

EFPIA response on the EC’s proposal (COM(2022) 338 final) “on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC”

The proposed Substances of Human Origin(SoHO) Regulation intends to harmonize measures for Member States and organizations involved in activities related to SoHOs for human application, facilitating cross-border exchange and continuity of supply in the EU. EFPIA supports these aims but is concerned about areas of the SoHO Regulation that appear incoherent with medicinal product regulation.

Article 2(3) clarifies the application of the regulation is limited to specific activities for SoHOs used to manufacture products regulated under other Union legislations (e.g. medicinal products and advanced therapy medicinal products (ATMPs)). Yet certain provisions remain unclear.

Human plasma included in a plasma master file is explicitly exempt in Art. 42 from importing SoHO entity authorisation. We ask Art. 42 and recital 11 be clarified so all SoHO import/export intended for manufacture of medicinal products (incl. ATMPs) are clearly exempt from SoHO entity authorization. Import and export of SoHOs intended for manufacture medicinal products are regulated under the Pharmaceutical Legislation according to GMP principles for supplier qualification, and applying additional SoHO entity requirements causes undue burden.

Recital 9 states the SoHO regulation applies to genetically-modified organisms. This is inconsistent with Art. 2 as genetic manipulation is considered substantial manipulation, and should always fall into the realm of the ATMP regulation.

No reference is made in the SoHO Regulation to medicinal products produced under Clinical Trials Regulation 536/2014. Art. 2(3) and Recital 11 should include this reference to clarify that starting material used in production of investigational medicinal products are included.

Regarding borderline cases, Recitals 24 & 39 and Article 14 of the proposed SoHO regulation state when there is doubt about the regulatory status of a substance, product or activity, SoHO competent authorities shall consult with the relevant authorities responsible for other regulatory frameworks and may request an opinion from the SoHO coordination board (SCB) who will keep a compendium of decisions taken. The EU Commission is also empowered to decide on the regulatory status under the SoHO Regulation upon request or on its own initiative.

In general, we welcome measures to ensure clarity and harmonization of borderline cases across the EU. The ATMP classification procedure defined in Regulation 1394/2007 is established at EMA based on the scientific recommendation of the Committee for Advanced Therapies (CAT). A more robust approach is needed to ensure the borderline classifications by CAT, Member States and SCB do not lead to divergent outcomes.  The approach in Art. 14 aims to reduce potential divergency, however, the need to consult with CAT should be clearly reflected. Recital 40 and Article 68(1) notes the need for SCB to collaborate with EMA in relation to authorisation of plasma but should encompass guidelines impacting ATMP production.

The complex interplay proposed in Art. 14 may create additional hurdles that could delay the development and patient access to novel therapies. We strongly believe that in conjunction with the Pharma revision a clear hierarchy on classification of borderline products should be defined at a centralized EU level.

Given the reliance on a new SCB and technical expert bodies EDQM and ECDC to adapt requirements to scientific progress, we underline the importance of leveraging subject matter expertise, including in industry, through structured dialogue and transparent consultation with all stakeholders when updating or developing technical guidelines.

In conclusion, EFPIA welcomes the potential benefits of harmonization offered by the draft Regulation and calls on policy makers to ensure the final version addresses the remaining issues highlighted, notably, clearer delineation of SoHO and pharmaceutical activities and appropriate definitions for classification at EU level.