Public Consultation Paper on the Regulation on Advanced Therapy Medicinal Products

European Association of Tissue Banks (EATB) is a scientific association of the European Tissue Banks that was founded in 1991 with aim of bringing together the tissue banking community of the EU and other Countries. Its scientific activity was initially focused on the quality standards for tissue banks. Subsequently, that EATB experts were involved in many EU projects that were aimed in improving of different aspects of the tissue banking, such as the quality management system, auditing and inspecting of the tissue establishments, establishing the vigilance and surveillance criteria for human tissues and cells for transplantation, European coding system, etc.

Also the EATB experts have participated very actively in the compilation of the European regulation regarding the application of the human substances for human therapeutic application. Also, they are actively involved in the permanent improvement of this regulation.

The EATB experts are also very actively involved at the level of the Competent Authority as the advisory group for different issues in the field of the tissue and cell transplantation.

2. CONSULTATION TOPICS

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2.3 Hospital exemption

The application of the hospital exemption for ATMPs should not only be considered as an exception for ATMPs prepared "…*on a non-routine basis according to specific quality standards, and used within the same Member State in a hospital under the exclusive professional responsibility of a medical practitioner, in order to comply with an individual medical prescription for a custom-made product for an individual patient* …" (point n. 6 of the preamble and Art. 28) but also the rule for all autologous ATMPs.

In fact, cells from individual patients show unique features; their growth in culture should be carried out with day-by-day procedures, and the process singly adjusted to achieve the output stated in product specifications, unquestionably generating *a custom-made product for* each *single patient*.

As a consequence, the need for marketing authorization for autologous ATMPs appears nonsensical.

In our opinion, all autologous preparations in which the intended recipient donates their own cells or tissues to start the production of their own ATMP, should be excluded *by definition* from marketing authorization.
Moreover, the obligation of marketing authorization for autologous preparations violates the sense of declarations stated in point 1 and 7 of the preamble, restricting the chance for European citizens to receive real benefits from "*… new opportunities for the treatment of diseases and dysfunctions of the human body*", and limiting *de facto* the authority of Member States (" *… It should also not affect the application of national legislation prohibiting or restricting the sale, supply or use of medicinal products containing, consisting of or derived from these cells …*"). This obligation, therefore, only seems to benefit the views of parties worried about ROI (as can transpire from the opinion reported in the Public Consultation Paper advice "*… a too large application of this exemption may discourage the application for marketing authorizations …*") and not the single patient and medical practitioner.

Finally, declarations stated in point 15 of the preamble ("*… human cells or tissues contained in advanced therapy medicinal products should be procured from voluntary and unpaid donation …*" and "*… Member States should be urged to take all necessary steps to encourage a strong public and non-profit sector involvement in the procurement of human cells or tissues, as voluntary and unpaid cell and tissue donations may contribute to high safety standards for cells and tissues and therefore to the protection of human health*") are matters of genuine concern as the European Union could be legally authorizing enterprises (i.e. with the release of a marketing authorization for ATMPs) to commercialize products whose origins lie in the consensual and free gift of a donor.

2.4 Incentives for the development

Coherently with many of the statements in the preamble of Regulation 1394/2007, non-profit public tissue and cell banks involved in the development of ATMPs for autologous application should receive specific financial support to help them to develop and manufacture advanced therapies of the best quality in terms of safety and efficacy.

In conclusion, from the EATB point of view, 5 years of application of the ATMP regulation showed some limitations and unsolved issues. It is a good tool to regulate quality procedures, through GMP, even having into consideration that GMPs are not aimed for substances of human origin and have some limitations. The project euro-GTPs, funded by the EC-DG SANCO, tried to solve some of those issues. However, due to the necessity for the marketing authorization and further quality and safety requirements, will further limit the access of the patients to the treatments with these advanced products. On the other hand, the initiatives for new developments are discouraged.

Consultation pointed out that hospital exemption is the cause of only few marketing authorizations, only 2 in 5 years!- EATB considers that this is not a realistic interpretation because: (i) initiatives on new therapies are in academic and hospital level; (ii) ATMP treatments, in initial stages are led by clinicians to offer a therapeutic solution to their patients, in occasions case by case, and EU should help and promote them; (iii) higher cost of the product, once on the enterprise level will exclude a significant part of the patients to be beneficiary of the treatment.

We can provide with multiple examples, where the application of the regulation has represented a significant damage to the possibilities of patients treatment. Example: the burn unit of the Military Hospital of Brussels for many years has treated hundreds of patients with keratinocytes cultures. Currently, as Belgian authorities have not yet the legal framework and some problems appeared with the interpretation of regulation, there is a real risk of lack of therapeutic options for many patients in the future.

Finally, the EATB position is that regulation by itself can be useful, but there is need for an open interpretation, as well as a common approach to the "hospital exemption" by the EU countries. This should guarantee the quality and safety, but also access to the treatment for everybody. That will also support the research, development and innovation. And, once the ATMPs will become the product, produced on "industrial" basis, many enterprises can benefit as well.

For EATB

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