EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

Exchange on the practical considerations for the future regulation of integrated drug-device combinations

Impact of Article 117 of the Medical Device regulation for integrated drug-device combinations that are regulated as medicines

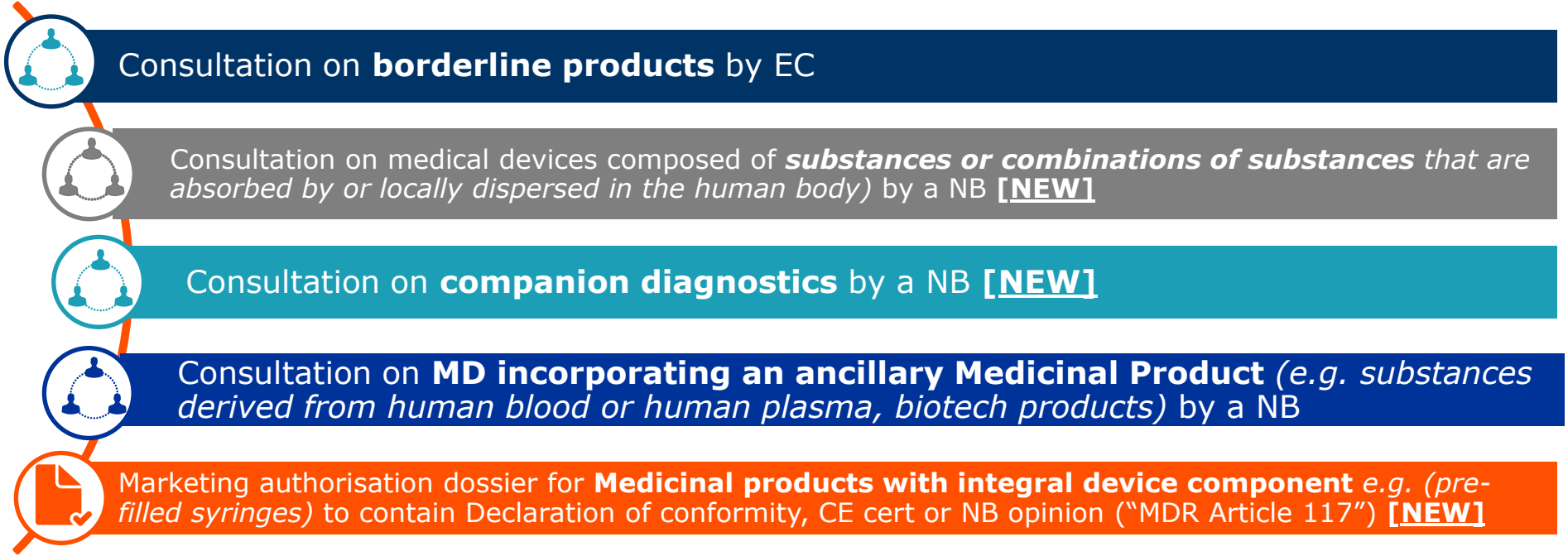
R&D stakeholder meeting 23rd November

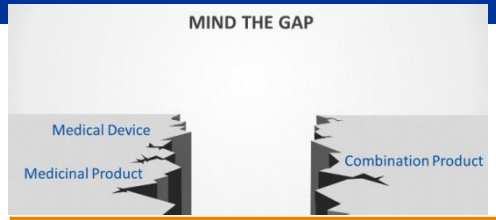
Presented by Ivana Hayes and Armin Ritzhaupt
EMA, Regulatory Affairs Office, Scientific and Regulatory Management Department

Outline

1. EMA roles and responsibilities in medical devices
2. Medicinal product-medical device combinations and MDR Article 117
   a. Industry concerns
   b. Implementation activities
3. EU network co-operation
4. Discussions at TOPRA/RAPS workshop

EMA's future role in review of medicinal product and medical device combinations





Changes for medicinal products with integral medical device

Medical Device Regulation Article 117

Amendment to Directive 2001/83/EC, Annex I, point 12 of Section 3.2.

Where, in accordance with the second subparagraph of Article 1(8) or the second subparagraph of Article 1(9) of Regulation (EU) 2017/745 of the European Parliament and of the Council (*), a product is governed by this Directive [2001/83/EC], **the marketing authorisation dossier shall include,** where available, the results of the assessment of the conformity of the device part with the relevant general safety and performance requirements set out in Annex I to that Regulation contained in the manufacturer's EU **declaration of conformity or the relevant certificate issued by a notified body** allowing the manufacturer to affix a CE marking to the medical device.

If the dossier does not include the results of the conformity assessment referred to in the first subparagraph and where for the conformity assessment of the device, if used separately, the involvement of a notified body is required in accordance with Regulation (EU) 2017/745, **the authority shall require the applicant to provide an opinion on the conformity of the device part with the relevant general safety and performance requirements set out in Annex I to that Regulation issued by a notified body** designated in accordance with that Regulation for the type of device in question.

Medicinal product with Integral medical device component

Current state:

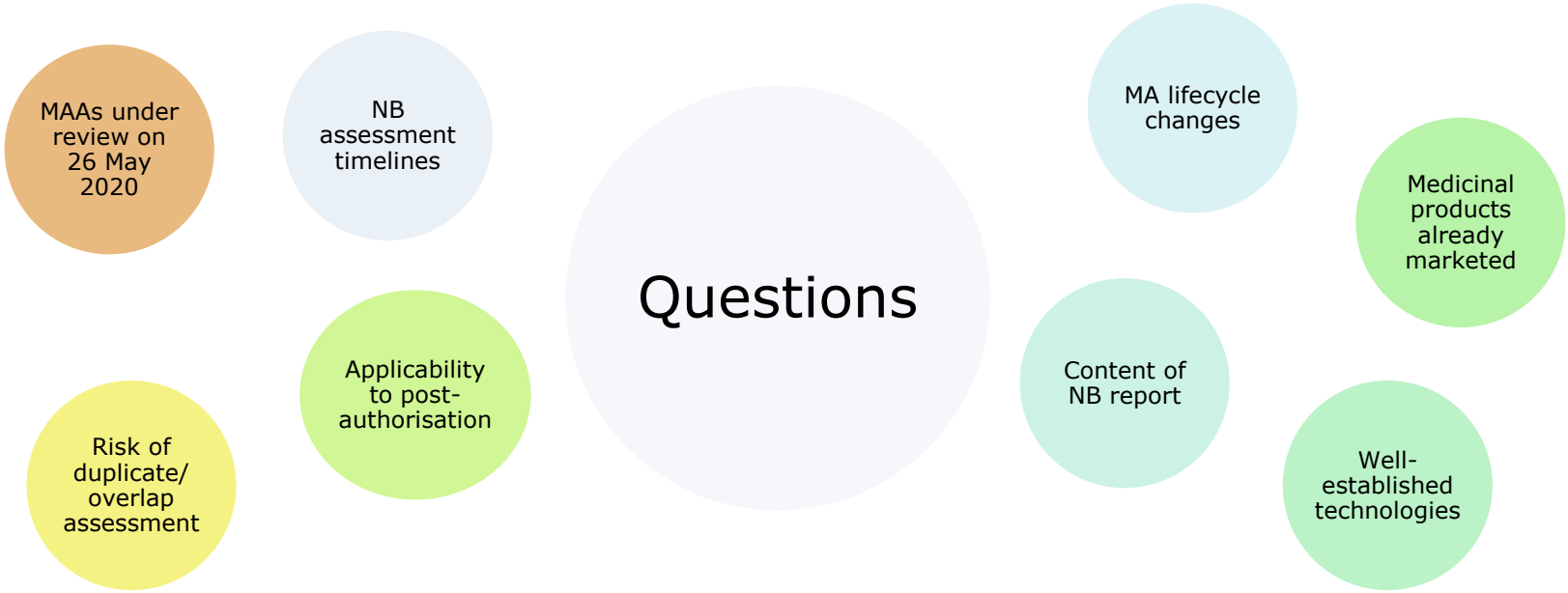
- Regulated as medicinal product (Directive 2001/83/EC or Regulation726/2004)
- Relevant essential requirements in Annex I to devices directive (93/42/EEC) apply as far as safety and performance related features of the device are concerned.
- CE mark/certification not required

Future state:

- Regulated as medicinal product (Directive 2001/83/EC or Regulation726/2004)
- NEW Relevant **general safety and performance** requirements in Annex I to devices **Regulation (2017/745)** apply as far as safety and performance related features of the device are concerned.
- NEW **Article 117: Declaration of conformity** or **CE certificate** or **notified body opinion***

*Does not apply to Class I non-sterile and non-measuring device

Industry reflections on Article 117



Implementation of Article 117

Scientific Quality Guideline

➔Under development by quality and biologics working parties

➔Main focus: dossier requirements for regulatory submissions (Module 3)

➔Informal discussions with Notified Bodies to clarify roles and responsibilities

Q&A

➔In preparation by EMA

➔Main focus: address procedural and regulatory aspects of MDR and IVDR

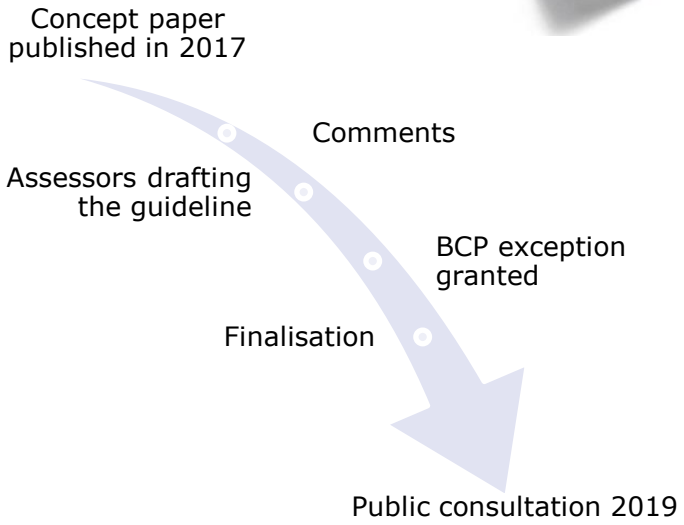
➔For discussion with EC and EU network

Update from quality guideline

- ✓ Concept paper published in 2017
- ✓ Lots of comments received; reflection and position papers from industry
- ✓ Assessors reviewing the comments and drafting the guideline
- ✓ BCP exception granted

Next steps:

- ➢ Complete drafting
- ➢ QWP/BWP comments and discussion
- ➢ Endorsement from EMA committees
- ➢ Public consultation by end Q2 2019



Transition and Article 117 implementation perspectives: **Draft considerations***

*subject to change upon ongoing discussions with network and EC'

When does Article 117 apply for my Marketing Authorisation Application (MAA) containing a medicinal product with an integral medical device?	Apply to MAAs submitted as of 26 May 2020
When must an applicant provide the CE mark certificate / declaration of conformity / notified body opinion for the MAA?	Strongly recommend to submit CE mark certificate / declaration of conformity / notified body opinion already as part of the initial MAA
How will Article 117 impact currently authorised medicinal products with an integral medical device?	Not apply requirements of Article 117 retrospectively to medicinal products with an integral medical device already authorised or to MAAs submitted prior to 26 May 2020.
Will I need to provide a (new or updated) CE mark certificate / declaration of conformity / notified body opinion if there are changes to the device post-authorisation?	Submit CE mark certificate / declaration of conformity / notified body opinion if device component will be replaced / new device added / substantial changes

EU Network cooperation - HMA-CAMD working groups

Operational group:

- Addressing classification and borderline issues
- Definitions of PIM
- Point of care products
- Rule 21 products
- Identifying regulatory challenges and emerging technologies

Strategic Group:

- MDR/IVDR impact for interface between medicines and devices
- Software and cyber security
- Considering differences in evidentiary standards/regulatory systems
- Training
- Growth and Increasing Complexity of sector

2.5	**Guidance for combination products and companion diagnostics (CDx) around appropriate level of interaction with relevant authorities (ref: 3.4)**	• C&B WG • IVD WG • (HMA-CAMD borderline WG, EMA, medicines CAs, tissues & cells CAs, EDQM) • NBOG	Low

Priorities roadmap: https://www.camd-europe.eu/wp-content/uploads/2018/05/NEWS_171107_MDR-IVDR_RoadMap_v1.3-1.pdf

Discussion at TOPRA/RAPS on 20th November

Participants:

- EMA
- NCAs (medicines and devices)
- EC (DG SANTE and DG GROW)
- Notified bodies
- Industry (medicine and device)

TOPRA/RAPS Inter-regulatory and stakeholder workshop - *Addressing the impact of the EU Medical Device Regulation (MDR) on 'combination' products (device/drug and drug/device)*

Tuesday 20 November 2018, Brussels

8:50	Introduction: Gert Bos and Janine Jamieson - *Aim of the meeting: to confirm interpretations and contribute towards consistent approach across stakeholder groups*
	LEGISLATIVE BACKGROUND and STATE OF PLAY GUIDANCE & INTERPRETATION
9:00	Background MDR on drug/device combination products: - *Rule 14, Rule 18, Rule 21, Article 117* - *Devices incorporating ancillary medicinal substances/human blood products/cells and tissues* - *Transition and implementation perspectives* **Vincent Houdry or Salvatore Scalzo (name tbc) EC DG GROW**
9:10	Background amending 2001/83/EC on device/drug combination products - *Article 117* - *working with DG Grow* - *Transition and implementation perspectives* **Dagmar Stara, EC DG SANTE (tbc)**
9:20	Medicines Competent Authority perspective - *History* - *Challenges* - *plan for transitioning MHRA consultations* **Liz Baker, MHRA**
9:30	EMA perspective - *NB consultations* - *cATMPs* - *Transition and Article 117 implementation perspectives* **Armin Ritzhaupt, EMA (tbc)**
9:40	QWP/BWP Concept paper on DDCs and MAA - *progress and working with NBs* - *complex implementation, constraints* - *roles and responsibilities of NBs and CAs* **Abi Moran, MHRA and QWP/BWP (tbc)**

Grd Hall a webinar 1

	DEVICES INCORPORATION ANCILLARY MEDICINAL PRODUCTS	
11:00	Introduction of speakers and session – **Gert** Bos	webinar 2
11:10	Notified body perspective – **Theresa Jeary, LRQA**	
11:20	Medicines CA perspective – **Waldo Weijers, MEB**	
11:30	Industry perspective – **Dario Pirovano, Medtech Europe**	
11:40	Industry example scenarios – **Eric Klasen, MEDTRONIC (tbc)**	
11:50	Panel discussion **Above 4 speakers and invited panellists** **Including Jonathan Sutch, BSI** Discussion led by Gert, questions focussing on responding to each other's presentations, then towards potential directions and solutions	
12:30	Lunch	
	MEDICINAL PRODUCTS INCORPORATING MEDICAL DEVICES	
13:30	Introduction of speakers and session – **Janine Jamieson**	webinar 3
13:40	Medicinal Products Competent Authority perspective **Ann Jans, FAMHP**	
13:50	Notified body perspective - **Petra van Leeuwen, DEKRA**	
14:00	Industry perspective - **Serge Mathonet, Sanofi and European Biopharmaceutical Enterprises (EBE) DDC group**	
15:10	Industry example scenarios – **Mark Chipperfield, Corvus Device Ltd**	
15:20	Panel discussion **Above 4 speakers and invited panellists** **Including suggested: Vikas Jaitely, Merck; Beat Steffen, Confinis** Discussion led by Tim Chesworth, AZ, questions focussing on responding to each other's presentations, then towards potential directions and solutions	
15:30	Tea break	
	STAKEHOLDER DISCUSSION and CONCLUSIONS	
16:00	Summary of the key points at this stage – Gert & Tim or delegates	We b 4
16:10	All speaker panel debate	

Any questions?

Further information

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Back-up slides