

A.L. 324 ta' l-2007

**ATT DWAR IL-MEDIĊINI
 (KAP. 458)**

**Regolamenti ta' l-2007 dwar l-Awtorizzazzjoni għat-Tqeghid
 fis-Suq ta' Mediċini**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 106 ta' l-Att dwar il-Mediċini, il-Ministru tas-Sahħa, l-Anzjani u l-Kura fil-Komunità għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolament hu **Regolamenti ta' l-2007 dwar l-Awtorizzazzjoni għat-Tqeghid fis-Suq ta' Mediċini.** Titolu.

2. (1) Għall-finijiet ta' dawn ir-regolamenti:- Tifsir.

“abbuż ta' prodotti mediċinali” tfisser l-użu persistenti jew sporadiku, l-użu eċċessiv intenzjonali ta' prodotti mediċinali li jkun akkumpanjat minn effetti fiżiċi jew psikoloġiċi li jagħmlu hsara.

“l-Aġenzija” tfisser l-Aġenzija Ewropea dwar il-Mediċini stabbilita bir-Regolament (KE) Nru 726/2004;

“Anness I” tfisser l-Anness I tad-Direttiva 2003/63/KE u xi emendi oħra sussegwenti;

“l-Att” tfisser l-Att ta' l-2003 dwar il-Mediċini;

“l-Awtorità ” tfisser l-Awtorità dwar il-Mediċini stabbilita taħt l-Artikolu 4 ta' l-Att;

“l-Awtorità dwar il-Liċenzjar” tfisser l-Awtorità dwar il-Liċenzjar msemmija fl-artikolu 3 ta' l-Att;

“awtorizzazzjoni għat-tqeghid fis-suq globali” tfisser l-awtorizzazzjonijiet għat-tqeghid fis-suq li jkun fihom l-awtorizzazzjoni tal-bidu għat-tqeghid fis-suq u l-bidliet u l-estensjonijiet kollha tagħha, kif ukoll kull qawwa addizzjonali, għamla farmaċewtika, modi ta' mnejn jingħata jew preżentazzjonijiet awtorizzati permezz ta' proċeduri separati u taħt

isem differenti, moghtija lid-detentur ta' l-awtorizzazzjoni ghat-tqeghid fis-suq ta' l-awtorizzazzjoni tal-bidu;

“awtorizzazzjoni ghat-tqeghid fis-suq provvizorja” tfisser awtorizzazzjoni ghat-tqeghid fis-suq mahruġa mill-Awtorità dwar il-Liċenzjar għal prodotti li kienu fis-suq ta' Malta sat-30 ta' Novembru, 2002, u li dwarhom tkun giet riċevuta applikazzjoni valida għall-awtorizzazzjoni ghat-tqeghid fis-suq mill-Awtorità tal-Mediċini;

“bilan ta' benefiċċju/riskju” tfisser evalwazzjoni ta' l-effetti terapewtiċi pożitivi tal-prodott mediċinali u kif għandhom x'jaqsmu ma' riskji relatati mal-kwalità, sigurtà u effikaja tal-prodott mediċinali fir-rigward tas-saħħa tal-pazjent jew tas-saħħa pubblika;

“grupp ta' koordinament” tfisser il-grupp ko-ordinat imwaqqaf skond l-Artikolu 27 tad-Direttiva 2001/83/KE kif giet emendata bid-Direttiva l-2004/27/KE;

“isem komuni” tfisser l-isem mhux proprjetarju internazzjonali rakkomandat mill-Organizzazzjoni Dinjija tas-Saħħa, jew, jekk ma jeżistix, l-isem komuni li soltu jintuża;

“il-Komunità” tfisser l-Unjoni Ewropea, li qabel kienet maghrufa bhala l-Komunità Ewropea u l-Komunità Ekonomika Ewropea;

“il-Kummissjoni” tfisser il-Kummissjoni skond id-deċiżjoni tal-Kunsill 1999/468/KE tat-28 ta' unju, 1999;

“prodott mediċinali omeopatu” tfisser kull prodott mediċinali preparat minn sustanzi magħrufin bhala stokk omeopatu skond proċedura li timmanifattura omeopatikament u deskritta mill-Farmakopea Ewropea, jew fin-nuqqas ta' dan, mill-farmakopeċi użati korrentement u uffijalment fl-Istati Membri. Prodott mediċinali omeopatu jista' jkollu numru ta' prinċipji;

“prodott mediċinali” għandu jkollha l-istess tifsira bhal ma' giet definita fil-Att dwar il-Mediċini.

“il-qawwa tal-prodott mediċinali” tfisser il-kontenut tas-sustanzi attivi espressi bil-kwantità f'kull doża , f'kull doża bil-volum jew piż u skond l-għamla farmaċewtika;

“rappreżentant tad-detentur ta' l-awtorizzazzjoni ghat-tqeghid fis-suq” tfisser il-persuna maghrufa bhala l-Aġent lokali mahtur

mid-detentur ta' l-awtorizzazzjoni ghat-tqeghid fis-suq biex jirrapprezentah fl-Istat Membru involut;

“Stat Membru ta' Referenza” tfisser dak l-Istat Membru li, ghal xi prodott medicinali, ipproduca r-rapport ta' valutazzjoni li jservi bhala bazi għall-proċedura decentralizzata u għall-proċedura ta' għarfien reċiproku;

“riskji relatati mal-prodott medicinali” tfisser kull riskju relatat mal-kwalità, sigurtà jew effikaja tal-prodott medicinali rigward is-saħha tal-pazjent jew is-saħha pubblika jew kull riskju ta' effetti mhux mixtiqin fuq l-ambjent;

“Stat Membru” tfisser Stat li hu membru ta' l-Unjoni Ewropea u għandu jinkludi wkoll l-Iżlanda, in-Norveġja u Liechtenstein;

“Suprintendent” tfisser is-Suprintendent tas-Saħha Pubblika.

(2) Id-disposizzjonijiet ta' dawn ir-regolamenti m'għandhomx japplikaw għal:-

(a) prodotti medicinali li jkunu preparati fi spizerija skond xi riċetta medika għal kull pazjent individwali (komunement magħrufa bhala formola magħsterjali);

(b) prodotti medicinali li jkunu preparati fi spizerija skond riċetta farmakopeċika u li hu mifhum li jkunu fornuti direttament lill-pazjenti servuti mill-ispizerija in kwistjoni (komunement magħrufa bhala l-formola officinali);

(ċ) prodotti medicinali intenzjonati għal provi kliniċi u żvilupp imma mingħajr preġudizzju għad-disposizzjonijiet tar-Regolamenti ta' l-2004 Dwar Provi Kliniċi jew id-Direttiva 2001/20/KE tal-Parlament Ewropew u tal-Kunsill ta' l-4 ta' April, 2001, dwar l-approssimament tal-liġijiet, regolamenti u disposizzjonijiet amministrattivi ta' l-Istati Membri li għandhom x'jaqsmu ma' l-implimentazzjoni ta' prattika klinika korretta fit-tmexxija tal-provi kliniċi fuq prodotti medicinali għall-użu fil-bniedem;

A.L. 490 ta' l-2004.

(d) prodotti intermedjarji u intenzjonati għal aktar ipproċessar minn manifattur awtorizzat;

(e) kull radjunuklidi għamla ta' sorsi sigillati;

(f) demm shih, plasma, jew elluli ta' demm uman, minnbarra plasma li tkun preparata b'xi metodu li jinvolvi proċess industrijali;

(g) prodotti mediċinali fornuti fuq ordni mhix mitluba u *bona fide*, u maghmula skond l-ispeċifikazzjonijiet ta' professjonist awtorizzat fil-kura tas-saħha u għall-użu ta' kull pazjent individwalment taht ir-responsabilità personali diretta tiegħu.

Applikazzjoni.

3. (1) Id-disposizzjonijiet ta' dawn ir-regolament għandhom japplikaw għall-prodotti mediċinali għall-użu fil-bniedem u intenzjonati għas-suq ta' Malta u/jew preparati industrijalment jew manifatturati b'metodu li jinvolvi proċess industrijali.

(2) F'każ ta' dubbju, fejn, jittie' du in konsiderazzjoni il-karatteristiċi kollha tiegħu, il-prodott għandu jaqqa' taht it-tifsira ta' "prodott mediċinali" u taht it-tifsira ta' prodott kopert mill-liġijiet oħra tal-Komunità, id-disposizzjonijiet ta' dawn ir-regolamenti għandhom japplikaw.

Awtorizzazzjoni għal tqegħid fis-suq.

4. (1) (a) Bla ħsara għad-disposizzjonijiet li ġejjin ta' dan ir-regolament, ebda prodott mediċinali, ġeneraturi radjonuklidi, apparat, radjofarmaċewtiċi prekursori radjonuklidi u radjofarmaċewtiċi preparati industrijalment ma jistgħu jitqegħdu fis-suq f'Malta jekk ma jkunx hemm awtorizzazzjoni għat-tqegħid fis-suq valida fuq dak il-prodott, mahruġa mill-Awtorità dwar il-Liċenzjar skond dawn ir-regolamenti jew skond il-proċeduri stipulati fir-Regolament (KE) Nru 726/2004 tal-Parlament Ewropew u tal-Kunsill tal-31 ta' Marzu 2004 li jstipula proċeduri Komunitarji għall-awtorizzazzjoni u s-superviżjoni ta' prodotti mediċinali għall-użu fil-bniedem u għal użu veterinarju u li jstabbilixxi Aġenzija Ewropea għall-Mediċini, moqrija flimkien mar-Regolament (KE) Nru 1901/2006 tal-Parlament Ewropew u tal-Kunsill tat-12 ta' Diembru 2006 fuq prodotti mediċinali għal użu pedjatriku, u dak it-tqegħid fis-suq ikun skond il-patti u l-kondizzjonijiet ta' dik l-awtorizzazzjoni għat-tqegħid fis-suq.

(b) Meta prodott mediċinali jkun mogħti l-ewwel awtorizzazzjoni għat-tqegħid fis-suq skond is-subparagrafu (a), kull qawwa addizzjonali, għamliet farmaċewtiċi, modi ta' mnejn jingħata u presentazzjonijiet godda, kif ukoll kull varjazzjoni u estensjoni għandhom ukoll jiġu mogħtija awtorizzazzjoni skond is-subparagrafu (a) jew ikunu inkluzi fl-ewwel awtorizzazzjoni għat-tqegħid fis-suq. Dawn l-awtorizzazzjonijiet għat-tqegħid fis-suq kollha għandhom jiġu kkunsidrati bħala li jappartjenu lill-istess awtorizzazzjoni għat-tqegħid fis-suq globali, u partikolarment bil-ghan ta' l-applikazzjoni tar-regolament 7(1).

(c) Id-disposizzjonijiet tas-subregolamenti 1(a), u (b) għandhom japplikaw ukoll għal ġeneraturi radjonuklidi, apparat, radjofarmaċewtiċi bi prekursor radjonuklidi u radjofarmaċewtiċi ippreparati b'mod industrijali.

(d) Ma tenhtieg ebda awtorizzazzjoni għal tqeghid fis-suq fil-każ ta' radjofarmaċewtiku li jiġi ippreparat fil-waqt li dan ikun ser jintuża minn persuna jew minn stabbiliment li jkunu awtorizzati kif imiss biex jużaw dawk il-prodotti mediċinali fi stabbiliment għal kura tas-saħha approvat, esklużivament minn ġeneraturi radjonuklidi, apparat jew prekursori radjonuklidi awtorizzati skond l-istruzzjonijiet tal-manufattur.

(e) L-Awtorità dwar il-Liċenzjar tista', f'każijiet eċċezzjonali, bla hsara għal kull kondizzjoni li tidhriha xierqa, tippermetti l-użu ta' prodott mediċinali li ma jkollux awtorizzazzjoni għat-tqeghid fis-suq.

(f) L-Awtorità dwar il-Liċenzjar tista' temporanjament tawtorizza d-distribuzzjoni ta' prodott mediċinali mhux awtorizzat wara li jsehh it-tixrid. li jista' jkun kemm suspettat jew konfermat, ta' aġenti patoġeniċi, tossini, aġenti kimiċi jew radjazzjoni nukleari li jistgħu jkunu dannużi.

(g) Prodotti li għandhom awtorizzazzjoni għat-tqeghid fis-suq provvizorja, għandhom jithallew jibqgħu fis-suq sa dak iż-żmien meta l-Awtorità dwar il-Liċenzji tista' tistabbilixxi.

(h) Id-detentur ta' l-awtorizzazzjoni għal tqeghid fis-suq ikun responsabbli għal tqeghid fis-suq tal-prodott mediċinali u l-hatra ta' rappreżentant ma tehlisx lid-detentur ta' l-awtorizzazzjoni għat-tqeghid fis-suq mir-responsabbiltà legali li jkollu.

(2) (a) Fin-nuqqas ta' awtorizzazzjoni għal tqeghid fis-suq jew li jkun hemm applikazzjoni pendenti għal prodott mediċinali li jkun awtorizzat fi Stat Membru iehor skond id-Direttiva 2001/83/KE tal-Parlament Ewropew u tal-Kunsill tas-6 ta' Novembru 2001 fuq il-kodiċi Komunitarju li għandu x'jaqsam ma' prodotti mediċinali għall-użu fil-bniedem, u l-emendi rispettivi, l-Awtorità dwar il-Liċenzjar tista' għal raġunijiet ġustifikati ta' saħha pubblika tawtorizza t-tqeghid ta' dak il-prodott mediċinali fis-suq f'Malta.

(b) Il-prodott mediċinali msemmi fil-paragrafu 2(a) għandu partikolarment jikkonforma mal-htigiet tad-disposizzjonijiet li jirrigwardaw il-klassifikazzjoni ta' prodotti mediċinali, stipulati fl-Att

dwar il-Mediċini, u regolamenti maghmulin tahtom, u r-regolamenti li ġejjin:

A.L. 380 ta' l-2005. (i) Regolamenti ta' l-2005 dwar ir-Reklamar ta' Prodotti Mediċinali,

A.L. 393 ta' l-2005. (ii) Regolamenti ta' l-2005 dwar it-Tqeghid ta' Tikketti u Ppakkettjar ta' Prodotti Mediċinali,

A.L. 61 ta' l-2006. (iii) Regolamenti ta' l-2006 dwar il-Farmakovigilanza, u,

A.L. 386 ta' l-2005. (iv) Regolamenti ta' l-2005 dwar it-Tqassim bl-Ingrossa ta' Prodotti Mediċinali.

(ċ) Kull awtorizzazzjoni mahruġa taht dan ir-regolament għandha għall-finijiet ta' l-artikoli 99 sa 104 ta' l-Att dwar il-Mediċini titqies bhala awtorizzazzjoni għat-tqeghid fis-suq.

(d) Qabel ma tohroġ dik l-awtorizzazzjoni l-Awtorità dwar il-Liċenzjar għandha:

(i) tavża lid-detentur ta' awtorizzazzjoni għal tqeghid fis-suq fl-Istat Membru fejn il-prodott mediċinali involut ikun awtorizzat, bl-intenzzjoni tagħha li tohroġ awtorizzazzjoni taht is-subregolament (2) ta' dan ir-regolament, u

(ii) titlob lill-awtorità kompetenti f'dak l-Istat Membru tagħtiha kopja tar-rapport ta' stima, u ta' l-awtorizzazzjoni għat-tqeghid fis-suq li tkun fis-sehħ.

(e) (i) Il-prodott mediċinali li jitqiegħed fis-suq f'Malta għandu jkun dak awtorizzat mill-Istat Membru msemmi fil-paragrafu (a) ta' dan is-subregolament.

A.L. 437 ta' l-2004. (ii) Awtorizzazzjoni taht dan is-subregolament ma tistax tintuża bhala l-bażi għal liċenza taht ir-Regolamenti ta' l-2004 dwar l-Importazzjoni Parallela ta' Prodotti Mediċinali.

(iii) Awtorizzazzjoni taht dan is-subregolament ma tistax tintuża bhala referenza għal applikazzjoni ipprezentata skond ir-regolament 7.

(f) Id-detentur ta' l-awtorizzazzjoni f'Malta mahruġa skond dan is-subregolament, għandu jiżgura li:

(i) il-prodott mediċinali jkun skond l-awtorizzazzjoni għal tqeghid fis-suq mahruġa mill-Istat Membru hawn qabel imsemmi, u jinkludi kull varjazzjoni partikolarment dawk li jaffettwaw is-sommarju tal-karatteristiċi tal-prodott, it-tikkettjar u l-fuljett ta' tagħrif tal-prodott mediċinali kif approvat f' dak l-Istat Membru, u jippreżenta id-dokumentazzjoni aġġornata lill-Awtorità dwar il-Mediċini:

(ii) huwa jimplimenta minghajr ebda dewmien azzjonijiet li għandhom x'jaqsmu ma' kwistjonijiet li jirrigwardaw il-prodott mediċinali, li jkunu irrizultaw fil-ġbir mis-suq ta' prodott jew lott, skond ma jista' japplika għal prodott mediċinali awtorizzat fl-Istat Membru hawn qabel imsemmi.

(g) Fil-każ ta' prodott mediċinali, meta d-distributur bl-ingrossa ma jkunx id-detentur ta' awtorizzazzjoni għall-prodott mediċinali f' Malta, id-distributur għandu, fir-rigward tal-prodott li jkun qiegħed jiddistribwixxi f' Malta, iforni lill-Awtorità dwar il-Mediċini kopja awtentikata ta' dik l-awtorizzazzjoni flimkien ma' ittra ta' aċċess mahruġa mid-detentur ta' awtorizzazzjoni li tikkonedi lid-distributur bl-ingrossa l-użu ta' awtorizzazzjoni bħal dik.

5. (1) Awtorizzazzjoni għat-tqeghid fis-suq, tista' tingħata jew tiġġedded biss jekk il-kondizzjonijiet ġenerali applikabbli għall-awtorizzazzjonijiet u l-kondizzjonijiet infurzati bid-Direttiva 2001/83/KE fuq il-Kodiċi tal-Komunità li għandhom x'jaqsmu ma' prodotti mediċinali għall-użu fil-bniedem u emendi oħra li ġew wara, jkunu kif ġej:-

Għoti jew tiġdid ta' l-awtorizzazzjoni għat-tqeghid fis-suq.

(a) applikazzjoni għal awtorizzazzjoni għat-tqeghid fis-suq, għandha ssir lill-Awtorità dwar il-Liċenzjar li għandha tirreferi applikazzjoni bħal din lill-Awtorità għall-ipproċessar;

(b) awtorizzazzjoni għat-tqeghid fis-suq, għandha tingħata biss lil applikant stabbilit fil-Komunità;

(ċ) l-applikazzjoni għandu jkollha magħha dawn id-dokumenti u dettalji li ġejjin u dawn għandhom jiġu ippreżentati skond Anness I:

(i) l-isem jew l-isem korporattiv u l-indirizz permanenti ta' l-applikant u fejn dan ikun japplika, tal-manifattur;

(ii) l-isem tal-prodott mediċinali;

(iii) il-partikolaritajiet kwalitattivi u kwantitattivi tas-sustanzi kollha tal-prodott mediċinali, li jinkludu wkoll ir-referenza għall-isem tiegħu mhux proprjetarju internazzjonali (INN) rakkomandat mill-Organizzazzjoni Dinjija tas-Sahha (WHO), fejn INN għal dak il-prodott mediċinali jkun jeżisti, jew xi referenza għall-isem kimiku rilevanti;

(iv) evalwazzjoni tar-riskji potenzjali ambjentali li l-prodott mediċinali jgħib miegħu. Dan l-impatt għandu jiġi valutat, skond ma jkun jirrikjedi kull każ għalih, għandhom jiġu maħsuba arrangamenti speċifiċi sabiex dan jiġi limitat;

(v) deskrizzjoni tal-metodu ta' manifattura;

(vi) indikazzjonijiet terapewtiċi, kontra-indikazzjonijiet u reazzjonijiet avversi;

(vii) pożoloġija, għamla farmaċewtika, mod ta' kif u mnejn jinghata u għal kemm żmien mistenni li jdum tajjeb il-prodott mediċinali;

(viii) ir-raġunijiet għal xi miżuri ta' prekawzjoni u sigurtà li għandhom jittie' du għall-ħażna tal-prodott mediċinali, kif jinghata lill-pazjenti u għar-rimi ta' l-iskart, flimkien ma' indikazzjoni ta' xi riskji potenzjali magħmula fuq l-ambjent mill-prodott mediċinali;

(ix) deskrizzjoni tal-metodi ta' kontroll użati mill-manifattur;

(x) ir-rizultati ta' testijiet farmaċewtiċi (fiżiko-kimiċi, bioloġiċi, jew mikrobioloġiċi) u testijiet pre-kliniċi (tossikoloġiċi, u farmakoloġiċi) provi kliniċi.

Deskrizzjoni dettaljata tal-farmakoviġilanza, u meta jkun adatt, tas-sistema dwar il-maniggar ta' riskju li l-applikant ikollu jintrodui.

Dikjarazzjoni li tkun tgħid li provi kliniċi li jsiru barra mill-Unjoni Ewropea jkunu skond il-htigiet etiċi tar-Regolamenti ta' l-2004 dwar Provi Kliniċi, u tad-Direttiva 2001/20/KE tal-Parlament Ewropew u tal-Kunsill ta' l-4 ta' April, 2001 fuq l-approssimazzjoni tal-liġijiet, regolamenti u disposizzjonijiet amministrattivi ta' l-Istati Membri li għandhom x'jaqsmu ma' l-implimentazzjoni ta' Prattika klinika tajba fit-tmexxija ta' provi kliniċi fuq prodotti mediċinali għall-użu fil-bniedem;

(xi) sommarju, skond ir-regolament 8, tal-karatteristiċi tal-prodott, kopja ta' l-ippakkettjar fuq barra, li jkun fih dettalji provduti skond ir-Regolamenti ta' l-2005 dwar it-Tqeghid ta' Tikketti u Ppakkettjar ta' Prodotti Mediċinali, u ta' l-ippakkettjar immedjat tal-prodott mediċinali, li jkun fih id-dettalji provduti minn dawk ir-regolament, flimkien mal-fuljett ta' tagħrif skond l-istess regolamenti; A.L. 490 ta' l-2004.

(xii) dokument li juri li l-manifattur hu awtorizzat f'pajjiżu li jipproduċi prodotti mediċinali; u

(xiii) kopji ta' kull awtorizzazzjoni mahruġa minn xi Stat Membru iehor jew minn pajjiż iehor li m'huwiex fil-Komunità, biex il-prodott mediċinali jitqeghd fis-suq, flimkien ma' lista ta' dawk l-Istati Membri li fihom l-applikazzjoni għall-awtorizzazzjoni magħmula skond il-provvedimenti tad-Direttiva 2001/83/KE, kif emendata, tkun għada qed tiġi eżaminata. Kopji tas-sommarju tal-karatteristiċi tal-prodott proposti mill-applikant skond ir-regolament 8 u approvati mill-awtoritajiet kompetenti ta' l-Istati Membri. Kopji tal-fuljett ta' tagħrif propost skond ir-Regolamenti ta' l-2005 dwar it-Tqeghid ta' Tikketti u Ppakkettjar ta' Prodotti Mediċinali, jew kif approvati mill-awtoritajiet kompetenti ta' l-Istat Membru. Id-dettalji ta' kull deċiżjoni li tirrifjuta xi awtorizzazzjoni, sew jekk fil-Komunità jew f'pajjiż iehor, u r-raġunijiet għal din id-deċiżjoni;

(xiv) Kopja tad-dokument li juri li l-prodott mediċinali gie mahtur bħal prodott mediċinali orfni taht ir-Regolament (KE) Nru 141/2000 tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Diċembru 1999 dwar prodotti mediċinali orfni, akkumpanjati minn kopja ta' l-Opinjoni ta' l-Aġenzija li tkun rilevanti;

(xv) Provi li l-applikant għandu s-servizzi ta' xi persuna kwalifikata responsabbli għall-farmakovigilanza u għandu l-mezzi neċessarji għan-notifika ta' kull reazzjoni avversa suspettata li tkun qed tiġri fil-Komunità jew fil-pajjiż iehor.

(2) L-informazzjoni taht is-subregolament (1)(c)(xiii) għandha tiġi aġġornata regolarment.

(3) Id-dokumenti u l-informazzjoni li jkollhom x'jaqsmu mar-riżultati tat-testijiet farmaċewtiċi u pre-kliniċi u l-provi kliniċi li għalihom hemm referenza fis-subregolament (c) (x) hawn aktar qabel, għandu jkollhom magħhom sommarji dettaljati skond ir-regolament 9.

Applikazzjoni ghal
generator
radjunuklidu.

6. Fil-każ ta' applikazzjoni ghal awtorizzazzjoni ghat-tqeghid fis-suq ghal generator radjonuklidu, flimkien mal-htigiet infurzati fir-regolament 5 u 7(1), l-applikazzjoni ghandu jkollha wkoll:

(a) deskrizzjoni generali tas-sistema flimkien ma' deskrizzjoni dettaljata tal-komponenti tas-sistema li jistghu jolqtu il-kompożizzjoni jew il-kwalità tal-preparament nuklejdi filjali; u

(b) dettalji kwantitattivi u kwalitattivi ta' l-elwat jew is-sublimat.

Detalji li jridu jiġu
provduti.

7. (1)(a)(i) B'deroga mir-regolamenti 5(1)(c)(x) u minghajr preġudizzju ghal-liġi relatata mal-protezzjoni ta' proprjetà industrijali u kummerċjali, l-applikant mhux mistenni li jipprovdi r-rizultati tat-testijiet pre-kliniċi u provi kliniċi jekk ikun kapai juri li l-prodott mediċinali hu generiku ta' prodott mediċinali ta' referenza li hu jew kien awtorizzat taht l-Artikolu 6 tad-Direttiva 2001/83/KE u l-emendi sussegwenti, għal mhux inqas minn sitt snin f'Malta jew fil-Komunità.

(ii) Is-subregolament (1)(a)(i) ghandu wkoll japplika jekk il-prodott mediċinali ta' referenza ma kienx awtorizzat f'Malta. F'dan il-każ, l-applikant ghandu jindika fil-formola ta' l-applikazzjoni l-isem ta' l-Istat Membru li fih il-prodott mediċinali ta' referenza hu, jew kien, awtorizzat. Fuq talba ta' l-Awtorità dwar il-Liċenzjar, l-Awtorità kompetenti ta' l-Istat Membru l-iehor ghandha ttipprovdi, fi żmien xahar, konferma illi l-prodott mediċinali ta' referenza huwa, jew kien, awtorizzat, bil-kompożizzjoni kollha tal-prodott ta' referenza u jekk ikun hemm bżonn aktar dokumentazzjoni rilevanti.

Iżda li l-Awtorità dwar il-Liċenzjar ghandha, fi żmien xahar ttipprovdi kull informazzjoni mitluba minnha mill-Awtorità kompetenti ta' xi Stat Membru iehor rigward xi prodott mediċinali ta' referenza li jkun awtorizzat f'Malta.

Iżda ukoll għall-finijiet ta' dan ir-regolament:

“prodott mediċinali ta' referenza” ghandha tfisser prodott mediċinali awtorizzat bir-regolament 4, skond il-provvedimenti tar-regolamenti 5 u 6;

“prodott mediċinali generiku” tfisser prodott mediċinali li jkollu l-istess kompożizzjoni kwalitattiva u kwantitattiva f'sustanzi attivi u l-istess għamla farmaċewtika bħall-prodott mediċinali ta' referenza, u li l-bioekwivalenza tieghu mal-prodott mediċinali ta' referenza tkun ġiet muriġa bi studji ta' biodisponibilità addattati. Il-melh differenti, esteri, eteri, isomeri, tahlit ta' isomeri, differenti,

kumplessi jew derivattivi ta' xi sustanza attiva ghandhom jiġu kunsidrati bhala l-istess sustanza attiva, jekk ma jkunux differenti b'mod sinjifikanti fil-proprjetatiet tagħhom fejn ghandha x'taqsam is-sigurtà u, jew l-effikaċja. F'każi bhal dawn, aktar informazzjoni li tagħti prova tas-sigurtà u, jew l-effikaċja tal-melħ, esters, jew derivattivi ta' xi sustanza attiva awtorizzata ghandha tiġi fornuta mill-applikant. L-ghamliet farmaċewtiċi varji li jinghataw mill-halq u li minnhom is-sustanzi attivi jiġu b'mod immedjat ghandhom jiġu kunsidrati bhala li huma ta' l-istess ghamla farmaċewtika. L-istudji ta' biodisponibilità mhumiex neċessarjament mehtieġa mill-applikant jekk huwa jkun kapai jipprova illi l-prodott mediċinali ġeneriku jkun jilhaq il-kriterja rilevanti kif huma definiti fil-linji gwida adatti rilevanti.

(b) F'każijiet fejn il-prodott mediċinali ma jaqax taht id-definizzjoni ta' prodott mediċinali ġeneriku kif provdut hawn aktar 'il fuq, jew fejn il-bioekwivalenza ma tistax tiġi pruvata permezz ta' studji ta' biodisponibilità jew fil-każ ta' tibdil fis-sustanzi attivi, indikazzjonijiet terapewtiċi, qawwa, ghamla farmaċewtika jew mod ta' mnejn jinghata, *vis-à-vis* il-prodott mediċinali ta' referenza ghandhom jiġu provduti r-riżultati tat-testijiet pre-kliniċi jew provi kliniċi adatti.

(ċ) Meta prodott mediċinali bioloġiku, li hu simili għall-prodott bioloġiku ta' referenza, ma jaqbilx mal-kondizzjonijiet tad-definizzjoni ta' prodotti mediċinali ġeneriċi, partikolarment minhabba id-differenzi relatati mal-materja prima jew differenzi fil-proċessi tal-manifattura tal-prodott mediċinali bioloġiku, ghandhom jiġu provduti r-riżultati tat-testijiet pre-kliniċi relatati jew provi kliniċi adatti ma' dawn il-kondizzjonijiet. It-tip u l-kwantità tad-*data* supplimentari li ghandha tiġi provduta trid tlahhaq mal-kriterji rilevanti mogħtijin f'Anness I u l-linji gwida dettaljati u relatati magħha. Ir-riżultati ta' testijiet oħra u provi oħra mill-informazzjoni dokumentata tal-prodott mediċinali ta' referenza m'humiex mehtieġa.

(d) B'żjieda mad-dispożizzjonijiet imniżżla fis-subregolament 1(a), meta ssir applikazzjoni għal indikazzjoni ġdida għal sustanza stabbilita sew, ghandha tiġi mogħtija l-esklużività ta' l-informazzjoni għal żmien mhux kumulattiv ta' sena, bil-patt li studji pre-kliniċi jew kliniċi sinifikanti relatati ma' l-indikazzjoni ġdida jkunu ġew esegwiti.

(e) It-tmexxija ta' l-istudji u l-provi neċessarji in vista ta' l-applikazzjoni tas-subregolament 1(a),(b), u (ċ) u l-htigijiet prattiċi sussegwenti m'għandiex titqies bhala li tkun kontra d-drittijiet tal-

privattiva jew taċ-ċertifikati ta' protezzjoni supplimentarja għall-prodotti mediċinali.

(f) Iż-żminijiet ta' protezzjoni provduti fis-subregolament 1(a),(b),(c) u (d) m'għandhomx japplikaw għall-prodotti mediċinali ta' referenza li għalihom tkun saret applikazzjoni qabel id-data ta' meta dawn jidhlu fis-sehh.

(2) B'deroga mir-regolament 5 (1)(c)(x), u mingħajr preġudizzju għal-liġi relatata mal-protezzjoni ta' proprjetà industrijali u kummerċjali, l-applikant mhux mehtieg li jipprovi r-rizultati tat-testijiet pre-kliniċi jew provi kliniċi jekk ikun kapai juri illi s-sustanzi attivi tal-prodott mediċinali ilhom jiġu wżati għal uzu mediċinali stabbilit fi hdan il-Komunità għal mhux anqas minn għaxar snin, b'effikaċja magħrufa u f'livell ta' sigurtà aċċettabbli skond ta' dawk il-kondizzjonijiet stabbiliti fl-Anness I. F'dak il-każ, ir-rizultati tat-testijiet u l-provi kliniċi għandhom jiġu mibdulin b'informazzjoni xjentifika xierqa.

(3) Fil-każ ta' prodotti mediċinali li jkun fihom sustanzi attivi wżati fil-kompożizzjoni ta' prodotti mediċinali awtorizzati, imma li sa issa jkunu għadhom mhux użati flimkien għal għanijiet terapewtiċi, ir-rizultati ta' testijiet godda pre-kliniċi jew provi kliniċi godda, relatati ma' l-ikkumbinar, għandhom jiġu provduti skond ir-regolament 5(1)(c)(x), iżda ma jkunux mehtieġa referenzi xjentifiċi relatati individwalment ma' kull sustanza attiva.

(4) Wara l-ghotja ta' awtorizzazzjoni għat-tqeghid fis-suq id-detentur ta' l-awtorizzazzjoni jista' jiġi mholli juża d-dokumentazzjoni pre-klinika jew klinika li jkun hemm fil-fajl tal-prodott mediċinali, bl-iskop li jiġu eżaminati applikazzjonijiet li jiġu wara u li jkollhom x'jaqsmu ma' prodotti oħra mediċinali li jkollhom l-istess kumbinazzjoni kwalitattiva u kwantitattiva f'dawk li huma ta' sustanzi attivi u l-istess għamla farmaċewtika.

8. Is-sommarju tal-karatteristiċi tal-prodott għandu jkun fih, bl-ordni murija hawn taht, l-informazzjoni li ġejja:

(a) L-isem tal-prodott mediċinali, il-qawwa tal-prodott u l-għamla farmaċewtika tiegħu.

(b) Il-kompożizzjoni kwalitattiva u kwantitattiva rigward is-sustanzi attivi u l-kostitwenti ta' l-eċċipjent, informazzjoni essenzjali għall-aministrazzjoni korretta tal-prodott mediċinali. Għandhom jiġu użati l-isem komuni u d-deskrizzjoni kimika.

- (ċ) L-ghamla farmaċewtika.
- (d) Partikularitajiet kliniċi:
 - (i) indikazzjonijiet terapewtiċi;
 - (ii) posoloġija u metodu ta' kif jinghata lill-adulti u, fejn ikun mehtieg, lit-tfal;
 - (iii) kontra-indikazzjonijiet;
 - (iv) twissijiet u prekawzjonijiet speċjali dwar l-użu fil-każ ta' prodotti mediċinali immunoloġiċi, xi prekawzjonijiet speċjali li għandhom jittie' du minn persuni li jimmaniġġaw prodotti bħal dawn u jamministrawhom lill-pazjenti, flimkien ma' xi prekawzjonijiet li għandhom jittie' du mill-pazjent innifsu;
 - (v) interazzjoni ma' prodotti mediċinali oħrajn u għamliet oħra ta' interazzjoni;
 - (vi) l-użu matul it-tqala u t-treddigh;
 - (vii) effetti li jista' jkun hemm għal min isuq jew ihaddem xi makkinarju;
 - (viii) effetti mhux mixtieqa;
 - (ix) doża eċċessiva (is-sintomi, xi proċeduri ta' emerġenza, antidoti).
- (e) Kwalitajiet farmakoloġiċi:
 - (i) Kwalitajiet farmakodinamiċi;
 - (ii) kwalitajiet farmakokinetiċi;
 - (iii) informazzjoni pre-klinika ta' sigurtà;
- (f) Dettalji farmaċewtiċi:
 - (i) lista ta' reċipjenti;
 - (ii) inkompatibilitajiet maġġuri;

(iii) tul ta' żmien kemm il-prodott jibqa tajjeb biex jintuża, fejn ikun hemm bżonn wara li jiġi rikostitwit il-prodott mediċinali meta l-ippakkettjar immedjat jiġi miftu' għall-ewwel darba;

(iv) prekawzjonijiet speċjali dwar il-ħażna;

(v) in-natura u l-kontenut tal-kontenitur;

(vi) prekawzjonijiet speċjali għar-rimi tal-prodott mediċinali wżat jew materjal ta' skart li jibqa' mill-prodott mediċinali, jekk ikun hemm.

(g) Id-detentur ta' l-awtorizzazzjoni għat-tqeghid fis-suq.

(h) In-numru ta' l-awtorizzazzjoni għat-tqeghid fis-suq.

(i) Id-data ta' l-ewwel awtorizzazzjoni jew tat-tiġdid ta' l-awtorizzazzjoni.

(j) Data tar-revizjoni ta' l-informazzjoni fil-fuljett ta' tagħrif tal-prodott mediċinali.

(k) Għar-radjofarmaceutiċi:

(i) dettalji kompluti tad-dosimetrija tar-radjoazzjoni intern;

(ii) l-istruzzjonijiet dettaljati addizzjonali għall-preparazzjoni estemporanja u kontroll ta' kwalità ta' preparazzjonijiet bħal dawġ u, fejn meħtieġ iż-żmien massimu ta' ħażna li matulu, xi preparazzjoni intermedja bħal xi elwat jew il-farmaċewtiku pront-għall-użu ikun jikkonforma ma' l-ispeċifikazzjonijiet tiegħu.

(2) Għall-awtorizzazzjonijiet msemminj fir-regolament 7, dawġ il-partijiet fis-sommarju tal-karatteristiċi tal-prodott tal-prodott mediċinali ta' referenza li jirreferu għal indikazzjonijiet jew għamliet ta' doża li kienu għadhom koperti mill-liġi tal-privattivi fiż-żmien meta l-mediċina ġenerika kienet tqieghdet fis-suq jistgħu ma jiġux inklużi.

9. (1) L-applikant għandu jiżgura illi qabel ma s-sommarji dettaljati msemminj fir-regolament 5(3) ikunu mghoddija lill-Awtorità dwar il-Liċenzjar, dawn għandhom ikunu formulati u iffirmati minn esperti bil-kwalifiki professjonali u tekniċi meħtieġa, li għandhom jiġu mniżżla f'*curriculum vitae* qasir.

(2) Dawk il-persuni li jkollhom kwalifiki professjonali u tekniċi msemmijin fis-subregolament itat qabel, għandhom jiġġustifikaw kull użu magħmul minn taġġir xjentifiku taht ir-regolament 7(2) skond il-kondizzjonijiet infurzati fl-Anness I.

(3) Is-sommarji dettaljati għandhom ikunu parti mill-*file* li l-applikant jipprezenta lill-Awtorità dwar il-Licenzjar.

10. (1) L-awtorità għandha tiżgura li prodotti mediċinali omeopatiċi manufatturati u mqegħdin fis-suq fil-Komunità jkunu reġistrati jew awtorizzati skond ir-regolamenti 10 u 11. Fil-każ ta' reġistrazzjonijiet is-subregolament 22 (1)(a) sa (f) għandhom ikunu japplikaw.

Disposizzjonijiet speċifiċi applikabbli għal prodotti mediċinali omeopatiċi.

(2) L-awtorità għandha tistabbilixxi proċedura ta' reġistrazzjoni simplifikata għall-prodotti mediċinali omeopatiċi msemmija fis-subregolament (3).

(3) Il-prodotti mediċinali omeopatiċi biss li jissodisfaw il-kondizzjonijiet li ġejjin għandhom ikunu soġġetti għall-proċedura ta' reġistrazzjoni simplifikata speċjali:

(a) ikunu mogħtijin mill-halq jew esternament;

(b) l-ebda indikazzjoni terapewtika speċifika ma tidher fuq it-tikkettjar tal-prodott mediċinali jew f'xi informazzjoni relatata magħha;

(ċ) ikun hemm grad suffiċjenti ta' dilwit li jggarantixxi s-sigurtà tal-prodott mediċinali; il-prodott mediċinali m'għandux ikun fih, jew aktar minn parti waħda għal kull 10,000 tat-tintura omm jew aktar minn 1/100 ta' l-iżgħar doża użata f'allopattija rigward is-sustanzi attivi li l-preżenza taġġhom fil-prodott mediċinali allopattiku jirriżulta f'obbligazzjoni li tiġi ipprezentata riċetta ta' tabib.

Il-klassifikazzjoni biex jingħata l-prodott mediċinali, għandha tkun deċiża mill-Awtorità waqt ir-reġistrazzjoni.

Il-kriterji u r-regolamenti tal-proċedura li dwarhom hemm provdut fil-regolamenti 12, 17, 18, 19, 20 u 21 u l-artikli 4(4), 112, 116 u 125 tad-Direttiva 2001/83/KE, kif emendati, għandhom japplikaw b'analogija għall-proċedura ta' reġistrazzjoni simplifikata u speċjali għall-prodotti mediċinali omeopatiċi minbarra l-prova ta' l-effikaċja terapewtika.

(4) Applikazzjoni għal reġistrazzjoni simplifikata speċjali għandha tkopri serje ta' prodotti mediċinali meħudin mill-istess hażna jew hażniet omeopatiċi. Id-dokumenti li ġejjin għandhom jiġu inklużi ma' l-applikazzjoni biex juru, partikolarment il-kwalità farmaċewtika u l-omeoġeneċità, minn lott għal iehor tal-prodotti involuti:

(a) L-isem xjentifiku jew xi isem iehor, mogħti f' farmakopea, ta' hażna jew 'ażniet omeopatiċi, flimkien ma' dikjarazzjoni tarrotot ta' amministrazzjoni, għamliet farmaċewtiċi u grad ta' dilwit li jkun se jiġi reġistrat.

(b) tagħrif li jispjega kif il-hażna jew hażniet omeopatiċi jinkisbu u jiġu kontrollati, u jiġi ġustifikat l-użu omeopatik u tagħhom, fuq bażi ta' biblijografija adegwata.

(ċ) fajl dwar l-immanifatturar u l-kontroll ta' kull għamla farmaċewtika u deskrizzjoni tal-metodu ta' dilwit u potentizzazzjoni.

(d) l-awtorizzazzjoni ta' l-immanifatturar għall-prodott mediċinali konċernat.

(e) kopja tar-reġistrazzjonijiet u awtorizzazzjonijiet akkwistati għall-istess prodott mediċinali fi Stati Membri oħra.

(f) xi wiehed jew aktar *mock-ups* ta' l-ippakkettjar fuq barra u l-ippakkettjar immedjat tal-prodott mediċinali li jkun se jiġi reġistrat.

(g) l-informazzjoni dwar l-istabbiltà tal-prodott mediċinali.

Riserva.

11. Prodotti omeopatiċi barra dawk imsemmija f'regolament 10(3), iridu jiġu awtorizzati u ittikkettjati skond ir-regolamenti 5, 7 u 8.

L-ipproċessar ta' applikazzjoni.

12. Għandu jkun id-dmir ta' l-Awtorità li tiżgura li l-proċedura għall-ghoti ta' l-awtorizzazzjoni għat-tqegħid fis-suq għal prodott mediċinali tkun kompluta fi żmien massimu ta' 210 jiem wara li tiġi ppreżentata applikazzjoni valida:

Iżda l-applikazzjonijiet għall-awtorizzazzjonijiet għat-tqegħid fis-suq f'żewġ Stati Membri jew aktar għall-istess prodott mediċinali għandha tiġi ippreżentata skond il-proċedura tal-għarfien reċiproku jew il-proċedura deċentralizzata.

13. Meta l-Awtorità tinnota li xi applikazzjoni ta' awtorizzazzjoni għat-tqeghid fis-suq għall-istess prodott mediċinali tkun qeghda tiġi eżaminata minn xi Stat Membru ieħor, l-Awtorità għandha tirrifjuta li tivvaluta l-applikazzjoni u għandha tavża lill-applikant illi jkunu japplikaw il-proċedura għall-għarfien reċiproku u l-proċedura deċentralizzata.

Applikazzjoni li tkun diġà qeghda tiġi eżaminata fi Stat Membru.

14. Meta l-Awtorità tkun infurmata skond ir-regolament 5(1)(ċ)(xiii) li Stat Membru ieħor ikun awtorizza xi prodott mediċinali li jkun jifforma s-sugġett ta' applikazzjoni għall-awtorizzazzjoni għat-tqeghid fis-suq f'Malta, hija għandha tirrifjuta l-applikazzjoni jekk din ma tkunx ġiet ippreżentata skond il-proċedura ta' għarfien reċiproku jew skond il-proċedura deċentralizzata

Id-dmirijiet ta' l-Awtorità malli tirċievi r-rapport.

15. (1) Biex teżamina l-applikazzjoni ippreżentata skond ir-regolamenti 5 u 7 ta' dawn ir-regolamenti, l-Awtorità:

Evalwazzjoni ta' l-applikazzjoni.

(a) għandha tivverifika jekk il-partikolaritajiet ippreżentati mill-applikant ikunux konformi mal-provvedimenti ta' dawn ir-regolamenti u teżamina jekk il-kondizzjonijiet biex tinhareg awtorizzazzjoni għat-tqeghid fis-suq ġewx imharsa;

(b) tista' tippreżenta l-prodott mediċinali, il-komponenti oriġinali, u jekk ikun hemm htieġa, il-prodotti intermedjarji jew komponenti kostitwenti oħra, għall-ittestjar minn Laboratorju Uffiċjali għall-kontroll ta' Mediċini jew xi laboratorju mahtur għal dak l-għan mill-Awtorità biex tiżgura li l-metodi ta' kontroll użati mill-manifattur u deskritti fil-partikolaritajiet mehmuża ma' l-applikazzjoni skond ir-regolament 5(1)(c)(ix) jkunu sodisfaċenti;

(ċ) tista', fejn ikun hemm bżonn, tehtieġ lill-applikant jissupplementa l-partikolaritajiet ta' ma' l-applikazzjoni u li għandhom x'jaqsmu ma' dak kollu mehtieġ skond ir-regolamenti 5(1)(c) u 7, f'liema każ, il-mitejn u għaxar jum imsemmija fir-regolament 12 għandhom ikunu sospiżi sakemm tiġi provduta l-informazzjoni supplimentari mehtieġa. Bl-istess mod, dawn it-termini ta' żmien limitati għandhom jiġu sospiżi meta l-applikant jiġi mogħti l-opportunità li jipprovdi spjegazzjoni bil-fomm jew bil-miktub.

(2) L-Awtorità:

(a) għandha tivverifika illi l-manifatturi u l-importaturi tal-prodotti mediċinali ġejjin minn pajjiżi li m'humiex fil-komunita' jkunu kapai jeseġwixxu manifatturar li jlahhaq mal-partikolaritajiet mogħtija konformement sottomessi mar-regolament 5(1)(c)(v) u,

jew li jese gwixxu kontrolli skond il-metodi deskritti fil-partikolaritajiet li jkun hemm ma' l-applikazzjoni skond ir-regolament 5(1)(c)(ix);

(b) tista thalli lil manifatturi u importaturi ta' prodotti medicinali g'ejjin minn pajjizi li m'humiex fil-Komunita', f'kazijiet li jistghu jigu g'ustifikati, li jkollhom erti passi ta' manifattura u/jew parti mill-kontrolli msemmijin fir-regolament 15(2)(a) mwettqin minn terzi persuni; f'kazi bhal dawn, il-verifiki li jsiru mill-Awtorita' g'andhom ukoll isiru fil-post maghzul ghal dak l-iskop.

Informazzjoni ghad-detentur.

16. (a) Meta tkun mahruqa l-awtorizzazzjoni ghat-tqeghid fis-suq din g'andha tkun soggetta g'hall-kondizzjonijiet kollha kif mehtieqa skond l-Awtorizzazzjoni ghat-tqeghid fis-suq, mill-Att u r-regolamenti kollha maghmulin tahtu, kif ukoll il-kondizzjonijiet l-oħra kollha li l-Awtorita' dwar il-Licenzjar tista' tqis li jkunu mehtieqa, u d-detentur g'andu jkun infurmat mill-Awtorita' bis-sommarju tal-karatteristici tal-prodott kif approvat minnha.

(b) L-Awtorita' g'andha:

(i) tiehu l-mizuri necessarji kollha biex tizgura li l-informazzjoni moghtija fil-gabra tkun konformi ma' dik accettata meta l-awtorizzazzjoni ghat-tqeghid fis-suq tigi mahruqa jew wara;

(ii) taghmel accessibbli g'hall-pubbliku, u minghajr dewmien, l-awtorizzazzjoni ghat-tqeghid fis-suq flimkien mas-sommarju tal-karatteristici tal-prodott ghal kull prodott medicinali li hija tkun awtorizzata;

(iii) tifformula rapport ta' valutazzjoni u kummenti fuq il-fajl dwar ir-rizultati tat-testijiet farmaċewtiċi u pre-klinici u l-provi klinici tal-prodott medicinali involut. Ir-rapport ta' valutazzjoni g'andu jkun aggnat kull meta tinsab informazzjoni gdida li tkun ta' importanza g'hall-evalwazzjoni tal-kwalita', sigurtà jew effikacija tal-prodott medicinali konċernat;

(iv) taghmel accessibbli g'hall-pubbliku r-rapport ta' assessjar, flimkien mar-ragunijiet g'hall-opinjonijiet taghha, wara li thassar kull informazzjoni kummerċjali ta' natura kunfidenzjali. G'andha tkun ipprovduta separatament g'ustifikazzjoni ghal kull indikazzjoni li ghaliha jkun hemm applikazzjoni.

17. F'ċirkostanzi eċċezzjonali u wara konsultazzjoni ma' l-applikant, l-awtorizzazzjoni tista tiġi mogħtija kif soġġetta għall-htieġa li l-applikant għandu josserva ċerti kondizzjonijiet, partikolarment dawk li jinvolvu s-sigurtà tal-prodott mediċinali, notifika lill-Awtorità ta' xi incident relatat ma' l-użu tiegħu, u l-azzjoni li għandha tittiehed. Din l-awtorizzazzjoni għandha tiġi mogħtija biss għal raġunijiet oġġettivi u ta' min jorbot fuqhom u għandha tkun ibbażata fuq xi wa'da mill-kondizzjonijiet bażiċi mnizzla fl-Anness I. Il-kontinwazzjoni ta' l-awtorizzazzjoni għandha tkun marbuta mal-valutazzjoni annwali ta' dawn il-kondizzjonijiet. Il-lista ta' dawn il-kondizzjonijiet ssir aċċessibli, flimkien maż-żmien limitat u d-dati tat-twertiq.

Ċirkostanzi eċċezzjonali.

18. (1) Wara li l-awtorizzazzjoni tiġi mahruġa, id-detentur ta' l-Awtorizzazzjoni għat-tqegħid fis-suq għandu, fir-rigward tal-metodi ta' manifattura u kontroll provduti bir-regolament 5(1)(c)(v)u (ix), iqis kull progress xjentifiku u tekniku u jintroduċi t-tibdiliet li jistgħu jkunu meħtieġa biex jgħin il-prodott mediċinali jiġi manifatturat u verifikat b'mezzi ta' metodi xjentifiċi li huma ġeneralment aċċettati. Dawn it-tibdiliet għandhom ikunu soġġetti għall-approvazzjoni ta' l-Awtorità.

Dmirijiet tad-detentur ta' l-awtorizzazzjoni.

(2) (a) Id-detentur ta' l-awtorizzazzjoni għat-tqegħid fis-suq għandu minnufih jissupplixxi lill-Awtorità kull nformazzjoni ġdida li tista' twassal għall-emenda tal-partikolaritajiet jew dokumenti msemmija fir-regolamenti 5(1)(c), 7 u 8 jew l-Artikolu 32(5) tad-Direttiva 2001/83/KE, u l-emendi sussegwenti tiegħu, jew Anness I ma' dik id-Direttiva.

(b) Għandu wkoll u partikolarment minnufih jinforma lill-Awtorità dwar xi projbizzjoni jew restrizzjoni imposta mill-awtoritajiet kompetenti ta' kull pajjiż li fih il-prodott mediċinali għall-użu fil-bniedem jkun qed jiġi mibjugħ u dwar xi informazzjoni oħra ġdida li tista' tinfluwenza l-evalwazzjoni ta' benefiċċji u riskji tal-prodott mediċinali għall-użu fil-bniedem konċernat.

(3) Biex il-bilanċ bejn il-benefiċċji u riskji jkun kontinwament evalwat, l-Awtorità tista' f'kull hin titlob lid-detentur ta' l-awtorizzazzjoni għat-tqegħid fis-suq biex iforni informazzjoni li tkun turi li l-bilanċ bejn il-benefiċċji u riskji jkun wiehed favorevoli.

(4) Wara li l-awtorizzazzjoni għat-tqegħid fis-suq tkun mahruġa, id-detentur ta' l-applikazzjoni għall-bejgħ għandu jgħarraf lill-Awtorità bid-data tal-bejgħ attwali tal-prodott mediċinali għall-użu fil-bniedem f'Malta filwaqt li jqis il-preżentazzjonijiet varji awtorizzati. Id-detentur għandu wkoll javża lill-Awtorità jekk il-prodott ma jibqax iżjed fis-suq ta' Malta, jew temporanjament jew permanentement. Notifikazzjoni bħal dik għandha, hlief f'irkostanzi eċċezzjonalment

opposti, tiġi preżentata mhux inqas minn xahrejn qabel ma jiġi rtirat il-prodott mis-suq.

(5) Fuq talba ta' l-Awtorità partikolarment fil-kuntest tal-farmakoviġilanza, id-detentur ta' l-awtorizzazzjoni għat-tqegħid fis-suq għandu jippreżentalha kull informazzjoni reletata mal-volum ta' bejgħ tal-prodott mediċinali, u kull tagħrif fil-pussess tiegħu relatat mal-volum ta' riċetti mahruġa għall-prodott.

Validità ta' l-awtorizzazzjoni għat-tqegħid fis-suq.

19. (1) Mingħajr preġudizzju għas-subregolamenti (4) u (5), awtorizzazzjoni għat-tqegħid fis-suq għandha tkun valida għal hames snin.

(2) L-awtorizzazzjoni għat-tqegħid fis-suq tista' tiġi mġedda wara 'ames snin fuq bażi ta' evalwazzjoni tal-bilanċ bejn benefiċċju u riskju mill-Awtorità. Għal dan il-ghan, id-detentur ta' l-awtorizzazzjoni għat-tqegħid fis-suq għandu jipprovdi lill-Awtorità b'verzjoni konsolidata tal-fajl dwar kwalità, sigurtà u effikaċja, u jinkludi l-varjazzjonijiet introdotti minn meta tkun għet mogħtija l-awtorizzazzjoni għat-tqegħid fis-suq, ta' l-anqas sitt xhur qabel ma l-awtorizzazzjoni għat-tqegħid fis-suq tieqaf milli tkun valida skond is-subregolament (1).

(3) Ġaladarba tkun imġedda, l-awtorizzazzjoni għat-tqegħid fis-suq għandha tkun valida għal żmien mhux limitat, jekk l-Awtorità ma tiddeċidix xort'ohra, fuq provi ġustifikati li għandhom x'jaqsmu mal-farmakoviġilanza, biex tkompli tiġi mġedda għal hames snin ohra skond is-subregolament (2).

(4) Kull awtorizzazzjoni mogħtija li fi żmien tliet snin mill-ghoti tagħha ma tkunx segwita mit-tqegħid fis-suq attwali tal-prodott awtorizzat f'Malta, tieqaf milli tkun valida.

(5) Meta prodott awtorizzat li kien qiegħed fis-suq ta' Malta ma jitqiegħedx fis-suq għal żmien ta' tliet snin konsekuttivi, l-awtorizzazzjoni għal dak il-prodott tieqaf milli tibqa' valida.

(6) L-Awtorità tista, f'każijiet eċċezzjonali u fuq bażi ta' sahħa pubblika, tagħti eżenzjonijiet mis-subregolamenti (4) u (5) sakemm dawk l-eżenzjonijiet ikunu ġustifikati kif imiss.

Responsabbiltà ċivili u kriminali.

20. Awtorizzazzjoni jew liċenza għat-tqegħid fis-suq ta' prodott mediċinali ma għandhiex taffettwa ir-responsabbiltà ivili u kriminali tal-manifattur u, meta dan ikun japplika, tad-detentur ta' l-awtorizzazzjoni għat-tqegħid fis-suq li jkun qiegħed fis-suq dak il-prodott mediċinali f'xi stat ta' Unjoni Ewropea jew taż-Zona Ekonomika

Ewropea. Dak il-manfattur jew detentur ta' l-awtorizzazzjoni ghal tqeghid fis-suq jibqa' partikolarment responsabbli ghal kull defiċjenza fil-kwalità, is-sigurtà u l-effikaċja ta' dawk il-prodotti mediċinali.

21. (1) L-awtorizzazzjoni ghat-tqeghid fis-suq ghandha tiġi miħuda jekk, wara li ssir verifika tad-dettalji u d-dokumenti mniżżlin fir-regolamenti 5 u 7 jkun jidher ċar li:

Ċahda ta' awtorizzazzjoni ghat-tqeghid fis-suq.

(a) il-bilanċ bejn il-benefiċċji u riskji ma jkunx ikkunsidrat li jkun favorevoli, jew

(b) l-effikaċja terapewtika tiegħu tkun issostanzjata insuffiċjentement mill-applikant, jew

(ċ) il-kompożizzjoni kwalitattiva u kwantitattiva ma tkunx skond ma hi dikjarata.

(2) Awtorizzazzjoni ghandha l-istess tiġi miħuda jekk xi dettalji jew dokumenti mogħtijin biex tissostanzja l-applikazzjoni ma jkunux skond ir-regolamenti 5 u 7.

(3) L-applikant jew id-detentur ta' awtorizzazzjoni ghat-tqeghid fis-suq ghandu jkun responsabbli għall-eżattezza tad-dokumenti u tat-tagħrif mogħti.

22. (a) In vista ta' l-ghoti ta' l-awtorizzazzjoni ghat-tqeghid fis-suq ta' prodott mediċinali f'aktar minn Stat Membru wiehed, inkluża Malta, applikant ghandu jippreżenta applikazzjoni, bażata fuq *dossier* li jkun identiku ma' dak ippreżentat fl-Istati Membri l-oħra. Id-*dossier* ghandu jkun fih it-tagħrif u d-dokumenti msemmija fir-regolamenti 5, 7 u 8. Id-dokumenti ppreżentati ghandhom jinkludu l-lista ta' l-Istati Membri li jkunu affettwati mill-applikazzjoni.

Proċeduri ta' għarfien reċiproku u decentralizzati.

L-applikant ghandu jitlob lil Stat Membru wiehed biex jaġixxi bhala "Stat Membru ta' referenza" u biex jipprepara rapport ta' valutazzjoni dwar il-prodott mediċinali skond il-paragrafi (b) u (ċ) ta' dan ir-regolament.

(b) Meta l-prodott mediċinali jkun diġà irċieva awtorizzazzjoni ghat-tqeghid fis-suq fil-waqt ta' l-applikazzjoni, jekk Malta tkun Stat Membru konċernat, l-Awtorità ghandha tagħraf l-Awtorizzazzjoni ghat-tqeghid fis-suq mogħtija mill-Istat Membru ta' referenza. Għal dan il-ghan, id-detentur ta' l-awtorizzazzjoni ghat-tqeghid fis-suq ghandu jitlob lill-Istat Membru ta' referenza biex jipprepara rapport ta' valutazzjoni dwar il-prodott mediċinali jew, jekk tkun il-htieġa, li jaġġorna xi rapport ta' valutazzjoni diġà eżistenti. Jekk

Malta tkun l-Istat membru ta' referenza, l-Awtorità, ghandha tipprepara jew taggorna ir-rapport ta' valutazzjoni fi żmien disghin (90) jum minn meta tkun waslet applikazzjoni valida. Ir-rapport tal-valutazzjoni, flimkien mas-sommarju tal-karatteristiċi tal-prodott, it-tikkettjar, u l-fuljett ta' taghrif approvati, ghandhom jiġu mibghuta lill-Istati Membri konċernati u lill-applikant.

(ċ) F'każijiet fejn il-prodott mediċinali ma jkunx ġie mogħti awtorizzazzjoni għat-tqegħid fis-suq filwaqt ta' l-applikazzjoni, l-applikant għandu jitlob lill-Istat Membru ta' referenza biex jipprepara abbozz ta' rapport ta' valutazzjoni, abbozz tas-sommarju tal-karatteristiċi tal-prodott, u abbozzi tat-tikkettjar u l-fuljett ta' taghrif. Jekk Malta tkun l-Istat Membru ta' referenza, l-Awtorità għandha tipprepara dawn l-abbozzi tad-dokumenti fi żmien 120 jum wara li tasal l-applikazzjoni valida u għandha tibghathom lill-Istati Membri konċernati u lill-applikant.

(d) Jekk Malta tkun Stat Membru konċernat, fi żmien 90 jum mid-data tal-wasla tad-dokument msemmi fis-subparagrafi (b) u (ċ) ta' dan ir-regolament, l-Awtorità għandha tapprova r-rapport ta' valutazzjoni, is-sommarju tal-karatteristiċi tal-prodott u t-tikkettjar u l-fuljett ta' taghrif, u għandha tgharraf lill-Istat Membru ta' referenza b'dan. Jekk Malta hija l-Istat Membru ta' referenza, l-Awtorità għandha tirreġistra l-qbil tal-partijiet kollha, tagħlaq il-proċedura u tinforma lill-applikant dwar dan.

(e) L-Awtorità għandha tadotta deċiżjoni li tkun konformi mar-rapport tal-valutazzjoni, is-sommarju tal-karatteristiċi tal-prodott, it-tikkettjar u l-fuljett ta' taghrif kif approvati, fi żmien 30 jum wara l-għarfien tal-ftehim.

(f) Jekk, matul iż-żmien stabbilit fil-paragrafu (d) ta' dan ir-regolament, l-Awtorità ma tkunx tista' tapprova r-rapport ta' valutazzjoni, is-sommarju tal-karatteristiċi tal-prodott, it-tikkettjar u l-fuljett ta' taghrif fuq bażi ta' riskju potenzjali serju għas-saħħa pubblika, hija għandha tagħti esposizzjoni dettaljata tar-raġunijiet tad-deċiżjoni tagħha lill-Istat Membru ta' referenza, lill-Istati membri l-oħra konċernati u lill-applikant. Il-punti li dwarhom ma jkunx hemm qbil għandhom minnufih jiġu riferuti lill-grupp ta' koordinament. Fi hdan dak il-grupp ta' koordinament, l-Awtorità għandha tuża l-a'jar mezz tagħha biex tasal għal ftehim fuq l-azzjoni li jkollha tittiehed, u għandha tagħti lill-applikant l-opportunità li jagħti fehmtu, bil-fomm jew bil-miktub. Jekk, fi żmien 60 jum mill-komunikazzjoni tal-punti li dwarhom ma jkunx intlaħaq ftehim, l-Istati membri kollha jaslu għall-ftehim, jekk Malta tkun l-Istat Membru ta' referenza, l-Awtorità għandha tirreġistra

l-qbil, taghlaq il-proċedura u tinforma lill-applikant b'dan u ghandu japplika l-paragrafu (e) ta' dan ir-regolament.

Iżda jekk l-Istati Membri ma jaslux għall-ftehim fi hdan il-grupp ta' koordinament, fi żmien is-60 jum, jekk l-Awtorità tkun approvat ir-rapport ta' valutazzjoni, l-abbozzi tas-sommarju tal-karatteristiċi tal-prodott u t-tikkettjar u l-fuljett ta' taghrif ta' l-Istat Membru ta' referenza, l-Awtorità tista', fuq talba ta' l-applikant, tawtorizza l-prodott mediċinali mingħajr ma tistenna r-riżultat tal-proċedura stabbilita fl-Artikolu 32 tad-Direttiva 2001/83/KE kif emendata bid-Direttiva 2004/27 /KE. F'dak il-każ, l-awtorizzazzjoni mogħtija għandha tkun mingħajr preġudizzju għar-riżultat ta' dik il-proċedura.

23. (1) Jekk żewġ applikazzjonijiet jew aktar ipprezentati skond ir-regolamenti 5, 7 u 8 jkunu ġew magħmula għall-awtorizzazzjoni għat-tqegħid fis-suq dwar xi prodott mediċinali partikolari, u jekk l-Istati Membri jkunu adottaw deċiżjonijiet diverġenti dwar l-awtorizzazzjoni tal-prodott mediċinali jew is-sospensjoni jew ir-revoka tagħha, l-Awtorità, il-Kummissjoni jew l-applikant jew id-detentur ta' l-awtorizzazzjoni għat-tqegħid fis-suq għandhom jirreferu l-każ lill-Kumitat dwar Prodotti Mediċinali għall-Użu fil-Bniedem, hawn iżjed il quddiem magħruf bhala l-Kumitat, sabiex tiġi applikata l-proċedura stabbilita fl-Artikoli 32, 33, u 34 tad-Direttiva 2001/83 kif emendata bid-Direttiva 2004/27.

Riferiment għal Kumitat dwar Prodotti Mediċinali għall-Użu fil-Bniedem.

(2) Biex iġġib 'il quddiem l-armonizzazzjoni ta' l-awtorizzazzjonijiet għall-prodotti mediċinali awtorizzati fil-Komunità, l-Awtorità għandha, kull sena, tipprovdi lill-grupp ta' koordinament, b'lista tal-prodotti mediċinali li għalihom għandhom jiġu formulati sommarju armonizzat tal-karatteristiċi tal-prodott .

(3) L-Awtorità jew il-Kummissjoni, bi qbil ma' l-Aġenzija, u filwaqt li tqis l-opinjoni tal-partijiet interessati, tista' tirreferi dawn il-prodotti lill-Kumitat skond is-subregolament (1).

(4) L-Awtorità jew il-Kummissjoni jew l-applikant jew id-detentur ta' l-awtorizzazzjoni għat-tqegħid fis-suq għandhom, f'każijiet speċifiċi fejn l-interessi tal-Komunità huma involuti, jirreferu l-kwistjoni lill-Kumitat għall-applikazzjoni tal-proċedura stabbilita fl-artikoli 32, 33 u 34 tad-Direttiva 2001/83/KE kif emendata bid-Direttiva 2004/27/KE, qabel tittiehed xi deċiżjoni fuq talba għal awtorizzazzjoni għat-tqegħid fis-suq jew xi sospensjoni jew revoka ta' awtorizzazzjoni, jew kull varjazzjoni ohra ta' awtorizzazzjoni għat-tqegħid fis-suq li tkun tidher meħtieġa, li partikolarment tqis informazzjoni miġbura skond ir-Regolamenti ta' l-2005 dwar Farmakoviġilanza.

(5) L-Awtorità jew il-Kummissjoni ghandha tidentifika b'mod ar il-kwistjoni li tiġi riferuta lill-Kumitat sabiex tiġi kunsidrata minnu u ghandha tinforma lill-applikant jew lid-detentur ta' l-awtorizzazzjoni ghat-tqeghid fis-suq .

(6) L-Awtorità u l-applikant jew id-detentur ta' l-applikazzjoni ghat-tqeghid fis-suq ghandhom ifornu lill-Kumitat bl-informazzjoni kollha disponibbli u li ghandha x'taqsam mal- kwistjoni.

Applikazzjoni ghal varjazzjoni.

24. (1) Detentur ta' awtorizzazzjoni ghat-tqeghid fis-suq jista' japplika biex jaghmel xi tibdil fl-awtorizzazzjoni ghat-tqeghid fis-suq, li tkun giet moghtija skond ir-regolamenti 22 u 23, u dik l-applikazzjoni ghandha tiġi pprezentata lill-Awtorità u lill-Istati Membri l-ohra kollha li jkunu qabel awtorizzaw il-prodott mediċinali involut.

(2) Meta l-Awtorità tqis illi xi varjazzjoni ta' l-awtorizzazzjoni ghat-tqeghid fis-suq li giet moghtija skond il-provvedimenti li ghandhom x'jaqsmu mal- procedura ta' gharfien reċiproku jew procedura deċentralizzata, jew is-sospensjoni jew l-irtirar taghha, jkunu mehtieġa fl-interess tas-saħha pubblika, l-Awtorità ghandha, minnufih, tirreferi l-kwistjoni lill-Agenzija għall-applikazzjoni tal-proċeduri stabbiliti fl-Artikoli 32, 33, u 34 tad-Direttiva 2001/83/KE kif emendata bid-Direttiva 2004/27/KE:

Izda minghajr preġudizzju ghar-regolamenti 23(4), (5) u (6), f'kazijiet eċċezzjonali, meta jkollhom jittiehdu miżuri urgenti fl-interess tas-saħha pubblika, l-Awtorità dwar il-Liċenzjar tista' tissospendi t-tqeghid fis-suq u l-użu tal-prodott mediċinali involuti u tgharraf lill-Kummissjoni u lill-Istati Membri l-ohra mhux iżjed tard minn l-ewwel ġurnata tax-xogħol li tiġi minnufih wara, filwaqt li taghti raġunijiet għad-deċiżjonijiet taghha.

Dan ir-regolament ghandu b'analogija japplika għall-prodotti mediċinali awtorizzati mill-Awtorità wara opinjoni tal-Kumitat moghtija skond l-Artikolu 4 tad-Direttiva 87/22/KEE qabel l-1 ta' Jannar, 1995.

Applikazzjonijiet li ghandhom jitqiesu skond ir-Regolament (KE) Numru 726/2004.

25. Applikazzjonijiet għal awtorizzazzjoni ghat-tqeghid fis-suq li ġew riferuti lill-Kumitat għal Prodotti Mediċinali Proprjetarji qabel l-1 ta' Jannar, 1995, skond l-Artikolu 2 tad-Direttiva 87/22/KEE u li dwarhom il-Kumitat involut ma kienx ta' opinjoni sa l-1 ta' Jannar, 1995, ghandhom jitqiesu skond ir-Regolament (KE) numru 726 /2004.

Ir-Regolament 22(1)(f) it-tieni paragrafu, ir-regolament 23 u l-Artikoli 32 sa 34 tad-Direttiva 2001/83/KE u l-emendi sussegwenti relattivi, m'għandhomx japplikaw għall-prodotti mediċinali omeopatiċi msemmija fir-regolament 10, subregolament (1), (2) u (3).

26. (1) Meta tiġi mogħtija awtorizzazzjoni għat-tqeghid fis-sug
l-Awtorità għandha tispeċifika il-klassifika tal-prodott mediċinali fi:-

Klassifikazzjoni ta'
prodotti mediċinali

(a) prodott mediċinali li jeħtieġ riċetta medika,

(b) prodott mediċinali li ma jkunx jeħtieġ riċetta medika.
Għal dan il-ghan, għandhom japplikaw il-kriterja stabbiliti fir-
regolament 27(1) .

(2) L-Awtorità tista' tiffissa sub-kategoriji għal prodotti
mediċinali li jkunu bir-riċetta tat-tabib biss. F'dak il-każ, għandhom
jirreferu għal din il-klassifika li ġejja:-

(a) prodotti mediċinali bir-riċetta medika, li tista jew ma
tistax terġa' tintuża;

(b) prodotti mediċinali li tkun teħtiġilhom riċetta medika
speċjali,

(ċ) prodotti mediċinali bir-riċetta medika ristretta u mħollija
għal użu f'ċerti postijiet speċjalizzati:

Iżda meta l-Awtorità ma tqassamx prodotti mediċinali f'sub-
kategoriji, hija għandha madankollu tqis il-kriterji msemmija fis-
subregolamenti 27(2) u (3) biex tiddeċiedi jekk xi prodott
mediċinali għandux jiġi klassifikat bħala mediċina li tingħata bir-
riċetta biss.

27. (1) Il-prodotti mediċinali għandhom ikunu soġġetti għal
riċetta medika meta dawn:-

Prodotti mediċinali
soġġetti għal riċetta
medika.

(a) jistgħu ikunu ta' periklu direttament jew indirettament,
ukoll meta wżati b'mod korrett, jekk użati mingħajr superviżjoni
medika, jew

(b) ikunu wżati spiss u mhux korrettement, u b'riżultat ta'
dan jistgħu ikunu indirettament jew direttament ta' hsara għas-
sahha pubblika, jew

(ċ) ikun fihom sustanzi jew preparamenti fihom stess, li l-
attività u reazzjonijiet avversi tagħhom ikunu jeħtieġu tiftix ieħor,
jew

(d) jiġu normalment mogħtija bir-riċetta tat-tabib biex
jittieħdu b'mod parenterali.

(2) Ghas-subkategorija ta' prodotti mediċinali li huma soġġetti għal riċetta medika speċjali, l-Awtorità għandha tqis dawn l-elementi li ġejjin:-

(a) il-prodott mediċinali jkun fih, fi kwantità mhix eżentata, xi sustanza klassifikata bħala sustanza narkotika jew psikotropika fl-ambitu tat-tifsir tal-konvenzjonijiet internazzjonali fis-seħh, bhal ma huma l-Konvenzjonijiet ta' 1-1961 u l-1971 tan-Nazzjonijiet Uniti, jew

(b) il-prodott mediċinali probabbilment, jekk ma jkunx użat korrettement, jippreżenta riskju sostanzjali ta' abbuż mediċinali, li jwassal għal dipendenza jew l-użu hażin għal skopijiet illegali, jew

(ċ) Il-prodott mediċinali jkun fih sustanza li, minhabba li tkun ġdida jew minhabba l-kwalitajiet tagħha, tkun tista' tiġi kunsidrata bħala li tagħmel parti mill-grupp deskritt fis-subregolament (b), bħala miżura ta' prekawzjoni.

(3) Ghas-subkategorija ta' prodotti mediċinali, li jaqgħu taht ir-riċetta medika ristretta, l-Awtorità tqis dawn l-elementi li ġejjin:-

(a) il-prodott mediċinali, minhabba l-karatteristiċi farmaċewtiċi jew għax ikun ġdid jew fl-interess tas-saħha pubblika, jkun riservat għal kull kura li tkun tista' ssir biss f'ambjent ta' sptar;

(b) il-prodott mediċinali jkun użat għall-kura ta' kondizzjonijiet li għandha ssirilhon djanjosi f'ambjent ta' sptar jew f'istituzzjonijiet b'faċilitajiet ta' djanjosi adegwati, għalkemm it-tehid u prosegwiment jistgħu jsiru x'imkien iehor, jew

(ċ) il-prodott mediċinali jkun intiż għal *out patients* iżda l-użu tiegħu jista' jwassal għal reazzjonijiet avversi serji li jkollhom bżonn ta' riċetta medika miktuba kif meħtieġ minn speċjalist u superviżjoni speċjali matul il-kura.

(4) L-Awtorità tista' twarrab l-applikazzjoni tas-subregolamenti (1), (2) u (3) li għandhom x'jaqsmu:-

(a) mad-doża wahda massima, id-doża massima ta' kull jum, il-qawwa, l-ghamla farmaċewtika, ċerti tipi ta' ippakkettjar; u, jew

(b) maċ-ċirkostanzi ohra ta' użu li l-Awtorità tkun speċifikat.

28. Prodotti mediċinali li ma jehtigux riċetta medika ghandhom ikunu dawk li ma jkunux skond il-kriterji mnizzla fir-regolament 27 ta' dawn ir-regolamenti.

Prodotti mediċinali minghajr htieġa ta' riċetta medika.

29. L-Awtorità ghandha tnizzel lista ta' prodotti mediċinali, li f'Malta jkunu soġġetti ghal riċetta medika, u li jispeċifikaw, jekk ikun mehtieġ, il-kategorija ta' klassifika, u hija ghandha taġġorna din il-lista ta' kull sena.

Lista ta' prodotti mediċinali.

30. (1) Meta l-Awtorità ssir taf b'fatti ġodda, hija ghandha teżamina u, skond ma jkun adatt, temenda l-klassifikazzjoni tal-prodott mediċinali skond il-kriterja mnizzlin fir-regolament 27 ta' dawn ir-regolamenti.

Emenda tal-klassifikazzjoni.

(2) Meta tkun awtorizzata xi bidla fil-klassifikazzjoni fuq bażi ta' testijiet pre-kliniċi jew provi kliniċi sinifikanti, l-Awtorità m'għandhiex tirreferi għar-riżultati ta' dawk it-testijiet jew provi meta teżamina l-applikazzjoni minn applikant jew detentur ta' awtorizzazzjoni għat-tqeghid fis-suq iehor għal bidla fil-klassifikazzjoni ta' l-istess sustanza sa żmien sena minn meta tkun ġiet awtorizzata l-ewwel bidla.

31. Ir-Regolamenti ta' l-2004 dwar il-Mediċini (Awtorizzazzjoni għat-Tqeghid fis-Suq), huma b'dawn imhassrin.

Ihassar A.L. 387 ta' l-2004.

L.N. 324 of 2007

**MEDICINES ACT
(CAP. 458)**

Medicines (Marketing Authorisation) Regulations, 2007

IN exercise of the powers conferred by article 106 of the Medicines Act, the Minister of Health, the Elderly and Community Care, has made the following regulations:-

Title. **1.** The title of these regulations is the Medicines (Marketing Authorisation) Regulations, 2007.

Interpretation. **2.** (1) For the purposes of these regulations –

“abuse of medicinal products” means persistent or sporadic, intentional excessive use of medicinal products which is accompanied by harmful physical or psychological effects;

“Annex I” means Annex I of Directive 2003/63/EC and its subsequent amendments;

“the Act” means the Medicines Act;

“the Agency” means the European Medicines Agency established by Regulation (EC) No 726/2004;

“the Authority” means the Medicines Authority established under article 4 of the Act;

“the Commission” means the Commission in accordance with Council Decision 1999/468/EC of 28 June, 1999;

“the Community” means the European Union, previously referred to as the European Community and the European Economic Community;

“common name” is the international non-proprietary name recommended by the World Health Organisation, or if it does not exist, the usual common name;

“co-ordination group” means the co-ordination group set up in accordance with Article 27 of Directive 2001/83/EC as amended by Directive 2004/27/EC;

“global marketing authorisation” means the marketing authorisations containing the initial marketing authorisation and

all variations and extensions thereof, as well as any additional strengths, pharmaceutical forms, administration routes or presentations authorised through separate procedures and under a different name, granted to the marketing authorisation holder of the initial authorisation;

“homeopathic medicinal product” means 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 principles;

“Licensing Authority” means the Licensing Authority referred to in article 3 of the Act;

“medicinal product” shall have the same meaning as defined by the Medicines Act;

“Member State” means a State, which is a member of the European Union, and shall also include Iceland, Norway and Liechtenstein;

“provisional marketing authorisation” means a marketing authorisation issued by the Licensing Authority for products present on the market in Malta up till the 30th November, 2002 and for which a valid application for a marketing authorisation has been received by the Medicines Authority;

“reference Member State” means the Member State which, for a given medicinal product, has produced the assessment report, which serves as the basis for the mutual recognition procedure and the decentralised procedure;

“representative of the marketing authorisation holder” means the person commonly known as local representative, designated by the marketing authorisation holder to represent him in the Member State concerned;

“risk-benefit balance” means an evaluation of the positive therapeutic effects of the medicinal product”in relation to the risks relating to the quality, safety and efficacy of the medicinal product as regards patients’ health or public health;

“risks related to use of the medicinal product” means any risk relating to the quality, safety or efficacy of the medicinal

product as regards patients' health or public health or any risk of undesirable effects on the environment;

“strength of the medicinal product” means the content of the active substances expressed quantitatively per dosage unit, per unit of volume or weight according to the dosage form;

“the Superintendent” means the Superintendent of Public Health.

(2) The provisions of these regulations 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 the provisions of the Clinical Trials Regulations 2004 or of Directive 2001/20/EC of the European Parliament and of the Council of the 4th April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States 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) medicinal products supplied in response to a bona fide unsolicited order, formulated in accordance with the specifications of an authorised health-care professional and for use by an individual patient under his direct personal responsibility.

L.N. 490 of 2004.

Application.

3. (1) The provisions of these regulations shall apply to medicinal products for human use intended to be placed on the market

in Malta and either prepared industrially or manufactured by a method involving an industrial process.

(2) In cases of doubt, where, taking into account all its characteristics, a product may fall within the definition of a “medicinal product” and within the definition of a product covered by other community legislation, the provisions of these regulations shall apply.

4. (1) (a) Subject to the following provisions of this regulation, no medicinal product may be placed on the market in Malta unless there is in respect of that product a valid marketing authorisation issued by the Licensing Authority in accordance with these regulations or in accordance with procedures laid down in 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), read in conjunction with Regulation (EC) No 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use, and such placing on the market is in accordance with the terms and conditions of such marketing authorisation.

Authorisation for placing on the market.

(b) When a medicinal product has been granted an initial marketing authorisation in accordance with the preceding paragraph, any additional strengths, pharmaceutical forms, administration routes, presentations, as well as any variations and extensions shall only be granted an authorisation in accordance with the preceding subparagraph 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 regulation 7(1).

(c) The provisions of subregulations 1(a), and (b) shall also apply to radionuclide generators, kits, radionuclide precursor radiopharmaceuticals and industrially prepared radiopharmaceuticals.

(d) A marketing authorisation shall not be required in the case of a radiopharmaceutical prepared at the time of its use by a person or by an establishment duly authorised to use such medicinal products in an approved health care establishment exclusively from authorised radionuclide generators, kits or radionuclide precursors in accordance with the manufacturer’s instructions.

(e) The Licensing Authority may, in exceptional cases, subject to any condition it deems fit, allow the use of a medicinal product which does not have a marketing authorisation.

(f) The Licensing Authority may temporarily authorise the distribution of an unauthorised medicinal product in response to the suspected or confirmed spread of pathogenic agents, toxins, chemical agents or nuclear radiation any of which could cause harm.

(g) Products having a provisional marketing authorisation shall be allowed to remain on the market until such time as the Licensing Authority may establish.

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

(2) (a) In the absence of a marketing authorisation or of a pending application for a medicinal product which is authorised in another Member State in accordance with 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, and any amendments thereto, the Licensing Authority may for justified public health reasons authorise the placing of the said medicinal product on the market in Malta.

(b) The medicinal product referred to in paragraph 2(a) has to comply in particular with the requirements of the provisions regarding the classification of medicinal products, laid down in the Medicines Act, and any regulations made thereunder, and the following regulations:

L.N. 380 of 2005.

(i) the Medicinal Products (Advertising) Regulations, 2005,

L.N. 393 of 2005.

(ii) the Medicinal Products (Labelling and Packaging) Regulations, 2005,

L.N. 61 of 2006.

(iii) the Pharmacovigilance Regulations, 2006 and,

L.N. 386 of 2005.

(iv) the Wholesale Distribution of Medicinal Products Regulations, 2005.

(c) Any authorisation issued under this regulation shall for the purposes of articles 99 to 104 of the Medicines Act be deemed to be a marketing authorisation.

(d) Before granting such an authorisation the Licensing Authority shall:

(i) notify the marketing authorisation holder in the Member State in which the medicinal product concerned is authorised, of

its intention to grant an authorisation under subregulation (2) hereof, and

(ii) request the competent authority in that Member State to furnish a copy of the assessment report, and of the marketing authorisation in force.

(e) (i) The medicinal product to be placed on the market in Malta shall be that authorised by the Member State referred to in paragraph (a) of this subregulation.

(ii) An authorisation under this sub-regulation hereof cannot be used as the basis for a licence in terms of the Parallel Importation of Medicinal Products Regulations, 2004.

L.N. 437 of 2004.

(iii) An authorisation under this sub-regulation cannot be used as a reference for an application submitted in accordance with regulation 7.

(f) The holder of the authorisation in Malta granted in accordance with this sub-regulation, shall ensure that:

(i) the medicinal product is in accordance with the marketing authorisation issued by the Member State referred to above, and includes any variations in particular those affecting the summary of product characteristics, labelling and package leaflet of the medicinal product as approved in the said Member State, and submits the updated documentation to the Medicines Authority;

(ii) he implements without any delay actions relating to issues concerning the medicinal product which have resulted in a product or batch recall as may apply to the medicinal product authorised in the Member State referred to above.

(g) In the case of a medicinal product, where the wholesale distributor is not the authorisation holder for the medicinal product in Malta, the distributor shall, in respect of the product he is distributing in Malta, furnish to the Medicines Authority an authenticated copy of the said authorisation together with a letter of access issued by the authorisation holder granting the wholesale distributor the use of such an authorisation.

5. (1) A marketing authorisation may only be granted or renewed if the general conditions applicable to authorisations and the conditions set out under Directive 2001/83/EC on the Community Code

Grant or renewal of marketing authorisation.

relating to medicinal products for human use and subsequent amendments thereto, are fulfilled as follows:

(a) an application for marketing authorisation shall be made to the Licensing Authority which shall refer such application to the Authority for processing;

(b) a marketing authorisation may only be granted to an applicant established in the Community;

(c) the application shall be accompanied by the following documents and particulars to be submitted in accordance with Annex I:

(i) the name or corporate name and permanent address of the applicant and, where applicable, of the manufacturer;

(ii) the name of the medicinal product;

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

(iv) 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;

(v) a description of the manufacturing method;

(vi) therapeutic indications, contra-indications and adverse reactions;

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

(viii) 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;

(ix) description of the control methods employed by the manufacturer;

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

A detailed description of the pharmacovigilance and, where appropriate, of the risk-management system which the applicant will introduce.

A statement to the effect that clinical trials carried out outside the European Union meet the ethical requirements of the Clinical Trials Regulations, 2004 and of Directive 2001/20/EC of the European Parliament and of the Council of the 4th April, 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products on human use; L.N. 490 of 2004.

(xi) a summary, in accordance with regulation 8, of the product characteristics, a mock-up of the outer packaging, containing the details provided for in the Medicinal Products (Labelling and Packaging) Regulations, 2005, and of the immediate packaging of the medicinal product, containing the details provided for in those regulations, together with a package leaflet in accordance with those same regulations;

(xii) a document showing that the manufacturer is authorised in his own country to produce medicinal products;

(xiii) copies of any authorisation obtained in another Member State or in a third country to place the medicinal product on the market, together with a list of those Member States in which an application for authorisation submitted in accordance with the provisions of Directive 2001/83/EC, as amended, is under examination. Copies of the summary of the product characteristics proposed by the applicant in accordance with regulation 8 or approved by the competent authorities of the Member State. Copies of the package leaflet proposed in accordance with the Medicinal Products (Labelling and Packaging) Regulations, 2005, or as approved by the competent authorities of the Member State. Details of any decision to refuse authorisation, whether in the Community or in a third country, and the reasons for such a decision;

(xiv) 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

of 16 December 1999 on orphan medicinal products, accompanied by a copy of the relevant Agency opinion;

(xv) proof that the applicant has the services of a qualified person responsible for pharmacovigilance and has the necessary means for the notification of any adverse reaction suspected of occurring either in the Community or in a third country;

(2) The information under sub-regulation (1)(c)(xiii) hereof shall be updated on a regular basis.

(3) The documents and information concerning the results of the pharmaceutical and pre-clinical tests and the clinical trials referred to in sub-regulation (1)(c)(x) hereof, shall be accompanied by detailed summaries in accordance with regulation 9.

Application for radionuclide generator.

6. In the case of an application for a marketing authorisation for a radionuclide generator, in addition to the requirements set out in regulations 5 and 7(1), the application shall also contain:

(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 nucleid preparation; and

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

Details to be provided.

7. (1) (a) (i) By way of derogation from regulation 5 (1)(c)(x), 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 and of clinical trials if he can demonstrate that the medicinal product is a generic of a reference medicinal product which is or has been authorised under Article 6 of Directive 2001/83/EC and its subsequent amendments for not less than six years in Malta or in the Community.

(ii) Sub-regulation (1)(a)(i) shall also apply if the reference medicinal product was not authorised in Malta. 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. At the request of the Licensing Authority, the competent authority of the other Member State shall transmit within a period of one month, a confirmation that the reference medicinal product is or has been authorised, together with the full composition of the reference product and if necessary other relevant documentation:

Provided that the Licensing Authority shall within one month provide any information requested by the competent authority of another Member State in respect of a reference medicinal product authorised in Malta:

Provided further that for the purposes of this regulation:

“reference medicinal product” means a medicinal product authorised under regulation 4, in accordance with the provisions of regulation 5 or authorised under article 8 of Directive 2001/83/EC as amended;

“generic medicinal product” means 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, mixtures 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 he can demonstrate that the generic medicinal product meets the relevant criteria as defined in the appropriate detailed guidelines.

(b) In cases where the medicinal product does not fall within the definition of a generic medicinal product as provided above or where the bioequivalence cannot be demonstrated through bioavailability studies or in case of changes in any active substance, 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.

(c) 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 Annex I and the related detailed guidelines.

The results of other tests and trials from the reference medicinal product's dossier shall not be provided.

(d) In addition to the provisions laid down in sub-regulation (1)(a), 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.

(e) Conducting the necessary studies and trials with a view to the application of sub-regulation (1)(a),(b),and (c) and the consequential practical requirements shall not be regarded as contrary to patent rights or to supplementary protection certificates for medicinal products.

(f) The periods of protection provided for in sub-regulation (1)(a), (b), (c) and (d) shall not apply to reference medicinal products for which an application for authorisation has been submitted before the date of coming into force of these regulations.

(2) By way of derogation from regulation 5 (1)(c)(x), 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 he can demonstrate that the active substances of the medicinal product have been in well-established medicinal use within the Community for at least ten years, with recognised efficacy and an acceptable level of safety in terms of the conditions set out in Annex I. In that event, the test and trial results shall be replaced by appropriate scientific literature.

(3) 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 regulation 5(1)(c)(x), but it shall not be necessary to provide scientific references relating to each individual active substance.

(4) 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 subsequent applications relating to other medicinal products possessing the same qualitative and quantitative composition in terms of active substances and the same pharmaceutical form.

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

Summary of
product
characteristics.

(a) name of the medicinal product followed by the strength and the pharmaceutical form;

(b) 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;

(c) pharmaceutical form;

(d) clinical particulars:

(i) therapeutic indications,

(ii) posology and method of administration for adults and, where necessary for children,

(iii) contra-indications,

(iv) 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,

(v) interaction with other medicinal products and other forms of interactions,

(vi) use during pregnancy and lactation,

(vii) effects on ability to drive and to use machines,

(viii) undesirable effects,

(ix) overdose (symptoms, emergency procedures, antidotes);

(e) pharmacological properties:

(i) pharmacodynamic properties,

(ii) pharmacokinetic properties,

- (iii) preclinical safety data;
- (f) pharmaceutical particulars:
 - (i) list of excipients,
 - (ii) major incompatibilities,
 - (iii) shelf life, when necessary after reconstitution of the medicinal product or when the immediate packaging is opened for the first time,
 - (iv) special precautions for storage,
 - (v) nature and contents of container,
 - (vi) special precautions for disposal of a used medicinal product or waste materials derived from such medicinal product, if appropriate;
- (g) marketing authorisation holder;
- (h) marketing authorisation numbers;
- (i) date of the first authorisation or renewal of the authorisation;
- (j) date of revision of the text;
- (k) for radiopharmaceuticals:
 - (i) full details of internal radiation dosimetry;
 - (ii) 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 the authorisations referred to under regulation 7, 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.

Experts to formulate and sign documents.

9. (1) The applicant shall ensure that, before the detailed summaries referred to in the regulation 5 (3) are submitted to the

Licensing Authority, 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 the preceding sub-regulation shall justify any use made of scientific literature under regulation 7(2) in accordance with the conditions set out in Annex I.

(3) The detailed summaries shall form part of the file which the applicant submits to the Licensing Authority.

10. (1) The Authority shall ensure that homeopathic medicinal products manufactured and placed on the market within the Community are registered or authorised in accordance with regulations 10 and 11. In case of registrations sub-regulations 22(1)(a) to (f) shall apply.

Specific provisions applicable to homeopathic medicinal products.

(2) The Authority shall establish a special simplified registration procedure for the homeopathic medicinal products referred to in sub-regulation (3).

(3) Only homeopathic medicinal products which satisfy all of the following conditions may be subject to a special, simplified registration procedure:

- (a) they are administered orally or externally;
- (b) no specific therapeutic indication appears on the labelling of the medicinal product or in any information relating thereto;
- (c) 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.

The classification for the dispensing of the medicinal product, shall be determined by the Authority at the time of registration.

The criteria and rules of procedure provided for in regulations 12, 17, 18, 19, 20 and 21. and articles 4(4), 112, 116 and 125 of Directive 2001/83/EC, as amended, shall apply by analogy to the special, simplified registration procedure for homeopathic medicinal products with the exception of the proof of therapeutic efficacy.

(4) An application for special, simplified registration may cover a series of medicinal products derived from the same homeopathic stock or stocks. 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:

(a) 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 degree of dilution to be registered;

(b) dossier describing how any homeopathic stock or stocks is obtained and controlled, and justifying its homeopathic use, on the basis of an adequate bibliography;

(c) manufacturing and control file for each pharmaceutical form and a description of the method of dilution and potentization;

(d) manufacturing authorisation for the medicinal product concerned;

(e) copies of any registrations or authorisations obtained for the same medicinal product in other Member States;

(f) one or more mock-ups of the outer packaging and the immediate packaging of the medicinal products to be registered;

(g) data concerning the stability of the medicinal product.

Saving.

11. Homeopathic medicinal products, other than those referred to in regulation 10 (3), shall be authorised and labelled in accordance with regulations 5, 7 and 8.

Processing of application.

12. It shall be the duty of the Authority to ensure that the procedure for granting a marketing authorisation for medicinal products is completed within a maximum of 210 days after the submission of a valid application:

Provided that applications for marketing authorisations in two or more Member States in respect of the same medicinal product shall be submitted in accordance with the mutual recognition and decentralised procedures.

Application already under examination in a Member State.

13. Where the Authority notes that another marketing authorisation application for the same medicinal product is being examined in another Member State, the Authority shall decline to assess

the application and shall advise the applicant that the mutual recognition and decentralised procedures apply.

14. Where the Authority is informed in accordance with regulation 5(1)(c)(xiii) that another Member State has authorised a medicinal product, which is the subject of a marketing authorisation application in Malta, it shall reject the application unless it was submitted in compliance with the mutual recognition or decentralised procedures.

Duties of the Authority on receiving the report.

15. (1) In order to examine the application submitted in accordance with regulations 5 and 7 of these regulations, the Authority –

Examination of application.

(a) shall verify whether the particulars submitted by the applicant are in terms of the provisions of these regulations and examine whether 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 an Official Medicines Control Laboratory or by a laboratory designated for that purpose by the Authority in order to ensure that the control methods employed by the manufacturer and described in the particulars accompanying the application in accordance with regulation 5(1)(c)(ix) are satisfactory;

(c) may, where appropriate, require the applicant to supplement the particulars accompanying the application in respect of the items listed under regulations 5(1)(c) and 7, in which case, the two hundred and ten days referred to under regulation 12 shall be suspended until such time as the supplementary information required has been provided. Likewise, these time limits shall be suspended when the applicant is given the opportunity of providing an oral or written explanation.

(2) The Authority:

(a) shall verify 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 regulation 5(1)(c)(v) and, or to carry out controls according to the methods described in the particulars accompanying the application in accordance with regulation 5(1)(c)(ix);

(b) may allow 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 regulation 15(2)(a) carried out by third parties; in such cases, the verifications by the Authority shall also be made in the establishment designated.

Information to holder.

16. (a) When the marketing authorisation is issued it shall be subject to the conditions as specified in the Marketing Authorisation, the Act and any regulations made thereunder as well as to any conditions that the Licensing Authority may deem necessary, and the holder shall be informed by the Authority of the summary of the product characteristics as approved by it.

(b) The Authority shall:

(i) 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;

(ii) make publicly available without delay the marketing authorisation together with the summary of the product characteristics for each medicinal product which it has authorised;

(iii) draw up an assessment report and 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;

(iv) make publicly accessible the assessment report, together with the reasons for its opinion, after deletion of any information of a commercially confidential nature. The justification shall be provided separately for each indication applied for.

Exceptional circumstances.

17. 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, in particular concerning the safety of the medicinal product, notification to the Authority of any incident relating to its use, and action to be taken. This authorisation may be granted only for objective, verifiable reasons and must be based on one of the grounds set out in Annex I. Continuation of the authorisation shall be linked to the annual reassessment of these conditions. The list of these conditions shall be made publicly accessible, together with deadlines and dates of fulfilment.

Duties of authorisation holder.

18. (1) After an authorisation has been issued, the authorisation holder must, in respect of the methods of manufacture and control provided for in regulation 5(1)(c)(v) and (ix), take account of any

scientific and technical progress and introduce any changes which 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 the approval of the Authority.

(2) (a) The authorisation holder shall forthwith supply to the Authority any new information which might entail the amendment of the particulars or documents referred to in regulations 5(1)(c), 7 and 8 or Article 32(5) of Directive 2001/83/EC, and its subsequent amendments or Annex I of that Directive.

(b) In particular, he shall forthwith inform the Authority 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.

(3) In order that the risk-benefit balance may be continuously assessed, the Authority may at any time ask the holder of the marketing authorisation to forward data demonstrating that the risk-benefit balance remains favourable.

(4) After a marketing authorisation has been granted, the holder of the authorisation shall inform the Authority of the date of actual marketing of the medicinal product for human use in Malta, taking into account the various presentations authorised. The holder shall also notify the Authority if the product ceases to be placed on the market in Malta, either temporarily or permanently. Such notification shall, otherwise than in exceptional circumstances, be made no less than two months before the interruption in the placing on the market of the product.

(5) Upon request by the Authority, particularly in the context of pharmacovigilance, the marketing authorisation holder shall provide it with all data relating to the volume of sales of the medicinal product, and any data in his possession relating to the volume of prescriptions.

19. (1) Without prejudice to sub-regulations (4) and (5), a marketing authorisation shall be valid for five years.

Validity of
marketing
authorisation.

(2) The marketing authorisation may be renewed after five years on the basis of a re-evaluation of the risk-benefit balance by the Authority. To this end, the marketing authorisation holder shall provide the Authority with a consolidated version of the file in respect of quality, safety and efficacy, including all variations introduced since the marketing authorisation was granted, at least six months before the

marketing authorisation ceases to be valid in accordance with sub-regulation (1).

(3) Once renewed, the marketing authorisation shall be valid for an unlimited period, unless the Authority decides, on justified grounds relating to pharmacovigilance, to proceed with one additional five-year renewal in accordance with sub-regulation (2).

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

(5) When an authorised product previously placed on the market in Malta is no longer actually present on the market for a period of three consecutive years, the authorisation for that product shall cease to be valid.

(6) The Authority may, in exceptional circumstances and on public health grounds grant exemptions from sub-regulations (4) and (5) provided that such exemptions are duly justified.

Civil and criminal liability.

20. An authorisation or licence for placing a medicinal product on the market shall not affect the civil and criminal liability of the manufacturer and, where applicable, of the marketing authorisation holder who has placed such medicinal product on the market in any European Union or European Economic Area state. Such manufacturer or marketing authorisation holder shall in particular remain liable for any deficiencies in quality, safety and efficacy of such medicinal products.

Refusal of marketing authorisation.

21. (1) The marketing authorisation of a medicinal product shall be refused if, after verification of the particulars and documents listed in regulations 5 and 7 it is clear that:

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

(b) the therapeutic efficacy of the medicinal product is insufficiently substantiated by the applicant, or

(c) the qualitative and quantitative composition of the medicinal product 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 the provisions of regulations 5 and 7.

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

22. (a) With a view to the granting of a marketing authorisation for a medicinal product in more than one Member State, including Malta, an applicant shall submit an application to the Authority, based on a dossier identical to that submitted in the other Member States. The dossier shall contain the information and documents referred to in regulations 5, 7 and 8. The documents submitted shall include a list of Member States concerned by the application.

Mutual recognition
and decentralised
procedure.

The applicant shall request one Member State to act as “reference Member State” and to prepare an assessment report on the medicinal product in accordance with paragraphs (b) and (c) hereof.

(b) Where the medicinal product has already received a marketing authorisation at the time of application, if Malta is a concerned Member State, the Authority 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. If Malta is the reference Member State, the Authority shall prepare or update the assessment report within 90 days of 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.

(c) In cases where the medicinal product has not received a marketing authorisation at the time of application, the applicant shall request the reference Member State to prepare a draft assessment report, a draft summary of product characteristics and a draft of the labelling and package leaflet. If Malta is the Reference Member State, the Authority 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.

(d) If Malta is a concerned Member State, within 90 days of receipt of the documents referred to in paragraphs (b) and (c) hereof, the Authority shall approve the assessment report, the summary of product characteristics and the labelling and package leaflet and shall inform the reference Member State accordingly. If Malta is the reference Member State, the Authority shall record the agreement of all parties, close the procedure and inform the applicant accordingly.

(e) The Authority 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.

(f) If, within the period laid down in paragraph (d) hereof, the Authority 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. Within such co-ordination group, the Authority shall use its best endeavours to reach agreement on the action to be taken and it 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, all Member States reach an agreement, if Malta is the Reference Member State, the Authority shall record the agreement, close the procedure and inform the applicant accordingly and paragraph (e) hereof shall apply:

Provided that if Member States fail to reach an agreement within the co-ordination group, within such 60-day period, and if the Authority has approved the assessment report, the draft summary of product characteristics and the labelling and package leaflet of the reference Member State, the Authority 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 as amended by Directive 2004/27/EC. In that event, the authorisation granted shall be without prejudice to the outcome of that procedure.

Referral to
Committee for
Medicinal Products
for Human Use.

23. (1) If two or more applications submitted in accordance with regulations 5, 7 and 8 have been made for marketing authorisation for a particular medicinal product, and if Member States have adopted divergent decisions concerning the authorisation of the medicinal product or its suspension or revocation, the Authority, the Commission or the applicant or the marketing authorisation holder may refer the matter to the Committee for Medicinal Products for Human Use, hereinafter referred to as the Committee, for the application of the procedure laid down in Articles 32, 33 and 34 of Directive 2001/83 as amended by Directive 2004/27.

(2) In order to promote harmonisation of authorisations for medicinal products authorised in the Community, the Authority 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.

(3) The Authority or the Commission, in agreement with the Agency and taking into account the views of interested parties, may refer these products to the Committee in accordance with sub-regulation (1).

(4) The Authority or the Commission or the applicant or the marketing authorisation holder shall, in specific cases where the interests of the Community 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 by Directive 2004/27/EC, 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, in particular to take account of the information collected in accordance with the Pharmacovigilance Regulations, 2005.

(5) The Authority or the Commission shall clearly identify the question which is referred to the Committee for consideration and shall inform the applicant or the marketing authorisation holder.

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

24. (1) A marketing authorisation holder may apply to vary the marketing authorisation, which has been granted in accordance with regulations 22 and 23, and such application shall be submitted to the Authority and to all other Member States which have previously authorised the medicinal product concerned.

Application for variation.

(2) Where the Authority considers that a variation of a marketing authorisation which has been granted in accordance with the provisions relating to the mutual recognition or decentralised procedure, or its suspension or withdrawal is necessary for the protection of public health, the Authority shall forthwith refer the matter to the Agency for the application of the procedures laid down in Articles 32, 33 and 34 of Directive 2001/83/EC as amended by Directive 2004/27/EC:

Provided that, without prejudice to regulations 23(4), (5) and (6), in exceptional cases, when urgent action needs to be taken in the interest of public health, the Licensing Authority may suspend the marketing and use of the medicinal product concerned and inform the Commission and other Member States not later than the following working day, giving reasons for its decision.

This regulation shall apply by analogy to medicinal products authorised by the Authority following an opinion of the Committee

given in accordance with Article 4 of Directive 87/22/EEC before 1 January, 1995.

Applications to be considered in accordance with regulation (EC) No 726/2004.

25. Applications for marketing authorisations which have been referred to the Committee for Proprietary Medicinal Products before the 1 January, 1995 in accordance with Article 2 of Directive 87/22/EEC and in respect of which the Committee concerned has not given an opinion by 1 January, 1995, shall be considered in accordance with Regulation (EC) No 726/2004.

Regulation 22(1)(f) second paragraph, regulation 23 and Articles 32 to 34 of Directive 2001/83/EC and its subsequent amendments, shall not apply to homeopathic medicinal products referred to in sub-regulations (1), (2) and (3) of regulation 10.

Classification of medicinal products.

26. (1) When a marketing authorisation is granted, the Authority shall specify the classification of the medicinal product into:

- (a) a medicinal product subject to medical prescription,
- (b) a medicinal product not subject to medical prescription.

To this end, the criteria laid down in regulation 27(1) shall apply.

(2) The Authority 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 for renewable or non-renewable delivery;
- (b) medicinal products subject to special medical prescription;
- (c) medicinal products on “restricted” medical prescription, reserved for use in certain specialised areas:

Provided that where the Authority does not designate medicinal products into sub-categories, it shall nevertheless take into account the criteria referred to in sub-regulations (2) and (3) of regulation 27 in determining whether any medicinal product shall be classified as a prescription-only medicine.

Medicinal products subject to medical prescription.

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

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

(b) 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

(c) contain substances or preparations thereof, the activity and any adverse reactions of which require further investigation, or

(d) are normally prescribed by a doctor to be administered parenterally.

(2) For the sub-category of medicinal products subject to special medical prescription, the Authority shall take account of the following factors:

(a) 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 1971, or

(b) 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

(c) the medicinal product contains a substance which, by reason of its novelty or properties, could be considered as belonging to the group envisaged in sub-regulation (b), as a precautionary measure.

(3) For the sub-category of medicinal products subject to restricted prescription, the Authority shall take account of the following factors:

(a) 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;

(b) 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

(c) 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 Authority may waive application of sub-regulations (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.

Medicinal products not subject to a prescription.

28. Medicinal products not subject to prescription shall be those which do not meet the criteria listed in regulation 27 of these regulations.

List of medicinal products.

29. The Authority shall draw up a list of the medicinal products subject to medical prescription, specifying, if necessary, the category of classification, and it shall update this list annually.

Amendment of classification.

30. (1) When new facts are brought to its attention, the Authority shall examine and, as appropriate, amend the classification of a medicinal product by applying the criteria listed in regulation 27 of these regulations.

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

Repeals L.N. 387 of 2004.

31. The Medicines (Marketing Authorisation) Regulations, 2004 are hereby repealed.