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PhRMA RESPONSE TO THE COMMISSION'S CONSULTATION PAPER ON THE VARIATIONS REGULATION ISSUED ON OCTOBER 24, 2007.

Dear Mr. Rossignol,

PhRMA strongly supports the vision for a revised EU Variation Framework as expressed in the Commission's consultation paper. PhRMA recommends however, that specific procedural aspects and related timelines consider the additional items presented below to further the primary objective for a simpler, more flexible regulatory system to facilitate faster implementation of scientific advances and knowledge for the benefit of patients without compromising the quality, safety and efficacy of medicinal products on the market.

PhRMA appreciates that additional definitions and conditions associated with each category of variations will be further detailed in Commission guidelines to allow a flexible and continuous amendment to the categorization of variations. PhMRA looks forward to continuing to have the opportunity to comment on the content of this guideline, and while it recommends that adequate time be allocated for a careful reflection and detailed review of the guideline pertaining to each category, condition and the documentation required to support each variation, PhRMA recommends that the guidelines be finalised before implementation of the new variations framework. In this vein, PhRMA supports easy, efficient updates as allowed or otherwise required by technical and scientific advance.

Accordingly, PhRMA offers the below comments on some key aspects of the Regulation proposal:

1. Worksharing
   PhRMA fully supports the concept of work sharing, that is to be facilitated by the EMEA, for variations that would otherwise require assessment by more than one competent authority. However, PhRMA recommends that the amendment of any concerned national marketing authorisation in the second step that is based on a binding Agency opinion should be made through a purely administrative Type IA procedure.

2. Validation timelines
   PhRMA recommends that specific maximum validation timelines be laid down in the Regulation to ensure efficient implementation of any procedure without delay in order to enhance predictability of the process.

3. Type IB by default
   PhRMA supports the principle that unclassified variations be categorised as Type IB by default. Further, PhRMA recognises the value in the "safeguard clause" to leave open the option for a more detailed assessment by Regulators. However, PhRMA also believes that a provision should be added that would require clear justification for invocation of such a clause and which describes an appropriate process for an applicant to react to when such requests are implemented. This provision should be drafted in a manner that ensures that member states invoke this clause only in exceptional circumstances. In addition, the overall timeline of a Type II variation should not be exceeded if a switch is triggered based on this mechanism. Moreover, any switch of an unclassified Type IB to a Type II variation should not require the re-submission of documentation, but simply be an extension of the evaluation timelines.

4. Scientific recommendation by the EMEA
   PhRMA welcomes the option to seek a scientific recommendation on the variation classification from the Agency according to Article 5. The timeline to deliver such recommendation should be limited to 14 days to avoid unnecessary delay in the implementation of the subsequent variation.

5. Line extensions
   New strengths, pharmaceutical forms and routes of administration requiring an extension procedure can well be evaluated during a timeline similar to a type II variation with an evaluation timeline of 90 days. PhRMA suggests shortening the timeline in Article 23 for the assessment of extension applications to allow speedy access for those patients benefiting from the line extension.

   In addition the option to file a stand alone marketing authorisation as made possible in the current legislation needs to be maintained. The relevant recitals from 2003/1084 and 2003/1085 should therefore be made. It should be clarified that sponsors should remain free to file applications for new marketing authorizations in circumstances where such changes can also be made by way of variations or extensions.

6. Grouping
   PhRMA welcomes the extensive grouping options concerning one or more products. However, PhRMA would like to see the legislative text amended to accurately reflect the intent outlined in the consultation paper. PhRMA also encourages a grouping option for different MAHs where it can be demonstrated that a licensing agreement is in place and/or that a MAH belongs to the same family of companies.

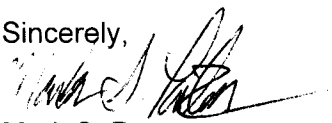
7. ICH
   PhRMA appreciates the inclusion of ICH principles into the legislative framework and looks forward to further references in the detailed guidelines. To ensure a consistent interpretation across the EU, PhRMA believes that the provisions for design space outlined in the consultation paper should also be included in the legislative text.

In conclusion, PhRMA welcomes the opportunity to comment on this Consultation Paper and is fully committed to supporting the Commission's objective to move towards a simpler, more flexible framework on variations. We believe that a successful outcome of this initiative is

paramount to the enhancement of research and innovation in Europe, while simultaneously preserving the highest level of public health protection.

Thank you for considering our comments, and we look forward to continued dialogue on this very important topic.

Sincerely,



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