AESGP Euro OTC News

Issue 352 | June 2023

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CMDh highlights

CMDh report - June 2023

The CMDh has published the **report from the CMDh meeting held on 20-21 June 2023**. Among the items reported, the following may be noted:

Request for RMS in a decentralised procedure for medicinal products for human use

The CMDh agreed an update of the RMS request form in DCP. The form has been reviewed with the experience gained, based on proposals for improvement discussed in the CMDh presidency meeting in Sweden.

The use of the form will become mandatory as of 1 September 2023 for all upcoming requests, but it can already be used before that date on a voluntary basis. Requests submitted before 1 September 2023 do not have to be updated to the new form.

CMDh SOP on decision-making process for new active substance status or extension of marketing protection or data exclusivity

The CMDh agreed an update of its SOP on decision-making process for new active substance status or extension of marketing protection or data exclusivity. Information on the interpretation of the term “new indication” in the framework of granting an additional year of data exclusivity according to Art. 10(5) has been included in the guidance.

Change in the Presidency of the Council of the European Union

The June 2023 CMDh meeting was the last one under the Swedish Presidency of the Council of the European Union. Spain will take over the Presidency in July 2023. Verónica García Morales will be the appointed Presidency vice-chairperson of the CMDh during the Spanish Presidency of the Council of the European Union.

CMDh minutes - May 2023

The **CMDh published the minutes of the CMDh meeting held on 23-25 May 2023.**

Working Party on Pharmacovigilance Procedures Worksharing

The WP Chair reported from the May WP meeting including feedback from the HaRP group.

The WP discussed among others the removed NAPs entries from the EURD list, update on the reallocation of substances from the "parking lot”, proposed change of Best Practice Guide on (1) Introduction of substances/combinations onto the EURD list and setting the initial PSUR DLP and frequency and (2) Assessment of PSURs of products where the EU Reference Date is not yet legally binding - section 6.2 and update of PSUSA section 6. The CMDh endorsed the changes of the BPG and proposed revisions of the CMDh website under “Pharmacovigilance”. The updated BPG will be published on the CMDh website (Action: EMA).

The WP received feedback from the EMA that it is not possible to extend the PSUR repository to include PSUFU documentation. The Lists of Safety Concerns (LoSCs) were approved by the CMDh.

The CMDh has re-elected Maria Luisa Casini (IT) as Chair of the Pharmacovigilance Worksharing Procedures Working Party.

User testing of the package leaflet

With reference to the March 2020 CMDh press release, in which flexibilities in relation to user testing during the pandemic period were introduced (mainly to allow digital consultation), the CMDh discussed if such flexibilities are still acceptable.

It was noted that the flexibilities for user testing were independent of the regulatory flexibilities introduced during the COVID-19 pandemic (to be further discussed by MSSG, see 2.5). It was further noted that COVID-19 is no longer declared a public health emergency of international concern (PHEIC) by WHO and the flexibilities regarding user testing would in theory no longer be needed. However, several MSs stressed that under certain conditions digital user testing could be further allowed as long as a paper PL is provided for the testing. However, the relevant guidance would need to be updated.

The question will be further discussed in the QRD WG. The discussion will come back to CMDh once QRD feedback is available.

Changing legal basis during assessment phase of a DCP

The CMDh discussed a proposal to allow a change of the initial legal basis of a MAA until day 105 of the DCP in case it becomes clear during the assessment that the medicinal product cannot be approved with the legal basis chosen by the applicant, under the condition that no extensive data is needed to complete the dossier.

The CMDh agreed by majority that it is the applicant's responsibility to choose the correct legal basis and to present a dossier according to the requirements of the chosen legal basis. It was agreed that a change of the legal basis during the procedure should therefore not be allowed. During assessment, only data relevant to the chosen legal basis should be considered. If such data, provided or requested during assessment, is not sufficient to grant an MA under the chosen legal basis, the application should be withdrawn or concluded negatively.

Final revised Ibuprofen oral use immediate release formulations 200–800 mg product-specific bioequivalence guidance

Further to its adoption at the April 2023 meeting of the EMA Committee for Medicinal Products for Human Use (CHMP), the final Ibuprofen oral use immediate release formulations 200–800 mg product-specific bioequivalence guidance has now been published.

The revision concerns defining what is meant by 'comparable' Tmax as an additional main pharmacokinetic variable in the bioequivalence assessment section of the guideline.

The overview of comments received, including EMA's feedback has also been published and is available here.

This guidance will come into effect on **1 January 2024.**

Final revised Tadalafil product-specific bioequivalence guidance

Further to its adoption at the April 2023 meeting of the EMA Committee for Medicinal Products for Human Use (CHMP), the **final Tadalafil film-coated tablets 2.5 mg, 5 mg, 10 mg and 20 mg product-specific bioequivalence guidance has now been published**.

The revision concerns defining what is meant by 'comparable' Tmax as an additional main pharmacokinetic variable in the bioequivalence assessment section of the guideline.

The overview of comments received including EMA's feedback has also been published and is available here.

This guidance will come into effect on **1 January 2024**.

Final revised Paracetamol oral use immediate release formulations product-specific bioequivalence guidance

Further to its adoption at the April 2023 meeting of the EMA Committee for Medicinal Products for Human Use (CHMP), the **final Paracetamol oral use immediate release formulations product-specific bioequivalence guidance has now been published**.

The revision concerns defining what is meant by 'comparable' Tmax as an additional main pharmacokinetic variable in the bioequivalence assessment section of the guideline.

The overview of comments received including EMA's feedback has also been published and is available here.

This guidance will come into effect on **1 January 2024**.

TELEMATICS

CTIS - Launch of Multi-factor authentication - How to log in to CTIS starting 8 June 2023

The multi-factor authentication (MFA) strategy for user logins to CTIS, will be launched on **Thursday 8 June 2023** following deployment during the regular maintenance window from 18:00 to 21.00 (CEST). This strategy will further reinforce the security of user accounts.

With MFA, users are asked to enter a second factor (besides username and password) when logging into an IT system to verify their identity. This second factor is:

- A token received in Microsoft Authenticator mobile app, or
- An automated phone call or a text to mobile phone, or
- A call to office phone.

Each user can choose and use their preferred second-factor method. This choice can be amended at any time.

In preparation for the introduction of MFA, it is recommended that each user is equipped with a mobile or an office phone that can be used for second-factor authentication. Users are encouraged to log into the EMA ServiceNow portal to set up their MFA for EMA systems, which works also for CTIS starting 1 June 2023. Further instructions on setting up MFA for EMA systems are available here.

CTIS users are required to follow the MFA procedure each time they are logging in. Furthermore, as an additional safety measure, users are logged out automatically after being inactive for 45 minutes.

The activation of MFA is currently not planned for the CTIS Training Environment. Information about a possible future implementation of an MFA in the CTIS Training Environment will be announced in the CTIS Newsflash. For the MS API, the MFA will be rolled out at a later date and MS users will be informed in advance.

New platform for Pre-submission requests and Pre-submission queries for human medicinal products from 1 August 2023

The current platform (Jira Service Management) for **Pre-submission requests** and **Pre-submission queries (on post-authorisation procedures)** for human medicinal products is being replaced by a new platform (ServiceNow). From **1 August 2023**, Applicants/MAHs of centrally authorised medicinal products that raise pre-submission requests/queries through **EMA Service Desk** will be automatically directed to the new platform. This is a more modern platform with additional functionalities such as additional fields in the query form and inclusion of links to the most relevant guidance, all specific to each query type.

Impacted requests that will be migrated to the new platform on the 1st August 2023:

- **Pre-submission requests**: Eligibility request, Letter of intent, Notification of change, Accelerated assessment, Pre-submission interaction, Withdrawal, ATMP certification, Companion Diagnostics (Letter of intent for an initial consultation procedure on a companion diagnostic)
- **Change of Contact Person(s) post-authorisation**
- **Pre-submission queries:** Variation IA, Variation IB A and B scopes, Variation IB C scopes, Variation II scopes (Non-clin/Clin/RMP), Article 61(3) Notification, MAH transfer
- **New EU number**
- **Article 5 procedure**

Ongoing queries will be finalised in the current Jira Service Management platform, so please do not send duplicate requests. The EMA website will be updated accordingly with the new links closer to the release date. Please be mindful that the links will change, therefore if you have saved the old links as Favourites they will need to be replaced.

Food

Novel food

EFSA opinion on the safety of 3-fucosyllactose (3-FL) produced by a derivative strain of Escherichia coli K-12 DH1 as a novel food pursuant to Regulation (EU) 2015/2283

The EFSA Panel on Nutrition, Novel Foods and Food Allergens (NDA) published its opinion on the safety of 3-fucosyllactose (3-FL) produced by a derivative strain of Escherichia coli K-12 DH1 as a novel food pursuant to Regulation (EU) 2015/2283.

The Panel concludes that the novel food, which is composed of 3- fucosyllactose and other structurally related mono-and oligosaccharides, is safe under the proposed conditions of use.

The NF, which is the subject of the application, contains 3-FL as primary constituent (≥ 90.0% w/w dry matter (DM)), a fucosylated neutral oligosaccharide consisting of L-fucose linked via an a-(1–3) bond to the D-glucose unit of D-lactose. 3-FL has been identified as a relevant component of the complex fraction of oligosaccharides naturally occurring in mammalian milk, with the highest concentration present in human milk, and therefore is typically denominated as a human milk oligosaccharide (HMO).

The NF is proposed to be used as an ingredient in various food categories, including infant food and follow-on formula. The applicant also intends to market the NF for use in FS as defined in Directive 2002/46/EC. Specifically, maximum daily intakes of 2 g/day for infants and young children, or 4 g/day for the other population groups have been proposed. For foods for special medical purposes, the applicant did not propose maximum use levels and the Panel considers that the maximum use levels of the NF should not be higher than the maximum levels specified for the proposed food uses or the maximum daily intake proposed for FS.

The intake of 3-FL in breastfed infants on a body weight basis is expected to be safe also for other population groups. The intake of other carbohydrate-type compounds structurally related to 3-FL is also considered of no safety concern.

EFSA opinion on the safety of 6'-sialyllactose (6'-SL) sodium salt produced by a derivative strain (Escherichia coli NEO6) of E. coli W (ATCC 9637) as a Novel Food pursuant to Regulation (EU) 2015/2283

The EFSA Panel on Nutrition, Novel Foods and Food Allergens (NDA) published its opinion on the safety of 6′-sialyllactose (6′-SL) sodium salt produced by a derivative strain (Escherichia coli NEO6) of E. coli W (ATCC 9637) as a Novel Food pursuant to Regulation (EU) 2015/2283.

The Panel concludes that the NF, which is composed of 6'-SL and other structurally related mono- and oligosaccharides, is safe under the proposed conditions of use.

The NF, which is the subject of the application, contains 6'-SL sodium salt as primary constituent(≥82% w/w dry matter (DM)). 6'-SL has been identified as a relevant component of the complex fraction of oligosaccharides naturally occurring in human milk, also denominated as human milk oligosaccharides (HMOs). 6'-SL is a sialylated (acidic) trisaccharide composed of D-glucose, D-galactose and NANA (hereinafter also referred to as 'sialic acid'). 6'-SL is the predominant acidic HMO and one of the most abundant HMOs along with 2'-FL, lacto-N-fucopentaose I, LNT and LNnT.

The applicant applies for the same uses and use levels (as a food ingredient, including FSMP, IF and FOF and the use in FS) already assessed for the 6'-SL sodium salt produced by fermentation by a genetically modified strain of. E coli K-12 DH1. Therefore, since the NF would be consumed at the same extent as the already assessed 6'-SL sodium salt, no new estimates of the intake have been carried out.

Tolerable Upper Intake Levels

EFSA 29th Working Group meeting on Upper Tolerable Levels minutes published

The minutes of the EFSA 29th Working Group meeting on Upper Tolerable Levels that took place on 31 May have been published.

Standing Committee

General Food Law - 9 February 2023 - Summary report

The Commission **summary report** of the Standing Committee on Plants, Animals, Food and Feed – **Section General Food Law** meeting of **9 February 2023 is available**.

Among others, the following may be noted:

- **Request from Austria – on health claims for probiotics in food supplements by France.**

Austria asked France to provide more information concerning their recent decision to allow health claims for probiotics on food supplements and for Member States' views. France explained that following complaints from the industry, a letter was sent by the French Ministry of Economy (DGCCRF) to the National Union of Food supplements (SYNADIET), by which they allow the use of the term probiotic on food supplements as a category denomination. France also provided details regarding the definition, conditions of use, the wording to be used and obligations for operators when the term is used. A Member State mentioned that they do not allow the term to be used on food products, however there are several food supplements on their market coming from many different countries bearing this term. The Commission explained that the EU rules regarding the use of the term probiotic are clear. The use of the term is considered a health claim and it is currently prohibited to use the term probiotics in the EU market, as no health claims have been authorised so far. The Commission also explained that in cases where the labelling of food products marketed in the EU is found to not be in line with the EU rules, Member States should put in place measures to ensure their conformity with the EU rules. Two more Member States expressed their views, one mentioning that it allows the use of the term under certain conditions and the other that it agrees and follows the Commissions' line and that they would like to further discuss and exchange views with the Member States on this topic in a working group.

- **Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Implementing Regulation (EU) No 307/2012 as regards certain procedures for the Union assessment of the safety of a substance or group of substances under scrutiny.**

The draft Commission Implementing Regulation aims at amending Regulation (EU) No 307/2012 establishing implementing rules for the application of Article 8 of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods. Article 8 provides for a procedure whereby the Commission may decide on the basis of an opinion by EFSA, to prohibit, restrict or place under Union scrutiny a substance for which safety concerns have been raised. The purpose of the amendment is to ensure efficiency of the safety assessments by EFSA of the substances under union scrutiny listed in Part C of Annex III to Regulation (EC) No 1925/2006 by allowing EFSA to consider the totality of the safety data submitted by different interested parties for the assessment of the same substance and issue a single opinion. During the exchange of views, no comments were raised on the draft measure. The Commission informed the delegations of its intention to obtain the vote on this draft Commission Regulation by written procedure

- **Request from Belgium and Denmark – on the application of the labelling requirement for green tea extracts containing (-)-epigallocatechin-3-gallate.**

Belgium raised the question about the applicability of the labelling requirements set in the Annex of Regulation (EU) 2022/2340 on green tea catechins to green tea extracts containing (-)-epigallocatechin-3-gallate (EGCG) in very small amounts. Belgium also asked whether the measure appliesto food to which green tea extracts containing EGCG are added for flavouring purposes.

The Commission explained that Regulation (EU) 2022/2340 and therefore all labelling requirements set in its Annex apply to all green tea extracts containing (-)- epigallocatechin-3-gallate regardless of the EGCG content of the extract. With regard to the question on the addition of the substance for flavouring purposes, the Commission explained that flavourings do not fall within the scope of Regulation (EU) 2022/2340, because its legal basis, namely Regulation (EC) No 1925/2006 applies without prejudice to

the Union legislation concerning flavourings. As Regulation (EC) No 1334/2008 on flavourings provides for the safety of flavourings placed on the EU market, its provisions prevail over Article 8 of Regulation (EC) No 1925/2006. The Commission further explained that Regulation (EC) No 1925/2006 and Article 8 thereof regulate only the addition of substances for nutritional and physiological purposes and therefore the scope of the measure covers only the use of the substance for nutritional or physiological purposes, without regulating other possible uses, such as the addition of the substance for flavouring purposes.

- **Request from Spain – for an update on the status of the revision of the Regulation on Food Information to Consumers.**

The Commission explained that an impact assessment is currently in preparation, involving a wide-ranging evidence and data gathering exercise. The Commission further explained that robust evidence is key before the Commission takes a decision on the most appropriate way forward and that this is where the Commission is now concentrating its efforts. Regarding front-of-pack nutrition labelling, one Member State mentioned that they might consider taking action at national level in the absence of a harmonised approach.

Medical Devices

Borderline & Classification WG

Borderline Guidance - Diverging Positions DE & IT Available

The **diverging positions by Italy and Germany in relation to the Borderline Guidance have now been made available**.

A link has been included in the Borderline Guidance referring to the MDCG minutes of 24-25 October 2022 which in turn provides the diverging positions of Germany and Italy.

Both positions, among others, point out that the definition of pharmacological means definition is not precise enough and will create uncertainties. Both authorities consider that the Guidance will not help fostering a common understanding among stakeholders in implementing the relevant provisions of the MDR.

EUDAMED Production

New release - release 2.11 - release notes and updated user guide.

The EUDAMED Production release 2.11 (Actors registration, UDI/Devices and NBs & Certificates modules) has been successfully deployed.

This release brings improvements for all the modules in Production and the Public site as well as a new request process for machine-to-machine (M2M) access points.

- EUDAMED restricted
- EUDAMED public

The updated documentation (Eudamed user guide UDI devices and Notified Bodies and Certificate) is available at the EUDAMED Information Centre - PROD .

For more details about the changes please check the release notes available here.

Annex XVI WG

Implementing Regulation (EU) 2023/1194 on transitional provisions for Annex XVI products - Publication in EU OJ

The **Commission Implementing Regulation (EU) 2023/1194 of 20 June 2023 amending Implementing Regulation (EU) 2022/2346 as regards the transitional provisions for certain products without an intended medical purpose listed in Annex XVI to Regulation (EU) 2017/745** has been published in the Official Journal of the European Union.

This Implementing Regulation is applicable from 22 June 2023.

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