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Committee on the Environment, Public Health and Food Safety

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COMPROMISE AMENDMENTS 1 - 41

Draft report
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(PE506.158v01-00)

on the proposal for a regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC

Proposal for a regulation
(COM(2012)0396 – C7-0194/2012 – 2012/192(COD))

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Amendment 1

EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 19, 221, 242, 481, 498, ITRE 16

Proposal for a regulation
Article 2 - paragraph 2 - point 10 a (new)

Text proposed by the Commission	*Amendment*
	'Ethics committee': an independent body in a Member State, consisting of health-care professionals and non-medical members including at least one well-experienced, knowledgeable patient or patient representative. Its responsibility is to protect the rights, safety, physical and mental integrity, dignity and well-being of subjects and to provide public assurance of that protection in full transparency. In cases of clinical trials involving minors, the ethics committee shall include at least one healthcare professional with paediatric expertise.

Or. en

Amendment 2
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 243, 244, 245, 248, 249, ITRE 20 - indents 1 and 1a

Proposal for a regulation
Article 3 - paragraph 1 - indent 1

Text proposed by the Commission	*Amendment*
- the rights, safety and well-being of subjects are protected; and	- the rights, safety***, physical and mental integrity, dignity*** and well-being of subjects are protected***, and the ethics committee has provided assurances thereof***;

Or. en

Amendment 3
EPP, S&D, ALDE, Greens/EFA, ECR
Consolidated amendment replacing Amendments 33 - 2nd part, 66, 252, 253, 254, 287, 305, 308, 309, 335, 339, 340, 344, 349, 380, 481, 498, 694, IMCO 59, ITRE 29, ITRE 28, AM 2, 80, 81, ITRE 2

Proposal for a regulation
Article 4 a new

Text proposed by the Commission	*Amendment*
	Article 4 a
	Ethics Committees
	1. Authorisation for conducting a clinical trial by the concerned Member State shall be granted only after examination by the ethics committee concerned.
	The ethics committee of the reporting Member State may examine any aspect addressed in Part I pursuant to Article 6 as well as any aspect addressed in Article 6, paragraph 5 which fall within the remit of the ethics committee according to national law. The ethics committee of each Member State concerned may examine any aspect addressed in Part II pursuant to Article 7 which fall within the remit of the ethics committee according to national law.
	The ethics committee shall work in a timely manner, enabling the Member State concerned to comply with the procedural deadlines set out in Chapter II.
	2. The Commission shall facilitate cooperation of ethics committees and the sharing of best practices on ethical issues including the procedures and principles of ethical assessment.
	The Commission shall develop guidelines on patient involvement in ethics committees, drawing upon existing good practices.

Or. en

Amendment 4
EPP, S&D, ALDE, Greens/EFA, GUE/NGL
Consolidated amendment replacing Amendments 30, 31, 32, 33 - 1st part, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, IMCO 66, IMCO 67, IMCO 68, ITRE 32, AM 79

Proposal for a regulation
Article 9

Text proposed by the Commission	*Amendment*
Article 9	Article 9
Persons assessing the application	Persons assessing the application ***(Part I and Part II)***
1. Member States shall ensure that the persons validating and assessing the application do not have conflicts of interest, are independent of the sponsor, ***the institution of*** the trial site and the investigators involved, as well as free of any other undue influence.	1. Member States shall ensure that the persons validating and assessing ***Parts I and II of*** the application do not have conflicts of interest, are independent of the sponsor, the trial site and the investigators involved, as well as free of any other undue influence.
	Persons validating and assessing Parts I and II of the application shall declare any financial and personal interests or shall make a statement that they do not have any such interest. Such declarations and statements shall be made publicly available in the EU database.
2. Member States shall ensure that the assessment is done jointly by a reasonable number of persons who collectively have the necessary qualifications and experience.	2. Member States shall ensure that the assessment is done jointly by a reasonable number of persons***, of whom a significant number shall be medical doctors as defined in national law,*** who collectively have the necessary qualifications and experience, ***in order to guarantee compliance with scientific and ethical quality requirements***.
3. In the assessment, ***the view of at least one person whose primary area of interest is non-scientific shall be taken into account. The view of at least one patient shall be taken into account.***	3. ***Ethics committees shall be involved*** in the assessment ***in accordance with the provisions of Article 4a.***

Or. en

Amendment 5
EPP, S&D, ALDE, Greens/EFA, ECR
Consolidated amendment replacing Amendments 409, 420 - 1st part, 426 - 1st part, 432, ITRE 43

Proposal for a regulation
Article 15

Text proposed by the Commission	*Amendment*
A substantial modification may only be implemented if it has been approved in accordance with the procedure set out in this Chapter.	A substantial modification may only be implemented if it has been approved in accordance with the procedure set out in this Chapter ***after having been examined by the ethics committee concerned***.

Or. en

Amendment 6
EPP, S&D, ALDE, Greens/EFA, GUE/NGL
Consolidated amendment replacing Amendments 7, 118, 119, IMCO 11

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) It should be left to the Member State concerned to determine the appropriate body or bodies to be involved in this assessment. This decision is a matter of internal organisation of each Member State. Member States, when determining the appropriate body or bodies, should ensure the involvement of ***lay persons and patients***. They should also ensure that the necessary expertise is available. In any case, however, and in accordance with international guidelines, the assessment should be done jointly by a reasonable number of persons who collectively have the necessary qualifications and experience. The persons assessing the	(14) It should be left to the Member State concerned to determine the appropriate body or bodies to be involved in this assessment. This decision is a matter of internal organisation of each Member State. Member States, when determining the appropriate body or bodies, should ensure the involvement of ***an independent ethics committee consisting of health-care professionals and non-medical members including at least one well-experienced, knowledgeable patient or patient representative***. They should also ensure that the necessary expertise is available. In any case, however, and in accordance with international guidelines, the assessment

application should be independent from the sponsor, the institution of the trial site, and the investigators involved, as well as free of any other undue influence.

should be done jointly by a reasonable number of persons who collectively have the necessary qualifications and experience. The persons assessing the application should be independent from the sponsor, the institution of the trial site, and the investigators involved, as well as free of any other undue influence. ***Names, qualifications, and declaration of interest of the persons assessing the application should be made publicly available.***

Or. en

Amendment 7
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 46, 462, 467, 468, ITRE 50, AM 45, 461, 463, 464, 465, 466, 469, 471, 472, IMCO 80, ITRE 49

Proposal for a regulation
Article 29 - paragraphs 1 and 2

Text proposed by the Commission	*Amendment*
	1.Prior to obtaining his or her informed consent, the potential subject and/or the legal representative shall be comprehensively and comprehensibly informed ***orally and in writing*** of the nature, ***duration,*** significance, implications and risks of the clinical trial***, including information on possible treatment alternatives in case the trial has to be discontinued, and any other relevant information***. ***The information*** shall ***also*** include medical and legal information ***together with information on damage compensation***. ***The potential*** subject ***shall also be informed*** about his or her right to ***refuse to participate in the trial or*** to revoke his or her informed consent ***without any resulting detriment***.
2. Written information given to the subject and/or the legal representative ***for the purposes of*** obtaining his or her informed consent shall be ***kept*** concise, clear, relevant, and understandable to a *lay*	***Any*** written information ***shall be presented in a language which is easily understood by him or her, and*** shall be concise, clear, relevant, and understandable to a *layperson*. ***Special attention shall be given***

person. It shall include ***both*** medical and legal information. It shall inform the subject about his or her right to revoke his or her informed consent.	***to the information needs of individual subjects and specific patient populations, as well as to the methods used to give the information.*** ***Adequate time shall be given for the subject to consider the decision to participate in the trial.***
1. Informed consent shall be written, dated and signed and given freely by the subject or his or her legal representative after having been duly informed of the nature, significance, implications and risks of the clinical trial. ***It*** shall be appropriately documented. Where the subject is unable to write, oral consent in the presence of at least one impartial witness may be given in exceptional cases. The subject or his or her legal representative shall be provided with a copy of the document by which informed consent has been given.	***2.*** Informed consent shall be written, dated and signed and given freely by the subject or his or her legal representative after having been duly informed ***in accordance with paragraph 1***. ***The information provided and the informed consent*** shall be appropriately documented. ***That document shall include the trial registration number in the EU portal, and information about the availability of the trial results in accordance with Article 29, paragraph 4a.*** Where the subject is unable to write, oral consent in the presence of at least one impartial witness ***independent of the investigator*** may be given in exceptional cases. ***The identity of the witness shall be registered on the informed consent document referred to in the previous subparagraph***. The subject or his or her legal representative shall be provided with a copy of the document by which informed consent has been given.

Or. en

Amendment 8
EPP, S&D, ALDE, ECR

Consolidated amendment replacing Amendments 473

Proposal for a regulation
Article 29 - paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Without prejudice to Article 32, and by derogation from Article 28, paragraph 1, points c)-d) and Article 29, paragraphs 1 and 2, clinical trials may be conducted without obtaining informed consent only if all of the following conditions are fulfilled:
	(a) the methodology of the trial requires including hospitals, health centres or clinics rather than individual subjects into the trial;
	(b) the trial is a low-risk trial pursuant to Article 2, paragraph 3;
	(c) the protocol shall state that the trial is conducted without obtaining informed consent, and shall describe the scope of information provided to the subjects, as well as the ways of providing information;
	(d) the ethics committee has examined the protocol;
	(e) prior to the start of the trial, the potential subjects have received comprehensive and comprehensible written information on the nature, duration, significance, implications and risks of the clinical trial, and any other relevant information, and have been duly informed that they can refuse to participate in the trial without any resulting detriment;
	(f) prior to the start of the trial, the subject has been informed that he or she can withdraw from the trial any time without any resulting detriment;
	(g) the potential subject, after having been

informed, does not object to participating in the trial.

(h) the clinical trial corresponds to a public health objective.

Or. en

Amendment 9
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 13, 128, 129

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) In accordance with international guidelines, the free and informed consent of the subject should be in writing, ***save in*** exceptional situations. ***It should be based on*** information which is clear, relevant and understandable to the subject.	(24) ***Prior to obtaining informed consent, the potential subject should receive*** information ***orally and in writing*** which is clear, relevant and understandable to the subject***, and presented in a language which is easily understood by him or her***. ***The subject should have the opportunity to ask questions at ay moment. Adequate time should be provided for the subject to consider his or her decision.*** In accordance with international guidelines, the free and informed consent of the subject should be ***given*** in writing. ***In exceptional situations justified under this regulation, the clinical trial might be conducted without obtaining informed consent.***

Or. en

Amendment 10
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 197, 198, 200, 206, 271, 273, 277, 282, 312, 315, 325, 397, 398, 402, 403, 413, 415, 417, 581, 586, 600, 714, 100, 113, IMCO 29, IMCO 42, IMCO 43, IMCO 44, IMCO 74, IMCO 105, IMCO 106, IMCO 3, IMCO 6

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission	*Amendment*
	(9a) The OECD Council adopted its Recommendation on the Governance of Clinical Trials on 10 December 2012 which has introduced different risk categories for clinical trials. Those risk categories are compatible with the ones of the present regulation as the OECD Categories A and B(1) correspond to the definition of low-risk clinical trial, and the OECD Categories B(2) and C correspond to the definition of clinical trial under this regulation.
	(Replacing "low-intervention clinical trial" by "low-risk clinical trial" is a horizontal amendment which applies throughout the text. Adopting it will necessitate corresponding changes.)

Or. en

Amendment 11
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 51, 527, 528, 529, IMCO 95, ITRE 51, 530, 531, 532, 533, 534, 535, 536, 537, 539, 540, 52, 538, 541, 542, 150, 660, 668, 446 - 1st part

Proposal for a regulation
Article 34 – paragraphs 3 and 3a

Text proposed by the Commission	*Amendment*
3. Within one year from the end of a clinical trial, the sponsor shall submit to the EU database a summary of the results of the clinical trial.	3. ***Irrespective of the outcome of the clinical trial,*** within one year from the end of a clinical trial ***or from its early termination***, the sponsor shall submit to the EU database a summary of the results of the clinical trial ***in accordance with Annex IIIa of the regulation. It shall be accompanied by a summary presented in terms that are easily understandable to a layperson.***

However, where, for scientific reasons, it is not possible to submit a summary of the results within one year, the summary of results shall be submitted as soon as it is available. In this case, the protocol shall specify when the results are going to be submitted, together with ***an explanation***.	However, where, for ***justified*** scientific reasons, it is not possible to submit a summary of the results within one year, the summary of results shall be submitted as soon as it is available. In this case, the protocol shall specify when the results are going to be submitted, together with ***a justification***.
	Besides the summary of the results, where the trial was intended to be used for obtaining a marketing authorisation for the medicinal product, the sponsor shall submit to the EU database the clinical study report 30 days after marketing authorisation has been granted, the decision-making process on an application for a marketing authorisation has been completed, or the sponsor has decided not to submit an application for marketing authorisation.
	In the event of sponsor non-compliance with the obligations referred to in this paragraph, financial penalties shall be imposed by the Member States concerned. The penalties shall be effective, proportionate and dissuasive.
	3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 85 in order to define the content and structure of the layperson's summary.
	The Commission shall be empowered to adopt delegated acts in accordance with Article 85 in order to establish rules for the communication of the clinical study report.
	For cases where the sponsor decides to share raw data on a voluntary basis, the Commission shall produce guidelines for the formatting and sharing of the data.
	Or. en

Amendment 12
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL

Compromise amendment replacing Amendments 731, IMCO 121

Proposal for a regulation
Annex III a (new)

Text proposed by the Commission	*Amendment*
	Annex IIIa
	Content of the summary of the results of clinical trials
	The summary of the results of the clinical trials referred to in Article 34, paragraph 3 shall contain information on the following elements:
	1. Trial information:
	a) Study identification
	b) Identifiers
	c) Sponsor details
	d) Paediatric regulatory details
	e) Result analysis stage
	f) General Information about the trial including: a structured summary of trial design, methods, results, and conclusions; s***cientific background and explanation of rationale; specific objectives or hypotheses***
	g) Population of trial subjects with actual number of subjects included in the trial and the eligibility criteria
	2. Subject disposition with sufficient details to allow for replication, including:
	a) Recruitment
	b) Pre-assignment Period
	c) Post Assignment Periods
	3. Baseline Characteristics:
	a) Baseline Characteristics (Required) Age
	b) Baseline Characteristics (Required) Gender

c) Baseline Characteristics (Optional)
Study Specific Characteristic
4. End Points:

a) Endpoint definitions

b) End Point #1*

Statistical Analyses

c) End Point #2,

Statistical Analyses

****Information shall be provided for as many end points as defined in the protocol.***
5. Adverse Events:

a) Adverse events information

b) Adverse event reporting group

c) Serious Adverse Events

d) Non-serious adverse event

6. More Information:

a) Global Substantial Modifications

b) Global Interruptions and re-starts
c) Limitations, addressing sources of potential bias and imprecisions, & Caveats
7. The protocol and its subsequent modifications.

Or. en

Amendment 12 bis
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 21, AM 241

Proposal for a regulation
Article 2 - paragraph 2 - point 30a

Text proposed by the Commission	*Amendment*
	(30a) 'Clinical study report': a report on the clinical trial presented in an easily searchable format, prepared in accordance with Annex I, Module 5 of

Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use.

Or. en

Amendment 13
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments IMCO 19

Proposal for a regulation
Recital 25 a (new*)*

Text proposed by the Commission	*Amendment*
	(25a) For the sake of transparency, sponsors should submit the summary of the results of a clinical trial together with a layperson summary, and, where applicable, the clinical study report, within the deadlines and in the format specified by the regulation. The Commission should be empowered to adopt delegated acts on the preparation of the layperson's summary and the communication of the clinical study report. The Commission should provide guidelines for the management of, and the facilitating of sharing of raw data from all clinical trials.

Or. en

Amendment 14
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 24, 289 - 1st part, 290, 291, 292, ITRE 22

Proposal for a regulation
Article 6 – paragraph 1 – point a – point I – indent 2 (- first part)

Text proposed by the Commission	*Amendment*
- the relevance of the clinical trial, (…)	- the relevance of the clinical trial, ***ensuring that the groups of subjects***

	participating in the trial represent the population to be treated, or if not, explanation and justification is provided in accordance with Annex I, point 13, indent 6, and (…)

Or. en

Amendment 15
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 70, AM 698, IMCO 119

Proposal for a regulation
Annex I – point 13 – indent 6

Text proposed by the Commission	*Amendment*
if elderly persons or women are excluded from the clinical trial, an explanation and justification for these exclusion criteria;	if ***a specific gender or age group is excluded from, or underrepresented in the trial***, an explanation ***of the reasons*** and justification for these exclusion criteria;

Or. en

Amendment 16
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 5 -1st part, AM 107, AM 108, AM 109, AM 110, IMCO 5.

Proposal for a regulation
Recital 10 (- 1st part)

Text proposed by the Commission	*Amendment*
(10) The assessment of the application for a clinical trial should address in particular the anticipated therapeutic and public health benefits ('relevance') and the risk and inconveniences for the subject. Regarding the relevance, numerous aspects should be taken into account, ***including*** (…)	(10) The assessment of the application for a clinical trial should address in particular the anticipated therapeutic and public health benefits ('relevance') and the risk and inconveniences for the subject. Regarding the relevance, numerous aspects should be taken into account, ***which includes ensuring that the groups of subjects participating in the trial represent***

the population to be treated, in particular with regard to gender, age and other specific characteristics of the subject, or if not, explanation and justification is provided, and (…)

Or. en

Amendment 17
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 48, 469, 471, 472

Proposal for a regulation
Article 29 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. In the document referred to in the second subparagraph of Article 29, paragraph 2, the subject shall be informed that within one year from the end of the clinical trial or its early termination, the summary of the results of the trial and a summary presented in terms understandable to a layperson will be made available in the EU database pursuant to Article 34, paragraph 3, irrespective of the trial outcome, or that he or she can obtain information from the investigator or its representative about the overall results of the trial.

Or. en

Amendment 18
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 259, 260, 261, 262, 263, 264, 265, IMCO 39. If adopted, the respective parts of Article 5, currently referring to the proposed reporting Member State, need to be adjusted accordingly.

Proposal for a regulation
Article 5 – paragraph 1 – subparagraphs 2 and 3

Text proposed by the Commission	*Amendment*
The sponsor shall propose one of the Member States concerned as reporting Member State.	***deleted***
Where the proposed reporting Member State does not wish to be the reporting Member State, it shall agree with another Member State concerned that the latter will be the reporting Member State.	***The reporting Member State shall be appointed among the Member States concerned in a procedure based on objective criteria and set out in this regulation.***

Or. en

Amendment 19
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 50, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, IMCO 86, IMCO 87, IMCO 88, IMCO 89, IMCO 90, IMCO 91, IMCO 92, IMCO 93

Proposal for a regulation
Article 32

Text proposed by the Commission	*Amendment*
1. By way of derogation from points (c) and (d) of Article 28(1), from points (a) and (b) of Article 30(1) and from points (a) and (b) of Article 31(1), informed consent may be obtained after the start of the clinical trial to continue the clinical trial and information on the clinical trial may be given after the start of the clinical trial provided that all of the following conditions are fulfilled:	1. By way of derogation from points (c) and (d) of Article 28(1), from points (a) and (b) of Article 30(1) and from points (a) and (b) of Article 31(1), informed consent may be obtained after the start of the clinical trial to continue the clinical trial and information on the clinical trial may be given after the start of the clinical trial provided that all of the following conditions are fulfilled:
(a) due to the urgency of the situation caused by a sudden life-threatening or other sudden serious medical condition, it is impossible to obtain prior informed consent from the subject and it is impossible to supply prior information to the subject;	(a) due to the urgency of the situation caused by a sudden life-threatening or other sudden serious medical condition, it is impossible to obtain prior informed consent from the subject and it is impossible to supply prior information to the subject;

(b) ***no legal representative is available;***	(b) ***due to the urgency of the situation, it is impossible to obtain prior informed consent from the legal representative in a sufficiently timely manner***;
(c) the subject has not previously expressed objections known to the investigator;	(c) the subject ***or the legal representative of an incapacitated subject or a minor*** has not previously expressed objections known to the investigator;
(d) the research relates directly to a medical condition which causes the impossibility to obtain prior informed consent and to supply prior information;	***deleted***
(e) the clinical trial poses a ***minimal*** risk to, and imposes a ***minimal*** burden on, the subject**.**	(e) the clinical trial poses a risk ***proportionate to the underlying life threatening medical condition***, and imposes a ***proportionate*** burden on, the subject***;***
	(ea) where there are grounds to expect that the research would result in a clinically relevant benefit but where the direct benefit for the subject can not be ensured, it shall have the aim of contributing, through significant improvement in the scientific understanding of the individual's condition, disease or disorder, to the ultimate attainment of results capable of conferring benefit to subject or to other persons afflicted with the same disease or disorder or having the same condition;
	(eb) the protocol has been approved specifically for the emergency situation.
2. The informed consent referred to in paragraph 1 shall be obtained, and information on the clinical trial shall be given, in accordance with the following requirements:	2. The informed consent referred to in paragraph 1 shall be obtained, and information on the clinical trial shall be given, in accordance with the following requirements:
(a) regarding incapacitated subjects and minors, the informed consent referred to in paragraph 1 shall be obtained as soon as possible from the legal representative and the information referred to in paragraph 1 shall be given as soon as possible to the subject;	(a) regarding incapacitated subjects and minors, the informed consent referred to in paragraph 1 shall be obtained as soon as possible from the legal representative and the information referred to in paragraph 1 shall be given as soon as possible to the subject ***and the legal representative by the investigator or a member of the***

	investigating team;
(b) regarding other subjects, the informed consent referred to in paragraph 1 shall be obtained as soon as possible from the legal representative or the subject, whichever is sooner and the information referred to in paragraph 1 shall be given as soon as possible to the legal representative or the subject, whichever is sooner.	(b) regarding other subjects, the informed consent referred to in paragraph 1 shall be obtained as soon as possible from the legal representative or the subject, whichever is sooner and the information referred to in paragraph 1 shall be given as soon as possible to the legal representative or the subject, whichever is sooner ***by the investigator or a member of the investigating team***.
For the purposes of point (b), where informed consent has been obtained from the legal representative, informed consent to continue the trial shall be obtained from the subject as soon as it is capable of giving informed consent.	For the purposes of point (b), where informed consent has been obtained from the legal representative, informed consent to continue the trial shall be obtained from the subject as soon as it is capable of giving informed consent.
	2a. If the subject or, where applicable, the legal representative does not give consent, he or she shall be informed of the right to object to the use of data obtained from the trial.

Or. en

Amendment 20
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 126, AM 127, IMCO 17

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
This Regulation should provide for clear rules concerning informed consent in emergency situations. Such situations relate to cases where for example a patient has suffered a sudden life-threatening medical condition due to multiple traumas, strokes or heart attacks, necessitating immediate medical intervention. For such cases, intervention within an ongoing clinical trial, which has already been	This Regulation should provide for clear rules concerning informed consent in emergency situations. Such situations relate to cases where for example a patient has suffered a sudden life-threatening medical condition due to multiple traumas, strokes or heart attacks, necessitating immediate medical intervention. For such cases, intervention within an ongoing clinical trial, which has already been

approved, may be pertinent. However, in certain circumstances, due to the unconsciousness of the patient and the absence of an immediately available legal representative, it is not possible to obtain informed consent prior to the intervention. The Regulation should therefore set clear rules whereby such patients may be enrolled in the clinical trial under very strict conditions. In addition, the said clinical trial should relate directly to the medical condition which causes the impossibility of the patient to give informed consent. Any previously expressed objection by the patient must be respected, and informed consent from the subject or the legal representative should be sought as soon as possible.	approved, may be pertinent. However, in certain circumstances, due to the unconsciousness of the patient and the absence of an immediately available legal representative, it is not possible to obtain informed consent prior to the intervention ***in a sufficiently timely manner***. The Regulation should therefore set clear rules whereby such patients may be enrolled in the clinical trial under very strict conditions ***and only when there are grounds to expect that a clinically relevant benefit can be obtained***. In addition, the said clinical trial should relate directly to the medical condition which causes the impossibility of the patient to give informed consent. Any previously expressed objection by the patient ***or where appropriate, his or her legal representative,*** must be respected, and informed consent from the subject or the legal representative should be sought as soon as possible. ***If the subject or the legal representative declines to give consent, rules should be established for the use of data obtained earlier in the trial.***
	Or. en

Amendment 21
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 49, 504, 233, 338, 383, 385, 386, IMCO 56, IMCO 69.

Proposal for a regulation
Article 31 a (new)

Text proposed by the Commission	*Amendment*
	Article 31 a (new)
	Clinical trials on pregnant or breastfeeding women
	A clinical trial on pregnant or breastfeeding women may be conducted

only where, in addition to conditions set out in Article 28, all of the following conditions are met:

(a) research on a pregnant woman which does not have the potential to produce results of direct benefit to her health, or to that of her embryo, foetus or child after birth, may only be undertaken if the research has the aim of contributing to the ultimate attainment of results capable of conferring benefit to pregnant or breastfeeding women or other women in relation to reproduction or to other embryos, foetuses or children;

(b) research of comparable effectiveness can not be carried out on women who are not pregnant or breastfeeding;

(c) the clinical trial poses a minimal risk to, and imposes a minimal burden on, the subject and her embryo, foetus or child after birth;

(d) where research is undertaken on breastfeeding women, particular care is taken to avoid any adverse impact on the health of the child;

(e) no incentives or financial inducements are given except compensation for participation in the clinical trial, which shall be strictly limited to conditions making good the expenses incurred.

Or. en

Amendment 22
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 49, 504, 338, 383, 385, 386, IMCO 56, IMCO 69.

Proposal for a regulation
Article 31 b (new)

Text proposed by the Commission	*Amendment*
	Article 31 b (new)
	Clinical trials on persons deprived of liberty
	1. A clinical trial on persons deprived of liberty may be conducted only where, in addition to conditions set out in Article 28, all of the following conditions are met:
	(a) the law of the Member State concerned allows research on persons deprived of liberty;
	(b) the clinical trial poses a minimal risk to, and imposes a minimal burden on, the subject;
	(c) no incentives or financial inducements are given except compensation for participation in the clinical trial, which shall be strictly limited to conditions making good the expenses incurred.
	2. Informed consent shall be sought from the subject or his or her legal representative as decided upon by the law of the Member State concerned.

Or. en

Amendment 23
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 49, 504, 338, 383, 385, 386, IMCO 56, IMCO 69

Proposal for a regulation
Article 31 c (new)

Text proposed by the Commission	*Amendment*
	Article 31 c (new)

Clinical trials on subjects with specific needs

1. A clinical trial on subjects with specific needs may be conducted only where, in addition to the conditions set out in Article 28, all of the following conditions are met:

(a) it has been assessed and duly justified whether and what specific needs the subject has;

(b) the subject has received all relevant information from professionals trained or experienced in working with people with specific needs regarding the trial, the risks and the benefits;

(c) no incentives or financial inducements are given except compensation for participation in the clinical trial, which shall be strictly limited to conditions making good the expenses incurred;

(d) such research either relates directly to a medical condition from which the subject concerned suffers or it is relevant to the population group with specific needs;

(e) the clinical trial has been designed to minimise pain, discomfort, fear and any other foreseeable risk in relation to the disease and developmental stage, and both the risk threshold and the degree of distress are specially defined and constantly observed;

(f) some direct benefit for the group of patients is expected to be obtained from the clinical trial.

2. The subject shall take part in the consent procedure in a manner catering for, where necessary, his or her specific needs, situation and capacity.

Or. en

Amendment 24
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 12, 122, 123, 124, 125

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) The human dignity and right to the integrity of the person are recognized in the Charter of Fundamental rights of the European Union. In particular, the Charter requires that any intervention in the field of biology and medicine cannot be performed without free and informed consent of the person concerned. Directive 2001/20/EC contained an extensive set of rules for the protection of subjects. These rules should be upheld. Regarding the rules concerning the determination of the legal representative of incapacitated persons and minors, those rules diverge in Member States. It should therefore be left to Member States to determine the legal representative of incapacitated *persons* and minors.	(22) The human dignity and right to the integrity of the person are recognized in the Charter of Fundamental rights of the European Union. In particular, the Charter requires that any intervention in the field of biology and medicine cannot be performed without free and informed consent of the person concerned. Directive 2001/20/EC contained an extensive set of rules for the protection of subjects. These rules should be upheld. ***Incapacitated subjects, minors, pregnant and breastfeeding women, and where the law of the Member State concerned allows, persons deprived of liberty, as well as subjects with specific needs require additional protection measures. Existing rules and international standards, in particular the provisions of the Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research should be upheld and integrated into this regulation in order to guarantee a high level of protection for those subjects with specific needs throughout the Union.*** Regarding the rules concerning the determination of the legal representative of incapacitated persons and minors, those rules diverge in Member States. It should therefore be left to Member States to determine the legal representative of incapacitated *subjects* and minors.

Or. en

Amendment 25
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 267, 268, 269, 276, IMCO 40

Proposal for a regulation
Article 5, paragraph 2, introductory part

Text proposed by the Commission	*Amendment*
Within ***six days*** following submission of the application dossier, the proposed reporting Member State shall notify the sponsor through the EU portal of the following:	Within ***eight days*** following submission of the application dossier, the proposed reporting Member State shall notify the sponsor through the EU portal of the following:

Or. en

Amendment 26
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 279, 280, 281 - 1st part

Proposal for a regulation
Article 5, paragraph 4, subparagraph 3

Text proposed by the Commission	*Amendment*
Where the proposed reporting Member State has not notified the sponsor according to points (a) to (d) of paragraph 2 within ***three days*** following receipt of the comments or of the completed application, the application shall be considered complete, the clinical trial shall be considered as falling within the scope of this Regulation, the clinical trial shall be considered as a low-intervention clinical trial if this is claimed by the sponsor, and the proposed reporting Member State shall be the reporting Member State.	Where the proposed reporting Member State has not notified the sponsor according to points (a) to (d) of paragraph 2 within ***five days*** following receipt of the comments or of the completed application, the application shall be considered complete, the clinical trial shall be considered as falling within the scope of this Regulation, the clinical trial shall be considered as a low-intervention clinical trial if this is claimed by the sponsor, and the proposed reporting Member State shall be the reporting Member State.

Or. en

Amendment 27
EPP, S&D, ALDE, ECR

Consolidated amendment replacing Amendments 310, 311

Proposal for a regulation
Article 6, paragraph 4, point a

Text proposed by the Commission	*Amendment*
(a) within ***10 days*** from the validation date for low-intervention clinical trials;	(a) within ***twelve days*** from the validation date for low-intervention clinical trials;

Or. en

Amendment 28
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 313, 314

Proposal for a regulation
Article 6, paragraph 4, point b

Text proposed by the Commission	*Amendment*
(b) within ***25 days*** from the validation date for clinical trials other than low-intervention clinical trials;	(b) within ***twenty-seven days*** from the validation date for clinical trials other than low-intervention clinical trials;

Or. en

Amendment 29
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 316, 317, 318

Proposal for a regulation
Article 6, paragraph 4, point c

Text proposed by the Commission	*Amendment*
(c) within ***30 days*** from the validation date for any clinical trial with an advanced therapy investigational medicinal product.	(c) within ***thirty-two days*** from the validation date for any clinical trial with an advanced therapy investigational medicinal product.

Or. en

Amendment 30
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 324

Proposal for a regulation
Article 6, paragraph 6, subparagraph 2

Text proposed by the Commission	*Amendment*
For the purpose of obtaining those additional explanations, the reporting Member State may suspend the time period referred to in paragraph 4 for a maximum of ***10 days*** for low-intervention clinical trials and for a maximum of ***20 days*** for trials other than low-intervention clinical trials.	For the purpose of obtaining those additional explanations, the reporting Member State may suspend the time period referred to in paragraph 4 for a maximum of ***twelve days*** for low-intervention clinical trials and for a maximum of ***twenty-two days*** for trials other than low-intervention clinical trials.

Or. en

Amendment 31
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 327, 328, IMCO 52

Proposal for a regulation
Article 6, paragraph 6, subparagraph 3

Text proposed by the Commission	*Amendment*
Where, upon receipt of the additional explanations, the remaining time period for submitting Part I of the assessment report is less than ***three days*** in the case of low-intervention clinical trials, and less than ***five days*** for other than low-intervention clinical trials, it shall be extended to ***three*** and ***five days*** respectively.	Where, upon receipt of the additional explanations, the remaining time period for submitting Part I of the assessment report is less than ***five days*** in the case of low-intervention clinical trials, and less than ***seven days*** for other than low-intervention clinical trials, it shall be extended to ***five*** and ***seven days*** respectively.

Or. en

Amendment 32
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 341

Proposal for a regulation
Article 7, paragraph 2

Text proposed by the Commission	*Amendment*
2. Each Member State concerned shall complete its assessment within ***ten days*** from the validation date. It may request, with justified reasons, additional explanations from the sponsor regarding the aspects referred to in paragraph 1 only within that time period.	2. Each Member State concerned shall complete its assessment within ***twelve days*** from the validation date. It may request, with justified reasons, additional explanations from the sponsor regarding the aspects referred to in paragraph 1 only within that time period.

Or. en

Amendment 33
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 411, 412

Proposal for a regulation
Article 17, paragraph 2, introductory part

Text proposed by the Commission	*Amendment*
Within ***four days*** following submission of the application dossier, the reporting Member State shall notify the sponsor through the EU portal of the following:	Within ***six days*** following submission of the application dossier, the reporting Member State shall notify the sponsor through the EU portal of the following:

Or. en

Amendment 34
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 420 - 2nd part

Proposal for a regulation
Article 19, paragraph 1, subparagraph 2

Text proposed by the Commission	*Amendment*
Notification shall be done by way of one single decision within ***ten days*** from the assessment date.	Notification shall be done by way of one single decision within ***twelve days*** from the assessment date.

Or. en

Amendment 35
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 426 - 2nd part

Proposal for a regulation
Article 20, paragraph 5, subparagraph 2

Text proposed by the Commission	*Amendment*
Notification shall be done by way of one single decision within ***ten days*** from the assessment date.	Notification shall be done by way of one single decision within ***twelve days*** from the assessment date.

Or. en

Amendment 36
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 430 - 1st part

Proposal for a regulation
Article 22, paragraph 1

Text proposed by the Commission	*Amendment*
1. Each Member State concerned shall assess, for its territory, the aspects of the substantial modification which are covered by Part II of the assessment report within ***ten days*** from the validation date.	1. Each Member State concerned shall assess, for its territory, the aspects of the substantial modification which are covered by Part II of the assessment report within ***twelve days*** from the validation date.

Or. en

Amendment 37
EPP, S&D, ALDE, ECR
Consolidated amendment replacing Amendments 432 - 1st part

Proposal for a regulation
Article 23, paragraph 1, subparagraph 2

Text proposed by the Commission	*Amendment*
Notification shall be done by way of one single decision ***within ten days*** from the assessment date or the last day of the assessment referred to in Article 22, whichever is later.	Notification shall be done by way of one single decision ***within twelve days*** from the assessment date or the last day of the assessment referred to in Article 22, whichever is later.

Or. en

Amendment 38
EPP, S&D, ALDE, Greens/EFA, ECR, GUE/NGL
Compromise amendment replacing Amendments 623, 624, 625, 626, 627, 628, 629, 630, 631, IMCO 111

Proposal for a regulation
Article 72

Text proposed by the Commission	*Amendment*
	For low-risk clinical trials, Member States shall ensure that damage compensation is covered by the general compensation system established under the national social security or health care system.
For clinical trials other than ***low-intervention*** clinical trials, the sponsor shall ensure that compensation in accordance with the applicable laws on liability of the sponsor and the investigator is provided for any damage suffered by the subject. This damage compensation shall be provided independently of the financial capacity of the sponsor and the investigator.	For clinical trials other than ***low-risk*** clinical trials, the sponsor shall ensure that compensation in accordance with the applicable laws on liability of the sponsor and the investigator is provided for any damage suffered by the subject. This damage compensation shall be provided independently of the financial capacity of the sponsor and the investigator.
	Adequate and comprehensive information shall be provided to the subject on the limits and conditions of damage compensation, and the conditions of use of the national indemnification mechanism.

Or. en

Amendment 39
EPP, S&D, Greens/EFA, GUE/NGL
Consolidated amendment replacing Amendments 632, 633, 634, 636, 637, 638, 639, 640, 641, IMCO 112

Proposal for a regulation
Article 73 - paragraph 3

Text proposed by the Commission	*Amendment*
3. The use of the national indemnification mechanism shall be free of charge where, for objective reasons, *the clinical trial was not intended, at the time of submission of the application for authorisation of that clinical trial, to be used for obtaining a marketing authorisation for a medicinal product*.	3. *For clinical trials which, for objective reasons, were not intended to be used for obtaining a marketing authorisation for a medicinal product at the point of submitting the application for the authorisation of that trial,* the use of the national indemnification mechanism shall be free of charge.
	Member States shall be able to charge sponsors appropriate fees retrospectively in case the sponsor has decided to use the trial to obtain marketing authorisation.
For all other clinical trials, the use of the national indemnification mechanism ***may*** be subject to a fee. Member States shall establish that fee on a not-for-profit basis, taking into account the risk of the clinical trial, the potential damage, and the likelihood of the damage.	For all other clinical trials, the use of the national indemnification mechanism ***shall*** be subject to a fee. Member States shall establish that fee on a not-for-profit basis, taking into account the risk of the clinical trial, the potential damage, and the likelihood of the damage.

Or. en

Amendment 40
S&D, Greens/EFA, GUE/NGL
Consolidated amendment replacing Amendments 65, 661, 662, 663, 664, 665, 666, 667, ITRE 59, ITRE 60, IMCO 114, ITRE 61, 446 - 2nd part, 447

Proposal for a regulation
Article 78, paragraph 3

Text proposed by the Commission	*Amendment*
3. The EU database shall be publicly accessible unless, for all or parts of the data and information contained therein, confidentiality is justified on any of the following grounds:	3. The EU database shall be publicly accessible unless, for all or parts of the data and information contained therein, confidentiality is justified on any of the following grounds:
- protecting personal data in accordance with Regulation (EC) No 45/2001;	- protecting personal data in accordance with Regulation (EC) No 45/2001;
- protecting commercially confidential information;	- protecting commercially confidential information***. Data and information contained in the clinical study report shall not be considered commercially confidential once a marketing authorisation for the medicinal product for which trial was conducted has been granted, or the decision-making process on an application for a marketing authorisation has been completed*;**
- ensuring effective supervision of the conduct of a clinical trial by Member States.	- ensuring effective supervision of the conduct of a clinical trial by Member States.

Or. en

Amendment 41
S&D, ALDE, Greens/EFA, GUE/NGL
Consolidated amendment replacing Amendments 11, 120, 166, 169, ITRE 11, ITRE 12

Proposal for a regulation
Recital 20 a (new)3

Text proposed by the Commission	*Amendment*
	(20a) According to the policy of European Medicines Agency on access to documents, the Agency releases documents submitted as part of applications for marketing authorisation, including clinical trial reports, on request once the decision-making process for the

medicine in question has been completed. Furthermore, the Agency continues to extend its transparency policy to proactive publication of clinical-trial data for medicines once the decision-making process on an application for a Union-wide marketing authorisation is complete. Those standards on transparency and access to documents should be upheld and reinforced. For the purposes of this regulation, in general the data included in clinical trial study reports should not be considered commercially confidential once a marketing authorisation has been granted or the decision-making process on an application for marketing authorisation has been completed.

Or. en