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Procedural advice for requests for the classification of variations not already listed in Commission Implementing Regulation (EU) 2021/17 or EMA/CMDv Guidance on the details of the classification of variations requiring assessment according to Article 62 of Regulation (EU) 2019/6

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# 1. Introduction

Article 60, paragraph 1, of Regulation (EU) 2019/6 (hereafter referred to as the Regulation) confers on the Commission the obligation to establish a list of variations not requiring assessment. Commission Implementing Regulation (EU) 2021/17 establishes a list of variations not requiring assessment (hereafter referred to as the Implementing Regulation).

Article 62 of the Regulation states that where a variation is not included in the list established in accordance with Article 60(1), a variation requiring assessment shall be submitted.

Whilst every effort has been made to ensure that all variations are listed in the Implementing Regulation or the EMA/CMDv Guidance on the details of the classification of variations requiring assessment according to Article 62 of Regulation (EU) 2019/6, it is possible that variations are not catered for. Therefore, in order to provide a mechanism to address such situations, it is considered appropriate to establish a procedure for requesting a recommendation for the classification of variations not already listed in either the above-mentioned Implementing Regulation or the EMA/CMDv Guidance on variations requiring assessment.

Cooperation between the CMDv and the EMA is envisaged for this recommendation procedure.

It should be noted that the EMA/CMDv recommendation regarding the classification of a previously not classified variation is not a (pre-) assessment of any future variation application but a recommendation regarding the classification of a variation.

The EMA/CMDv documents shall be regularly updated, taking into account the recommendations of the CMDv and the EMA regarding the classification of previously not classified variations.

The list of variations not requiring assessment is to be updated by the European Commission. It is stressed that the implementation of a variation not requiring assessment following an EMA/CMDv recommendation is only possible after the Implementing Regulation has been updated.

## 2. Scope

This advice covers veterinary medicinal products that have been authorised through the centralised, mutual recognition, decentralised or purely national procedures. The request shall apply only to variations whose classification is not provided for in the Implementing Regulation or in the EMA/CMDv guidance on variations requiring assessment. This advice does not cover “reclassification” of a variation already listed in the Implementing Regulation or in the EMA/CMDv guidance.

## References and related documents

- Commission Implementing Regulation (EU) 2021/17
- CMDv BPG for variations requiring assessment
- CMDv BPG for variations not requiring assessment
- EMA Q&A on variations requiring assessment
- EMA Q&A on variations not requiring assessment
- EMA/CMDv Guidance on the details of the classification of variations requiring assessment according to Article 62 of Regulation (EU) 2019/6 for veterinary medicinal products and on the documentation to be submitted pursuant to those variations
- Request form for a recommendation on the classification of a not already listed variation
- Regulation (EU) 2019/6

## Abbreviations

BPG	Best Practice Guide
CAP	Centrally authorised product
CMDv	Co-ordination Group for Mutual Recognition and Decentralised Procedures for Veterinary Medicinal Products
CMDh	Co-ordination Group for Mutual Recognition and Decentralised Procedures – human
CVMP	Committee for Veterinary Medicinal Products
DCP	Decentralised procedure
EMA	European Medicines Agency
MA	Marketing authorisation
MAH	Marketing authorisation holder
MRP	Mutual recognition procedure
MS	Member State(s)
NAP	Nationally authorised product
NCA	National Competent Authority
UPD	Union Product Database

## 3. Description of the procedure

### 3.1 Submission and validation of a request for classification of a variation by MAH

A request for a recommendation regarding the classification of a variation from a MAH shall be submitted to the relevant authority prior to submission of the variation, using the appropriate request form. To facilitate the retrieval of the requests MAHs are invited to use the following standardised wording in the subject field of the email:

<MRP/NAP/CAP> - <Product name> not already listed variation classification request.

The form for a request for classification of a not already listed variation published on the EMA ([Variations not already listed \(veterinary medicines\) | European Medicines Agency \(europa.eu\)](#)) and CMDv website (<http://www.hma.eu/578.html>) should be used. It is important that the request includes a detailed description of the product and a detailed description of the proposed variation. The request should include information as to whether or not a similar variation has been previously submitted to the EMA/a NCA and if so how it was classified and in accordance with which guidance. The request should include a justification as to why the variation is considered a not already classified variation according to the relevant documents and the proposed classification for the request.

It is the responsibility of the relevant authority to validate the request with respect to the relevant documents relating to variations and notify the MAH of the validity of the request.

#### *Invalid request:*

- If the relevant authority considers the variation to fall under the scope of a variation already listed in the Implementing Regulation or in the EMA/CMDv guidance for variations requiring assessment.
- If a recommendation for the described variation has already been issued.
- If the variation should be classified as a variation requiring assessment by default – when the change is included in the Implementing Regulation, but one or more requirements are not met. In such a case the variation should be considered as a variation requiring assessment. Advice on how these variations should be classified is provided in the EMA/CMDv guidance for variations requiring assessment.

#### *Valid request:*

- The relevant authority considers the variation does not fall under the scope of listed variations and a recommendation for the described variation has not already been issued.

If an authority considers the request to be valid, the request should be circulated to the EMA and CMDv for discussion in order to avoid any discrepancies in recommendations.

### 3.2 Submission of a request for classification of a variation by an authority

Prior to examination of a variation whose classification is not provided in the above-mentioned Implementing Regulation or the EMA/CMDv Guidance on variations requiring assessment, a competent authority may request the CMDv and EMA to provide a recommendation on the classification.

The request shall be submitted using the request form mentioned in section 3.1. The same principles as mentioned in the previous section should be followed.

### **3.3 Circulation of request by EMA/NCA**

For products authorised under the national procedure, MRP or DCP, the NCA shall circulate the request for a recommendation for a classification of a variation to the CMDv secretariat mailbox ([CMDv@ema.europa.eu](mailto:CMDv@ema.europa.eu)) and to the EMA ([VMPvariations.classification@ema.europa.eu](mailto:VMPvariations.classification@ema.europa.eu)) prior to examination of a variation or following a valid request from a MAH, as appropriate. For products authorised under the centralised procedure, the EMA shall submit the request to the CMDv secretariat mailbox ([CMDv@ema.europa.eu](mailto:CMDv@ema.europa.eu)). The EMA/NCA request should comply with the submission details described under section 3.1 above.

A recommendation will be made within 45 days of the receipt of the request. In order for the CMDv and EMA to have the opportunity to discuss the request at one of the CMDv monthly meetings, advice on timings can be obtained from the CMDv secretariat.

### **3.4 Handling of request and cooperation between CMDv and EMA**

The authority that received the request from a MAH or that triggered the recommendation process will take the lead for the recommendation.

It is recognised that variations (particularly quality-related) can impact on other working groups and it is essential that appropriate consultation takes place before a recommendation is adopted.

The timetable for the procedure is set by the CMDv Secretariat or the EMA, respecting the time periods given in this procedural advice and leaving enough time for comments from all parties before the CMDv meeting.

### **3.5 The leading authority**

The leading authority shall propose a recommendation for classification of the variation with an appropriate justification. The proposed recommendation will reflect the consideration of the facts presented in the request from the MAH or the EMA/NCA and must be consistent with the relevant guidance documents relating to variations.

The proposed recommendation should include a proposal for the information to be published on the EMA and CMDv websites, for discussion at the CMDv meeting. The need to consult other working groups may be mentioned if relevant.

The leading authority should send the proposal for a recommendation for a classification to the CMDv members ([list-v-cmd@eudra.org](mailto:list-v-cmd@eudra.org)) and EMA ([VMPvariations.classification@ema.europa.eu](mailto:VMPvariations.classification@ema.europa.eu)) at least 2 weeks before the Thursday of the monthly CMDv meeting in line with the agreed timetable for the procedure.

### **3.6 Member states and CVMP working parties comments**

All CMDv members and the EMA may send comments on the leading authority's proposal for a recommendation for a classification, replying to all involved parties. In addition, one representative

from a relevant working party may also comment on behalf of that working party. The comments should be sent at least 1 (one) week before the monthly CMDv meeting.

If a CMDv member, EMA or the relevant CVMP working party have a divergent view from the leading authority this should be properly justified.

If no divergent views are expressed during the written procedure there is no need for discussion at the CMDv meeting and the leading authority proposal can be adopted.

### **3.7 Discussion at CMDv meeting**

The EMA and European Commission shall be invited to the discussions at the CMDv meeting. National experts may attend in the same manner as for review or re-examination procedures. In case of divergent opinions among members of the CMDv the voting procedure in the Rules of Procedure shall apply (<http://www.hma.eu/156.html>).

It should be noted that the EMA and CMDv are not empowered to issue a decision but to deliver a recommendation. However, it is expected that MAH, EMA and NCA will follow the recommendation.

### **3.8 The recommendation**

If the request for recommendation for classification of a variation has been submitted by a MAH, the relevant authority will communicate the outcome of the EMA/CMDv procedure to the MAH by day 45.

On day 45 of the timetable, the leading authority will send the final agreed EMA/CMDv recommendation including the information for publication to the CMDv secretariat and the EMA, if applicable.

The recommendation made by CMDv and EMA should include, as relevant, conditions applicable for the recommended classification of the variation, any required documentation, and a proposed classification code.

There is no possibility to appeal a recommendation.

In cases where there is a divergent position between CMDv and the EMA, the CMDv secretariat will send the recommendation to the European Commission for information.

#### Communication between EMA, CMDv and CMDh

EMA/CMDv recommendations following a request will be transferred to the CMDh for information.

A recommendation issued by CMDh will be reviewed by the EMA and CMDv once delivered. Based on the content of the recommendation issued, EMA/CMDv will decide if this recommendation is relevant for veterinary medicinal products and should be included in the updated list of variations not requiring assessment or in the EMA/CMDv guidance on variation requiring assessment.

A leading authority (if possible, the same as the one appointed by the CMDh for the request) should be nominated for the examination of the recommendation. The leading authority should propose an EMA/CMDv decision on this recommendation to be discussed at a CMDv plenary meeting as described in section 3.5.

Once the EMA and CMDv members reach an agreement on the addition of this recommendation, the leading authority will send the final agreed EMA/CMDv recommendation including the information for publication to the CMDv secretariat and the EMA.

If the decision is to not include the recommendation from CMDh, then it is recorded in the minutes of the corresponding CMDv plenary meeting.

### **3.9 Practical implications**

If the recommendation is that the change corresponds to a variation not requiring assessment, it will not be possible to record this change as a variation not requiring assessment in the UPD in so far as Commission Implementing regulation (EU) 2021/17 has not been updated. Until the specific variation is reflected in the Implementing Regulation, such a change will need to be submitted as variation requiring assessment.

It is the responsibility of the European Commission to adopt the list of variations not requiring assessment. The EMA and CMDv will send regularly to the European Commission recommendations on new variations not requiring assessment based on the requests received.

If the recommendation is that the change corresponds to a variation requiring assessment, the EMA/CMDv Guidance on variations requiring assessment will be updated accordingly at the time of issuing of the recommendation. MAHs will be able to submit applications using the newly proposed classification immediately after the publication of the updated guidance.



# Annex

## Flow chart for recommendations on not already listed variations

Day -25	Classification request form received by relevant authority.
Between day -25 and day 0	<p>Relevant authority performs validation of request</p> <ul style="list-style-type: none"> <li>• If valid, forwards it to the CMDv Secretariat and to the EMA (<a href="mailto:VMPvariations.classification@ema.europa.eu">VMPvariations.classification@ema.europa.eu</a>), where applicable.</li> </ul> <p>If not valid, the request will be refused and the MAH informed accordingly.</p>
Day 0	<p>The EMA or the CMDv secretariat circulates the request together with the appropriate timetable to ensure all relevant parties are aware, to include:</p> <ul style="list-style-type: none"> <li>• the Leading Authority <ul style="list-style-type: none"> <li>• EMA</li> <li>• CMDv members</li> </ul> </li> <li>• relevant Working Party representative, where applicable.</li> </ul>
Day 25	<p>The leading authority makes a proposal for the classification of the variation and circulates it to <a href="mailto:list-v-cmd@eudra.org">list-v-cmd@eudra.org</a> and <a href="mailto:VMPvariations.classification@ema.europa.eu">VMPvariations.classification@ema.europa.eu</a></p>
Day 32	<p>CMDv members, EMA and working party members (if relevant) provide comments to the leading authority.</p>
Day 38/39	<p>Discussion at the CMDv plenary meeting if necessary.</p> <p>Final position on the recommendation</p>
Day 44/45	<p>The leading authority circulates the final position on the recommendation via <a href="mailto:list-v-cmd@eudra.org">list-v-cmd@eudra.org</a> and <a href="mailto:VMPvariations.classification@ema.europa.eu">VMPvariations.classification@ema.europa.eu</a></p> <p>In cases where there remains a divergent opinion between the CMDv and the EMA, the CMDv secretariat sends the recommendation including the arguments to the European Commission for information.</p>
Day 45	<p>The leading authority communicates the outcome to the MAH.</p>
	<p>Recommendations for VNRA are sent to the European Commission for the purpose of updating Commission Implementing Regulation (EU) 2021/17 in due course.</p> <p>Recommendations for VRA are reflected directly in the EMA/CMDv Guidance on the details of the classification of variations requiring assessment according to Article 62 of Regulation (EU) 2019/6.</p>