Commission Directive 2005/28/EC of 8 April 2005 laying down principles and detailed guidelines for good clinical practice as regards investigational medicinal products for human use, as well as the requirements for authorisation of the manufacturing or importation of such products (Text with EEA relevance)

COMMISSION DIRECTIVE 2005/28/EC

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use[(1)], and in particular Article 1(3), Article 13(1) and Article 15(5) thereof,

Whereas:

(1) Directive 2001/20/EC requires the adoption of principles of good clinical practice and detailed guidelines in line with those principles, minimum requirements for authorisation of the manufacture or importation of investigational medicinal products, and detailed guidelines on the documentation relating to clinical trials to verify their compliance with Directive 2001/20/EC.

(2) The principles and guidelines for good clinical practice should be such as to ensure that the conduct of clinical trials on investigational medicinal products, as defined in Article 2(d) of Directive 2001/20/EC, is founded in the protection of human rights and the dignity of the human being.

(3) Manufacturing requirements to be applied to investigational medicinal products are provided for by Commission Directive 2003/94/EC of 8 October 2003 laying down the principles and guidelines of good manufacturing practice in respect of medicinal products for human use and investigational medicinal products for human use[(2)]. Title IV of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use[(3)] contains the provisions applied for the authorisation for the manufacture of medicinal products as part of the requirements needed for the application for a marketing authorisation. Article 3(3) of that Directive establishes that these requirements are not applicable for medicinal products intended for research and development trials. It is therefore necessary to lay down minimal requirements regarding applications for

and management of authorisations to manufacture or import investigational medicinal products, as well as for the granting and the content of the authorisations, in order to guarantee the quality of the investigational medicinal product used in the clinical trial.

(4) With regard to the protection of trial subjects and to ensure that unnecessary clinical trials will not be conducted, it is important to define principles and detailed guidelines of good clinical practice whilst allowing the results of the trials to be documented for use in a later phase.

(5) To ensure that all experts and individuals involved in the design, initiation, conduct and recording of clinical trials apply the same standards of good clinical practice, principles and detailed guidelines of good clinical practice have to be defined.

(6) Provisions for the functioning of the Ethics Committees should be established in each Member State on the basis of common detailed guidelines, in order to ensure the protection of the trial subject while at the same time allowing a harmonised application in the different Member States of the procedures to be used by Ethics Committees.

(7) To secure the compliance of clinical trials with the provisions on good clinical practice, it is necessary that inspectors ensure the practical effectiveness of such provisions. It is essential therefore to provide detailed guidelines on the minimum standards for the qualification of inspectors, in particular as regards their education and training. For the same reason, detailed guidelines on inspection procedures, in particular on the cooperation of the various agencies, and the follow-up to the inspections, should be laid down.

(8) The International Conference on Harmonisation (ICH) reached a consensus in 1995 to provide a harmonised approach for Good Clinical Practice. The consensus paper should be taken into account as agreed upon by the Committee for Medicinal Products for Human Use (CHMP) of the European Medicines Agency, hereinafter ‘the Agency’, and published by the Agency.

(9) It is necessary that sponsors, investigators and other participants take into account the scientific guidelines relating to the quality, safety and efficacy of medicinal products for human use, as agreed upon by the CHMP and published by the Agency, as well as the other pharmaceutical Community guidelines published by the Commission in the different volumes of The rules governing medicinal products in the European Community.

(10) In conducting clinical trials on investigational medicinal products for human use, the safety and the protection of the rights of trial subjects should be ensured. The detailed rules adopted by Member States pursuant to Article 3(1) of Directive 2001/20/EC, to protect from abuse individuals who are incapable of giving their informed consent should also cover individuals temporarily incapable of giving their informed consent, as in emergency situations.

(11) Non-commercial clinical trials conducted by researchers without the participation of the pharmaceutical industry may be of great benefit to the patients concerned. Directive 2001/20/EC recognises the specificity of these non-commercial clinical trials. In particular, when trials are conducted with authorised medicinal products

and on patients with the same characteristics as those covered by the authorised indication, requirements already fulfilled by these authorised medicinal products, as far as manufacturing or importation are concerned, should be taken into consideration. However, it could also be necessary, due to the specific conditions under which non-commercial trials are conducted, that Member States foresee specific modalities to be applied to these trials not only when conducted with authorised medicinal products and on patients with the same characteristics, in order to comply with the principles imposed by this Directive, in particular as far as the manufacturing or import requirements for authorisation and the documentation to be submitted and archived for the trial master file are concerned. The conditions under which the non-commercial research is conducted by public researchers and the places where this research takes place, make the application of certain of the details of good clinical practice unnecessary or guaranteed by other means. Member States will ensure in these cases, when providing for specific modalities, that the objectives of the protection of the rights of patients who participate in the trial, as well as, in general, the correct application of the good clinical practice principles, are achieved. The Commission will prepare a draft with guidance in this respect.

(12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Medicinal Products for Human Use,

HAS ADOPTED THIS DIRECTIVE:

(**1**) OJ L 121, 1.5.2001, p. 34.

(**2**) OJ L 262, 14.10.2003, p. 22.

(**3**) OJ L 311, 28.11.2003, p. 67. Directive as last amended by Directive 2004/27/EC (OJ L 136, 30.4.2004, p. 34).