EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

28 January 2014
EMA/HMPC/84530/2010 Rev.2
Committee on Herbal Medicinal Products (HMPC)

Procedure on the publication of HMPC public statements when Community herbal monographs on herbal substances, preparations and/or combinations thereof are not established

Final

Draft agreed by Organisational Matters Drafting Group (ORGAM DG)	February, April, June 2010
Draft agreed by Working Party on Community Monographs and Community List (MLWP)	July 2010
Adoption by HMPC for release for consultation	15 July 2010
Publication	15 February 2011
End of consultation (deadline for comments)	15 May 2011
Agreed by ORGAM DG	June 2011
Agreed by MLWP	July 2011
Adoption by HMPC	12 July 2011
Revision 1 agreed by ORGAM DG	December 2011
Revision 1[1] agreed by HMPC	24 January 2012
Revision 2 agreed by ORGAM DG	January 2014
Revision 2[2] agreed by HMPC	28 January 2014

Keywords	Herbal medicinal products; HMPC; Community herbal monographs; Community list entries; Public statements

[1] Changes in sections 4.1.1, 4.1.2 and 4.2 and in flowchart
[2] Change in section 2 (last paragraph added)

7 Westferry Circus ● Canary Wharf ● London E14 4HB ● United Kingdom
Telephone +44 (0)20 7418 8400 **Facsimile** +44 (0)20 7418 8416
E-mail info@ema.europa.eu **Website** www.ema.europa.eu
An agency of the European Union

© European Medicines Agency, 2014. Reproduction is authorised provided the source is acknowledged.

Table of contents

1. Introduction

This procedure has been prepared to clarify the conditions when the Committee on Herbal Medicinal Products (HMPC) shall establish a public statement on an herbal substance which was on the HMPC priority list[3], in the situation where it does not establish a Community herbal monograph on that herbal substance and preparations[4] thereof.

The publication of this procedure is part of the European Medicines Agency's initiatives to improve transparency in the regulatory and scientific processes followed by the HMPC in fulfilling its tasks as defined by the European legislation.

This procedure does not address the situations where:

- a Community list entry cannot be established
- a herbal preparation is not included in a Community herbal monograph

The justification as to why a Community list entry cannot be established together with the relevant Community herbal monograph can be found in the assessment report (AR). For the assessment works carried out so far which had led to the publication of final monographs, the absence of adequate genotoxicity data, as part of the evidence required to demonstrate a safe use, has been the primary justification to the non-establishment of a Community list entry on a herbal substance and/or preparations thereof.

The justification as to why a given herbal preparation is not included in a monograph can be found in the AR and/or in the 'Overview of comments received during the public consultation'. It cannot be expected that such a justification is available for every possible preparation. Current practice is that justification is provided for preparations which can be found on the market of one or several Member States of the European Union and made known to the Rapporteur either by members of the HMPC/Working Party on Community Monographs and Community List (MLWP) or by interested parties via their comments on draft monographs.

2. Legal basis and scope

In accordance with Directive 2001/83/EC (1), the HMPC is responsible for establishing Community herbal monographs.

Community herbal monographs established according to Article 16h(3) have relevance for the registration as well as the authorisation of herbal medicinal products. A Community herbal monograph comprises the Committee's scientific opinion on a given herbal substance and preparations thereof or a combination of herbal substances/preparations. The HMPC assesses mostly bibliographic safety and efficacy data, which are usually combined, for well-established use products, with product specific data. For traditional herbal medicinal products, the HMPC assesses specifically historical data on the medicinal uses as well as the plausibility of such uses and the conditions for safe use. A Community monograph may cover both well-established use and traditional use.

Monographs are established according to a priority list of herbal substances for assessment. They are prepared by the MLWP each year, in accordance with its annual work programme.

[3] http://www.ema.europa.eu/pdfs/human/hmpc/27806706en.pdf
[4] The procedure addresses herbal substances (and herbal preparations thereof) as well combinations of herbal substances and/or herbal preparations.

Monographs are supported by an AR (2) which describes the scientific assessment that has been carried out and led to the release for public consultation of a draft monograph, followed by the publication of the final monograph upon assessment of comments received during the public consultation. After deletion of commercially confidential information, the AR is also published at draft and final stage. The AR contains conclusions reached on the scientific review of data compiled by the Rapporteur (referred to in a list of references) in the context of the legal provisions set out in Directive 2001/83/EC. The HMPC takes its decisions upon recommendations from the MLWP (3).

During its second mandate, the HMPC came across situations where the assessment work carried out by a Rapporteur on behalf of the MLWP could not lead to the establishment of a Community herbal monograph. In these situations, the HMPC published draft/final **public statements**. As the HMPC faced an increasing number of situations where no monographs could be established, the MLWP and the Organisational Matters Drafting Group (ORGAM DG) of the HMPC were asked to lay down the conditions for the preparation of such public statements and to create a template (4).

It is acknowledged that the HMPC has no mandate to issue "negative" lists of herbal substances, preparations and combinations thereof. Yet, the Agency supports the HMPC's intention to be transparent on:

- the outcome of any assessment work that had started
- the reasons why an intended assessment work would not start

Such a public statement shall not be understood as a negative assessment of the herbal substance and preparations thereof, as it may be possible that applicants can submit, in dossiers for national marketing authorisation or traditional use registration, the data/information identified by the HMPC as missing for the purpose of preparing a monograph.

At any point of time, interested parties are welcome to submit new data/information on a plant covered by a final PS. Such new data might allow the HMPC/MLWP to modify the original conclusion and lead to a monograph. The assessment of the new data will be integrated in the current or next annual work programme of the MLWP, depending on the time and volume of the submission and considering the priorities given to on-going assessment works.

3. Definitions and abbreviations

3.1. Definitions

Community herbal monograph = document whose purpose is to provide a scientific summary of all data available on the safety and efficacy of a herbal substance/preparation intended for medicinal use, as referred to in Article 16h(3) of Directive 2001/83/EC as amended.

For other definitions, please refer to glossaries found in published quality guidance.

http://www.ema.europa.eu/ema/index.jsp?curl=pages/regulation/general/general_content_000365.jsp&murl=menus/regulations/regulations.jsp&mid=WC0b01ac0580029569

3.2. Abbreviations

AR – Assessment Report (the HMPC Assessment Report without commercially confidential information)

EMA – European Medicines Agency

HMPC – Committee on Herbal Medicinal Products

MLWP - Working Party on Community Monographs and Community List

ORGAM DG - Organisational Matters Drafting Group

HS/HP - Herbal Substance/Herbal Preparation (this encompasses also combinations of herbal substance(s) and/or herbal preparation(s))

SOP - Standard Operating Procedure

4. Procedure

The HMPC identified the following situations where no Community herbal monograph would be established and agreed on the following publication policy.

Note: The HMPC has a policy to establish individual monographs on essential oils having regard to their chemical composition and the amount of data generated by their medicinal uses. Monographs on essential oils are often supported by an AR distinct from the AR on the herbal substance and other preparations thereof. Therefore public statements might be established specifically on essential oils, in line with this policy. For example, the HMPC has established a monograph on sage leaf and published a public statement on sage leaf essential oil.

4.1. Situations where no monograph is established

4.1.1. Legal requirements are not met

A comprehensive literature search is conducted and available data, including information on products on the market in the European Union, are assessed vis-à-vis the requirements laid down in Directive 2001/83/EC and its Annex I, in particular Article 1, Article 10a and Chapter 2a. The HMPC concludes that a Community herbal monograph cannot be established because one (or more) requirement(s) is(are) not fulfilled. For examples:

- the requirement laid down in Article 1 of Directive 2001/83/EC on the **definition** of either 'herbal substance' or 'herbal preparation' (despite the existence of data on the safety, efficacy and historical data on the medicinal uses within the European Union of products containing substance(s) or preparation(s) allegedly presented as 'herbal substance' or 'herbal preparation')
- the requirement laid down in Article 10a of Directive 2001/83/EC that the active substance has a **recognised efficacy** and an **acceptable level of safety** and that the period of well-established medicinal use has elapsed (5)
- the requirement laid down in Article 16a(1)(a) of Directive 2001/83/EC that the **indications** are "exclusively appropriate to traditional herbal medicinal products which, by virtue of their composition and purpose, are intended and designed for use without the supervision of a medical practitioner for diagnostic purposes or for prescription or monitoring of treatment" (6)
- the requirement laid down in Article 16a(1)(b) of Directive 2001/83/EC that the herbal substance or herbal preparation is "exclusively for administration in accordance with a specified **strength** and **posology**"
- the requirement laid down in Article 16a(1)(c) of Directive 2001/83/EC that the herbal substance/preparation is an "**oral**, **external** and/or **inhalation**" substance/preparation (7)

- the requirement laid down in Article 16a(1)(d) of Directive 2001/83/EC that "the **period of traditional use** as laid down on Article 16c(1)(c) has elapsed" (5)
- the requirement laid down in Article 16a(1)(e) of Directive 2001/83/EC that "the **data** on the traditional use of the medicinal product are **sufficient**; in particular the product proves not to be harmful in the specified conditions of use and the pharmacological effects or efficacy of the medicinal product are plausible on the basis of long-standing use and experience" (5)

4.1.2. Other reasons for not establishing a Community herbal monograph

There are other situations in which the HMPC may decide not to establish a monograph.

- After reviewing information on the products containing a given herbal substance and preparations thereof or a combination of herbal substances/preparations marketed in the Member States, it appears that no or very few authorised/non-authorised products (single-ingredient or combination) are available. Interested parties are invited to confirm that there is a low level of interest in the availability of a monograph, thus justifying not investing resources and time in establishing it.
- The Rapporteur(s) could not collect enough relevant published data to start an assessment work, after both a call for the submission of scientific data at the level of the Agency and a comprehensive literature search at national level by the Rapporteur(s).

The HMPC will communicate the cancellation of these planned assessment works via:
- the public meeting report of the meeting when the decision was taken on a given herbal substance and preparations thereof
- the above-mentioned HMPC priority list, in a dedicated section listing all decisions on cancellation of assessment works.
No public statement will be prepared.

4.2. Publication policy

The HMPC agreed to the following principles as regards the publication of public statements on herbal substances/preparations and related documents when one or several legal requirement(s) are not fulfilled (see 4.1.1).

A draft public statement shall always be published for 3-month public consultation on the Agency website. The assessment of the comments received during the public consultation may lead to

- either the publication of a final public statement together with an overview of comments received during the public consultation
- or the release of a draft Community herbal monograph for public consultation, upon assessment of new data that allowed the MLWP to proceed with establishing a monograph.

The draft public statement will be adopted by the HMPC as a final public statement if no comments were received during the period of public consultation.

The HMPC shall decide on a case-by-case basis whether a draft AR shall be released together with the draft public statement or not. If released, the draft AR will have a disclaimer pointing to its nature as 'working document, not yet fully edited'.

5. References and related documents

(1) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code related to medicinal products for human use as amended (OJ L 311, 28.11.2001, p.67)

(2) Template for assessment report for the development of Community herbal monographs and Community list entries (EMEA/HMPC/418902/2005 Rev.3)

(3) Committee on Herbal Medicinal Products - Rules of Procedure (EMEA/HMPC/139800/2004 Rev.2)

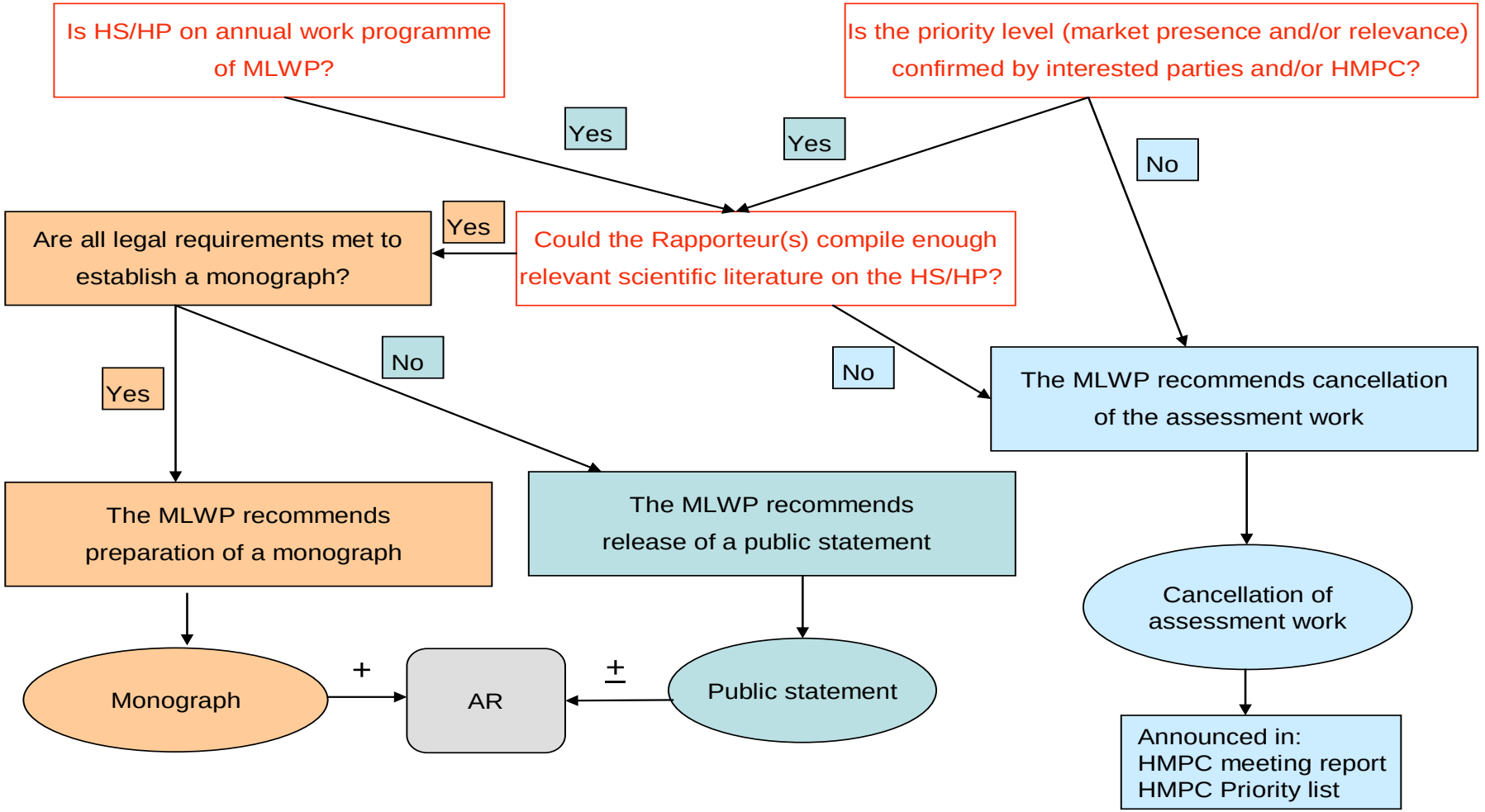
(4) Template for a public statement when no Community herbal monograph is established (EMA/HMPC/75972/2010)

(5) Guideline on the assessment of clinical safety and efficacy in the preparation of Community herbal monographs for well-established and of Community herbal monographs/entries to the Community list for traditional herbal medicinal products/substances/preparations (EMEA/HMPC/104613/2005)

(6) Public statement on the interpretation of therapeutic indications appropriate to traditional herbal medicinal products in Community herbal monographs (EMA/HMPC/473587/2011)

(7) Public statement on the interpretation of the term ‘external use’ in the field of traditional herbal medicinal products (EMEA/HMPC/31897/2006)

6. Flowchart


Is HS/HP on annual work programme of MLWP?
Is the priority level (market presence and/or relevance) confirmed by interested parties and/or HMPC?
Yes
Yes
No
Are all legal requirements met to establish a monograph?
Yes
Could the Rapporteur(s) compile enough relevant scientific literature on the HS/HP?
Yes
No
No
The MLWP recommends cancellation of the assessment work
The MLWP recommends preparation of a monograph
The MLWP recommends release of a public statement
Cancellation of assessment work
Monograph
+
AR
±
Public statement
Announced in:
HMPC meeting report
HMPC Priority list