THE MINISTRY OF HEALTH

ORDER

on approval of Regulations on pharmacovigilance activities

Taking into account:

– provisions of Government Ordinance No. 125/1998 related to the set up, organisation and functioning of the National Medicines Agency, approved with changes and completions through Law no. 594/2002, with further changes and completions through Law No. 594/2002, with further changes and completions;

– provisions of Government Ordinance No. 152/1999 on medicinal products for human use, approved with changes and completions through Law No. 336/2002, with further changes and completions;

on seeing The Approval Report of the General Pharmaceutical and Medical Devices Directorate No. MC 4.661 of 12 April 2005,

based on Government Decision No. 168/2005 on organisation and functioning of the Ministry of Health,

the minister of health hereby issues the following order:

Article 1. – Approval of Regulations on pharmacovigilance activities, provided in Annex*) which is an integral part of the order.

Article 2. – The present order is a transposition of provisions of Title IX Chapter 1 "Pharmacovigilance" of Directive 2001/83/EC of the European Parliament and of the Council, published in the Official Journal of European Communities, L 311 of 28 November 2001.

Article 3. – On the date of this order coming into force any contrary provision shall be repealed.

Article 4. – The National Medicines Agency shall carry out provisions of the present ORDER.

Article 5. – The present order is to be published in the Official Gazette of Romania, Part I.

Minister of Health,
Mircea Cinteză

Bucharest, 19 April 2005.
No. 411.

*ANNEX**

REGULATIONS
on pharmacovigilance activities

CHAPTER I
Introduction

Article 1. –The present order is a transposition of provisions of Title IX Chapter 1 "Pharmacovigilance" of Directive 2001/83/EC of the European Parliament and of the Council, published in the Official Journal of European Communities, L 311 of 28 November 2001

Article 2. – (1) These Regulations are an outline of the role and functioning of the pharmacovigilance system in Romania.

(2) The pharmacovigilance system is used to collect information useful in the surveillance of medicinal products, with particular reference to adverse reactions in human beings, and to evaluate such information scientifically.

(3) This system shall also take into account any available information on misuse and abuse of medicinal products which may have an impact on the evaluation of their benefits and risks.

(4) The National Medicines Agency (NMA) shall take all the necessary measures to encourage doctors to report suspected adverse reactions.

Article 3. – (1) The management of pharmacovigilance related activities, the operation of communication networks and market surveillance shall be under the permanent control of the NMA in order to guarantee their independence

(2) The Pharmacovigilance Compartment of the NMA Evaluation–Authorisation Department acts as a National Pharmacovigilance Centre, insuring coordination of the national pharmacovigilance system activity in Romania.

CHAPTER II
Responsibilities of the marketing authorisation holder related to pharmacovigilance

Article 4. – (1) The marketing authorisation holder (MAH) shall have permanently and continuously at his disposal an appropriately qualified person responsible for pharmacovigilance.

(2) The qualified person shall reside in Romania or the European Community and shall be responsible for the following:

a) the establishment and maintenance of a system which ensures that information about all suspected adverse reactions which are reported to the personnel of the company, and to medical representatives, is collected in order to be accessible to competent authorities;

b) the preparation for competent authorities of the reports referred to in Article 5, in such form as may be laid down by them in accordance with the guidance referred to in Article 7(1);

c) warranting that any request from competent authorities for the provision of additional information necessary for the evaluation of the benefits and risks afforded by a medicinal product is answered fully and promptly, including the provision of information about the volume of sales or prescriptions of the medicinal product concerned;

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* Published in the Official Gazette of Romania, Part I, No. 461 bis, 31 May 2005

d) provision to competent authorities of any other information relevant to the evaluation of the benefits and risks afforded by a medicinal product, including appropriate information on postauthorisation safety studies.

Article 5. – (1) MAH shall be required to maintain detailed records of all suspected adverse reactions occurring in Romania, the European Community or third countries.

(2) MAH shall be required to record all suspected serious adverse reactions which are brought to his attention by a health–care professional and to report them promptly to the competent authority of the Member State on whose territory the incident occurred no later than 15 days following the receipt of the information.

(3) MAH shall be required to promptly record and report to the competent authority of the state on whose territory the incident occurred no later than 15 days following the receipt of the information all other suspected serious adverse reactions which meet the notification criteria in accordance with the guidelines referred to in Article 7(1), which he can reasonably be expected to have knowledge.

(4) MAH warrants that all suspected serious unexpected adverse reactions occurring in the territory of a third country are reported promptly in accordance with the guidelines referred to in 7(1) so that the NMA and competent authorities in which the medicinal product is authorised are informed of them, and no later than 15 days following the receipt of the information.

(5) Unless other requirements have been laid down as a condition for the granting of the marketing authorisation, or furtherly as indicated in the guidelines referred to in Article 7(1), reports of all adverse reactions shall be submitted to the National Medicines Agency in the form of a Periodic Safety Update Report (PSUR), immediately upon request or regularly, as follows: every six months duirng the first two years after authorisation and on the first re–authorisation; thereafter, the reports shall be submitted at five–years intervals, together with the application for reauthorisation.

(6) PSUR must include a scientific evaluation of the risk–benefit balance of the medicinal product.

(7) Following the granting of a marketing authorisation, MAH may request the amendment of the periods referred to in (5) in accordance with NMA guidelines.

(8) MAH may not communicate information relating to pharmacovigilance concerns without giving prior or simultaneous notification to the competent authority.

CHAPTER III
NMA responsibilities related to pharmacovigilance

Article 6. – (1) NMA has to set up a data–processing network to facilitate the exchange of pharmacovigilance information regarding medicinal products marketed in Romania and the European Community, in order to allow competent authorities simultaneous access to such information.

(2) By using the data–processing network referred to under (1), NMA warrants that reports of suspected serious adverse reactions that have taken place on Romanian territory are promptly made available to the European Medicines Agency, with reference to centrally authorised products and the other Member States, as the case may be, within 15 days after their notification at the latest.

(3) NMA shall ensure that reports of suspected serious adverse reactions that have taken place on Romanian territory are promptly made available to the MAH and in any case within 15 days after their notification at the latest

Article 7. – (1) To facilitate exchange of pharmacovigilance related information, NMA shall transpose European guidelines on the collection, verification and presentation of adverse reaction reports, including technical requirements for electronic exchange of

pharmacovigilance information in accordance with internationally agreed formats and will publish a reference to an internationally agreed medical terminology

The National Medicines Agency shall apply guidelines elaborated and published by the European Commission and shall notify to the latter the; acting in accordance with the guidelines, marketing authorisation holders shall use internationally agreed medical terminology for the reporting of adverse reactions

(3) Such guidelines shall take into account harmonisation activities carried out on international level in the area of pharmacovigilance.

Article 8. – (1) Where, as a result of the evaluation of pharmacovigilance data, the NMA considers that a marketing authorisation should be suspended, revoked or varied in accordance with guidelines referred to under Article 7(1), it NMA it shall forthwith inform the European Medicines Agency in the case of centrally authorised products, other competent authorities and the MAH.

(2) Where urgent action to protect public health is necessary, the NMA may suspend the marketing authorisation of a medicinal product, provided that the European Medicines Agency and other competent authorities are informed no later than the following working day.