EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Health systems and products
Medicinal products – Quality, safety and efficacy

PHARM 632

PHARMACEUTICAL COMMITTEE
23 October 2013

Subject: **Implementation of the new rules on importation of active substances**

Agenda item 3c

1. BACKGROUND

The 'Falsified Medicines Directive' 2011/62/EU has been adopted in June 2011 and published on 1 July 2011. It introduces (for the first time) EU-wide rules for the importation of active substances for medicines for human use. As of 2 January 2013, all active substances have to be manufactured in accordance with good manufacturing practice (GMP), or (if imported) with equivalent rules.

As of 2 July 2013, the import of these substances is only possible if:

- **Option 1**: the consignment is accompanied by a 'written confirmation' by the authority of the third country that the plant manufacturing active substances operates in compliance with EU-'good manufacturing practice', or with equivalent rules, and is subject to equivalence rules for control and inspections; or

- **Option 2**: the third country has been listed by the Commission as a country with an equivalent system of supervision and inspection as in the EU; or

- **Option 3**: exceptionally, and where necessary to ensure the availability of medicinal products, the need for the written confirmation can be waived by a Member State if a Member State has inspected the specific plant.

2. STATE OF PLAY OF IMPLEMENTATION AT EU-LEVEL

The Commission has reached out to a multitude of stakeholders and third country governments in order to monitor the implementation of the new rules. Annex 1 contains a state of play for information

3. MEMBER STATES INTENDING TO APPLY THE WAIVER UNDER ARTICLE 46B(4)

Article 46b(4) allows Member States, exceptionally, and where necessary to ensure the availability of medicinal products, to waive the need for the written confirmation if a Member State has inspected the specific plant. Member States wishing to use this possibility need to communicate this to the Commission.

To date, the following Member States have communicated to the Commission the intention to use this waiver:

- Spain
- Italy
- United Kingdom
- Ireland
- Germany
- Romania
- Malta
- France

Annex 1:

New rules on API quality in the EU; Preparation with regard to exporting third countries – state of play (top 18 API exporters to the EU, plus South Africa and Ukraine)[1]

Third country	Number of API manufacturing sites supplying EU[2]	Option 1 (written confirmation) or option 2 (listing)	State of play
India	496	Option 1	**Situation under control.** IND issued 254 written confirmations to date (published at: http://www.cdsco.nic.in/WC_scanned_copies.htm).
China	438	Option 1	**Situation under control.** CHN is issuing written confirmations. At the end of August 2013, 322 written confirmations were issued, concerning 167 manufacturers and 524 APIs (source: CFDA).
U.S.	186	Option 2	**Situation under control.** Listed.
Japan	108	Option 2	**Situation under control.** Listed
Switzerland	67	Option 2	**Situation under control.** Listed.
Korea	37	Option 1	**Situation under control.** Korea has issued written confirmation (54 issued to date, covering 105 API).
Israel	36	Option 1; then 2	**Situation under control.** Israel has issued 114 written confirmations to date. Listing had to be refused for the time being but Israel is revising its legislation to be reconsidered.
Mexico	35	Option 1, then 2	**Situation under control.** MEX has issued written confirmation (9 issued to date) and later will apply for listing.
Brazil	23	Option 1, then 2	**Situation under control.** BRA has applied for listing. Assessment ongoing. On-site audit took place on 23 September – 1 october 2013.
Canada	17	Option 1	**Situation under control.** CAN has issued written confirmation (8 issued to date, out of 13 applications).
Taiwan	16	Option 1	**Situation under control.** TWN has issued 59 written confirmations to 15 APIs manufacturers. A total of 124 active substances were covered.
Argentina	12	Option 1, then 2	**Situation under control.** ARG has issued written confirmation (12 issued to date, covering 46 API). It is in the process of translating the required documentation into English to request "listing" later this year.
Turkey	12	Option 1	**Situation under control.** TUR has issued 8 'written confirmations', covering 88 API.
Malaysia	7	Option 1, then 2	**Situation under control.** MYS has issued written confirmation (2 issued to date) and confirmed that it intends to request "listing" later this year.
Singapore	7	Option 1, then 2	**Situation under control.** SGP has issued 8 written confirmations to date. Listing had to be refused for the time being but SGP is revising its legislation to be reconsidered.
Thailand	6		**More work needed – in particular by industry stakeholders.** THA has informed COM that they are going to issue written confirmation.
Australia	5	Option 2	**Situation under control.** Listed
Russia	5	Option 1	**More work needed – in particular by industry stakeholders.** RUS has informed COM in a meeting that they are going to issue written confirmation.
Ukraine	4	Option 1	**Situation under control.** UKR has issued written confirmation.

[1] These 20 countries account for 97% of all non-EU API manufacturing sites supplying the EU.

[2] Survey of the 'Heads of Medicines Agencies' amongst medicines manufacturers in the EU. Duplicates have been removed by MHRA. However, this figure does not take account of the possibility of manufacturers to substitute one API source by another one.

South Africa	2	Option 1	**Situation under control.** ZAF has issued written confirmation.

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