

Medical Products Agency's Code of Statutes

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Medical Products Agency's provisions on the surveillance of medicinal products;

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Pursuant to Section 17 of the Medicinal Products Ordinance (1992:1752) the Medical Products Agency gives notice, following consultation with the Swedish Board of Agriculture and the National Board of Health and Welfare, of the following provisions¹ on the surveillance of medicinal products.

Scope

Section 1 These provisions contain stipulations on the surveillance of such medicinal products as are referred to in Section 5 of the Medicinal Products Act (1992:859).

These provisions do not apply to medicinal products that are included in a clinical trial requiring the permission of the Medicinal Products Agency under Section 14 of the Medicinal Products Act (1992:859). Adverse reactions in these cases shall be reported in accordance with the Medical Products Agency's provisions and guidelines on the clinical testing of medicinal products (LVFS 1996:17). The stipulations contained in Council Regulation (EEC) No 2309/93², laying down Community procedures for authorization and supervision of medicinal products for human and veterinary use, and establishing a European Agency for the Evaluation of Medicinal Products and Commission Regulation (EC) no. 540/95³, laying down the arrangements for reporting suspected unexpected adverse reactions that are not serious, whether arising in the Community or in a third country, to medicinal products for human or veterinary use authorized in accordance with the provisions of Council Regulation (EEC) No 2309/93, apply to the surveillance of medicinal products that have been approved by the European Community.

¹ Commission Directive 2000/37/EC (Oj L 139, 10.6. 2000, p. 25) and Commission Directive 2000/38/EC (Oj L 139, 10.6.2000, p. 28).

² Oj L 214, 24.8.1993, p. 1.

³ Oj L 055, 11.3.1995, p. 5.

Definitions

Section 2 For the purpose of these provisions, the following definitions shall apply for *medicinal products for human use*:

adverse reaction: means a response to a medicinal product which is noxious and unintended and which occurs at doses normally used in man for the prophylaxis, diagnosis or therapy of disease or for the restoration, correction or modification of physiological function;

serious adverse reaction: means an adverse reaction which results in death, is life-threatening, requires inpatient hospitalisation or prolongation of existing hospitalisation, results in persistent or significant disability or incapacity, or is a congenital anomaly/birth defect;

unexpected adverse reaction: means an adverse reaction, the nature, severity or outcome of which is not consistent with the summary of product characteristics;

periodic safety update reports: means the periodical reports containing the records referred to in section 9;

post-authorisation safety study: means a pharmacoepidemiological study or a clinical trial carried out in accordance with the terms of the marketing authorisation, conducted with the aim of identifying or quantifying a safety hazard relating to an authorised medicinal product;

abuse of medicinal products: means persistent or sporadic, intentional excessive use of medicinal products which is accompanied by harmful physical or psychological effects.

Section 3 For the purpose of these provisions, the following definitions shall apply for *veterinary medicinal products*:

adverse reaction: means a reaction which is harmful and unintended and which occurs at doses normally used in animals for the prophylaxis, diagnosis or treatment of disease or the modification of physiological function;

human adverse reaction: means a reaction which is noxious and unintended and which occurs in a human being following exposure to a veterinary medicine;

serious adverse reaction: means an adverse reaction which results in death, is life-threatening, results in significant disability or incapacity, is a congenital anomaly/birth defect, or which results in permanent or prolonged signs in the animals treated;

unexpected adverse reaction: means an adverse reaction, the nature, severity or outcome of which is not consistent with the summary of the product characteristics;

periodic safety update reports: means the periodical reports containing the records referred to in section 9;

post-marketing surveillance studies: means pharmacoepidemiological study or a clinical trial carried out in accordance with the terms of the marketing authorisation, conducted with the aim of identifying and investigating a safety hazard relating to an authorised veterinary medicinal product;

"off-label use": means the use of a veterinary medicinal product that is not in accordance with the summary of the product characteristics, including the misuse and serious abuse of the product.

Reporting system

Section 4 The Medical Products Agency sets up a system for surveillance and reporting of adverse reactions for authorised medicinal products under normal conditions of use. This system shall be used to collect information of significance in the surveillance of such medicinal products and to evaluate such information scientifically.

It should be possible to link the information to data on the consumption of medicinal products.

For *medicinal products for human use* this system also shall take into account any available information on misuse and abuse of medicinal products which may have an impact on the evaluation of their benefits and risks.

For *veterinary medicinal products* this system also shall take into account any available information related to the lack of expected efficacy, off-label use, investigations of the validity of the withdrawal period and of potential environmental problems, arising from the use of the product that may have an impact on the evaluation of their benefits and risks.

Surveillance and reporting of adverse reactions (pharmacovigilance)

Section 5 The marketing authorisation holder shall have permanently and continuously at his disposal an appropriately qualified person responsible for pharmacovigilance.

The qualified person shall be responsible for the following:

- a. Establishing and maintaining a system that ensures that information on all suspected adverse reactions reported to the company is collected, evaluated and collated in order to be accessible at least at one point within the Community.
- b. Preparing the reports referred to in Sections 7-9 below.
- c. Ensuring that any request from the Medical Products Agency for the provision of additional information necessary for the evaluation of the benefits and risks afforded by a medicinal product is answered fully and promptly, including the provision of information about the volume of sales or prescriptions of the medicinal product concerned.
- d. Providing the Medical Products Agency with any other information relevant to the evaluation of the benefits and risks afforded by a medicinal product, including appropriate information on post-authorisation safety studies.

Section 6 The marketing authorisation holder shall be required to maintain detailed records of all suspected adverse reactions occurring either in the Community or in a third country.

Reporting from the marketing authorisation holder

Medicinal products for human use

Section 7 The marketing authorisation holder shall report immediately to the Medical Products Agency all suspected serious adverse reactions that occur in Sweden and that are brought to his attention by a health care professional, and in no case later than 15 calendar days following receipt of the information,

record and report all other suspected serious adverse reactions occurring in Sweden which meet with the reporting criteria in accordance with the guidelines presented in Volume 9 of the Rules governing medicinal products in the European Union (see section 12 below) of which he can reasonably be expected to have knowledge. Reporting shall be done immediately to the Medical Products Agency and in no case later than 15 calendar days following receipt of the information,

ensure that all suspected serious unexpected adverse reactions occurring in the territory of a third country and brought to his attention by a health care professional are reported immediately in accordance with the guidance presented in Volume 9 of the Rules governing medicinal products in the European Union (see section 12 below) to EMEA⁴ and the Medical Products Agency, and in no case later than 15 calendar days following receipt of the information,

ensure that all suspected serious adverse reactions occurring in the Community for medicinal products which have been considered within the scope of Directive 87/22/EEC, or which have benefitted from the procedures of mutual recognition foreseen in Section 6 of the Medicinal Products Act (SFS 1992:859) are reported in a manner agreed with the reference Member State.

Veterinary medicinal products

Section 8 The marketing authorisation holder shall

report immediately to the Medical Products Agency all suspected serious adverse reactions and human adverse reactions related to the use of veterinary medicinal products which occur in Sweden and which are brought to his attention by a veterinarian, and in no case later than 15 calendar days following receipt of the information,

ensure that all suspected serious unexpected adverse reactions and human adverse reactions related to the use of veterinary medicinal products occurring in the territory of a third country are reported immediately in accordance with the guidance presented in Volume 9 of the Rules governing medicinal products in the European Union (see section 12 below), to EMEA and the Medical Products Agency, and in no case later than 15 calendar days following receipt of the information,

ensure that all suspected serious adverse reactions and human adverse reactions related to the use of veterinary medicinal products occurring in the Community for medicinal products which have been considered within the scope of Directive 87/22/EEC⁵, or which have benefitted from the procedures of mutual recognition foreseen in Section 6 of the Medicinal Products Act (SFS 1992:859) are reported in a manner agreed with the reference Member State.

Periodic safety update reports

Section 9 Unless other requirements have been laid down as condition of the granting of authorisation, or subsequently as indicated in the guidance presented in Volume 9 of the Rules governing medicinal products in the European Union (see section 12 below), records of

⁴ The European Agency for the Evaluation of Medicinal Products.

⁵ Oj L 015, 17.1.1987, p. 38.

all adverse reactions shall be submitted to the Medical Products Agency in the form of a periodic safety update report, either immediately upon request or periodically as follows: six monthly for the first two years after authorisation, annually for the subsequent two years, and at the time of the first renewal. Thereafter the periodic safety update reports shall be submitted at five-yearly intervals together with the application for renewal of the authorisation. The periodic safety update reports shall include a scientific evaluation of the benefit and risks afforded by the medicinal product.

Following the granting of a marketing authorisation, the marketing authorisation holder may request the amendment of the periods referred to in this section according to the procedure laid down by Commission Regulation (EC) No 541/95⁶ concerning the examination of variations to the terms of a marketing authorization granted by a competent authority of a Member State.

Reporting from the health - and medical care and the animal health care

Medicinal products for human use

Section 10 Those who practice health care and medical service⁷ shall report immediately to the Medical Products Agency all serious adverse reactions, all unexpected adverse reactions and such adverse reactions that appear to increase in frequency. Reporting may also be expedited via the regional adverse reaction centres of the Medical Products Agency.

Veterinary medicinal products

Section 11 Veterinarians⁸ shall report immediately to the Medical Products Agency all serious adverse reactions, all unexpected adverse reactions, all human adverse reactions related to the use of veterinary medicinal products and such adverse reactions as appear to increase in frequency.

Guidelines

Section 12 Guidelines drawn up by the Commission on the collection, verification and presentation of adverse reaction reports, including technical requirements for electronic exchange of pharmacovigilance information in accordance with internationally agreed terminology are published in Volume 9 of the Rules governing medicinal products in the European Union.

⁶ Oj L 055, 11.3.1995, p. 7.

⁷ The Health Care Data Register Act (1998:543) and Ordinance (2001:710) about Adverse Reaction Register at the Medical Products Agency.

⁸ The Swedish Board of Agriculture's Provisions (SJVFS 1998:38) on Case Records and Reporting etc.

These provisions shall come into force on 5 December 2001. The Medical Products Agency's provisions and guidelines (LVFS 1996:4) on the surveillance of medicinal products are simultaneously repealed.

The Medical Products Agency

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