the NAMMD shall implement conditions or restrictions referred to in the opinion of the Committee for Medicinal Products for Human Use of the European Medicines Agency.

Article 887. - The NAMMD shall ensure that appropriate collection systems are in place for medicinal products that are unused or have expired.

Article 888. - Provisions of this Title shall also apply to medicinal products containing narcotic and psychotropic substances, as well as to medicinal products containing hazardous chemical substances, regulated by consolidated Law 360/2003, on the regime of hazardous chemical substances and preparations, as amended.

Article 889. – On ministry of health proposal on grounds of public health, the Government may limit or prohibit export of certain medicinal products for specified periods of time.

Article 890[17]. – The rules on calculation and procedure for opinion and approval of maximal prices for medicinal products for human use authorised for

[17] i.e. provisions of Article II of Government Emergency Ordinance *no. 59/2016 :*

"(1) Within 30 days as of entry into force of this Emergency Ordinance, the Ministry of Health shall prepare and submit to the Government for approval, by Government Decision, the implementation rules for calculation, opinion and approval of maximal prices of medicinal products for human use authorised for marketing in Romania, except for non-prescription medicinal products (OTC), as stipulated in the consolidated version of Law 95/2006 for healthcare reform, as republished and amended by this Emergency Ordinance.

marketing in Romania, except for non-prescription medicinal products (OTCs), shall be approved by Government Decision on proposal of the ministry of health.

CHAPTER XIV
Final and Transitional Provisions

Article 891. - (1) In case of reference medicinal products authorised for marketing or for which authorisation applications have been submitted in Romania or in Member States before 30 October 2005, or to the European Medicines Agency, respectively, for authorisation through centralised procedure, before 20 November 2005, provisions of paragraphs (2) to (9) shall apply.

(2) By way of derogation from Article 706(4), k), without prejudice to the law relating to the protection of industrial and commercial property, the applicant shall not be required to provide the results of preclinical tests and of clinical trials, on condition they can demonstrate that the medicinal product is a generic of a reference medicinal product which is or has been authorised in Romania, in a Member State or, through centralised procedure, in the European Union.

(3) Applicants may avail themselves of the right provided for in (2) only after at least 6 years have elapsed since authorisation of the reference medicinal product in Romania or a Member State, or at least 10 years since authorisation by centralised procedure of high-technology medicinal products in the European Community (data exclusivity period), respectively.

(4) The data exclusivity period is counted from the date of reference medicinal product authorisation in Romania, in a Member State or the EU, through centralised procedure, whichever was first.

(5) In case the reference medicinal product has not been authorised in Romania, the documentation submitted by the applicant shall mention the name of the Member State in which the reference medicinal product is or has been authorised, or the fact that the medicinal product has been authorised in the European Union through centralised procedure. The NAMMD shall require the competent authority in the Member State mentioned by the applicant, or the European Medicines Agency respectively, to confirm that the reference

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(2) Until entry into force of the Government Decision stipulated under (1), regulatory provisions established based on Article 890 of the consolidated version of Law 95/2006 for healthcare reform shall apply."

medicinal product is or has been authorised, its complete composition and any other relevant documentation, as appropriate.

(6) For the purposes of this Article, high-technology medicinal products shall refer to medicinal products in one of the categories below, authorised through centralised procedure:

a) medicinal products developed by means of the following biotechnological processes:

- recombinant DNA technology,
- controlled expression of genes coding for biologically active proteins in prokaryotes and eukaryotes including transformed mammalian cells,
- hybridoma and monoclonal antibody methods.

b) medicinal products developed by biotechnological processes other than mentioned in a) and which constitute significant innovation,

c) medicinal products administered by means of new delivery systems, which constitute significant innovation,

d) medicinal products for an entirely new indication, which is of significant therapeutic interest,

e) medicinal products based on radio-isotopes, which are of significant therapeutic interest,

f) new medicinal products derived from human blood or human plasma;

g) medicinal products the manufacture of which employs processes which demonstrate a significant technical advance such as two-dimensional electrophoresis under micro-gravity.

h) medicinal products containing a new active substance which was not authorised for use in a medicinal product intended for human use by any Member State, before 1 January 1995.

(7) However, where the medicinal product is intended for a therapeutic use other than that of the other medicinal products on the market or for administration by different routes, or in different doses, the results of appropriate toxicological and pharmacological tests and/or of appropriate clinical trials shall be provided.

(8) The NAMMD may only receive authorisation applications for generic medicinal products after expiry of the data exclusivity period granted in Romania for the reference medicinal product.

(9) For the purposes of this Article, the terms “reference medicinal product” and “generic medicinal product” shall mean the same as in Article 708(2).

Article 892. - With regard to the marketing authorisation procedure related to applications submitted to the NAMMD before the present Title entry into force, legal provisions shall be observed as in force at the time of submission of the application.

Article 893. - On submission of documentation for marketing authorisation, applicants shall pay to the NAMMD a 1000 EUR fee for marketing authorisation or its RON equivalent at the National Bank of Romania current exchange rate, to be transferred to the state budget.

Article 894. - The authorisation for marketing of medicinal products shall not be subject to regulations concerning tacit approval procedure, except for provisions of Article 783(3).

Article 895. - On submission of documentation for authorisation of operation, wholesalers shall pay to the NAMMD account the fee for operation authorisation, as approved through Order of the Minister of Health.

Article 896. - Fees proposed by the NAMMD for its activities shall be approved by order of the minister of health[18], published in the Official Gazette of Romania, Part I.

Article 897. - Expenses required for carrying out inspections by NAMMD employees for grant of wholesale authorisation or other types of inspections shall be ensured from the NAMMD budget.

Article 898. - The data exclusivity period provided for in Article 708(1) shall apply to reference medicinal products for which an application for authorisation has been submitted to the NAMMD or to Member States after 30 October 2005, or to the European Medicines Agency for authorisation through centralised procedure after 20 November 2005, respectively.

Article 899. - For the traditional herbal medicinal products which are already on the market on the entry into force of this Title, the NAMMD shall apply the provisions of this Title within seven years after its entry into force.

Article 900. - (1) On the date of this Title entry into force, Government Emergency Ordinance no. 152/1999 on medicinal products for human use, published in the Official Gazette of Romania, Part I, no. 508 of 20 October 1999, approved as amended through Law no. 336/2002, as amended, shall be repealed, except for Article 109(11), as shall any other provisions contrary to this Law.

[18] Please see Order of the Minister of Health no. 888/2014 on approval of fees for operations of the National Agency for Medicinal Products and Medical Devices related to medicinal products for human use, as amended.

(2) Implementation legislation prepared based on Government Emergency Ordinance no. 152/1999, approved as amended through Law no.336/2002, as amended, shall remain in force to the extent it does not contradict the present Title.

(3) By way of derogation from (1), the following provisions shall be repealed three days from the publication of the present law:

a) Article 231 of Government Emergency Ordinance no. 152/1999, approved as amended through Law no. 336/2002, as amended;

b) Article 9 2)(iii) of Annex 1 "Regulations on marketing authorisation and supervision of medicinal products for human use)" of Order of the Minister of Health and the family no. 263/2003, published in the Official Gazette of Romania, Part I, no. 336 of 19 May 2003 concerning approval of Regulations on marketing authorisation and supervision, advertising, labelling and leaflet of medicinal products for human use, published in the Official Gazette of Romania, Part I, no. 336 and no. 336 bis of 19 May 2003;

c) Order of the Minister of Health no. 1443/2004 on approval of Rules for the application of Government Emergency Ordinance no. 152/1999 on medicinal products for human use approved as amended through Law no. 336/2002, as amended, on data exclusivity, published in the Official Gazette of Romania, Part I, no. 1077 of 19 November 2004.

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This Title is a transposition of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, published in the Official Journal of the European Commission, no. L 311 of 28 November 2001, as amended, except for the Annex and amended by: Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 on standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components, amending Directive 2001/83/EC, published in the Official Journal of the European Union, no. L 33 of 8 February 2003, as amended, Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004, modifying, as regards traditional herbal drugs, Directive 2001/83/EC on the Community code relating to medicinal products for human use, published in the Official Journal of the European Union, no. L 136 of 30 April 2004, Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community

code relating to medicinal products for human use, published in the Official Journal of the European Union, no. L 136 din 30 April 2004, as amended, Directive 2009/53/EC of the European Parliament and of the Council of 18 June 2009 amending Directive 2001/82/EC and Directive 2001/83/EC as regards variations to the terms of marketing authorisations for medicinal products, published in the Official Journal of the European Union, no. L 168 of 30 June 2009, and Directive 2010/84/EU of the European Parliament and of the Council of 15 December 2010 amending, as regards pharmacovigilance, Directive 2001/83/EC on the Community code relating to medicinal products for human use, published in the Official Journal of the European Union, no. L 384/74 of 31 December 2010.