EUROPEAN PARLIAMENT 2009 - 2014

Committee on the Environment, Public Health and Food Safety

2012/0192(COD)

6.3.2013

AMENDMENTS
330 - 460

Draft report
Glenis Willmott
(PE504.236v01-00)

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)0369 – C7-0194/2012 – 2012/0192(COD))

AM_Com_LegReport

Amendment 330
Roberta Angelilli

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Each Member State concerned shall assess, for its own territory, the application with respect to the following aspects:	1. ***Without prejudice to the aspects covered by Part I as referred to in Article 6,*** each Member State concerned shall assess, for its own territory, the application with respect to the following aspects:

Or. en

Amendment 331
Philippe Juvin, Cristian Silviu Buşoi

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Each Member State concerned shall assess, for its own territory, the application with respect to the following aspects:	***The assessments of Parts I and II shall be conducted simultaneously.*** Each Member State concerned shall assess, for its own territory, the application with respect to the following aspects:

Or. fr

Amendment 332
Roberta Angelilli

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) compliance with the requirements for informed consent as set out in Chapter V;	***deleted***

Or. en

Justification

These statements have not a national relevance but a common and community relevance. Therefore, it should be better to move them in the part I of the assessment

Amendment 333
Alda Sousa

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) compliance with the requirements for informed consent as set out in Chapter V;	(a) compliance with the requirements for ***the protection of the subjects and*** informed consent as set out in Chapter V;

Or. en

Amendment 334
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) compliance with the requirements for informed consent as set out in Chapter V;	(a) compliance with the requirements for ***the protection of the subjects and*** informed consent as set out in Chapter V;

Or. en

Justification

Limiting ethic assessment only to the verification of the informed consent procedure is not enough. The regulation proposal must take into account Member States' diversity in ethical assessment for the protection of the subjects, a principle that is respected by various international instruments eg. the Declaration of Helsinki and the Oviedo Convention on Human Rights and Biomedicine.

Amendment 335
Françoise Grossetête, Marina Yannakoudakis, Thomas Ulmer, Frédérique Ries

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) compliance with national legislative provisions related to ethics;

Or. en

Justification

The role of ethics committees does not seem to be very clearly defined in the Commission's proposal. It is necessary to clarify that the assessment necessary for the authorisation of a clinical trial also involves ethical aspects.

Amendment 336
Roberta Angelilli

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) compliance with Directive 95/46/EC;	***deleted***

Or. en

Justification

These statements have not a national relevance but a common and community relevance. Therefore, it should be better to move them in the part I of the assessment

Amendment 337
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) compliance with Article 46a;

Or. en

Justification

Bias of results by design of the clinical trial (testing against placebo for improved results) is highly unethical towards the subjects and unfortunately a common phenomena in medical research. To ensure actual advancement of science new medicinal products or off label testing of existing medicinal products shall be compared to the best current proven intervention (article 46a). Testing medicinal products against placebo/no treatment should only be done where no other treatment exists.

Amendment 338
Philippe Juvin

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point h a (new)

Text proposed by the Commission	*Amendment*
	(ha) compliance with more restrictive national provisions relating to clinical trials involving vulnerable individuals.

Or. fr

Justification

In providing for the protection of vulnerable persons, the regulation must be consistent with the restrictive provisions introduced by some Member States for other categories of vulnerable persons, including women who are pregnant, who have just or who are about to give birth or who are breast-feeding and persons in detention.

Amendment 339
Nessa Childers

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1 – point h a (new)

Text proposed by the Commission	*Amendment*
	(ha) compliance with the ethical requirements relevant to the Member State concerned.

Or. en

Amendment 340
Elena Oana Antonescu

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Each Member State concerned shall assess the ethical acceptability of the clinical trial in accordance with its national legislation. In this respect, each Member State shall establish Ethics Committees. In case of multi-centre clinical trials, regardless the number of Ethics Committees, each Member State concerned shall establish a procedure for the adoption of a single opinion.

Or. en

Amendment 341
Edite Estrela, António Fernando Correia de Campos

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	2. Each Member State concerned shall complete its assessment within ***twenty 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.	explanations from the sponsor regarding the aspects referred to in paragraph 1 only within that time period.

Or. en

Amendment 342
Philippe Juvin

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The Member State concerned shall inform the sponsor of the suspension of the deadline via the EU portal.

Or. fr

Amendment 343
Philippe Juvin

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where the sponsor does not provide additional explanations within the time period set ***by the Member State*** in accordance with the first subparagraph, the application shall be considered as withdrawn. The withdrawal shall apply only with respect to the Member State concerned.	Where***, in response to a request from the Member State concerned,*** the sponsor does not provide additional explanations within the time period set in accordance with the first subparagraph, the application ***for a clinical trial which is being assessed*** shall be considered as withdrawn. The withdrawal shall apply only with respect to the Member State concerned.

Or. fr

Justification

Clarification of wording.

Amendment 344
Erik Bánki

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 3 a (new)

Text proposed by the Commission	*Amendment*
	The Member State may extend the time limits referred to in paragraphs 2 and 3 with a further 15 days for the purpose of consulting with ethics committees.

Or. en

Justification

The Commission's proposal does not explicitly refer to ethics committees, although their role in judging ethical issues of clinical trials is of utmost importance. A special reference to ethics committees would therefore be necessary, as well as an additional time period in order to allow an opportunity for analysing the ethical issues properly as part of the procedure.

Amendment 345
Philippe Juvin

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Where the Member State concerned does not submit the assessment report within the time periods stipulated in paragraphs 2 and 3, Part II shall be deemed to have been accepted by the Member State concerned.

Or. fr

Justification

The proposal for a regulation is based on the principle of tacit approval introduced by Directive 2001/20/EC. This principle must be applied in order to ensure compliance with the

time limits, which is a prerequisite not only for prompt access to innovatory treatment, but also for the safeguarding of the competitiveness of European clinical research.

Amendment 346
Cristian Silviu Buşoi

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission	*Amendment*
	Article 7 a
	Assessment report on clinical trials in the field of rare diseases
	1. In the specific case of clinical trials in rare diseases as defined in the Regulation (EC) No 141/2000 of the European Parliament and of the Council on orphan medicinal products, the reporting Member State shall seek the expert opinion of the Scientific Advice Working Party of the European Medicines Agency on the disease or group of diseases concerned by the clinical trial, including on aspects covered by Part II of the assessment.
	2. For the purposes of assessing the aspects referred to in Article 7, the reporting Member State shall notify the opinion of the Scientific Advice Working Party to the Member States concerned without undue delay.

Or. en

Justification

In the case of rare diseases, the necessary expertise to assess an application is generally scarce at national level. Therefore, it may be useful for it to be sought at European level. In order to help the reporting Member State and the Member States concerned to provide a well informed assessment of the application, the reporting Member State should consult the Scientific Advice Working Party of the EMA which is better placed to provide the necessary expertise.

Amendment 347
Philippe Juvin

Proposal for a regulation
Article 8 – title

Text proposed by the Commission	*Amendment*
Decision on the clinical trial	***Final*** decision on the clinical trial

Or. fr

Amendment 348
Philippe Juvin

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
1. Each Member State concerned shall notify the sponsor through the EU Portal ***as to whether*** the clinical trial ***is authorised***, ***whether it is authorised*** subject to conditions, or ***whether*** authorisation ***is refused***.	1. Each Member State concerned shall notify the sponsor through the EU Portal ***of its final decision to authorise*** the clinical trial, ***to authorise it*** subject to conditions, or ***to refuse*** authorisation.

Or. fr

Amendment 349
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 8 – 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 7, whichever is later.	Notification shall be done by way of one single decision ***already comprising the views of the concerned Ethics Committee,*** within ten days from the assessment date or the last day of the assessment referred to in Article 7, whichever is later.

Or. en

Amendment 350
Petru Constantin Luhan

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Conditions to authorisation can only be related to aspects covered by Article 7 (1). Without prejudice to Article 87, no additional submissions or approvals may be requested.

Or. en

Justification

Conditional authorization as now phrased is too vague and should be limited.

Amendment 351
Elena Oana Antonescu

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission	*Amendment*
Notwithstanding the first subparagraph, a Member State concerned may disagree ***with the conclusion of the reporting Member State*** only on the following grounds:	Notwithstanding the first subparagraph, a Member State concerned may disagree ***to accept Part I of the assessment report*** only on the following grounds:

Or. en

Amendment 352
Elena Oana Antonescu

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 2 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) scientific grounds related to aspects stated in Article 6 (1);

Or. en

Amendment 353
Elena Oana Antonescu

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 2 – point a b (new)

Text proposed by the Commission	*Amendment*
	(ab) subject safety, in particular with respect to the criteria of inclusion or non-inclusion into the trial, and the monitoring procedures foreseen in the proposed clinical trial;

Or. en

Amendment 354
Alda Sousa

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) well-founded ethical concerns that emerge from the assessment in Article 6, paragraph 1;

Or. en

Justification

So as to include ethical concerns that emerge from the assessment of Part I as an opt-out

Amendment 355
Margrete Auken, Michèle Rivasi
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 2 – point b b (new)

Text proposed by the Commission	*Amendment*
	(bb) refusal of the Ethics Committee to approve the conduct of the clinical trial in the Member State concerned;

Or. en

Justification

Member States must be able to opt-out of a clinical trial on ethical grounds. A negative decision by the Ethics Committee in a concerned Member State must necessarily result in authorisation of the clinical trial not being granted for the Member State in question.

Amendment 356
Alda Sousa

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where the Member State concerned disagrees with the conclusion ***on the basis of point (a) of the second subparagraph***, it shall communicate its disagreement***, together with a detailed justification based on scientific and socio-economic arguments, and a summary thereof,*** through the EU portal to the Commission, to all Member States, and to the sponsor.	Where the Member State concerned disagrees with the conclusion ***of the reporting Member State***, it shall communicate its disagreement through the EU portal to the Commission, to all Member States, and to the sponsor.

Or. en

Justification

Disproportionate burden for Member States given the short timeline.

Amendment 357
Philippe Juvin

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where the Member State concerned disagrees with the conclusion on the basis of point (a) of the second subparagraph, it shall communicate its disagreement, together with a detailed justification based on scientific and socio-economic arguments, and a summary thereof, through the EU portal to the Commission, to all Member States, and to the sponsor.	Where the Member State concerned disagrees with the conclusion ***of the reporting Member State*** on the basis of point (a) of the second subparagraph, it shall communicate its disagreement, together with a detailed justification based on scientific and socio-economic arguments, and a summary thereof, through the EU portal to the Commission, to all Member States, and to the sponsor.

Or. fr

Amendment 358
Antonyia Parvanova

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where the Member State concerned disagrees with the conclusion on the basis of point (a) of the second subparagraph, it shall communicate its disagreement, together with a detailed justification based on scientific and socio-economic arguments, and a summary thereof, through the EU portal to the Commission, to all Member States, and to the sponsor.	Where the Member State concerned disagrees with the conclusion on the basis of point (a) of the second subparagraph, it shall communicate its disagreement, together with a detailed justification based on scientific and socio-economic arguments, and a summary thereof, through the EU portal to the Commission, to all Member States, and to the sponsor. ***The reasons for disagreement should be made publicly available.***

Or. en

Justification

Disagreement from a Member State with the conclusion on the basis of point (a) of the second subparagraph should be made publicly available in order to ensure transparency and public information about decision related to clinical trial authorisation refusal at national level.

Amendment 359
Peter Liese, Anne Delvaux, Anna Rosbach, Thomas Ulmer, Alojz Peterle, Miroslav Mikolášik, Paolo Bartolozzi, Zofija Mazej Kukovič, Horst Schnellhardt, Elena Oana Antonescu, Richard Seeber, Dagmar Roth-Behrendt, Jutta Haug

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission	*Amendment*
	Notwithstanding the first and second subparagraphs, in case of other conflict, the Member States involved shall attempt to agree on a conclusion. If no conclusion is found, the Commission shall take a decision on the conclusion after having heard the Member States involved, and, if appropriate, having taken advice from the European Medicines Agency.

Or. en

Justification

The decision of the reporting member state is binding for the others. It could happen that a reporting member state supports a clinical trial while the authorities and ethic committees of the majority of the concerned member states not. Even if the authorities and ethic committees work together to find agreement, there must a solution to resolve conflicts. The Commission is accountable to scrutiny by the EP and Council, so is better authorised to take such a decision then the reporting member state. As it is foreseen only in extraordinary circumstances, the additional time needed is acceptable.

Amendment 360
Philippe Juvin, Nora Berra

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the Member State concerned disagrees with the conclusion of the reporting Member State on the basis of points (a) and (b) of the second subparagraph of paragraph 2, the clinical trial shall not take place in the Member State concerned.

Or. fr

Justification

The text proposed by the Commission (Article 8(2)) envisages the possibility of the Member State concerned disagreeing with the reporting Member State's decision to authorise a clinical trial, but does not indicate what the consequence of such disagreement would be. The amendment makes clear that, in such cases, the Member State can opt out of the conclusions of the reporting Member State, in which event it would not be possible for the clinical trial to take place in the Member State concerned.

Amendment 361
Rebecca Taylor

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where, regarding Part I of the assessment report, the clinical trial is acceptable or acceptable subject to conditions, the Member State concerned shall include in its decision its conclusion on Part II of the assessment report.	3. Where, regarding Part I of the assessment report, the clinical trial is acceptable or acceptable subject to conditions, the Member State concerned shall include in its decision its conclusion on Part II of the assessment report. ***The Member State concerned shall submit both Part I and Part II of the assessment report, including their conclusions, to the sponsor.***

Or. en

Justification

Submitting both parts of the assessment report will add further clarity to the assessment process.

Amendment 362
Philippe Juvin

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. In the event of a Member State refusing authorisation on the basis of Part II, the sponsor may appeal, once only, to the Member State concerned through the EU portal referred to in Article 77. The sponsor may send additional explanations within seven days. The Member State concerned shall assess for a second time, for its own territory, the aspects referred to in Article 7(1), and shall take account of the additional explanations provided by the sponsor.
	The Member State concerned shall complete its assessment within seven days from the date on which the additional explanations are received. Where the Member State concerned refuses authorisation or fails to provide a conclusion as regards Part II within the seven-day time period, the application shall be deemed to have been definitively refused and the clinical trial shall not take place in the Member State concerned.

Or. fr

Justification

This amendment seeks to make it possible for sponsors to lodge an appeal in the context of the assessment procedure for Part II. This would give the sponsor a final opportunity to justify and explain to the Member State concerned the aspects of the clinical trial covered by Part II. To ensure that the assessment procedure is not excessively prolonged, the possibility of

appeal is counterbalanced by the principle of tacit approval.

Amendment 363
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***Where*** the Member State concerned has not notified the sponsor of its decision within the time periods referred to in paragraph 1, the conclusion on Part I of the assessment report shall be considered as the decision of the Member State concerned on the application for authorisation of the clinical trial.	4. ***With regard to low-intervention clinical trials, in case*** the Member State concerned has not notified the sponsor of its decision within the time periods referred to in paragraph 1, the conclusion on Part I of the assessment report shall be considered as the decision of the Member State concerned on the application for authorisation of the clinical trial***, provided that it was considered a low-intervention clinical trial in accordance with Article 5 (2)***.

Or. en

Justification

Tacit approval of clinical trials under this paragraph (based solely on Part I application) entails a higher risk for subjects and therefore should be restricted to low-intervention clinical trials.

Amendment 364
Elena Oana Antonescu

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***Where*** the Member State concerned ***has not notified*** the sponsor of its decision within the time periods referred to in paragraph 1***, the conclusion on Part I of the assessment report shall be considered***	4. The Member State concerned ***shall notify*** the sponsor of its decision within the time periods referred to in paragraph 1***. A clinical trial may start only after*** the Member State concerned ***has notified the***

as the decision of the Member State concerned ***on the application for authorisation of*** the clinical trial.	***sponsor through the EU Portal that*** the clinical trial ***is authorised***.

Or. en

Amendment 365
Zofija Mazej Kukovič

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Member States concerned ***shall not*** request additional explanations from the sponsor after the assessment date.	5. The Member States concerned ***may*** request additional explanations from the sponsor after the assessment date ***for the purpose of carrying out continuous monitoring of the ethics and safety of clinical research on humans***.

Or. sl

Amendment 366
Cristian Silviu Buşoi

Proposal for a regulation
Article 8 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6 a. After the notification date, unless the authorisation is refused by the Member State concerned, no further assessment or decision shall prevent the sponsor from starting the clinical trial.

Or. en

Justification

It should be clarified that once the single decision is notified by the Member State concerned, the sponsor can start the clinical trial.

Amendment 367
Philippe Juvin

Proposal for a regulation
Article 9 – title

Text proposed by the Commission	*Amendment*
Persons assessing the application	Persons assessing ***Parts I and II of*** the application ***file***

Or. fr

Amendment 368
Philippe Juvin

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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 and the investigators involved, as well as free of any other undue influence.

Or. fr

Amendment 369
Antonyia Parvanova, Corinne Lepage

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that the persons validating and assessing the application do not have conflicts of	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.	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. ***The names and declarations of interests of the persons validating and assessing clinical trial applications shall be made publicly available.***

Or. en

Justification

Increased transparency on the decision making process for the validation and assessment of clinical trial would contribute to the integrity and independence of the decisions taken, and should ultimately reinforce the trust and confidence in responsible public authorities at national level.

Amendment 370
Anna Rosbach

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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 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. ***Where possible, the persons validating the applications shall therefore publish in the EU database a declaration of their interests, or a statement that they have none***.

Or. en

Amendment 371
Erik Bánki

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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 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. ***The curriculum vitae and declaration of interests of the persons validating and assessing the application shall be published on the EU portal.***

Or. en

Justification

In order to reach full transparency of the clinical trial it is necessary to make the curriculum vitae and declaration of interests of the persons validating and assessing the application publicly available. This needs to done through the EU portal as this will serve as an interface for the whole procedure, according to the proposal.

Amendment 372
Roberta Angelilli

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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. ***An institutional review board (IRB) / independent ethics committee (IEC) is in charge of the assessment described in this chapter. According to the rules governing the composition and responsibilities of the IRB/IECs,*** 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.

Or. en

Justification

As previously stated, the ethical evaluation shall be part of the assessment and cannot be considered separately.

Amendment 373
Philippe Juvin

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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 ***of Part II*** is done by ***a group of people at least half of whom meet the conditions laid down in Article 46 of this Regulation***.

Or. fr

Justification

Article 9(2) needs to be amended for the sake of clarity. The wording proposed by the Commission ('persons who collectively have the necessary qualifications and experience') is vague and could be interpreted in various ways.

Amendment 374
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the assessment is done jointly by a reasonable number of persons who collectively have	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.	the necessary qualifications and experience. ***In addition, the views of the concerned Ethics Committee shall be taken into account.***

Or. en

Amendment 375
Peter Liese, Anne Delvaux, Anna Rosbach, Margrete Auken, Thomas Ulmer, Alojz Peterle, Miroslav Mikolášik, Paolo Bartolozzi, Horst Schnellhardt, Elena Oana Antonescu, Richard Seeber

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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***, including a significant number of medical doctors,*** who collectively have the necessary qualifications and experience.

Or. en

Amendment 376
Petru Constantin Luhan

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*
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. In the assessment, the view of ***an Ethics Committee shall be taken into account. Procedures shall be put in place to allow the sponsor to appeal. The Commission shall develop guidelines on patient involvement based upon existing good practices***.

Or. en

Justification

It is clear from discussions with some Ethics Committees during events organized by EFGCP, that they find general terms, such as "taken into account", vague, and are therefore wary that authorizations would be given for a trial which they had evaluated negatively. This is clearly not the intention of this amendment, so we propose this new wording to provide additional clarification.

Amendment 377
Anna Rosbach

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*
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. 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. ***An independent Ethics Committee, as referred to in the Declaration of Helsinki and the ICH-GCP, shall be involved in the assessment of each clinical trial.***

Or. en

Amendment 378
Cristina Gutiérrez-Cortines

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*
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. In the assessment, the view of ***an independent, national-level ethics committee*** shall be taken into account.

Or. es

Amendment 379
Andrés Perelló Rodríguez

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*
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. In the assessment, the view of ***an ethics committee*** shall be taken into account.

Or. es

Amendment 380
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The Commission shall, within one year following the entry into force of this Regulation, publish guidelines for Member States on Ethics Committees in order to streamline procedures and facilitate the conduct of trials in several Member States, without compromising the safety of subjects.

Or. en

Justification

The Commission should propose guidelines for Ethics Committees based on best practices in the Member States in order to mainstream and facilitate better cooperation between the Member States.

Amendment 381
Roberta Angelilli

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Where the subjects are minors, specific consideration shall be given to the assessment of the application for authorisation of a clinical trial on the basis of paediatric expertise or after taking advice on clinical, ethical and psychosocial problems in the field of paediatrics.	1. Where the subjects are minors, specific consideration shall be given to the assessment of the application for authorisation of a clinical trial on the basis of paediatric expertise or after taking advice on clinical, ethical and psychosocial problems in the field of paediatrics***, according to the ICH Topic E11 guideline and the EU Ethical Recommendations (EC, 2008)***.

Or. en

Justification

The internationally agreed ICH Topic E11 guideline as well as the Recommendations issued by the European Commission represent the reference documents for the assessment of a paediatric clinical trial.

Amendment 382
Esther de Lange

Proposal for a regulation
Article 10 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the subjects are from other vulnerable population groups, including the elderly, frail people and people with dementia, specific consideration shall be given to the assessment of the application for the authorisation of a clinical trial on the basis of expertise from professionals in the given field, or after taking advice on clinical, ethical and psychosocial problems in the field.

Or. en

Amendment 383
Philippe Juvin, Nora Berra

Proposal for a regulation
Article 10 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the clinical trial concerns other categories of subjects who are considered vulnerable under national law, the application to conduct the clinical trial shall be assessed on the basis of the national law of the Member States concerned.

Or. fr

Justification

In providing for the protection of vulnerable persons, this regulation must be consistent with the restrictive provisions introduced by some Member States for other categories of vulnerable persons, including women who are pregnant, who have just or who are about to give birth or who are breast-feeding and persons in detention.

Amendment 384
Andrés Perelló Rodríguez

Proposal for a regulation
Article 10 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the subjects belong to vulnerable population groups, specific consideration shall be given to the assessment of the application for authorisation of a clinical trial on the basis of expertise in the relevant disease, or the medical or social circumstances of the subject, or after taking advice on the specific clinical, ethical and psychosocial

issues in the field.

Or. es

Amendment 385
Alda Sousa

Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Where national provisions on the protection of clinical trial subjects are more comprehensive than the provisions of this Regulation, the most protective measures shall apply.

Or. en

Justification

If more protective rules apply in some Member States (i.e. in France for pregnant women) they should continue to apply as it was provided in Article3 paragraph 1 of Directive 2001/20/EC.

Amendment 386
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Where national provisions on the protection of clinical trial subjects are more comprehensive than the provisions of this Regulation, the most protective measure shall apply.

Or. en

Justification

Where specific national protective rules for vulnerable groups exist they should be respected.

Amendment 387
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11

Text proposed by the Commission	*Amendment*
Article 11	***deleted***
Submission and assessment of applications limited to aspects covered by Part I of the assessment report	
Where the sponsor so requests, the application for authorisation of a clinical trial, its assessment and the decision shall be limited to the aspects covered by Part I of the assessment report.	
After the notification of the decision on the aspects covered by Part I of the assessment report, the sponsor may apply for an authorisation limited to aspects covered by Part II of the assessment report. In this case, that application shall be assessed in accordance with Article 7 and the Member State concerned shall notify its decision with regard to Part II of the assessment report in accordance with Article 8.	

Or. en

Justification

Scientific and ethical assessments should not be disconnected in the assesment report, which is what will happen in effect if it is possible to split the full assessment procedure in two and omitting the requirement to assess according to article 6.

Amendment 388
Philippe Juvin

Proposal for a regulation
Article 11 – paragraph -1 (new)

Text proposed by the Commission	*Amendment*
	The assessments of Parts I and II shall be conducted simultaneously.

Or. fr

Amendment 389
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*Amendment*
Where the sponsor so requests, the application for authorisation of a clinical trial***, its assessment and the decision*** shall be limited to the aspects covered by Part I of the assessment report.	Where the sponsor so requests, the application for authorisation of a clinical trial shall be limited to the aspects covered by Part I of the assessment report.

Or. en

Amendment 390
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
After the notification of the decision on the aspects covered by Part I of the assessment report, the sponsor ***may*** apply for an authorisation limited to aspects covered by Part II of the assessment report. In this case, that application shall be assessed in accordance with Article 7 and	After the notification of the decision on the aspects covered by Part I of the assessment report, the sponsor ***shall*** apply for an authorisation limited to aspects covered by Part II of the assessment report. In this case, that application shall be assessed in accordance with Article 7 and the Member

the Member State concerned shall notify its decision with regard to Part II of the assessment report in accordance with Article 8.	State concerned shall notify its decision with regard to Part II of the assessment report in accordance with Article 8. ***Failure in granting approval on either Part I or II of the application file shall result in refusal of the authorization of the clinical trial.***

Or. en

Justification

The text of the proposal renders Part II of the application file optional as the sponsor "may apply" (or not) for the authorization covered under Part II. Should the sponsor opt not to do so, the decision would be based on Part I analysis only. This would leave out of the assessment important ethical aspects covered by Part II, which is unacceptable. Fragment added for legal clarity.

Amendment 391
Thomas Ulmer, Philippe Juvin, Peter Liese

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission	*Amendment*
	Article 11a
	Clinical trial applications shall be prioritized by Member States to improve, where possible, the defined timelines when the clinical trial is related to a condition that is a rare or ultra-rare disease and, as such, is subject to significant administrative burden due to the extremely small patient populations. Rare and ultra-rare disease are defined as severe, debilitating and often life-threatening diseases which affect fewer than 5 persons per 10 000 or fewer than one person 50 000 in the Union respectively.

Or. en

Justification

It is appropriate to prioritise certain clinical trails applications within the agreed timelines and measures to be adopted in this Regulation, in order to improve the situation for patients suffering from severe, life-threatening rare and ultra-rare diseases.

Amendment 392
Edite Estrela

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
This Chapter is without prejudice to the possibility for the sponsor to submit, following the refusal to grant an authorisation or the withdrawal of an application, an application for authorisation to any intended Member State ***concerned***. That application shall be considered as a ***new*** application for authorisation of another clinical trial.	This Chapter is without prejudice to the possibility for the sponsor to submit, following the refusal to grant an authorisation or the withdrawal of an application, an application for authorisation to any intended Member State. That application shall be considered as a ***resubmission of the*** application for authorisation of another clinical trial. ***It shall be accompanied by any previous assessment report, by the considerations of the concerned Members States, and it shall highlight the changes or the reasons justifying the resubmission of the application dossier.***

Or. en

Justification

According to the proposal, this would allow sponsors to "cherry pick" the most permissive Member States, particularly when the scientific rationale for a clinical trial was considered questionable by the Members States involved in the initial application. That the resubmission of the application be accompanied by its track record is key to avoid unnecessary bureaucratic burdens and avoid duplication of work.

Amendment 393
Philippe Juvin, Nora Berra

Proposal for a regulation
Article 13

Text proposed by the Commission	*Amendment*
This Chapter is without prejudice to the possibility for the sponsor to submit, following the refusal to grant an authorisation or the withdrawal of an application, ***an*** application for authorisation to any intended Member State concerned. That application shall be considered as a new application for authorisation of another clinical trial.	Following the refusal to grant an authorisation or the withdrawal of an application, ***the sponsor may submit a new*** application for authorisation to any intended Member State concerned. That application shall be considered as a new application for authorisation of another clinical trial. ***The new application shall, however, specify the grounds on which the original application was rejected or withdrawn and the changes made to the original version of the protocol.***

Or. fr

Justification

The purpose of this amendment is to prevent a sponsor from submitting a proposal to another Member State without that State having first been informed that the application had previously been rejected or withdrawn and on what grounds, and without the sponsor having made the required improvements.

Amendment 394
Cristian Silviu Buşoi

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The application may be submitted only after the notification date of the initial authorisation decision.	The application may be submitted only after the notification date of the initial authorisation decision ***by all Member States concerned***.

Or. en

Justification

There will be more than one notification date of the initial authorisation because these are

notified by each Member State concerned individually. The decisions will probably be notified almost at the same time or with a difference of just a few days. Given the short timelines for the initial authorisation, it is preferable to keep the process simple, clear and ordered by not starting to add new Member States before the initial procedure has been closed.

Amendment 395
Philippe Juvin

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The application may be submitted only after the notification date of the initial authorisation decision.	The application may be submitted only after the notification date of the initial authorisation decision ***in any Member State***.

Or. en

Justification

In order to improve the conduct of multinational clinical trials, sponsors should be allowed to extend to an additional Member States after authorisation decision is taken by any of the concerned Member State from the first round.

Amendment 396
Anna Rosbach

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***The*** reporting Member State for the ***application referred to in paragraph 1*** shall be the reporting Member State for the ***initial authorisation procedure***.	2. ***Where there was a*** reporting Member State for the ***initial authorisation procedure, it*** shall be the reporting Member State for the ***application referred to in paragraph 1***.

Or. en

Justification

This is needed to ensure that a Reporting Member State for the initial authorisation is also the Reporting Member State for the procedure to extend a clinical trial. A Reporting Member State should only be appointed if there are three or more Member States involved in an application. A clinical trial should not be extended on the basis of a trial authorised by only 1 or 2 Member States.

Amendment 397
Philippe Juvin

Proposal for a regulation
Article 14 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) 25 days from the date of submission of the application referred to in paragraph 1 for ***low-intervention*** clinical trials;	(a) 25 days from the date of submission of the application referred to in paragraph 1 for ***low-risk*** clinical trials ***and medium-risk clinical trials using treatment regimens supported by published evidence and/or standard treatment guidelines*** ;

Or. en

Justification

Accelerated procedure for low-risk trials.

Amendment 398
Philippe Juvin

Proposal for a regulation
Article 14 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) 35 days from the date of submission of the application referred to in paragraph 1 for clinical trials other than ***low-intervention*** clinical trials;	(b) 35 days from the date of submission of the application referred to in paragraph 1 for clinical trials other than ***low-risk*** clinical trials ***and medium-risk clinical trials using treatment regimens supported by published and/or standard treatment***

guidelines;

Or. en

Justification

Accelerated procedure for low-risk trials.

Amendment 399
Rebecca Taylor

Proposal for a regulation
Article 14 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) 40 days from the date of submission of the application referred to in paragraph 1 for any clinical trial with an advanced therapy investigational medicinal product.	***deleted***

Or. en

Justification

'Advanced therapy investigational medicinal products' vary in terms of our understanding and understanding within the medical profession, regulators and industry. Many advanced therapies medicines have been used for decades, are no longer novel and should not require extra time to assess. An additional timeline should not be required for advanced therapies medicines as a whole. Member States can request further information if they consider the advanced therapy medicines to require extra scrutiny.

Amendment 400
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 14 – paragraph 4 – subparagraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) refusal by the Ethics Committee to approve the conduct of the clinical trial.

Or. en

Amendment 401
Corinne Lepage

Proposal for a regulation
Article 14 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The updated assessment report as regard to Part I shall be submitted through the EU portal and made publicly available.

Or. en

Amendment 402
Philippe Juvin

Proposal for a regulation
Article 14 – 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 relevant time period referred to in paragraph 3 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 relevant time period referred to in paragraph 3 for a maximum of 10 days for ***low-risk*** clinical trials and ***medium-risk clinical trials using treatment regimens supported by published evidence and/or standard treatment guidelines, and*** for a maximum of 20 days for trials other than ***low-risk clinical trials and medium-risk*** clinical trials ***using treatment regimens supported by published evidence and/or standard treatment guidelines guidance*** .

Or. en

Amendment 403
Philippe Juvin

Proposal for a regulation
Article 14 – paragraph 6 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where, upon receipt of the additional explanations, the remaining time period for notifying the decision referred to in paragraph 4 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 notifying the decision referred to in paragraph 4 is less than three days in the case of ***low-risk clinical trials and medium-risk*** clinical trials ***using treatment regimens supported by published evidence and/or standard treatment guidelines***, and less than five days for other than ***low-risk clinical trials and medium-risk*** clinical trials ***using treatment regimens supported by published evidence and/or standard treatment guidelines***, it shall be extended to three and five days respectively.

Or. en

Amendment 404
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 6 – subparagraph 5 a (new)

Text proposed by the Commission	*Amendment*
	The updated assessment report as regard to Part I shall be submitted through the EU portal to the EU database and made publicly available.

Or. en

Justification

Transparency fosters citizens' confidence in the authorisation process for clinical trials.

Amendment 405
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission	*Amendment*
7. The additional Member State concerned shall assess, for its territory, the aspects relating to Part II of the assessment report within ten days of the date of submission of the application referred to in paragraph 1. Within this time period it may request***,*** ***with justified reasons,*** additional explanations from the sponsor regarding aspects relating to Part II of the assessment report as far as its territory is concerned.	7. The additional Member State concerned shall assess, for its territory, the aspects relating to Part II of the assessment report within ten days of the date of submission of the application referred to in paragraph 1. Within this time period it may request additional explanations from the sponsor regarding aspects relating to Part II of the assessment report as far as its territory is concerned.

Or. en

Justification

The Member State should not need to justify asking for clarification and additional information.

Amendment 406
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 10

Text proposed by the Commission	*Amendment*
10. Where the additional Member State concerned has not notified the sponsor of its decision within the relevant time period referred to in paragraph 3, the ***conclusion on Part I of the assessment report shall be considered as the decision of the additional Member State concerned on the application for authorisation of the***	10. Where the additional Member State concerned has not notified the sponsor of its decision within the relevant time period referred to in paragraph 3, the ***additional Member State shall submit an explanation through the EU portal with an indication of when the notification will be given***.

clinical trial.

Or. en

Justification

Authorisation should be given explicitly instead of tacitly by Member States as was a requirement of Directive 2001/20/EC.Sanctions for a Member State's non-compliance with the timelines should mirror the sanctions proposed by the Commission on the sponsor for non-compliance with timelines in Article 34(3) sub-paragraph 2.

Amendment 407
Cristian Silviu Buşoi

Proposal for a regulation
Article 14 – paragraph 11

Text proposed by the Commission	*Amendment*
11. A sponsor shall not submit an application in accordance with this Article where a procedure referred to in Chapter III as regards that clinical trial is pending.	11. A sponsor shall not submit an application in accordance with this Article where a procedure referred to in Chapter III as regards that clinical trial, ***and relating to an aspect covered by Part I of the assessment report,*** is pending.

Or. en

Justification

The assessment of Part II is national, so the submission of a request to add a new Member State should not be prevented by an ongoing substantial modification procedure related to Part II.

Amendment 408
Philippe Juvin

Proposal for a regulation
Article 14 – paragraph 11

Text proposed by the Commission	*Amendment*
11. A sponsor shall not submit an	11. A sponsor shall not submit an

application in accordance with this Article where a procedure referred to in Chapter III as regards that clinical trial is pending.	application in accordance with this Article where a procedure referred to in Chapter III as regards that clinical trial, ***and relating to an aspect covered by Part I of the assessment report,*** is pending.

Or. en

Justification

To ease the conduct of multinational clinical trials, flexibility should be introduced to add new Member States. Sponsor should be able to add new Member States if there is no ongoing substantial modification affecting Part I.

Amendment 409
Peter Liese, Anne Delvaux, Anna Rosbach, Jolanta Emilia Hibner, Alda Sousa, Margrete Auken, Thomas Ulmer, Alojz Peterle, Miroslav Mikolášik, Paolo Bartolozzi, Zofija Mazej Kukovič, Horst Schnellhardt, Elena Oana Antonescu, Philippe Juvin, Filip Kaczmarek, Richard Seeber, Georgios Koumoutsakos, Dagmar Roth-Behrendt, Jutta Haug

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, ***and if it has been approved by an independent ethics committee before its implementation***.

Or. en

Amendment 410
Petru Constantin Luhan

Proposal for a regulation
Article 16 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	For the substantial modifications as defined by Article 35, the sponsor shall submit the application dossier within 15 days from the decision of the sponsor to temporarily halt or terminate the trial.

Or. en

Justification

Article 35 of the regulation clarifies temporary halt / early termination should be introduced as a substantial amendment, but no timelines are specified. In the current framework it is 15 days, and proposes to keep this delay.

Amendment 411
Edite Estrela, António Fernando Correia de Campos

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

Text proposed by the Commission	*Amendment*
2. Within ***four days*** following submission of the application dossier, the reporting Member State shall notify the sponsor through the EU portal of the following:	2. Within ***ten days*** following submission of the application dossier, the reporting Member State shall notify the sponsor through the EU portal of the following:

Or. en

Justification

Too short times run the risk that Member States will not be able to careful review of the assessment file. For example, qualifying a CT as being "low-intervention" requires a detailed and diligent assessment of the research protocol.

Amendment 412
Peter Liese, Anne Delvaux, Anna Rosbach, Jolanta Emilia Hibner, Margrete Auken, Thomas Ulmer, Alojz Peterle, Miroslav Mikolášik, Paolo Bartolozzi, Horst Schnellhardt, Elena Oana Antonescu, Filip Kaczmarek, Richard Seeber, Dagmar Roth-Behrendt, Jutta Haug

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

Text proposed by the Commission	*Amendment*
2. Within ***four days*** following submission of the application dossier, the reporting Member State shall notify the sponsor through the EU portal of the following:	2. Within ***ten days*** following submission of the application dossier, the reporting Member State shall notify the sponsor through the EU portal of the following:

Or. en

Justification

As the aspects specified in points (a) and (c) require substantive examination, four days are insufficient.

Amendment 413
Philippe Juvin

Proposal for a regulation
Article 17 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) where the clinical trial is a ***low-intervention*** clinical trial, whether it will remain a ***low-intervention*** clinical trial after its substantial modification.	(c) where the clinical trial is a ***medium-risk or low-risk*** clinical trial, whether it will remain a ***medium-risk or low-risk*** clinical trial after its substantial modification.

Or. en

Amendment 414
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the reporting Member State has not notified the sponsor within the time	3. Where the reporting Member State has not notified the sponsor within the time

period referred to in paragraph 2, the ***substantial modification applied for*** shall ***be considered as concerning an aspect covered by Part I of the assessment report, the application shall be considered as complete and, where the clinical trial is a low-intervention clinical trial, it shall be considered as remaining a low-intervention clinical trial after its substantial modification***.	period referred to in paragraph 2, the ***reporting Member State*** shall ***submit an explanation through the EU portal with an indication of when the notification will be given***.

Or. en

Justification

Authorisation should be given explicitly instead of tacitly by Member States as was a requirement of Directive 2001/20/EC.Sanctions for a Member State's non-compliance with the timelines should mirror the sanctions proposed by the Commission on the sponsor for non-compliance with timelines in Article 34(3) sub-paragraph 2.

Amendment 415
Philippe Juvin

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the reporting Member State has not notified the sponsor within the time period referred to in paragraph 2, the substantial modification applied for shall be considered as concerning an aspect covered by Part I of the assessment report, the application shall be considered as complete and, where the clinical trial is a ***low-intervention*** clinical trial, it shall be considered as remaining a ***low-intervention*** clinical trial after its substantial modification.	3. Where the reporting Member State has not notified the sponsor within the time period referred to in paragraph 2, the substantial modification applied for shall be considered as concerning an aspect covered by Part I of the assessment report, the application shall be considered as complete and, where the clinical trial is a ***medium-risk or low-risk*** clinical trial, it shall be considered as remaining a ***medium-risk or low-risk*** clinical trial after its substantial modification.

Or. en

Amendment 416
Margrete Auken

Proposal for a regulation
Article 17 – paragraph 4 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where the reporting Member State has not notified the sponsor according to points (a) to (c) of paragraph 2 within three days following receipt of the comments or of the completed application, the ***application shall be considered complete and, where the clinical trial is a low-intervention clinical trial, that it will remain a low-intervention clinical trial after its substantial modification***.	Where the reporting Member State has not notified the sponsor according to points (a) to (c) of paragraph 2 within three days following receipt of the comments or of the completed application, the ***reporting Member State shall submit an explanation through the EU portal with an indication of when the notification will be given***.

Or. en

Justification

Authorisation should be given explicitly instead of tacitly by Member States as was a requirement of Directive 2001/20/EC.Sanctions for a Member State's non-compliance with the timelines should mirror the sanctions proposed by the Commission on the sponsor for non-compliance with timelines in Article 34(3), sub-paragraph 2.

Amendment 417
Philippe Juvin

Proposal for a regulation
Article 17 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
4. Where the reporting Member State finds that the application does not concern an aspect covered by Part I of the assessment report, that the application is not complete, or that the clinical trial will no longer be a ***low-intervention*** clinical trial after the substantial modification, contrary to what the sponsor claims, it shall inform the sponsor thereof through the EU portal and	4 Where the reporting Member State finds that the application does not concern an aspect covered by Part I of the assessment report, that the application is not complete, or that the clinical trial will no longer be a ***medium-risk or low-risk*** clinical trial after the substantial modification, contrary to what the sponsor claims, it shall inform the sponsor thereof through the EU portal and

shall set a maximum of six days for the sponsor to comment or to complete the application through the EU portal.	shall set a maximum of six days for the sponsor to comment or to complete the application through the EU portal.

Or. en

Amendment 418
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Until the assessment date, any Member State concerned may communicate to the reporting Member State any considerations relevant to the application. The reporting Member State shall take those considerations duly into account.	4. Until the assessment date, any Member State concerned may communicate to the reporting Member State any considerations relevant to the application. The reporting Member State shall take those considerations duly into account ***and shall document them in the assessment report***.

Or. en

Justification

The assessment of the application for a substantial modification should follow the same requirements as for the initial application.

Amendment 419
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. The assessment report shall be submitted through the EU Portal to the EU database and made publicly available.

Or. en

Justification

The assessment report shall be shall be made publicly available for allow for public confidence in the authorisation process.

Amendment 420
Edite Estrela, António Fernando Correia de Campos

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***, already comprising the views of the concerned Ethics Committee, within fifteen days*** from the assessment date.

Or. en

Amendment 421
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 19 – paragraph 2 – subparagraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) refusal by the Ethics Committee to approve the conduct of the clinical trial.

Or. en

Amendment 422
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 19 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Where, regarding Part I of the assessment report, the substantial modification is acceptable or acceptable subject to conditions, the Member State concerned shall include in its decision its conclusion on Part II of the assessment report.

Or. en

Justification

A substantial modification to part I has consequences on part II: consequently, Part II needs to also be submitted for reassessment.

Amendment 423
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where the Member State concerned has not notified the sponsor within the time period referred to in paragraph 1 ***the substantial modification applied for*** shall ***be considered as concerning an aspect covered by Part II of the assessment report and the application shall be considered as complete***.	2. Where the Member State concerned has not notified the sponsor within the time period referred to in paragraph 1***, the Member State concerned*** shall ***submit an explanation through the EU portal with an indication of when the notification will be given***.

Or. en

Justification

For patient safety authorisation should be given explicitly instead of tacitly by Member States as was a requirement of Directive 2001/20/EC.Sanctions for a Member State's non-compliance with the timelines should mirror the sanctions proposed by the Commission on the sponsor for non-compliance with timelines in article 34(3 sub-paragraph 2).

Amendment 424
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 20 – paragraph 3 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where the Member State concerned has not notified the sponsor according to points (a) and (b) of paragraph 1 within three days following receipt of the comments or of the completed application, the ***substantial modification*** shall ***be considered as concerning an aspect covered by Part II of the assessment report and the application shall be considered as complete***.	Where the Member State concerned has not notified the sponsor according to points (a) and (b) of paragraph 1 within three days following receipt of the comments or of the completed application, the ***Member State concerned*** shall ***submit an explanation through the EU portal with an indication of when the notification will be given***.

Or. en

Justification

For patient safety authorisation should be given explicitly instead of tacitly by Member States as was a requirement of Directive 2001/20/EC.Sanctions for a Member State's non-compliance with the timelines should mirror the sanctions proposed by the Commission on the sponsor for non-compliance with timelines in article 34(3 sub-paragraph 2).

Amendment 425
Peter Liese, Anne Delvaux, Anna Rosbach, Jolanta Emilia Hibner, Margrete Auken, Thomas Ulmer, Alojz Peterle, Miroslav Mikolášik, Paolo Bartolozzi, Horst Schnellhardt, Elena Oana Antonescu, Filip Kaczmarek, Richard Seeber, Dagmar Roth-Behrendt, Jutta Haug

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 ***validation date***.	Notification shall be done by way of one single decision within ten days from the ***assessment date according to Article 6 (4)***.

Or. en

Justification

Assessment of aspects covered by Part II is inextricably linked to aspects covered by Part I. E.g. the required scope and extent of information provided to subjects and their indemnification in case of damages is dependent, in particular, on the risk-benefit ratio. If additional requirements were attached to Part I, and the assessment of Part II were performed first, a repeated assessment might be necessary after the completion of Part I. The amendment to the time period is to ensure that the assessment of aspects covered by Part II will be submitted after completion of the Part I assessment.

Amendment 426
Edite Estrela, António Fernando Correia de Campos

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 validation date.	Notification shall be done by way of one single decision***, already comprising the views of the concerned Ethics Committee,*** within ***fifteen days*** from the validation date.

Or. en

Amendment 427
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 20 – paragraph 7

Text proposed by the Commission	*Amendment*
7. ***Where*** the Member State concerned has not notified the sponsor of its decision within the time periods set out in paragraphs 5 and 6, the substantial modification shall be considered as authorised.	7. ***With regard to low-intervention clinical trials, in case*** the Member State concerned has not notified the sponsor of its decision within the time periods set out in paragraphs 5 and 6, the substantial modification shall be considered as authorised***, provided that it was considered a low-intervention clinical trial in***

accordance with Article 5 (2).

Or. en

Justification

Tacit approval of a substantial modification of a clinical trial under this paragraph entails a higher risk for subjects and therefore should be restricted to low-intervention clinical trials.

Amendment 428
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 20 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the Member State concerned has not notified the sponsor of its decision within the time periods set out in paragraphs 5 and 6, the ***substantial modification*** shall ***be considered as authorised***.	7. Where the Member State concerned has not notified the sponsor of its decision within the time periods set out in paragraphs 5 and 6, the ***Member State concerned*** shall ***submit an explanation through the EU portal with an indication of when the notification will be given***.

Or. en

Justification

Authorisation should be given explicitly instead of tacitly by Member States as was a requirement of Directive 2001/20/EC.Sanctions for a Member State's non-compliance with the timelines should mirror the sanctions proposed by the Commission on the sponsor for non-compliance with timelines in Article 34(3), sub-paragraph 2.

Amendment 429
Margrete Auken
on behalf of the Verts/ALE Group

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 ten days from the validation date ***according to the procedure referred to in Article 7(1)***.

Or. en

Justification

The assessment of the application for a substantial modification covered by Part II should follow the same requirements as for part II of the initial application.

Amendment 430
Edite Estrela, António Fernando Correia de Campos

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 ***fifteen*** days from the validation date***, according to the procedure referred to in Article 7, paragraph 1***.

Or. en

Amendment 431
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission	*Amendment*
2. During the time period referred to in paragraph 1 the Member State concerned may request***, with justified reasons,*** additional explanations from the sponsor regarding this substantial modification as far as its territory is concerned.	2. During the time period referred to in paragraph 1 the Member State concerned may request additional explanations from the sponsor regarding this substantial modification as far as its territory is concerned.

Or. en

Justification

The concerned Member State should not need to justify asking for additional information.

Amendment 432
Edite Estrela, António Fernando Correia de Campos

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***, already comprising the views of the concerned Ethics Committee, within fifteen days*** from the assessment date or the last day of the assessment referred to in Article 22, whichever is later.

Or. en

Amendment 433
Margrete Auken

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) refusal by the Ethics Committee to approve the substantial modification of the clinical trial in the Member State

concerned;

Or. en

Justification

Member States must be able to opt-out of a clinical trial on ethical grounds after a substantial modification has been introduced by the sponsor. A negative decision by the Ethics Committee in a concerned Member State on a substantial modification must necessarily result in the authorisation not being granted for the Member State in question.

Amendment 434
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) refusal by the Ethics Committee to approve the substantial modification of the clinical trial.

Or. en

Amendment 435
Edite Estrela, António Fernando Correia de Campos

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***Where*** the Member State concerned has not notified the sponsor of its decision within the time periods referred to in paragraph 1, the conclusion on the substantial modification of aspects covered by Part I of the assessment report shall be considered as the decision of the Member State concerned on the application for authorisation of the substantial modification.	4. ***With regard to low-intervention clinical trials, in case*** the Member State concerned has not notified the sponsor of its decision within the time periods referred to in paragraph 1, the conclusion on the substantial modification of aspects covered by Part I of the assessment report shall be considered as the decision of the Member State concerned on the application for authorisation of the substantial

	modification***, provided that it remains a low-intervention clinical trial in accordance with Article 5 (2)***.

Or. en

Justification

Tacit approval of a substantial modification of a clinical trial under this paragraph entails a higher risk for subjects and therefore should be restricted to low-intervention clinical trials.

Amendment 436
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where the Member State concerned has not notified the sponsor of its decision within the time periods referred to in paragraph 1, the ***conclusion on the substantial modification of aspects covered by Part I of the assessment report shall be considered as the decision of the Member State concerned on the application for authorisation of the substantial modification***.	4. Where the Member State concerned has not notified the sponsor of its decision within the time periods referred to in paragraph 1, the ***Member State concerned shall submit an explanation through the EU portal with an indication of when the notification will be given***.

Or. en

Justification

Authorisation should be given explicitly instead of tacitly by Member States as was a requirement of Directive 2001/20/EC.Sanctions for a Member State's non-compliance with the timelines should mirror the sanctions proposed by the Commission on the sponsor for non-compliance with timelines in Article 34(3), sub-paragraph 2.

Amendment 437
Roberta Angelilli

Proposal for a regulation
Article 25 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the conduct of the trial, including the scientific context ***and arrangements taken,***	(a) the conduct of the trial, including the scientific***, methodological and ethical*** context,

Or. en

Justification

The ethical evaluation should be part of the global assessment, as previously mentioned.

Amendment 438
Roberta Angelilli

Proposal for a regulation
Article 25 – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) the informed consent/assent process.

Or. en

Amendment 439
Margrete Auken
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) a reference to the clinical trial or clinical trials which are substantially modified;	(a) a reference to the clinical trial or clinical trials which are substantially modified; ***by using the registration number in the EU portal;***

Or. en

Justification

This would make it easier to identify on which trial the modification is proposed and permits to trace protocol changes.

Amendment 440
Corinne Lepage

Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) a reference to the clinical trial or clinical trials which are substantially modified;	(a) a reference to the clinical trial or clinical trials which are substantially modified ***by using their Universal Trial Registration Number or the registration number in the EU portal***;

Or. en

Justification

To use the Universal Trial Registration Number or registration number in the EU portal will facilitate to identify the trial concerned and the modification proposed.

Amendment 441
Richard Seeber, Peter Liese

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where the clinical trial has been conducted outside the Union, it shall comply with principles equivalent to those of this Regulation as regards subject rights and safety and reliability and robustness of data generated in the clinical trial.	5. Where the clinical trial has been conducted outside the Union, it shall comply with principles equivalent to those of this Regulation as regards subject rights**,** and safety ***and well-being,*** and reliability and robustness of data generated in the clinical trial.

Or. en

Justification

According to Article 3 of the proposed Regulation and to Article 6 of the World Medical Association of Helsinki on Ethical principles for medical research involving human subjects (Seoul 2008), priority should be given to the safety, rights and well-being of individuals.

Amendment 442
Christofer Fjellner

Proposal for a regulation
Article 25 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Clinical ***trial data*** submitted in an application dossier shall be based on clinical trials which have been registered prior to their start in a public register which is a primary registry of the international clinical trials registry platform of the World Health Organisation.	6. ***Data, from*** clinical ***trials conducted on patients,*** submitted in an application dossier shall be based on clinical trials which have been registered prior to their start in a public register which is a primary registry ***or data provider*** of the international clinical trials registry platform of the World Health Organisation.

Or. en

Amendment 443
Christofer Fjellner

Proposal for a regulation
Article 25 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Clinical trial data submitted in an application dossier shall be based on clinical trials which have been registered ***prior to their start*** in a public register which is a primary registry of the international clinical trials registry platform of the World Health Organisation.	6. Clinical trial data submitted in an application dossier shall be based on clinical trials which have been registered in a public register which is a primary registry of the international clinical trials registry platform of the World Health Organisation.

Or. en

Amendment 444
Philippe Juvin

Proposal for a regulation
Article 26 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	As regards clinical trials conducted in a single Member State, the application file may be drawn up in one of official languages of the Member State concerned.

Or. fr

Amendment 445
Philippe Juvin

Proposal for a regulation
Article 26 – subparagraph 1 b (new)

Text proposed by the Commission	*Amendment*
	In the event of the enlargement of the Union to include another Member State, subparagraph 3 of this article shall apply.

Or. fr

Amendment 446
Corinne Lepage

Proposal for a regulation
Chapter IV a (new)

Text proposed by the Commission	*Amendment*
	Chapter IVa
	INFORMATION
	Article 27a
	Access to information

1. Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.

2. The Agency shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001 by 1st January 2014.

Article 27b

Public access to clinical study reports

Free and convenient access to clinical data held in the Agency's database, particularly to clinical study reports, shall be granted to the public. To this end, a hyperlink shall be included to the clinical study reports of the clinical trials.

Or. en

Amendment 447
Alda Sousa

Proposal for a regulation
Article 27 a (new)

Text proposed by the Commission	*Amendment*
	Article 27a
	Public access to clinical study reports
	Free and easy access to clinical data held in the Agency's database and particularly to clinical study reports shall be granted to the public. To this end, an hyperlink shall be included to the clinical study reports of the clinical trials.

Or. en

Justification

Many research studies have shown that the non-inclusion of clinical study reports in systematic reviews results in an incomplete evidence base and biases conclusions about the effects of an intervention.

Amendment 448
Philippe Juvin

Proposal for a regulation
Article 28 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
a) the anticipated therapeutic and public health benefits justify the foreseeable risks and inconveniences;	*Does not apply to English text.*

Or. fr

Amendment 449
Philippe Juvin

Proposal for a regulation
Article 28 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
b) ***compliance with*** point (a) ***is permanently observed***;	(b) ***the principles referred to in*** point (a) ***are observed throughout the study***;

Or. fr

Amendment 450
Philippe Juvin

Proposal for a regulation
Article 28 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
c) the subject or, where the subject is not able to give informed consent, his or her legal representative has given informed consent;	***deleted***

Or. fr

Justification

It makes more sense for this condition to be moved so that it follows on from point (d) of Article 28(1). In practice, the subject or his/her legal representative should have been duly informed of the objectives, risks and drawbacks of the clinical trial before giving his/her informed consent.

Amendment 451
Alda Sousa

Proposal for a regulation
Article 28 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the subject or, where the subject is not able to give informed consent, his or her legal representative has given informed consent;	(c) the subject or, where the subject is not able to give informed consent, his or her legal representative has given informed consent***. Any person asked to participate in a clinical trial shall have the right to refuse such participation without any resulting liability or detriment***;

Or. en

Amendment 452
Richard Seeber

Proposal for a regulation
Article 28 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the subject or, where the subject is not able to give informed consent, his or her legal representative has given informed consent;	(c) the subject or, where the subject is not able to give informed consent, his or her legal representative has ***freely and voluntarily*** given informed consent;

Or. en

Justification

According to the World Medical Association's Declaration of Helsinki on Ethical principles for medical research involving human subjects and to Article 29.1 of the proposed

Regulation, the decision to participate in a clinical trial should be given freely and voluntarily.

Amendment 453
Philippe Juvin

Proposal for a regulation
Article 28 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
d) the subject or, where the subject is not able to give informed consent, his or her legal representative has had the opportunity, in a prior interview with the investigator or ***a member of the investigating team***, to understand the objectives, risks and inconveniences of the clinical trial, and the conditions under which it is to be conducted and has also been informed of the right to withdraw from the clinical trial at any time without any resulting detriment;	(d) the subject or, where the subject is not able to give informed consent, his or her legal representative has had the opportunity, in a prior interview with the investigator ***or his/her representative***, to understand the objectives, risks and inconveniences of the clinical trial, and the conditions under which it is to be conducted and has also been informed of the right to withdraw from the clinical trial at any time without any resulting detriment;

Or. fr

Justification

In practice, an investigator can entrust a doctor or another person with the task of informing, and obtaining the consent of, the person who will be the research subject or of his/her legal representative. In France for example, this approach is authorised by law.

Amendment 454
Peter Liese, Anne Delvaux, Anna Rosbach, Alda Sousa, Thomas Ulmer, Alojz Peterle, Miroslav Mikolášik, Paolo Bartolozzi, Horst Schnellhardt, Elena Oana Antonescu, Richard Seeber, Dagmar Roth-Behrendt, Jutta Haug

Proposal for a regulation
Article 28 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) the subject or, where the subject is not able to give informed consent, his or her	(d) the subject or, where the subject is not able to give informed consent, his or her

legal representative has had the opportunity, in a prior interview with the investigator or a member of the investigating team, to understand the objectives, risks and inconveniences of the clinical trial, and the conditions under which it is to be conducted and has also been informed of the right to withdraw from the clinical trial at any time without any resulting detriment;	legal representative has had the opportunity, in a prior interview with ***a medical doctor who is*** the investigator or a member of the investigating team, to understand the objectives, risks and inconveniences of the clinical trial, and the conditions under which it is to be conducted and has also been informed of the right to withdraw from the clinical trial at any time without any resulting detriment;

Or. en

Justification

Only a medical doctor has the necessary scientific knowledge and experience to comprehensively inform subjects about the risks and inconveniences of the clinical trial. Therefore, the informed consent process must be conducted by a member of the clinical trial team who is a qualified medical doctor.

Amendment 455
Philippe Juvin

Proposal for a regulation
Article 28 – paragraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) the subject or, where the subject is not able to give informed consent, his or her legal representative has given informed consent;

Or. fr

Justification

It makes more sense for point (c) of Article 28(1) to be moved to the position indicated here. In practice, the subject or his/her legal representative should have been duly informed of the objectives, risks and drawbacks of the clinical trial before giving his/her informed consent.

Amendment 456
Maria do Céu Patrão Neves

Proposal for a regulation
Article 28 – paragraph 1 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) The prior interview with the investigator or a member of the investigating team in order to obtain the subject's informed consent should include a test of full understanding on the part of the subject and/or their de facto representative by, for example, asking them to summarise the information which they have received.

Or. pt

Amendment 457
Riikka Manner, Eija-Riitta Korhola

Proposal for a regulation
Article 28 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Any subject may, without any resulting detriment, withdraw from the clinical trial at any time by revoking his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal.	3. Any subject may, without any resulting detriment, withdraw from the clinical trial at any time by revoking his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal. ***As all clinical trial information, also the data collected before the withdrawal of the consent shall be recorded, handled and stored in such a way that they can be accurately reported, interpreted and verified while the confidentiality of the trial subjects remains protected.***

Or. en

Amendment 458
Philippe Juvin

Proposal for a regulation
Article 28 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Any subject may, without any resulting detriment, withdraw from the clinical trial at any time by revoking his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal.	3. Any subject may, without any resulting detriment, withdraw from the clinical trial at any time by revoking his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal. ***The data collected between the date on which the subject gave his or her informed consent and the date on which consent was withdrawn may be used in the context of the trial, unless the person concerned objects.***

Or. fr**Amendment 459**

Alda Sousa

Proposal for a regulation
Article 28 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Any subject may, without any resulting detriment, withdraw from the clinical trial at any time by revoking his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal.	3. Any subject may, without any resulting ***liability or*** detriment, withdraw from the clinical trial at any time by revoking ***without any justification*** his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal.

Or. en

Amendment 460
Peter Liese, Anne Delvaux, Anna Rosbach, Jolanta Emilia Hibner, Margrete Auken, Thomas Ulmer, Alojz Peterle, Miroslav Mikolášik, Paolo Bartolozzi, Zofija Mazej Kukovič, Elena Oana Antonescu, Horst Schnellhardt, Philippe Juvin, Filip Kaczmarek, Richard Seeber, Georgios Koumoutsakos, Dagmar Roth-Behrendt, Jutta Haug

Proposal for a regulation
Article 28 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Any subject may, without any resulting detriment, withdraw from the clinical trial at any time by revoking his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal.	3. Any subject ***or his legal representative*** may, without any resulting detriment, withdraw from the clinical trial at any time by revoking his or her informed consent. The withdrawal of consent shall not affect the activities carried out based on consent before its withdrawal.

Or. en

Justification

The level of protection of incapacitated subjects should under no circumstances be reduced. Therefore we should stick to the wording in 2001/20 EC.