TITLE XVII - THE MEDICINAL PRODUCT
of Law nr. 95/2006 on healthcare reform

CHAPTER 1
Definitions

Article 695

For the purposes of this Title, the following terms shall bear the following meanings:

1. *Medicinal product:*

a) any substance or combination of substances presented as having properties for treating or preventing disease in human beings; or

b) any substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis.

2. *Substance:* any matter irrespective of origin which may be:

1. human, e.g. human blood and human blood products;
2. animal, e.g. micro-organisms, whole animals, parts of organs, animal secretions, toxins, extracts, blood products;
3. vegetable, e.g. micro-organisms, plants, parts of plants, vegetable secretions, extracts;
4. chemical, e.g. elements, naturally occurring chemical materials and chemical products obtained by chemical change or synthesis.

3. *Immunological medicinal product*: any medicinal product consisting of vaccines, toxins, serums or allergen products:

a) vaccines, toxins and serums shall cover in particular:

(i) agents used to produce active immunity, such as cholera vaccine, BCG, polio vaccines, smallpox vaccine;

(ii) agents used to diagnose the state of immunity, including in particular tuberculin and tuberculin PPD, toxins for the Schick and Dick Tests, brucellin;

(iii) agents used to produce passive immunity, such as diphtheria antitoxin, anti-smallpox globulin, antilymphocytic globulin;

b) ‘allergen product’ shall mean any medicinal product which is intended to identify or induce a specific acquired alteration in the immunological response to an allergizing agent.

4. *Homeopathic medicinal product*: any medicinal product prepared from substances called homeopathic stocks in accordance with a homeopathic manufacturing procedure described by the European Pharmacopoeia or, in the absence thereof, by the pharmacopoeias currently used officially in the Member States.

A homeopathic medicinal product may contain a number of principles.

5. *Radiopharmaceutical*: any medicinal product which, when ready for use, contains one or more radionuclides (radioactive isotopes) included for a medicinal purpose.

6. *Radionuclide generator*: any system incorporating a fixed parent radionuclide from which is produced a daughter radionuclide which is to be obtained by elution or by any other method and used in a radiopharmaceutical.

7. *Kit:* Any preparation to be reconsitituted or combined with radionuclides in the final radiopharmaceutical, usually prior to its administration.

8. *Radionuclide precursor*: any other radionuclide produced for the radio-labelling of another substance prior to administration.

9. *Medicinal products derived from human blood or human plasma*: medicinal products based on blood constitutents which are prepared industrially by public or private establishments; such medicinal products including, in particular, albumin, coagulating factors and immunoglobulins of human origin.

10. *Adverse reaction*: 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;

11. *Serious adverse reaction*: 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;

12. *Unexpected adverse reaction*: an adverse reaction, the nature, severity or outcome of which is not consistent with the summary of product characteristics;

13. *Periodic safety update reports (PSUR)*: the periodical reports containing the records referred to in Article 816.

14. *Post-authorization safety study*: a pharmacoepidemiological study or a clinical trial carried out in accordance with the terms of the marketing authorization, conducted with the aim of identifying or quantifying a safety hazard relating to an authorized medicinal product.

15. *Abuse of medicinal products*: persistent or sporadic, intentional excessive use of medicinal product which is accompanied by harmful physical or psychological effects.

16. *Wholesale distribution of medicinal products*: all activities consisting of procuring, holding, supplying or exporting medicinal products, apart from supplying medicinal products to the public. Such activities are carried out with manufacturers or their depositories, importers, other wholesale distributors or with pharmacists and persons authorized or entitled to supply medicinal products to the public in Romania.

17. *Public service obligation*: the obligation placed on wholesalers to guarantee permanently an adequate range of medicinal products to meet the requirements of a specific geographical area and to deliver the supplies requested over the whole of the area in question within the shortest time possible after order.

18. *Representative of the marketing authorization holder*: the person, commonly known as local representative, designated by the marketing authorization holder to represent him in Romania.

19. *Medicinal prescription*: any medicinal prescription issued by a professional person qualified to do so.

20. *Name of the medicinal product*: the name, which may be either an invented name not liable to confusion with the common name, or a common or scientific name accompanied by a trade mark or the name of the marketing authorization holder.

21. *Common name*: the international non-proprietary name recommended by the World Health Organization (WHO), or, if one does not exist, the usual common name.

22. *Strength of the medicinal product*: the content of the active substances expressed quantitatively per dosage unit, per unit of volume or weight according to the pharmaceutical form.

23. *Immediate packaging:* the container or other form of packaging immediately in contact with the medicinal product.

24. *Outer packaging:* the packaging into which the immediate packaging is placed.

25. *Labelling*: information on the immediate or outer packaging.

26. *Package leaflet*: a leaflet containing information for the user which accompanies the medicinal product.

27. *Competent authority*: the National Medicines Agency (NMA), established by Government Ordinance no. 125/1998 on the setting up, organisation and functioning of the National Medicines Agency, approved with changes and completions through Law 594/2002, with further changes and completions.

28. *Risks related to use of the medicinal product:*

- any risk relating to the quality, safety or efficacy of the medicinal product as regards patients' health or public health;
- any risk of undesirable effects on the environment.

29. *Risk-benefit balance*: an evaluation of the positive therapeutic effects of the medicinal product in relation to the risks as defined in point 28, first indent.

30. *Traditional herbal medicinal product*: a herbal medicinal product that fulfils the conditions laid down in Article 714, paragraph (1).

31. *Herbal medicinal product*: any medicinal product, exclusively containing as active ingredients one or more herbal substances or one or more herbal preparations, or one or more such herbal substances in combination with one or more such herbal preparations.

32. *Herbal substances*: all mainly whole, fragmented or cut plants, plant parts, algae, fungi, lichen in an unprocessed, usually dried, form, but sometimes fresh; certain exudates that have not been subjected to a specific treatment are also considered to be herbal substances. Herbal substances are precisely defined by the plant part used as well as the botanical name according to the binomial system (genus, species, variety and author).

33. *Herbal preparations*: preparations obtained by subjecting herbal substances to treatments such as extraction, distillation, expression, fractionation, purification, concentration or fermentation; these include comminuted or powdered herbal substances, tinctures, extracts, essential oils, expressed juices and processed exudates.

34. *Centralised procedure*: marketing authorization procedure provided in Regulation no. 726/2004 of the European Parliament and Council laying down European procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing the European Medicines Agency.

35. *Third countries*: states other than Romania and Member States.

CHAPTER 2
Scope

Article 696

(1) The present Title shall apply to medicinal products for human use intended to be placed on the market in Romania and either prepared industrially or manufactured by a method involving an industrial process.

(2) In cases where, taking into account all its characteristics, a product may fall within the definition of a ‘medicinal product’ and within the definition of a product covered by other national legislation, the provisions of this Title shall apply.

(3) Notwithstanding paragraph 1 and Article 697, point (d), Chapter 4 of this Title shall apply to medicinal products intended only for export and to intermediate products.

Article 697

The present Title shall not apply to:

a) any medicinal product prepared in a pharmacy in accordance with a medical prescription for an individual patient (commonly known as the magistral formula);

b) any medicinal product which is prepared in a pharmacy in accordance with the prescriptions of a pharmacopoeia and is intended to be supplied directly to the patients served by the pharmacy in question (commonly known as the officinal formula);

c) medicinal products intended for research and development trials, but without prejudice to legal provisions relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use;

d) intermediate products intended for further processing by an authorized manufacturer;

e) any radionuclides in the form of sealed sources;

f) whole blood, plasma or blood cells of human origin, except for plasma which is prepared by a method involving an industrial process.

Article 698

(1) Nothing in this Title shall in any way derogate from provisions of national legislation harmonised with European Community rules for the radiation protection of persons undergoing medical examination or treatment, or from the rules laying down the safety standards for the health protection of the general public and workers against the dangers of ionizing radiation.

(2) This Title shall be without prejudice to national legislation harmonised with European Community rules for the exchange of therapeutic substances of human origin.

(3) The provisions of this Title shall not affect the powers of the Ministry of Public Health either as regards the setting of prices for medicinal products or their inclusion in the scope of national health insurance schemes, on the basis of health, economic and social conditions.

Article 699

(1) To fulfil special needs, medicinal products supplied in response to a bona fide unsolicited order, formulated in accordance with the specifications of an authorized health-care professional and for use by an individual patient under his direct personal responsibility may be excluded from the provisions of this Title. Conditions for exclusion are set by order of the minister of public health.

(2) The Ministry of Public Health may temporarily authorize the distribution of an unauthorized medicinal product in response to the suspected or confirmed spread of pathogenic agents, toxins, chemical agents or nuclear radiation any of which could cause harm to public health or in any other case of necessity not covered by authorized medicinal products.

(3) In observance of paragraph (1), marketing authorization holders, manufacturers and health professionals are not subject to civil or administrative liability for any consequences resulting from:

a) use of a medicinal product otherwise than for the authorized indications;

b) use of an unauthorized medicinal product, when such use is recommended or required by a national competent authority in response to the suspected or confirmed spread of pathogenic agents, toxins, chemical agents or nuclear radiation any of which could cause harm.

(4) Paragraph (3) provisions shall apply whether or not national or European Community authorization has been granted and they do not affect provisions of Law 240/2004 on manufacturer’s liability for harm caused by defective medicinal products.

CHAPTER 3
Placing on the Market
Section 1
Marketing Authorization

Article 700

(1) No medicinal product may be placed on the market of Romania unless a marketing authorization has been issued by the National Medicines Agency in accordance with this Title or an authorization has been granted in accordance with the centralised procedure.

(2) No medicinal product may be placed on the market of Romania unless a marketing authorization has been issued by the National Medicines Agency in accordance with this Title.

(3) When a medicinal product has been granted an initial marketing authorization in accordance with paragraphs (1) and (2), respectively, any additional strengths, pharmaceutical forms, administration routes, additional presentations as well as any variations and extensions shall also be granted a separate authorization in accordance with paragraphs (1) and (2), respectively, or be included in the initial marketing authorization. All these marketing authorizations shall be considered as belonging to the same global marketing authorization, in particular for the purpose of the application of Article 704, paragraph (1) and Article 852.

(4) The marketing authorization holder shall be responsible for marketing the medicinal product; the designation of a representative shall not relieve the marketing authorization holder of his legal responsibility.

(5) The authorization referred to in paragraphs (1) and (2), respectively, shall also be required for radionuclide generators, kits, radionuclide precursor and industrially prepared radiopharmaceuticals.

Article 701

A marketing authorization shall not be required for a radiopharmaceutical prepared at the time of use by a person or by an establishment authorized, according to national legislation, to use such medicinal products in an approved health care establishment exclusively from authorized radionuclide generators, kits or radionuclide precursors in accordance with the manufacturer's instructions.

Article 702

(1) In order to obtain an authorization to place a medicinal product on the market an application shall be made to the National Medicines Agency.

(2) Provisions of paragraph (1) shall not apply to medicinal products to be authorized through centralised procedure by the European Medicines Agency.

(3) A marketing authorization may only be granted to an applicant established in Romania or a Member State.

(4) The marketing authorisation application shall be accompanied by the following particulars and documents, submitted in accordance with Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health:

a) name or corporate name and permanent/office address of the applicant and, where applicable, of the manufacturer;

b) name of the medicinal product;

c) qualitative and quantitative particulars of all the constituents of the medicinal product, including the reference to its international non-proprietary name (INN) recommended by the WHO, where an INN for the medicinal product exists, or a reference to the relevant chemical name;

d) evaluation of the potential environmental risks posed by the medicinal product; this impact shall be assessed and, on a case-by-case basis, specific arrangements to limit it shall be envisaged;

e) description of the manufacturing method;

f) therapeutic indications, contra-indications and adverse reactions;

g) posology, pharmaceutical form, method and route of administration and expected shelf life;

h) reasons for any precautionary and safety measures to be taken for the storage of the medicinal product, its administration to patients and for the disposal of waste products, together with an indication of potential risks presented by the medicinal product for the environment;

i) description of the control methods employed by the manufacturer;

j) results of:

- pharmaceutical (physico-chemical, biological or microbiological) tests;
- pre-clinical (toxicological and pharmacological) tests;
- clinical trials.

k) a detailed description of the pharmacovigilance system and, where appropriate, of the risk-management system which the applicant will introduce;

l) a statement to the effect that clinical trials carried out outside Romania and the European Union meet the ethical requirements of Regulations for the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use approved by order of the minister of public health;

m) a summary, in accordance with Article 708, of the product characteristics, a mock-up of the outer packaging, containing the details provided for in Article 763, and of the immediate packaging of the medicinal product, containing the details provided for in Article 764, together with a package leaflet in accordance with Article 769;

n) a document showing that the manufacturer is authorized in his own country to produce medicinal products;

o) - copies of any authorization obtained in another state together with a list of those Member States in which an application for authorization submitted in accordance with Directive 2001/83/EC on a Community code for medicinal products for human use, with further changes and completions is under examination;

- copies of the summary of the product characteristics proposed by the applicant in accordance with Article 708 or approved by the competent authorities of the Member State in accordance with Article 21 of Directive 2001/83/EC;

- copies of the package leaflet proposed in accordance with Article 769 or approved by the competent authorities of the Member State in accordance with Article 61 of Directive 2001/83/EC ;

- details of any decision to refuse authorization in any other state, and the reasons for such a decision.

This information shall be updated on a regular basis.

p) A copy of any designation of the medicinal product as an orphan medicinal product under Regulation (EC) No. 141/2000 of the European Parliament and of the Council on orphan medicinal products, published in OJEC no. L 018 of 22 January 2000, accompanied by a copy of the relevant European Medicines Agency opinion;

q) Proof that the applicant has the services of a qualified person responsible for pharmacovigilance and has the necessary means for the notification of any adverse reaction suspected of occurring either in Romania or in a third country.

(5) The documents and information concerning the results of the pharmaceutical and pre-clinical tests and the clinical trials referred to in paragraph (4), point j) shall be accompanied by detailed summaries in accordance with Article 709.

Article 703

In addition to the requirements set out in Articles 702 and Article 704, paragraph (1), an application for authorization to market a radionuclide generator shall also contain the following particulars and documents:

a) a general description of the system together with a detailed description of the components of the system which may affect the composition or quality of the daughter radionucleid preparation;

b) qualitative and quantitative particulars of the eluate or the sublimate.

Article 704

(1) By way of derogation from Article 702, paragraph, (4), point j), and without prejudice to the law relating to the protection of industrial and commercial property, the applicant shall not be required to provide the results of preclinical tests and of clinical trials if he can demonstrate that the medicinal product is a generic of a reference medicinal product which is or has been authorized for not less than eight years in Romania, in a Member State or, through centralised procedure, in the European Community.

A generic medicinal product authorized pursuant to this provision shall not be placed on the market until ten years have elapsed from the initial authorization of the reference product.

The first subparagraph shall also apply if the reference medicinal product has not been authorized in Romania, and the application for the generic medicinal product is submitted in this country. In this case, the applicant shall indicate in the application form the name of the Member State in which the reference medicinal product is or has been authorized. The National Medicines Agency shall request the competent authority of the Member State mentioned by the applicant a confirmation that the reference medicinal product is or has been authorized together with the full composition of the reference product and other relevant documentation, if necessary. The National Medicines Agency shall transmit the same information requested by competent authorities in Member States within a one month period.

The ten-year period referred to in the second subparagraph may be extended by one year at most, if, during the first eight years of those ten years, the marketing authorization holder has obtained an authorization for one or more new therapeutic indications which, according to the scientific evaluation for authorization, are held to bring a significant clinical benefit in comparison with existing therapies.

(2) For the purposes of this Article, the following terms shall bear the following meanings:

- *reference medicinal product* - a medicinal product authorized in accordance with the provisions of Articles 700 and 702 of the present Title or a medicinal product authorized in any Member State or, through centralised procedure, in the European Community;
- *generic medicinal product* - a medicinal product which has the same qualitative and quantitative composition in active substances and the same pharmaceutical form as the reference medicinal product, and whose bioequivalence with the reference medicinal product has been demonstrated by appropriate bioavailability studies. The different salts, esters, ethers, isomers, mixture of isomers, complexes or derivatives of an active substance shall be considered to be the same active substance, unless they differ significantly in properties with regard to safety and/or efficacy. In such cases, additional information providing proof of the safety and/or efficacy of the various salts, esters or derivatives of an authorized active substance must be supplied by the applicant. The various

immediate-release oral pharmaceutical forms shall be considered to be one and the same pharmaceutical form. Bioavailability studies need not be required of the applicant if he can demonstrate that the generic medicinal product meets the relevant criteria as defined in the appropriate detailed guidelines.

(3) In cases where the medicinal product does not fall within the definition of a generic medicinal product as provided in paragraph (2), point b) or where the bioequivalence cannot be demonstrated through bioavailability studies or in case of changes in the active substance(s), therapeutic indications, strength, pharmaceutical form or route of administration, vis-à-vis the reference medicinal product, the results of the appropriate pre-clinical tests or clinical trials shall be provided.

(4) Where a biological medicinal product which is similar to a reference biological product does not meet the conditions in the definition of generic medicinal products, owing to, in particular, differences relating to raw materials or differences in manufacturing processes of the biological medicinal product and the reference biological medicinal product, the results of appropriate pre-clinical tests or clinical trials relating to these conditions must be provided. The type and quantity of supplementary data to be provided must comply with the relevant criteria stated in analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health and the related detailed guidelines. The results of other tests and trials from the reference medicinal product's dossier need not be provided.

(5) In addition to the provisions laid down in paragraph (1), where an application is made for a new indication for a well-established substance, a non-cumulative period of one year of data exclusivity shall be granted, provided that significant pre-clinical or clinical studies were carried out in relation to the new indication.

(6) Conducting the necessary studies and trials with a view to the application of paragraphs (1), (2), (3) and (4) and the consequential practical requirements shall not be regarded as contrary to patent rights or to supplementary protection certificates for medicinal products.

Article 705

By way of derogation from Article 702, paragraph (4), point j) and without prejudice to the law relating to the protection of industrial and commercial property, the applicant shall not be required to provide the results of pre-clinical tests or clinical trials if he can demonstrate that the active substances of the medicinal product have been in well-established medicinal use within the European Community for at least ten years, with recognised efficacy and an acceptable level of safety in terms of the conditions set out in Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health; in that event, the test and trial results shall be replaced by appropriate scientific literature.

Article 706

In the case of medicinal products containing active substances used in the composition of authorized medicinal products but not hitherto used in combination for therapeutic purposes, the results of new pre-clinical tests or new clinical trials relating to that combination shall be provided in accordance with Article 702, paragraph (4), point j), but it shall not be necessary to provide scientific references relating to each individual active substance.

Article 707

Following the granting of a marketing authorization, the authorization holder may allow use to be made of the pharmaceutical, pre-clinical and clinical documentation contained in the file on the medicinal product, with a view to examining further applications relating to other medicinal products possessing the same qualitative and quantitative composition in terms of active substances and the same pharmaceutical form.

Article 708

The summary of the product characteristics shall contain, in the order indicated below, the following information:

1. name of the medicinal product followed by the strength and the pharmaceutical form;

2. qualitative and quantitative composition in terms of the active substances and constituents of the excipient, knowledge of which is essential for proper administration of the medicinal product; the usual common name or chemical description shall be used;
3. pharmaceutical form;
4. clinical particulars:
4.1. therapeutic indications;
4.2. posology and method of administration for adults and, where necessary, for children;
4.3. contra-indications;
4.4. special warnings and precautions for use and, in the case of immunological medicinal products, any special precautions to be taken by persons handling such products and administering them to patients, together with any precautions to be taken by the patient;
4.5. interaction with other medicinal products and other forms of interactions;
4.6. use during pregnancy and lactation;
4.7. effects on ability to drive and to use machines;
4.8. adverse reactions;
4.9. overdose (symptoms, emergency procedures, antidotes).
5. pharmacological properties:
5.1. pharmacodynamic properties;
5.2. pharmacokinetic properties;
5.3. preclinical safety data.
6. pharmaceutical particulars:
6.1. list of excipients;
6.2. major incompatibilities;
6.3. shelf life, when necessary after reconstitution of the medicinal product or when the immediate packaging is opened for the first time;
6.4. special precautions for storage;
6.5. nature and contents of container;
6.6. special precautions for disposal of a used medicinal product or waste materials derived from such medicinal product, if appropriate.
7. marketing authorization holder;
8. marketing authorization number(s);
9. date of the first authorization or renewal of the authorization;
10. date of revision of the text;
11. for radiopharmaceuticals, full details of internal radiation dosimetry;
12. for radiopharmaceuticals, additional detailed instructions for extemporaneous preparation and quality control of such preparation and, where appropriate, maximum storage time during which any intermediate preparation such as an eluate or the ready-to-use pharmaceutical will conform with its specifications; for authorizations under Article 704, those parts of the summary of product characteristics of the reference medicinal product referring to indications or dosage forms which were still covered by patent law at the time when a generic medicine was marketed need not be included.

Article 709

(1) The applicant shall ensure that, before the detailed summaries referred to in Article 702, paragraph (5), are submitted to the National Medicines Agency, they have been drawn up and signed by experts with the necessary technical or professional qualifications, which shall be set out in a brief curriculum vitae.

(2) Persons having the technical and professional qualifications referred to in paragraph (1) shall justify any use made of scientific literature under Article 705 in accordance with the conditions set out in Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health.

(3) detailed experts' report shall form part of the file which the applicant submits to the National Medicines Agency.

Section 2
Specific Provisions Applicable to Homeopathic Medicinal Products

Article 710

(1) Homeopathic medicinal products manufactured and placed on the market within Romania shall be authorized in accordance with Articles 711, 712 and 713 of the present Title.

(2) The National Medicines Agency shall establish a special simplified authorization procedure for the medicinal products referred to in Article 711, approved by order of the minister of public health.

Article 711

(1) Only homeopathic medicinal products which satisfy all of the following conditions may be subject to a special, simplified authorization procedure:

1. they are administered orally or externally;
2. no specific therapeutic indication appears on the labelling of the medicinal product or in any information relating thereto;
3. there is a sufficient degree of dilution to guarantee the safety of the medicinal product; in particular, the medicinal product may not contain either more than one part per 10 000 of the mother tincture or more than 1/100th of the smallest dose used in allopathy with regard to active substances whose presence in an allopathic medicinal product results in the obligation to submit a doctor's prescription.

At the time of authorization, the National Medicines Agency shall determine the classification for the dispensing of the medicinal product.

(2) The criteria and rules of procedure provided for in Article 698, paragraph (4), Article 722, paragraph (1) and Articles 727 to 732, 824, 828 and 842 shall apply by analogy to the special, simplified authorization procedure for homeopathic medicinal products, with the exception of the proof of therapeutic efficacy.

Article 712

(1) An application for special, simplified authorization may cover a series of medicinal products derived from the same homeopathic stock.

(2) The following documents shall be included with the application in order to demonstrate, in particular, the pharmaceutical quality and the batch-to-batch homogeneity of the products concerned:

- scientific name or other name given in a pharmacopoeia of the homeopathic stock or stocks, together with a statement of the various routes of administration, pharmaceutical forms and degrees of dilution to be authorized;
- dossier describing how the homeopathic stocks are obtained and controlled, and justifying their homeopathic use, on the basis of an adequate bibliography;
- manufacturing and control file for each pharmaceutical form and a description of the method of dilution and potentization;
- manufacturing authorization for the medicinal products concerned;
- copies of any authorizations or registration certificates obtained for the same medicinal product in Member States;
- one or more mock-ups or samples of the outer packaging and the immediate packaging of the medicinal products to be authorized;
- data concerning the stability of the medicinal product

Article 713

(1) Homeopathic medicinal products other than those referred to in Article 711, paragraph (1), shall be authorized and labelled in accordance with Article 702 and Articles 704 to 708.

(2) Chapter 10 provisions shall apply to homeopathic medicinal products, with the exception of those referred to in Article 711, paragraph (1).

Section 3
Specific Provisions Applicable to Traditional Herbal Medicinal Products

Article 714

(1) A simplified authorization procedure, hereinafter 'traditional-use authorization' is hereby established for herbal medicinal products for traditional use which fulfil all of the following criteria:

a) they have indications 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;

b) they are exclusively for administration in accordance with a specified strength and posology;

c) they are an oral, external and/or inhalation preparation;

d) the period of traditional use as laid down in Article, paragraph (1), point c) has elapsed;

e) 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 longstanding use and experience.

(2) By way of derogation from Article 695 point 31, the presence in the herbal medicinal product of vitamins or minerals for the safety of which there is well-documented evidence shall not prevent the product from being eligible for authorization in accordance with paragraph 1, provided that the action of the vitamins or minerals is ancillary to that of the herbal active ingredients regarding the specified claimed indication(s).

(3) However, in cases where the National Medicines Agency judges that a traditional herbal medicinal product fulfils the criteria for authorization in accordance with Article 700 or Article 711, the provisions of this section shall not apply.

Article 715

(1) The applicant and authorization holder shall be established in Romania or in Member State.

(2) In order to obtain traditional-use authorization, the applicant shall submit an application to the National Medicines Agency

Article 716

(1) The application shall be accompanied by:

a) the particulars and documents:

i) referred to in Article 702, paragraph (4), points a) to i), m) and n);

ii) the results of the pharmaceutical tests referred to in the second indent of Article 702, paragraph (4), point j), the first line;

iii) the summary of product characteristics, without the data specified in Article 708, paragraph (4);

iv) in case of combinations, as referred to in Article 695 point 31 or Article 714, paragraph (2), the information referred to in Article 714, paragraph (1), point e) relating to the combination as such; if the individual active ingredients are not sufficiently known, the data shall also relate to the individual active ingredients;

b) any authorization obtained by the applicant in another Member State, or in a third country, to place the medicinal product on the market, and details of any decision to refuse to grant an authorization, whether in the European Community or a third country, and the reasons for any such decision;

c) bibliographical or expert evidence to the effect that the medicinal product in question, or a corresponding product has been in medicinal use throughout a period of at least 30 years preceding the date of the application, including at least 15 years within the European Community; the National Medicines Agency may request the Committee for Herbal Medicinal Products within the European Medicines Agency to draw up an opinion on the adequacy of the evidence of the long-standing use of the product, or of the corresponding product. To that purpose, the National Medicines Agency shall submit relevant documentation supporting the referral to the Committee;

d) a bibliographic review of safety data together with an expert report and where required by the National Medicines Agency, data necessary for assessing the safety of the medicinal product. Analytical, pharmaco-toxicological and clinical standards and protocols in respect of the testing of

medicinal products approved by order of the minister of public health shall apply by analogy to the particulars and documents specified in point a).

(2) A corresponding product, as referred to in paragraph (1), point c) is characterised by having the same active ingredients, irrespective of the excipients used, the same or similar intended purpose, equivalent strength and posology and the same or similar route of administration as the medicinal product applied for.

(3) The requirement to show medicinal use throughout the period of 30 years, referred to in paragraph (1), point c) is satisfied even where the marketing of the product has not been based on a specific authorization; it is likewise satisfied if the number or quantity of ingredients of the medicinal product has been reduced during that period.

(4) Where the product has been used in Romania or the European Community for less than 15 years, but is otherwise eligible for simplified authorization, on submission of an application for traditional-use authorization, the National Medicines Agency shall refer the product to the Committee for Herbal Medicinal Products within the European Medicines Agency.

To that purpose, the National Medicines Agency shall submit relevant documentation supporting the arbitrating procedure.

If the Committee establishes a European Community herbal monograph, this shall be taken into account by the National Medicines Agency when taking its final decision.

Article 717

(1) Without prejudice to Article 721, paragraph (1), Section 5, Chapter 3 shall apply by analogy to authorizations granted in accordance with Article 714, provided that:

a) a European Community herbal monograph has been established in accordance with Article 721, paragraph (3); or

b) the herbal medicinal product consists of herbal substances, preparations or combinations thereof contained in the list referred to in Article 719.

(2) For other herbal medicinal products as referred to in Article 714, the National Medicines Agency shall, when evaluating an application for traditional-use authorization, take due account of authorizations granted by another Member State in accordance with Chapter 2a of Directive 2001/83/EC.

Article 718

(1) Traditional-use authorization shall be refused if the application does not comply with Articles 714, 715 or 716 or if at least one of the following conditions is fulfilled:

a) the qualitative and/or quantitative composition is not as declared;

b) the indications do not comply with the conditions laid down in Article 714;

c) the product could be harmful under normal conditions of use;

d) the data on traditional use are insufficient, especially if pharmacological effects or efficacy are not plausible on the basis of longstanding use and experience;

e) the pharmaceutical quality is not satisfactorily demonstrated.

(2) The National Medicines Agency shall notify the applicant, the European Commission and any competent authority that requests it, of any decision they take to refuse traditional-use authorization and the reasons for the refusal.

Article 719

(1) The National Medicines Agency shall take over the list of herbal substances, preparations and combinations thereof for use in traditional herbal medicinal products established by the European Commission. The list shall contain, with regard to each herbal substance, the indication, the specified strength and the posology, the route of administration and any other information necessary for the safe use of the herbal substance as a traditional medicinal product.

(2) The National Medicines Agency regulations on traditional herbal medicinal products shall apply prior Accession.

(3) If an application for traditional-use authorization relates to a herbal substance, preparation or a combination thereof contained in the list referred to in paragraphs (1) and (2), respectively, the data

specified in Article 716, paragraph (1), point b), c) and d) do not need to be provided; provisions of Article 718, paragraph (1), points c) and d) shall not apply.

(4) If a herbal substance, preparation or a combination thereof ceases to be included in the list referred to in paragraphs (1) and (2), respectively, authorizations pursuant to paragraph (3) for herbal medicinal products containing this substance, preparation or a combination thereof, shall be revoked unless the particulars and documents referred to in Article 716, paragraph (1) are submitted within three months.

Article 720

(1) Article 697, paragraphs (1) and (2), Article 698, paragraph (4), Article 700, paragraph (1), Article 709, Article 722, paragraph (1), Article 724, Article 725, Article 728, Article 730, Article 731, Articles 748 to 761, Articles 780 to 796, Article 812 to 820, Article 823, paragraphs (1) and (3), Article 824, Articles 828 to 830, Article 839, Article 840, Article 842, Article 843, paragraph (2) and Article 846 of this Title as well as Good practice principles and guides related to manufacturing of medicinal products for human use and investigational medicinal products for human use, approved through order of the minister of public health shall apply, by analogy, to traditional-use authorization granted under this section.

(2) In addition to the requirements of Articles 763 to 775, any labelling and user package leaflet shall contain a statement to the effect that:

a) the product is a traditional herbal medicinal product for use in specified indication(s) exclusively based upon long-standing use; and

b) the user should consult a doctor or a qualified health care practitioner if the symptoms persist during the use of the medicinal product or if adverse effects not mentioned in the package leaflet occur.

(3) In addition to the requirements of Articles 797 to 810, any advertisement for a medicinal product authorized under this section shall contain the following statement: „*Traditional herbal medicinal product for use in specified indication(s) exclusively based upon long-standing use.”*

Article 721

(1) The National Medicines Agency shall appoint, for a renewable three-year term, one member and one alternate to the Committee for Herbal Medicinal Products. The alternates shall represent and vote for the members in their absence. Members and alternates shall be chosen for their role and experience in the evaluation of herbal medicinal products and shall represent the National Medicines Agency.

(2) Prior to Romania’s accession to the European Union, representatives of the National Medicines Agency shall take part as active observers in activities carried out by the Committee for Herbal Medicinal Products.

(3) On examining an application for marketing authorization, the National Medicines Agency shall take into account European Community herbal monographs established and published by the Committee for Herbal Medicinal Products within the European Medicines Agency.

Where no such European Community herbal monograph has yet been established, other appropriate monographs, publications or data may be referred to.

When new European Community herbal monographs are established, the authorization holder shall consider whether it is necessary to modify the authorization dossier accordingly. The authorization holder shall notify any such modification to the National Medicines Agency.

Section 4
Procedures Relevant to the Marketing Authorization

Article 722

(1) The National Medicines Agency shall take every appropriate measure to ensure that the procedure for granting a marketing authorization is completed a maximum of 210 days after submission of a valid application; applications for marketing authorizations in Romania and one or several Member States in respect of the same medicinal product shall be submitted in accordance to Articles 735 to 747.

(2) Where the National Medicines Agency notes that another marketing authorization application for the same medicinal product is being examined by another Member State, the National Medicines Agency shall decline to assess the application and shall advise the applicant that Articles 735 to 747 apply.

Article 723

Where the National Medicines Agency is informed in accordance with Article 702, paragraph (4), point o), that another Member State has authorized a medicinal product which is the subject of a marketing authorization application in Romania, the National Medicines Agency shall reject the application unless it was submitted in compliance with Articles 735 to 747.

Article 724

In order to examine the application submitted in accordance with Article 702 and Articles 704 to 707, the National Medicines Agency:

a) must verify whether the particulars submitted in support of the application comply with Article 702 and Articles 704 to 707 and examine whether all the conditions for issuing a marketing authorization are complied with;

b) may submit the medicinal product, its starting materials and, if need be, its intermediate products or other constituent materials, for testing by laboratories authorized / approved by the National Medicines Agency to that purpose in order to ensure that the control methods employed by the manufacturer and described in the particulars accompanying the application in accordance with Article 702, paragraph (4), point i) are satisfactory;

c) may, where appropriate, require the applicant to supplement the particulars accompanying the application in respect of the items listed in Article 702, paragraph (4) and Articles 704 to 707; where the National Medicines Agency avails itself of this option, the time limits laid down in Article 722 shall be suspended until such time as the supplementary information required has been provided; likewise, these time limits shall be suspended for the time allowed the applicant, where appropriate, for giving oral or written explanation;

d) may perform inspections under certain circumstances, when it considers there is reason to suspect lack of observance of Good practice principles and guides related to manufacturing mentioned in Article 756.

Article 725

The Ministry of Public Health shall take all appropriate measures to ensure that:

a) The National Medicines Agency verifies that manufacturers and importers of medicinal products coming from third countries are able to carry out manufacture in compliance with the particulars supplied pursuant to Article 702, paragraph (4), point e), and/or to carry out controls according to the methods described in the particulars accompanying the application in accordance with Article 702, paragraph (4), point i);

b) The National Medicines Agency authorizes manufacturers and importers of medicinal products coming from third countries, in justifiable cases, to have certain stages of manufacture and/or certain of the controls referred to in (a) carried out by third parties; in such cases, the verifications by the National Medicines Agency shall also be made in the establishments of designated third parties.

Article 726

(1) When the marketing authorization is issued, the holder shall be informed by the National Medicines Agency, of the summary of the product characteristics as approved by it.

(2) The National Medicines Agency shall take all necessary measures to ensure that the information given in the summary is in conformity with that accepted when the marketing authorization is issued or furtherly.

(3) The National Medicines Agency shall make publicly available without delay the marketing authorization together with the summary of the product characteristics for each medicinal product which they have authorized.

(4) The National Medicines Agency shall draw up an assessment report and comments on the file as regards the results of the pharmaceutical and pre-clinical tests and the clinical trials of the medicinal product concerned; the assessment report shall be updated whenever new information becomes

available which is of importance for the evaluation of the quality, safety or efficacy of the medicinal product concerned.

The National Medicines Agency shall make publicly accessible without delay the assessment report, together with the reasons for their opinion, except for any information of a commercially confidential nature; the justification shall be provided separately for each indication applied for.

(5) According to Government Ordinance no. 125/1998, approved with changes and completions through Law 594/2002, with further changes and completions, the National Medicines Agency shall make publicly accessible on its website the information relating to marketing authorization for each authorized medicinal product within 5 days since validation of the marketing authorization by the Ministry of Public Health.

Article 727

(1) In exceptional circumstances and following consultation with the applicant, the authorization may be granted subject to a requirement for the applicant to meet certain conditions, in particular concerning the safety of the medicinal product, notification to the National Medicines Agency of any incident relating to its use, and action to be taken.

(2) This authorization may be granted only for objective, verifiable reasons and must be based on one of the grounds set out in the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health; continuation of the authorization shall be linked to the annual reassessment of these conditions.

(3) The list of these conditions shall be made publicly accessible without delay, together with deadlines and dates of fulfilment.

Article 728

(1) After a marketing authorization has been issued, the authorization holder must, in respect of the methods of manufacture and control provided for in Article 702, paragraph (4), points e) and i), take account of scientific and technical progress and introduce any changes that may be required to enable the medicinal product to be manufactured and checked by means of generally accepted scientific methods; these changes shall be subject to the approval of the National Medicines Agency.

(2) The marketing authorization holder shall forthwith supply to the National Medicines Agency any new information which might entail the amendment of the particulars or documents referred to in Article 702, paragraph (4), Articles 704 to 706 and Article 708 or Article 740, paragraph (5) or in the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health.

(3) In particular, the marketing authorization holder shall inform the National Medicines Agency of any prohibition or restriction imposed by the competent authorities of any country in which the medicinal product for human use is marketed and of any other new information which might influence the evaluation of the benefits and risks of the medicinal product for human use concerned.

(4) In order for ongoing evaluation of the risk-benefit balance, the National Medicines Agency may at any time request the marketing authorization holder to provide data demonstrating continued favourable risk-benefit balance.

Article 729

(1) After a marketing authorization has been granted, the holder of the authorization shall inform the National Medicines Agency of the date of actual marketing of the medicinal product for human use in Romania, taking into account the various presentation forms authorized.

(2) The marketing authorisation holder shall also notify the National Medicines Agency if the product ceases to be placed on the market, either temporarily or permanently; such notification shall, otherwise than in exceptional circumstances, be made no less than 2 months before the interruption in the placing on the market of the product.

(3) Upon request by the Ministry of Public Health, particularly in the context of pharmacovigilance, the marketing authorization holder shall provide the Ministry of Public Health with all data relating to the volume of sales of the medicinal product, and any data in his possession relating to the volume of prescriptions.

Article 730

(1) Without prejudice to paragraphs (5) and (6), a marketing authorization shall be valid for five years.

(2) The marketing authorization may be renewed after five years on the basis of a re-evaluation of the risk-benefit balance by the National Medicines Agency if this is the issuer of the authorisation; to this end, the marketing authorization holder shall provide the National Medicines Agency with a consolidated version of the file in respect of quality, safety and efficacy, including all variations introduced since the marketing authorization was granted, at least six months before the marketing authorization ceases to be valid in accordance with paragraph (1).

(3) Authorizations renewed according to paragraph (2) shall be valid for five years.

(4) Medicinal products for which application has been submitted for renewal of marketing authorization may be preserved in the therapeutic circuit till resolution of application for renewal.

(5) Once renewed, the marketing authorization shall be valid for an unlimited period, unless the National Medicines Agency decides, on justified grounds relating to pharmacovigilance, to proceed with one additional five-year renewal in accordance with paragraph (2).

(6) Any authorization which within three years of its granting is not followed by the actual placing on the market of the authorized product in Romania shall cease to be valid.

(7) When an authorized product previously placed on the market has not been actually present on the Romanian market for three consecutive years, the authorization for that product shall cease to be valid.

(8) The National Medicines Agency may, in exceptional circumstances and on public health grounds, grant exemptions from paragraphs (6) and (7); such exemptions must be duly justified.

(9) If no application for renewal of marketing authorization has been submitted with respect to a medicinal product within the terms provided in paragraph (2), the respective medicinal product may be preserved in the therapeutic circuit till consumption of amounts distributed in the pharmaceutical network but no later than one year after cessation of the marketing authorization.

(10) The procedure for marketing authorization of a medicinal product may be interrupted in result of application for withdrawal by the applicant.

Article 731

Authorization shall not affect the civil and criminal liability of the manufacturer and, where applicable, of the marketing authorization holder.

Article 732

(1) The marketing authorization shall be refused if, after verification of the particulars and documents listed in Article 702 and Articles 704 to 707, it is clear that:

a) the risk-benefit balance is not considered to be favourable; or

b) the therapeutic efficacy is insufficiently substantiated by the applicant; or

c) the qualitative and quantitative composition is not as declared.

(2) Authorization shall likewise be refused if any particulars or documents submitted in support of the application do not comply with Article 702 and Articles 704 to 707.

(3) The applicant or the holder of a marketing authorization shall be responsible for the accuracy of the documents and the data submitted

Article 733

Medicinal products authorized through centralised, mutual recognition or decentralised procedure for placement on the market in the EU shall be authorized in Romania according to simplified procedures as provided in the National Medicines Agency regulations.

Article 734

Medicinal products achieved through cooperation in Romania shall be subject to marketing authorization procedure depending on the nature of the respective cooperation, according to the National Medicines Agency regulations.

Section 4
Mutual Recognition Procedure and Decentralised Procedure

Article 735

(1) The National Medicines Agency shall appoint one representative for a renewable period of three years to take part in the Group for the coordination of procedures described under the present section; the National Medicines Agency representative in the group may be accompanied by experts.

(2) Until Romania's accession to the European Union, the National Medicines Agency representative shall take part as active observer in activities of the coordination group.

Article 736

(1) With a view to the granting of a marketing authorization for a medicinal product in Romania as well as in one or several Member States, an applicant shall submit an application based on an identical dossier to the National Medicines Agency and competent authorities in respective Member States. The dossier shall contain the information and documents referred to in Articles 702 and Article 704 to 708. The documents submitted shall include a list of Member States concerned by the application.

The applicant shall request that Romania or other Member State to act as 'reference Member State' and to prepare an assessment report on the medicinal product in accordance with paragraph (2) or (3).

(2) Where the medicinal product has already received a marketing authorization at the time of application, Romania shall act as concerned Member State and the National Medicines Agency shall recognise the marketing authorization granted by the reference Member State. To this end, the marketing authorization holder shall request the reference Member State either to prepare an assessment report on the medicinal product or, if necessary, to update any existing assessment report. In case Romania is the reference Member State, the National Medicines Agency shall prepare/update the assessment report within 90 days after receipt of a valid application.

The assessment report together with the approved summary of product characteristics, labelling and package leaflet shall be sent to the concerned Member States and to the applicant.

(3) In cases where the medicinal product has not received a marketing authorization at the time of application to the National Medicines Agency, when Romania is the reference Member State, the applicant shall request the National Medicines Agency to prepare a draft assessment report, a draft summary of product characteristics and a draft of the labelling and package leaflet; the National Medicines Agency shall prepare these draft documents within 120 days after receipt of a valid application and shall send them to the concerned Member States and to the applicant. On record of all parties' agreement, the National Medicines Agency shall close the procedure and inform the applicant accordingly.

(4) When Romania acts as concerned Member State, within 90 days after receipt of the documents referred to in paragraphs (2) and (3), the National Medicines Agency shall approve the assessment report, the summary of product characteristics and the labelling and package leaflet and shall inform the reference Member State accordingly.

(5) In case an application has been submitted in accordance with paragraph (1), the National Medicines Agency shall adopt a decision in conformity with the approved assessment report, the summary of product characteristics and the labelling and package leaflet as approved, within 30 days after acknowledgement of the agreement.

Article 737

(1) If, within the period laid down in Article Article 736, paragraph (4), the National Medicines Agency cannot approve the assessment report, the summary of product characteristics, the labelling and the package leaflet on the grounds of potential serious risk to public health, it shall give a detailed exposition of the reasons for its position to the reference Member State, to the other Member States concerned and to the applicant; the points of disagreement shall be forthwith referred to the Coordination group.

(2) The National Medicines Agency shall apply provisions of guides adopted by the European Commission defining a potential serious risk to public health.

(3) Within the Coordination group, through its representatives appointed by the National Medicines Agency, Romania together with representatives of other member States mentioned under

paragraph (1) shall use their best endeavours to reach agreement on the action to be taken. They shall allow the applicant the opportunity to make his point of view known orally or in writing. If, within 60 days of the communication of the points of disagreement, the Member States reach an agreement, Romania as reference Member State shall record the agreement, close the procedure and inform the applicant accordingly; Article 736, paragraph (5) shall apply.

(4) If the Member States fail to reach an agreement within the 60-day period laid down in paragraph (3), the European Medicines Agency shall be immediately informed, with a view to the application of the procedure under Articles 32, 33 and 34 of Directive 2001/83/EC. Respective information shall provide a detailed statement of the matters on which the Member States have been unable to reach agreement and the reasons for their disagreement. A copy shall be forwarded to the applicant.

(5) As soon as the applicant is informed that the matter has been referred to the Euroepan Medicines Agency, he shall forthwith forward to the Agency a copy of the information and documents referred to in Article 736, paragraph (1).

(6) In the circumstances referred to in paragraph (3), in case the National Medicines Agency has approved the assessment report, the draft summary of product characteristics and the labelling and package leaflet of the reference Member State, the National Medicines Agency may, at the request of the applicant, authorize the medicinal product without waiting for the outcome of the procedure laid down in Article 32 of Directive 2001/83/EC; in that event, the authorization granted shall be without prejudice to the outcome of that procedure.

Article 738

(1) If two or more applications submitted in accordance with Article 702 and Articles 704 to 708 have been made for marketing authorization for a particular medicinal product, and if the National Medicines Agency and other competent authorities in Member States have adopted divergent decisions concerning the authorization of the medicinal product or its suspension or revocation, the National Medicines Agency or the competent authority of a different Member State, the European Commission or the applicant or the marketing authorization holder may refer the matter to the Committee for Medicinal Products for Human Use, within the European Medicines Agency, hereinafter referred to as 'the Committee', for the application of the procedure laid down in Articles 32, 33 and 34 of Directive 2001/83/EC.

(2) In order to promote harmonisation of marketing authorizations for medicinal products in the European Community, the National Medicines Agency shall, each year, forward to the Coordination group a list of medicinal products for which a harmonised summary of product characteristics should be drawn up.

Article 739

(1) The National Medicines Agency, Member States, the European Commission, the applicant or the marketing authorization holder shall, in specific cases where the interests of the European Community are involved, refer the matter to the Committee for application of the procedure laid down in Articles 32, 33 and 34 of Directive 2001/83/EC before any decision is reached on a request for a marketing authorization or on the suspension or revocation of an authorization, or on any other variation to the terms of a marketing authorization which appears necessary, in particular to take account of the information collected in accordance with Title 10.

The National Medicines Agency, the competent authority of any other Member State concerned or the European Commission shall clearly identify the question which is referred to the Committee for consideration and shall inform the applicant or the marketing authorization holder.

The National Medicines Agency and the applicant or the marketing authorization holder shall supply the Committee with all available information relating to the matter in question.

(2) Where the referral to the Committee concerns a range of medicinal products or a therapeutic class, the procedure may be limited to certain specific parts of the authorization; in that event, Article 743 shall apply only if they were covered by the authorization procedures referred to in this section.

Article 740

Within 15 days after its adoption, the National Medicines Agency as well as the applicant or the marketing authorization holder shall be forwarded by the European Medicines Agency the final opinion of the Committee together with a report describing the assessment of the medicinal product and stating the reasons for its conclusions.

In the event of an opinion in favour of granting or maintaining an authorization to place the medicinal product concerned on the market, the following documents shall be annexed to the opinion:

a) a draft summary of the product characteristics, as referred to in Article 708;

b) any conditions affecting the authorization within the meaning of Article 32, paragraph (4), point c) of Directive 2001/83/EC;

c) details of any recommended conditions or restrictions with regard to the safe and effective use of the medicinal product;

d) the proposed text of the labelling and leaflet.

Article 741

In the event that the European Commission decides to grant a marketing authorization, it shall forward to the National Medicines Agency as well as to the applicant or marketing authorization holder a draft of the decision to be taken in respect of the application accompanied by documents referred to in Article 740.

Where, exceptionally, the draft decision is not in accordance with the opinion of the European Medicines Agency, the European ommission shall also annex a detailed explanation of the reasons for the differences.

Article 742

(1) The National Medicines Agency shall have 22 days to draw up its written observations on the draft decision and forward them to the European Commission. However, if the European Commission has to take an urgent decision, a shorter time-limit may be set according to the degree of urgency involved.

(2) The National Medicines Agency shall have the option of submitting a written request that the draft Decision be discussed in a plenary meeting of the Standing Committee.

(3) The National Medicines Agency shall either grant or revoke the marketing authorization, or vary its terms as necessary to comply with the decision within 30 days following its notification, and they shall refer to it. The National Medicines Agency shall inform the European Commission and the European Medicines Agency accordingly.

Article 743

Any application by the marketing authorization holder to vary a marketing authorization which has been granted in accordance with t he provisions of this section shall be submitted to the National Medicines Agency and all the Member States which have previously authorized the medicinal product concerned.

Article 744

(1) Where the National Medicines Agency considers that the variation of a marketing authorization which has been granted in accordance with the provisions of this section or its suspension or withdrawal is necessary for the protection of public health, the National Medicines Agency shall forthwith refer the matter to the European Medicines Agency for the application of the procedures laid down in Articles 32, 33 and 34 of Directive 2001/83/EC.

(2) Without prejudice to the provisions of Article Article 739, in exceptional cases, where urgent action is essential to protect public health, until a definitive decision is adopted, the National Medicines Agency may suspend the marketing and the use of the medicinal product concerned on Romania's territory.

The National Medicines Agency shall inform the European Commission and the other Member States no later than the following working day of the reasons for its action.

Article 745

The National Medicines Agency shall submit to the European Medicines Agency all information needed for the establishment and publication of an annual report on the operation of the procedures laid down in this section.

Article 746

The National Medicines Agency shall submit to the European Commission all information needed for the establishment of a report on the experience acquired on the basis of the procedures described in this.

Article 747

(1) Article 737, paragraphs (4) to (6) and Articles 738 to 742 shall not apply to the homeopathic medicinal products referred to in Article 711.

(2) Articles 736 to 742 shall not apply to the homeopathic medicinal products referred to in Article 713, paragraph (2).

CHAPTER 4
Manufacture and Importation

Article 748

(1) The National Medicines Agency shall take all appropriate measures to ensure that the manufacture of the medicinal products within Romania's territory is subject to the holding of an authorization. This manufacturing authorization shall be required nothwithstanding that the medicinal products manufactured are intended for export.

(2) The authorization referred to in paragraph (1) shall be required for both total and partial manufacture, and for the various processes of dividing up, packaging or presentation; however, such authorization shall not be required for preparation, dividing up, changes in packaging or presentation form where these processes are carried out, solely for retail supply, by pharmacists in dispensing pharmacies or by persons legally authorized in Romania to carry out such processes.

(3) Authorization referred to in paragraph (11 shall also be required for imports coming from third countries into Romania; this Chapter and Article 830 shall have corresponding application to such imports as they have to manufacture.

(4) The National Medicines Agency shall forward to the European Medicines Agency a copy of the authorization referred to in paragraph (1), which information shall be entered on the European Community database referred to in Article 823, paragraph (6).

Article 749

(1) In order to obtain the manufacturing authorization, the applicant shall at least meet all the following requirements:

a) specify the medicinal products and pharmaceutical forms which are to be manufactured or imported and also the place where they are to be manufactured and/or controlled;

b) have at his disposal, for the manufacture or import of medicinal products mentioned under paragraph (1), point a), suitable and sufficient premises, technical equipment and control facilities complying with the legal requirements which Romania lays down as regards both manufacture and control and the storage of medicinal products, in accordance with Article 725;

c) For special testing purposes, quality control of medicinal products may be carried out based on a contract between the manufacturing unit and the control unit, outside the manufacturing site, in control units authorized/approved by the National Medicines Agency, in full observance of regulations laid down by the National Medicines Agency and approved by order of the minister of public health;

d) Have at his disposal the services of at least one qualified person within the meaning of Article 757.

(2) The applicant shall provide particulars in support of the above in his application according to paragraph (1).

Article 750

(1) The National Medicines Agency shall issue the manufacturing authorization, which shall be valid for three years, only after having made sure of the accuracy of the particulars supplied pursuant to Article 749, by means of an inspectopn carried out by its inspectors.

(2) In order to ensure that the requirements referred to in Article 749 are complied with, authorization may be made conditional on the carrying out of certain obligations imposed either when authorization is granted or at a later date.

(3) The authorization shall apply only to the premises specified in the application and to the medicinal products and pharmaceutical forms specified in that same application.

Article 751

The National Medicines Agency shall take all appropriate measures to ensure that the time taken for the procedure for granting the manufacturing authorization does not exceed 90 days from the day on which the National Medicines Agency receives the application.

Article 752

If the holder of the manufacturing authorization requests a change in any of the particulars referred to in Article 749, paragraph (1), points a) and b), the time taken for the procedure relating to this request shall not exceed 30 days. In exceptional cases this period of time may be extended to 90 days.

Article 753

The National Medicines Agency may require from the applicant further information concerning the particulars supplied pursuant to Article 749 and concerning the qualified person referred to in Article 757; where the National Medicines Agency exercises this right, application of the time-limits referred to in Articles 751 and 752 shall be suspended until the additional data required have been supplied.

Article 754

The holder of a manufacturing authorization shall at least be obliged:

a) to have at his disposal the services of staff who comply with the legal requirements existing in Romania as regards both manufacture and controls;

b) to dispose of the authorized medicinal products only in accordance with the legislation of Romania;

c) to give prior notice to the National Medicines Agency of any changes he may wish to make to any of the particulars supplied pursuant to Article 749; the National Medicines Agency shall, in any event, be immediately informed if the qualified person referred to in Article 757 is replaced unexpectedly;

d) to allow the inspectors of the National Medicines Agency access to his premises at any time;

e) to enable the qualified person referred to in Article 757 to carry out his duties, for example by placing at his disposal all the necessary facilities;

f) to comply with the principles and guidelines of good manufacturing practice for medicinal products and to use as starting materials only active substances, which have been manufactured in accordance with the detailed guidelines on good manufacturing practice for starting materials; the National Medicines Agency shall also apply these provisions to certain excipients the list of which as well as the specific conditions of application shall be transposed through order of the minister of public health after endorsement of a European directive.

Article 755

(1) For the purposes of this Title, manufacture of active substances used as starting materials shall include both total and partial manufacture or import of an active substance used as a starting material as defined in Part I, point 3.2.1.1 (b) of the Analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products approved by order of the minister of public health, and the various processes of dividing up, packaging or presentation prior to its incorporation into a medicinal product, including repackaging or relabelling, such as are carried out by a distributor of starting materials.

(2) The National Medicines Agency shall take over any change required for adjustments of paragraph (1) to scientific and technical developments identified and notified by the Standing Committee.

Article 756

The National Medicines Agency shall apply provisions of guidelines published by the European Commission on the form and content of the authorization referred to in Article 748, paragraph (1), on

the reports referred to in Article 823, paragraph (3), and on the form and content of the good manufacturing practice certificate referred to in 823, paragraph (5).

Article 757

(1) The National Medicines Agency shall take all appropriate measures to ensure that the holder of the manufacturing authorization has permanently and continuously at his disposal the services of at least one qualified person, in accordance with the conditions laid down in Article 758, responsible in particular for carrying out the duties specified in Article 760.

(2) If the holder of the manufacturing authorization personally fulfils the conditions laid down in Article 758, he may himself assume the responsibility referred to in paragraph (1).

Article 758

(1) The National Medicines Agency shall ensure that the qualified person referred to in Article 757 fulfils the conditions of qualification set out in paragraphs (2) to (8).

(2) A qualified person shall be in possession of a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course of study, or a course recognized as equivalent by Romania, extending over a period of at least four years of theoretical and practical study in one of the following scientific disciplines: pharmacy, medicine, veterinary medicine, chemistry, pharmaceutical chemistry and technology, biology.

(3) By way of exception to paragraph (2), the minimum duration of the university course may be three and a half years where the course is followed by a period of theoretical and practical training of a minimum duration of one year and including a training period of at least six months in a pharmacy open to the public, corroborated by an examination at university level.

(4) Where two university courses or two courses recognized by Romania as equivalent co-exist in Romania and where one of these extends over four years and the other over three years, the three-year course leading to a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course or its recognized equivalent shall be considered to fulfil the condition of duration referred to in paragraph (3), insofar as the diplomas, certificates or other evidence of formal qualifications awarded on completion of both courses are recognized as equivalent by Romania.

(5) The course shall include theoretical and practical study bearing upon at least the following basic subjects:

a) Experimental physics;
b) General and inorganic chemistry;
c) Organic chemistry;
d) Analytical chemistry;
e) Pharmaceutical chemistry, including analysis of medicinal products;
f) General and applied biochemistry (medical);
g) Physiology;
h) Microbiology;
i) Pharmacology;
j) Pharmaceutical technology;
k) Toxicology;
l) Pharmacognosy (study of the composition and effects of the natural active substances of plant and animal origin).

Studies in these subjects should be so balanced as to enable the person concerned to fulfil the obligations specified in Article 760.

(6) In so far as certain diplomas, certificates or other evidence of formal qualifications mentioned in paragraph (2), do not fulfil the criteria laid down in paragraphs (2) to (5), the National Medicines Agency shall ensure that the person concerned provides evidence of adequate knowledge of the subjects involved.

(7) The qualified person shall have acquired practical experience over at least two years, in one or more undertakings which are authorized to manufacture medicinal products, in the activities of qualitative analysis of medicinal products, of quantitative analysis of active substances and of the testing and checking necessary to ensure the quality of medicinal products.

(8) The duration of practical experience may be reduced by one year where a university course lasts for at least five years and by a year and a half where the course lasts for at least six years.

Article 759

(1) A person engaging in the activities of the person referred to in Article 757 from the time of the application of Directive 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products, [9 December, 1976], in a Member State without complying with the provisions of Article 758 shall be eligible to continue to engage in those activities within the European Union.

(2) The holder of a diploma, certificate or other evidence of formal qualifications awarded on completion of a university course — or a course recognized as equivalent by Romania — in a scientific discipline allowing him to engage in the activities of the person referred to in Article 757 in accordance with the laws of that State may — if he began his course prior to 21 May 1975 — be considered as qualified to carry out in that state the duties of the person referred to in Article 757 provided that he has previously engaged in the following activities for at least two years before 21 May 1985 in one or more undertakings authorized to manufacture: production, supervision and/or qualitative and quantitative analysis of active substances, and the necessary testing and checking under the direct authority of the person referred to in Article 757 to ensure the quality of the medicinal products.

(3) If the person concerned has acquired the practical experience referred to in paragraph (2) before 21 May 196,5 a further one year's practical experience in accordance with the conditions referred to in paragraph (2) shall be required to be completed immediately before he engages in such activities.

Article 760

(1) The National Medicines Agency shall take all appropriate measures to ensure that the qualified person referred to in Article 757, without prejudice to his relationship with the holder of the manufacturing authorization, is responsible, in the context of the procedures referred to in Article 761, for securing:

a) in the case of medicinal products manufactured within Romania, that each batch of medicinal products has been manufactured and checked in compliance with the laws in force in Romania and in accordance with the requirements of the marketing authorization;

b) in the case of medicinal products coming from third countries, irrespective of whether the product has been manufactured in the European Union, that each production batch has undergone in a Member State a full qualitative analysis, a quantitative analysis of at least all the active substances and all the other tests or checks necessary to ensure the quality of medicinal products in accordance with the requirements of the marketing authorization.

The batches of medicinal products which have undergone such controls in a Member State shall be exempt from the controls if they are marketed in Romania, accompanied by the control reports signed by the qualified person.

(2) In the case of medicinal products imported from a third country, where appropriate arrangements have been made by the European Union with the exporting country to ensure that the manufacturer of the medicinal product applies standards of good manufacturing practice at least equivalent to those laid down by the European Union and to ensure that the controls referred to under paragraph (1), point b) have been carried out in the exporting country, the qualified person may be relieved of responsibility for carrying out those controls.

(3) In all cases and particularly where the medicinal products are released for sale, the qualified person must certify in a register or equivalent document provided for that purpose, that each production batch satisfies the provisions of this Article; the said register or equivalent document must be kept up to date as operations are carried out and must remain at the disposal of the inspectors of the National Medicines Agency for at least five years.

Article 761

(1) The National Medicines shall ensure that the duties of qualified persons referred to in Article 757 are fulfilled, by means of appropriate administrative measures.

(2) The National Medicines Agency may provide for the temporary suspension of such a person upon the commencement of administrative or disciplinary procedures against him for failure to fulfil his obligations.

Article 762

The provisions of this Chapter shall also apply to homeopathic medicinal products.

CHAPTER 5
Labelling and Package Leaflet

Article 763

The following particulars shall appear on the outer packaging of medicinal products or, where there is no outer packaging, on the immediate packaging:

a) the name of the medicinal product followed by its strength and pharmaceutical form, and, if appropriate, whether it is intended for babies, children or adults; where the product contains up to three active substances, the international non-proprietary name (INN) shall be included, or, if one does not exist, the common name;

b) a statement of the active substances expressed qualitatively and quantitatively per dosage unit or according to the form of administration for a given volume or weight, using their common names;

c) the pharmaceutical form and the contents by weight, by volume or by number of doses of the product;

d) a list of those excipients known to have a recognized action or effect and included in the detailed guidance published pursuant to Article 775. However, if the product is injectable, or a topical or eye preparation, all excipients must be stated;

e) the method of administration and, if necessary, the route of administration. Space shall be provided for the prescribed dose to be indicated;

f) a special warning that the medicinal product must be stored out of the reach and sight of children;

g) a special warning, if this is necessary for the medicinal product, other than specified under f);

h) the expiry date in clear terms (month/year);

i) special storage precautions, if any;

j) specific precautions relating to the disposal of unused medicinal products or waste derived from medicinal products, where appropriate, as well as reference to any appropriate collection system in place;

k) the name and address of the marketing authorization holder and, where applicable, the name of the representative appointed by the holder to represent him;

l) the number of the authorization for placing the medicinal product on the market;

m) the manufacturer's batch number;

n) in the case of non-prescription medicinal products, instructions for use.

Article 764

(1) The particulars laid down in Article 763 shall appear on immediate packagings other than those referred to in paragraphs (2) and (3).

(2) The following particulars at least shall appear on immediate packagings which take the form of blister packs and are placed in an outer packaging that complies with the requirements laid down in Article 763 and Article 772:

- the name of the medicinal product as laid down in point (a) of Article 763;
- the name of the marketing authorization holder;
- the expiry date;
- the batch number.

3) The following particulars at least shall appear on small immediate packaging units on which the particulars laid down in Article 763 and Article 772 cannot be displayed:

– the name of the medicinal product as laid down in point (a) of Article 763 point a) and, if necessary, the route of administration;
– the method of administration;
– the expiry date;
– the batch number;
– the contents by weight, by volume or by unit

Article 765

The particulars referred to in Article 763, Article 764 and Article 772 shall be easily legible, clearly comprehensible and indelible.

Article 766

(1) The name of the medicinal product, as referred to in Article 763 point a) must also be expressed in Braille format on the packaging.

(2) The marketing authorization holder shall ensure that the package information leaflet is made available on request from patients' organisations in formats appropriate for the blind and partially-sighted.

Article 767

(1) In compliance with Article 770, the National Medicines Agency may require the use of certain forms of labelling of the medicinal product making it possible to ascertain:
- the legal status for supply to the patient, in accordance with Chapter 6;
- identification and authenticity.

(2) For medicinal products authorized by centralised procedure, the National Medicines shall, when applying this Article, observe the detailed guidance referred to in Article 775 if this Title.

Article 768

The inclusion in the packaging of all medicinal products of a package leaflet shall be obligatory unless all the information required under Article 769 and Article 772 is directly conveyed on the outer packaging or on the immediate packaging

Article 769

(1) The package leaflet shall be drawn up in accordance with the summary of the product characteristics; it shall include, in the following order:

a) for the identification of the medicinal product:

(i) the name of the medicinal product followed by its strength and pharmaceutical form, and, if appropriate, whether it is intended for babies, children or adults. The common name shall be included where the product contains only one active substance and if its name is an invented name;

(ii) the pharmaco-therapeutic group or type of activity in terms easily comprehensible for the patient;

b) the therapeutic indications;

c) a list of information which is necessary before the medicinal product is taken:

(i) contra-indications;

(ii) appropriate precautions for use;

(iii) forms of interaction with other medicinal products and other forms of interaction (e.g. alcohol, tobacco, foodstuffs) which may affect the action of the medicinal product;

(iv) special warnings;

d) the necessary and usual instructions for proper use, and in particular:

(i) the dosage;

(ii) the method and, if necessary, route of administration;

(iii) the frequency of administration, specifying if necessary the appropriate time at which the medicinal product may or must be administered and, as appropriate, depending on the nature of the product;

(iv) the duration of treatment, where it should be limited;

(v) the action to be taken in case of an overdose (such as symptoms, emergency procedures);

(vi) what to do when one or more doses have not been taken;

(vii) indication, if necessary, of the risk of withdrawal effects;

(viii) a specific recommendation to consult the doctor or the pharmacist, as appropriate, for any clarification on the use of the product;

(e) a description of the adverse reactions which may occur under normal use of the medicinal product and, if necessary, the action to be taken in such a case; the patient should be expressly asked to communicate any adverse reaction which is not mentioned in the package leaflet to his doctor or pharmacist;

(f) a reference to the expiry date indicated on the label, with:

(i) a warning against using the product after that date;

(ii) where appropriate, special storage precautions;

(iii) if necessary, a warning concerning certain visible signs of deterioration;

(iv) the full qualitative composition (in active substances and excipients) and the quantitative composition in active substances, using common names, for each presentation of the medicinal product;

(v) for each presentation of the product, the pharmaceutical form and content in weight, volume or units of dosage;

(vi) the name and address of the marketing authorization holder and, where applicable, the name of his appointed representatives in Romania;

(vii) the name and address of the manufacturer;

g) where the medicinal product is authorized in accordance with Articles 736 to 747 under different names in the Member States concerned, a list of the names authorized in each Member State;

h) the date on which the package leaflet was last revised.

(2) The list set out in point (c) of paragraph (1),letter c) shall:

a) take into account the particular condition of certain categories of users (children, pregnant or breastfeeding women, the elderly, persons with specific pathological conditions);

b) mention, if appropriate, possible effects on the ability to drive vehicles or to operate machinery;

c) list those excipients knowledge of which is important for the safe and effective use of the medicinal product and which are included in the detailed guidance published pursuant to Article 775.

(3) The package leaflet shall reflect the results of consultations with target patient groups to ensure that it is legible, clear and easy to use.

Article 770

The National Medicines Agency may not prohibit or impede the placing on the market of medicinal products within Romania’s territory on grounds connected with labelling or the package leaflet where these comply with the requirements of this Chapter.

Article 771

(1) One or more mock-ups of the outer packaging and the immediate packaging of a medicinal product, together with the draft package leaflet, shall be submitted to the National Medicines Agency at the same time with the submission of the marketing authorisation application; the results of assessments carried out in cooperation with target patient groups shall also be provided to the National Medicines Agency.

(2) The National Medicines Agency shall refuse the marketing authorization if the labelling or the package leaflet do not comply with the provisions of this Chapter or if they are not in accordance with the particulars listed in the summary of product characteristics.

(3) All proposed changes to an aspect of the labelling or the package leaflet covered by this Chapter and not connected with the summary of product characteristics shall be submitted to the National Medicines Agency; if the National Medicines Agency has not opposed a proposed change within 90 days following the introduction of the request, the applicant may put the change into effect.

(4) The fact that the National Medicines Agency does not refuse a marketing authorization pursuant to paragraph (2) or a change to the labelling or the package leaflet pursuant to paragraph (3) does not diminish the general legal liability of the manufacturer and the marketing authorization holder.

Article 772

The outer packaging and the package leaflet may include symbols or pictograms designed to clarify certain information mentioned in Articles 763 and 769, paragraph (1) and other information compatible with the summary of the product characteristics which is useful for the patient, to the exclusion of any element of a promotional nature.

Article 773

(1) The particulars for labelling listed in Article 763, Article 769 and Article 772 shall appear in Romanian, which shall not prevent these particulars from being indicated in several languages, provided that the same particulars appear in all the languages used.

In the case of certain orphan medicinal products, the particulars listed in Article 763 may, on reasoned request, appear in only one of the official languages of the European Union.

(2) The package leaflet must be written and designed to be clear and understandable, enabling the users to act appropriately, when necessary with the help of health professionals. The package leaflet must be clearly legible in Romanian.

The first subparagraph shall not prevent the package leaflet from being printed in several languages, provided that the same information is given in all the languages used.

(3) When the product is not intended to be delivered directly to the patient, the National Medicines Agency may grant an exemption to the obligation that certain particulars should appear on the labelling and in the package leaflet and that the leaflet must be in Romanian.

Article 774

Where the provisions of this Chapter are not complied with, and a notice served by the National Medicines Agency on the holder of the marketing authorization has remained without effect, the National Medicines Agency may suspend the marketing authorization, until the labelling and the package leaflet of the medicinal product in question have been made to comply with the requirements of Chapter.

Article 775

The National Medicines Agency shall take part in consultations organised by the European Commission with Member States and the parties concerned in view of drawing up and publication of detailed guidance concerning in particular:

(a) the wording of certain special warnings for certain categories of medicinal products;

(b) the particular information needs relating to non-prescription medicinal products;

(c) the legibility of particulars on the labelling and package leaflet;

(d) the methods for the identification and authentication of medicinal products;

(e) the list of excipients which must feature on the labelling of medicinal products and the way in which these excipients must be indicated;

(f) harmonised provisions for the implementation of Article 57 of Directive 2001/83/EC.

The National Medicines Agency shall apply provisions of this detailed guidance.

Article 776

(1)The outer carton and the container of medicinal products containing radionuclides shall be labelled in accordance with the regulations for the safe transport of radioactive materials laid down by the International Atomic Energy Agency; moreover, the labelling shall comply with the provisions set out in paragraphs (2) and (3).

(2) The label on the shielding shall include the particulars mentioned in Article 763; in addition, the labelling on the shielding shall explain in full, the codings used on the vial and shall indicate, where necessary, for a given time and date, the amount of radioactivity per dose or per vial and the number of capsules, or, for liquids, the number of millilitres in the container.

(3) The vial shall be labelled with the following information:

- the name or code of the medicinal product, including the name or chemical symbol of the radionuclide;
- the batch identification and expiry date;
- the international symbol for radioactivity;
- the name and address of the manufacturer;
- the amount of radioactivity as specified in paragraph (2).

Article 777

(1) The National Medicines Agency shall ensure that a detailed instruction leaflet is enclosed with the packaging of radio-pharmaceuticals, radionuclide generators, radionuclide kits or radio-nuclide precursors.

(2) The text of this leaflet mentioned in paragraph (1) shall be established in accordance with the provisions of Article 769; in addition, the leaflet shall include any precautions to be taken by the user and the patient during the preparation and administration of the medicinal product and special precautions for the disposal of the packaging and its unused contents.

Article 778

Without prejudice to the provisions of Article 779, homeopathic medicinal products shall be labelled in accordance with the provisions of this Chapter and shall be identified by a reference on their labels, in clear and legible form, to their homeopathic nature.

Article 779

In addition to the clear mention of the words 'homeopathic medicinal product', the labelling and, where appropriate, the package insert for the medicinal products referred to in Article 711, paragraph (1) shall bear the following, and no other, information:

– the scientific name of the stock or stocks followed by the degree of dilution, making use of the symbols of the pharmacopoeia used in accordance with Article 695, point (4); if the homeopathic medicinal product is composed of two or more stocks, the scientific names of the stocks on the labelling may be supplemented by an invented name;
– name and address of the authorization holder and, where appropriate, of the manufacturer;
– method of administration and, if necessary, route;
– expiry date, in clear terms (month, year);
– pharmaceutical form;
– contents of the sales presentation,
– special storage precautions, if any;
– a special warning if necessary for the medicinal product,
– manufacturer's batch number;
– marketing authorization number;
– 'homeopathic medicinal product without approved therapeutic indications';
– a warning advising the user to consult a doctor if the symptoms persist.

CHAPTER 6
Classification of medicinal products

Article 780

(1) When a marketing authorization is granted, the National Medicines Agency shall specify the classification of the medicinal product into:

— a medicinal product subject to medical prescription,

— a medicinal product not subject to medical prescription.

To this end, the criteria laid down in Article 781, paragraph (1) shall apply.

(2) The National Medicines Agency may fix sub-categories for medicinal products which are available on medical prescription only. In that case, they shall refer to the following classification:

a) medicinal products on medical prescription retained in the pharmacy (non-renewable) or not retained in the pharmacy (renewable);

b) medicinal products subject to special medical prescription;

c) medicinal products on restricted medical prescription, reserved for use in certain specialised areas.

Article 781

(1) Medicinal products shall be subject to medical prescription where they:

— are likely to present a danger either directly or indirectly, even when used correctly, if utilized without medical supervision, or

— are frequently and to a very wide extent used incorrectly, and as a result are likely to present a direct or indirect danger to human health, or
— contain substances or preparations thereof, the activity and/or adverse reactions of which require further investigation, or
— are normally prescribed by a doctor to be administered parenterally.

(2) On establishing sub-categories for medicinal products subject to special medical prescription, the following factors shall be taken into account:

— the medicinal product contains, in a non-exempt quantity, a substance classified as a narcotic or a psychotropic substance within the meaning of the international conventions in force, such as the United Nations Conventions of 1961 and 1971, or

— the medicinal product is likely, if incorrectly used, to present a substantial risk of medicinal abuse, to lead to addiction or be misused for illegal purposes, or

— the medicinal product contains a substance which, by reason of its novelty or properties, could be considered as belonging to the group envisaged in the second indent as a precautionary measure.

(3) On establishing sub-categories for medicinal products subject to restricted prescription, the following factors shall be taken into account:
— the medicinal product, because of its pharmaceutical characteristics or novelty or in the interests of public health, is reserved for treatments which can only be followed in a hospital environment,
— the medicinal product is used in the treatment of conditions which must be diagnosed in a hospital environment or in institutions with adequate diagnostic facilities, although administration and followup may be carried out elsewhere, or
— the medicinal product is intended for outpatients but its use may produce very serious adverse reactions requiring a prescription drawn up as required by a specialist and special supervision throughout the treatment.

(4) The National Medicines Agency may waive application of paragraphs (1), (2) and (3) having regard to:
a) the maximum single dose, the maximum daily dose, the strength, the pharmaceutical form, certain types of packaging; and/or
b) other circumstances of use which it has specified.

(5) If the National Medicines Agency does not designate medicinal products into sub-categories referred to in Article 780, paragraph (2), it shall take into account the criteria referred to in paragraphs (2) and (3) of this Article in determining whether any medicinal product shall be classified as a prescription-only medicine.

Article 782

Medicinal products not subject to prescription shall be those which do not meet the criteria listed in Article 781.

Article 783

(1) The National Medicines Agency shall draw up a list of the medicinal products subject, in Romania, to medical prescription, specifying, if necessary, the category of classification; this list shall be updated annually.

(2) The National Medicines Agency shall draw up an annual Index of medicinal products authorized for marketing in Romania, specifying for each whether or not they are subject to prescription.

Article 784

The National Medicines Agency shall examine any new facts that are brought to its attention and, as case may be, shall amend the classification of a medicinal product by applying the criteria listed in Article 781.

Article 785

Where a change of classification of a medicinal product has been authorized on the basis of significant pre-clinical tests or clinical trials, the National Medicines Agency shall not refer to the results of those tests or trials when examining an application by another applicant for or holder of marketing

authorization for a change of classification of the same substance for one year after the initial change was authorized.

Article 786

Annually, the National Medicines Agency shall communicate to the European Commission and to the other Member States, the changes that have been made to the list referred to in Article 783.

CHAPTER 7
Wholesale Distribution of Medicinal Products

Article787

(1) Without prejudice to Article 700, the Ministry of Public Health shall take all appropriate action to ensure that only medicinal products in respect of which a marketing authorization has been granted in accordance with this Title are distributed on Romanian territory.

(2) Without prejudice to Article 700, the Ministry of Public Health shall take all appropriate action to ensure that only medicinal products in respect of which a marketing authorization has been granted in accordance with this Title and with the centralised procedure are distributed on Romanian territory.

(3) Wholesale distribution and storage of medicinal products shall be performed only for medicinal products subject to a marketing authorization granted by:

a) the European Commission according to the centralised procedure; or

b) the National Medicines Agency according to this Title.

(4) Any distributor, not being the marketing authorization holder, who imports a product from a Member State shall notify the marketing authorization holder and the National Medicines Agency; in the case of products which have not been granted an authorization pursuant to the centralised procedure, the notification to the National Medicines Agency shall be without prejudice to additional procedures provided for in Romanian legislation.

Article 788

(1) The Ministry of Public Health shall take all appropriate measures to ensure that the wholesale distribution of medicinal products is subject to the possession of an authorization to engage in activity as a wholesaler in medicinal products, stating the place for which it is valid.

(2) Where persons authorized or entitled to supply medicinal products to the public may also, under national law, engage in wholesale business, such persons shall be subject to the authorization provided for in paragraph (1).

(3) Possession of a manufacturing authorization shall include authorization to distribute by wholesale the medicinal products covered by that authorization; possession of an authorization to engage in activity as a wholesaler in medicinal products shall not give dispensation from the obligation to possess a manufacturing authorization and to comply with the conditions set out in that respect, even where the manufacturing or import business is secondary.

(4) At the request of the European Commission or any Member State, the Ministry of Public Health shall supply all appropriate information concerning the individual authorizations which they have granted under paragraph (1).

(5) Checks on the persons authorized to engage in the activity of wholesaler in medicinal products and the inspection of their premises, shall be carried out under the responsibility of the Ministry of Public Health.

(6) The Ministry of Public Health shall suspend or revoke the authorization referred to in paragraph (1) if the conditions of authorization cease to be met; the Ministry of Public Health shall forthwith inform the Member States and the European Commission thereof.

(7) Should the Ministry of Public Health consider that, in respect of a person holding an authorization granted by a Member State under the terms of Article 77, paragraph (1) of Directive 2001/83/EC, the conditions of authorization are not, or are no longer met, it shall forthwith inform the European Commission and the Member State involved; the latter shall take the measures necessary and

shall inform the European Commission and the Ministry of Public Health of the decisions taken and the reasons for those decisions.

(8) The Ministry of Public Health, through the inspectors of the specialized directorate, shall conduct inspections in the retail distribution units as well.

(9) Inspectors of the specialized directorate of the Ministry of Public Health and inspectors of the National Medicines Agency may take samples from the distribution units in order to conduct laboratory analyses.

(10) The costs of samples taken and of the analyses are supported according to Article 823, paragraph (1), point c).

Article 789

(1) The Ministry of Public Health shall ensure that the time taken for the procedure for examining the application for the distribution authorization does not exceed 90 days from the day on which the Ministry of Public Health receives the application.

(2) The Ministry of Public Health may, if need be, require the applicant to supply all necessary information concerning the conditions of authorization.

(3) Where the Ministry of Public Health notes that not all necessary information has been submitted according to paragraph (2), the period laid down in paragraph (1) shall be suspended until the requisite additional data have been supplied.

Article 790

In order to obtain the distribution authorization, applicants must fulfil the following minimum requirements:

a) they must have suitable and adequate premises, installations and equipment, so as to ensure proper conservation and distribution of the medicinal products;

b) they must have staff, and in particular, a qualified person designated as responsible, meeting the conditions provided for by the legislation of Romania;

c) they must undertake to fulfil the obligations incumbent on them under the terms of Article 791.

Article 791

Holders of the distribution authorization must fulfil the following minimum requirements:

a) they must make the premises, installations and equipment referred to in Article 790, letter a), accessible at all times to the persons responsible for inspecting them;

b) they must obtain their supplies of medicinal products only from persons who are themselves in possession of the distribution authorization or who are exempt from obtaining such authorization under the terms of Article 788, paragraph (3);

c) they must supply medicinal products only to persons who are themselves in possession of the distribution authorization or who are authorized by the Ministry of Public Health to supply medicinal products to the public in Romania;

d) they must have an emergency plan which ensures effective implementation of any recall from the market ordered by the National Medicines Agency or carried out in cooperation with the manufacturer or marketing authorization holder for the medicinal product concerned;

e) they must keep records either in the form of purchase/sales invoices, or on computer, or in any other form, giving for any transaction in medicinal products received or dispatched at least the following information:

— date of the operation;

— name of the medicinal product, name and country of origin of the manufacturer;

—presentation, pharmaceutical form, strength of the active substances, size of the package;

— batch number and expiry date;

— quality certificate and/or analysis bulletin, as appropriate;

— quantity received or supplied;

— name and address of the supplier or consignee, as appropriate;

f) they must keep the records referred to under e) available to the Ministry of Public Health, for inspection purposes, for a period of five years;

g) they must comply with the principles and guidelines of good distribution practice for medicinal products as laid down in Article 795.

Article 792

(1) With regard to the supply of medicinal products to pharmacists and persons authorized or entitled to supply medicinal products to the public, the Ministry of Public Health shall not impose upon the holder of a distribution authorization which has been granted by a Member State, any obligation, in particular public service obligations, more stringent than those imposed on persons authorized to engage in equivalent activities in Romania.

(2) The holder of a marketing authorization for a medicinal product and the distributors of the said medicinal product actually placed on the market in Romania shall ensure, within the limits of their responsibilities, appropriate and continued supplies of that medicinal product to pharmacies and persons authorized to supply medicinal products so that the needs of patients in Romania are covered.

(3) The measures for implementing this Article should, moreover, be justified on grounds of public health protection and be proportionate in relation to the objective of such protection, in compliance with the Treaty on European Union rules, particularly those concerning the free movement of goods and competition.

Article 793

(1) For all supplies of medicinal products to a person authorized or entitled to supply medicinal products to the public in Romania, the authorized wholesaler must enclose a document that makes it possible to ascertain:

— the date;
— the name and pharmaceutical form of the medicinal product;
— the quantity supplied;
— the name and address of the supplier and consignee.

(2) The Ministry of Public Health shall take all appropriate measures to ensure that persons authorized or entitled to supply medicinal products to the public are able to provide information that makes it possible to trace the distribution path of every medicinal product.

Article 794

The provisions of this Chapter shall not prevent the application of more stringent requirements in respect of the wholesale distribution of:

— narcotic or psychotropic substances within Romanian territory;
— medicinal products derived from blood;
— immunological medicinal products;
— radiopharmaceuticals.

Article 795

The Ministry of Public Health shall monitor the application of guidelines on good distribution practice, which are published by the European Commission.

Article 796

This Chapter shall apply to homeopathic medicinal products.

CHAPTER 8
Advertising

Article 797

(1) For the purposes of this Chapter, “advertising of medicinal products” shall include any form of door-to-door information, canvassing activity or inducement designed to promote the prescription, supply, sale or consumption of medicinal products; it shall include in particular:

— the advertising of medicinal products to the general public;
— advertising of medicinal products to persons qualified to prescribe or supply them;
— visits by medical sales representatives to persons qualified to prescribe medicinal products;
— the supply of samples;

— the provision of inducements to prescribe or supply medicinal products by the gift, offer or promise of any benefit or bonus, whether in money or in kind, except when their intrinsic value is minimal,
— sponsorship of promotional meetings attended by persons qualified to prescribe or supply medicinal products,
— sponsorship of scientific congresses attended by persons qualified to prescribe or supply medicinal products and in particular payment of their travelling and accommodation expenses in connection therewith.

(2) The following are not covered by this Chapter:
— the labelling and the accompanying package leaflets, which are subject to the provisions of Chapter 5;
— correspondence, possibly accompanied by material of a non-promotional nature, needed to answer a specific question about a particular medicinal product,
— factual, informative announcements and reference material relating, for example, to pack changes, adverse-reaction warnings as part of general drug precautions, trade catalogues and price lists, provided they include no product claims,
— information relating to human health or diseases, provided that there is no reference, even indirect, to medicinal products.

Article 798

(1) The National Medicines Agency shall prohibit any advertising of a medicinal product in respect of which a valid marketing authorization has not been granted in Romania.

(2) All parts of the advertising of a medicinal product must comply with the particulars listed in the summary of product characteristics.

(3) The advertising of a medicinal product:
— shall encourage the rational use of the medicinal product, by presenting it objectively and without exaggerating its properties,
— shall not be misleading.

Article 799

(1) Advertising to the general public shall be prohibited for medicinal products which:
a) are available on medical prescription only, in accordance with Chapter 6;
b) contain substances defined as psychotropic or narcotic by international convention, such as the United Nations Conventions of 1961 and 1971.

(2) Medicinal products may be advertised to the general public which, by virtue of their composition and purpose, are intended and designed for use without the intervention of a medical practitioner for diagnostic purposes or for the prescription or monitoring of treatment, with the advice of the pharmacist, if necessary.

(3) Advertising to the general public of medicinal products prescribed and supplied in the health insurance system shall be prohibited on Romanian territory.

(4) The prohibition contained in paragraph 1 shall not apply to vaccination campaigns carried out by the pharmaceutical industry and approved by the Ministry of Public Health.

(5) The prohibition referred to in paragraph (1) shall apply without prejudice to provisions in national law on advertising (Law 148/2000) which transposes Article 14 of Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities [“Television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls shall be prohibited”].

(6) The direct distribution of medicinal products to the public by the industry for promotional purposes shall be prohibited.

CHAPTER 9
Information of the public

Article 800

(1) Without prejudice to Article 799, all advertising to the general public of a medicinal product shall:
a) be set out in such a way that it is clear that the message is an advertisement and that the product is clearly identified as a medicinal product;
b) include the following minimum information:
— the name of the medicinal product, as well as the common name if the medicinal product contains only one active substance,
— the information necessary for correct use of the medicinal product,
— an express, legible invitation to carefully read the instructions on the package leaflet or outer packaging, as follows: “This medicinal product is a non-prescription medicinal product. Careful reading of the leaflet or the outer package is recommended. In case of undesired effects, please inform your physician or pharmacist.”

(2) If the advertising of a medicinal product to the general public is intended solely as a reminder, notwithstanding paragraph (1), it may only include the name of the medicinal product or its international non-proprietary name, where this exists, or the trademark.

Article 801

The advertising of a medicinal product to the general public shall not contain any material which:
a) gives the impression that a medical consultation or surgical operation is unnecessary, in particular by offering a diagnosis or by suggesting treatment by mail;
b) suggests that the effects of taking the medicinal product are guaranteed, are unaccompanied by adverse reactions or are better than, or equivalent to, those of another treatment or medicinal product;
c) suggests that the health of the subject can be enhanced by taking the medicinal product;
d) suggests that the health of the subject could be affected by not taking the medicinal product; this prohibition shall not apply to the vaccination campaigns referred to in Article 799, paragraph (4);
e) is directed exclusively or principally at children;
f) refers to a recommendation by scientists, health professionals or persons who are neither of the foregoing but who, because of their celebrity, could encourage the consumption of medicinal products;
g) suggests that the medicinal product is a foodstuff, cosmetic or other consumer product;
h) suggests that the safety or efficacy of the medicinal product is due to the fact that it is natural;
i) could, by a description or detailed representation of a case history, lead to erroneous self-diagnosis;
j) refers, in improper, alarming or misleading terms, to claims of recovery;
k) uses, in improper, alarming or misleading terms, pictorial representations of changes in the human body caused by disease or injury, or of the action of a medicinal product on the human body or parts thereof.

Article 802

(1) Any advertising of a medicinal product to persons qualified to prescribe or supply such products shall include:
— essential information compatible with the summary of product characteristics;
— the supply classification of the medicinal product.

(2) If the advertising of a medicinal product to persons qualified to prescribe or supply such products is intended solely as a reminder, it may, notwithstanding paragraph (1), include only the name of the medicinal product, or its international non-proprietary name, where this exists, or the trademark.

Article 803

(1) Any documentation relating to a medicinal product which is transmitted as part of the promotion of that product to persons qualified to prescribe or supply it shall include, as a minimum, the particulars listed in Article 802, paragraph (1) and shall state the date on which it was drawn up or last revised.

(2) All the information contained in the documentation referred to in paragraph (1) shall be accurate, up-to-date, verifiable and sufficiently complete to enable the recipient to form his or her own opinion of the therapeutic value of the medicinal product concerned.

(3) Quotations as well as tables and other illustrative matter taken from medical journals or other scientific works for use in the documentation referred to in paragraph (1) shall be faithfully reproduced and the precise sources indicated.

Article 804

(1) Medical sales representatives shall be given adequate training by the firm which employs them and shall have sufficient scientific knowledge to be able to provide information which is precise and as complete as possible about the medicinal products which they promote.

(2) During each visit, medical sales representatives shall give the persons visited, or have available for them, summaries of the product characteristics of each medicinal product they present together with details of the price and conditions for reimbursement.

(3) Medical sales representatives shall transmit to the scientific service referred to in Article 809, paragraph (1) any information about the use of the medicinal products they advertise, with particular reference to any adverse reactions reported to them by the persons they visit.

Article 805

(1) Where medicinal products are being promoted to persons qualified to prescribe or supply them, no gifts, pecuniary advantages or benefits in kind may be supplied, offered or promised to such persons unless they are inexpensive and relevant to the practice of medicine or pharmacy.

(2) Hospitality at sales promotion events shall always be strictly limited to their main purpose and must not be extended to persons other than healthcare professionals.

(3) Persons qualified to prescribe or supply medicinal products shall not solicit or accept any inducement prohibited under paragraph (1) or contrary to paragraph (2).

(4) Existing measures or trade practices in Romania relating to prices, margins and discounts shall not be affected by paragraphs (1) to (3).

Article 806

The provisions of Article 805, paragraph (1) shall not prevent hospitality being offered, directly or indirectly, at events for purely professional and scientific purposes; such hospitality shall always be strictly limited to the main scientific objective of the event; it must not be extended to persons other than healthcare professionals.

Article 807

Free samples shall be provided on an exceptional basis only to persons qualified to prescribe them and on the following conditions:

a) the number of samples for each medicinal product each year on prescription shall be limited;

b) any supply of samples shall be in response to a written request, signed and dated, from the prescribing agent;

c) those supplying samples shall maintain an adequate system of control and accountability;

d) each sample shall be no larger than the smallest presentation on the market;

e) each sample shall be marked ‘free medical sample — not for sale’ or shall show some other wording having the same meaning;

f) each sample shall be accompanied by a copy of the summary of product characteristics;

g) no samples of medicinal products containing psychotropic or narcotic substances within the meaning of international conventions, such as the United Nations Conventions of 1961 and 1971, may be supplied.

Article 808

(1) The National Medicines Agency shall take adequate and effective measures to monitor the advertising of medicinal products, as follows:

a) in the case of non-prescription medicinal products, advertising material intended for the public is subject to prior approval by the National Medicines Agency;

b) advertising material for prescription or non-prescription medicinal products, intended for persons qualified in prescribing and supplying medicinal products, is analysed by the National Medicines Agency after it has been disseminated, randomly or following certain complaints.

(2) Persons or organisations regarded under national law as having a legitimate interest in prohibiting any advertisement inconsistent with this Chapter shall confer such advertisement upon the

National Medicines Agency; the National Medicines Agency shall answer such complaints within 60 days.

(3) In cases it becomes aware of violations by the advertising material of the present Chapter, the National Medicines Agency shall take necessary measures, in consideration of all the interests involved, and in particular of the public interest:

a) if the advertising material has already been published, to order the cessation of misleading advertising, or

b) if misleading advertising has not yet been published but publication is imminent, to order the prohibition of, or to institute appropriate legal proceedings for an order for the prohibition of, such publication, even without proof of actual loss or damage or of intention or negligence on the part of the advertiser.

(4) The measure provided for in paragraph (3), point b) shall be taken through an accelerated procedure, either with interim effect or with definitive effect.

(5) To eliminate the continuing effects of misleading advertising the cessation of which has been ordered by the National Medicines Agency, the latter shall:

a) require publication of that decision in full or in part and in such form as it deems adequate;

b) require in addition the publication of a corrective statement.

(6) Provisions of this Article shall not exclude the voluntary control of advertising of medicinal products by self-regulatory bodies and recourse to such bodies.

Article 809

(1) The marketing authorization holder shall establish, within his undertaking, a scientific service in charge of information about the medicinal products which he places on the market.

(2) The marketing authorization holder shall:

a) keep available for, or communicate to, the National Medicines Agency, a sample of all advertisements emanating from his undertaking together with a statement indicating the persons to whom it is addressed, the method of dissemination and the date of first dissemination;

b) ensure that advertising of medicinal products by his undertaking conforms to the requirements of this Chapter;

c) verify that medical sales representatives employed by his undertaking have been adequately trained and fulfill the obligations imposed upon them by Article 804, paragraphs (2) and (3);

d) supply the National Medicines Agency with the information and assistance it requires to carry out its responsibilities;

e) ensure that the decisions taken by the National Medicines Agency are immediately and fully complied with.

(3) The co-promotion of a medicinal product by the holder of the marketing authorization and one or more companies nominated by him, shall not be prohibited.

Article 810

The National Medicines Agency shall take the appropriate measures to ensure that the provisions of this Chapter are applied and shall impose penalties should the provisions adopted in the execution of this Chapter be infringed.

Article 811

(1) Advertising of the homeopathic medicinal products referred to in Article 711, paragraph (1) shall be subject to the provisions of this Chapter with the exception of Article 798, paragraph (1).

(2) However, only the information specified in Article 779, paragraph (1) may be used in the advertising of such medicinal products.

CHAPTER 10
Pharmacovigilance

Article 812

(1) The Ministry of Public Health shall take all appropriate measures to encourage doctors and other health care professionals to report suspected adverse reactions to the National Medicines Agency.

(2) The Ministry of Public Health may impose specific requirements on doctors and other health-care professionals in respect of the reporting of suspected serious or unexpected adverse reactions.

Article 813

(1) In order to ensure the adoption of appropriate and harmonised regulatory decisions concerning the medicinal products authorized within the European Community, having regard to information obtained about adverse reactions to medicinal products under normal conditions of use, the National Medicines Agency shall operate a pharmacovigilance system; this system shall be used to collect information useful in the surveillance of medicinal products, with particular reference to adverse reactions in human beings, and to evaluate such information scientifically.

(2) The National Medicines Agency shall take all the necessary measures to ensure that suitable information collected within this system is communicated to the Member States and the European Medicines Agency.

(3) This system shall also 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.

Article 814

The management of funds intended for activities connected with pharmacovigilance, the operation of communication networks and market surveillance shall be under the permanent control of the National Medicines Agency in order to guarantee its independence.

Article 815

The marketing authorization holder shall have permanently and continuously at his disposal an appropriately qualified person responsible for pharmacovigilance; that qualified person shall reside in Romania or the European Community and shall be responsible for the following:

a) the establishment and maintenance of a system which ensures that information about all suspected adverse reactions which are reported to the personnel of the company, and to medical representatives, is collected in order to be accessible at least at one point within the European Community;

b) the preparation for the National Medicines Agency of the reports referred to in Article 816, in such form as may be laid down by the National Medicines Agency, in accordance with the guidance referred to in Article 818, paragraph (1);

c) ensuring that any request from the National Medicines 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) the provision to the National Medicines Agency, of any other information relevant to the evaluation of the benefits and risks afforded by a medicinal product, including appropriate information on postauthorization safety studies.

Article 816

(1) The marketing authorization holder shall be required to maintain detailed records of all suspected adverse reactions occurring in Romania, the European Community or a third country; save in exceptional circumstances, these reactions shall be communicated electronically in the form of a report in accordance with the guidelines referred to in Article 818, paragraph (1).

(2) The marketing authorization holder shall be required to record all suspected serious adverse reactions which are brought to his attention by a health-care professional and to report them promptly to the National Medicines Agency or the competent authority of the Member State on whose territory the incident occurred, and no later than 15 days following the receipt of the information.

(3) The marketing authorization holder shall be required to record and report all other suspected serious adverse reactions which meet the notification criteria in accordance with the guidelines referred to in Article 818, paragraph (1), of which he can reasonably be expected to have knowledge, promptly to the National Medicines Agency or the competent authority of the Member State on whose territory the incident occurred, and no later than 15 days following the receipt of the information.

(4) The marketing authorization holder shall ensure that all suspected serious unexpected adverse reactions and any suspected transmission via a medicinal product of any infectious agent occurring in the territory of a third country are reported promptly in accordance with the guidelines referred to in Article 818, paragraph (1), so that the European Medicines Agency, the National Medicines Agency and the competent authorities of the Member States in which the medicinal product is authorized are informed of them, and no later than 15 days following the receipt of the information.

(5) By way of derogation from paragraphs (2), (3) and (4), in the case of medicinal products which are covered by Directive 87/22/EEC or which have qualified for the procedures laid down in Articles 736 and 737 or which have been the subject of the procedures under 32, 33 and 34 of Directive 2001/83/EC, the marketing authorization holder shall also ensure that all suspected serious adverse reactions occurring in Romania, the European Community or a third country are reported in such a way as to be accessible to the reference Member State or to any competent authority acting as reference Member State; the reference Member State shall assume the responsibility of analysing and monitoring such adverse reactions.

(6) Unless other requirements have been laid down as a condition for the granting of the marketing authorization, or furtherly as indicated in the guidelines referred to in Article 818, paragraph (1), reports of all adverse reactions shall be submitted to the National Medicines Agency in the form of a periodic safety update report, immediately upon request or at least every six months after authorization and until the placing on the market. Periodic safety update reports shall also be submitted immediately upon request or at least every six months during the first two years following the initial placing on the market and once a year for the following two years. Thereafter, the reports shall be submitted at three-yearly intervals, or immediately upon request.
The periodic safety update reports shall include a scientific evaluation of the risk-benefit balance of the medicinal product.

(7) Following the granting of a marketing authorization, the marketing authorization holder may request the amendment of the periods referred to in paragraph (6) in accordance with the procedure laid down by Commission Regulation (EC) No 1084/2003 transposed by Order of the minister of public health no. 1127/2003.

(8) The holder of a marketing authorization may not communicate information relating to pharmacovigilance concerns to the general public in relation to its authorized medicinal product without giving prior or simultaneous notification to the National Medicines Agency; in any case, the marketing authorization holder shall ensure that such information is presented objectively and is not misleading.

Article 817

(1) By using the data-processing network set up to facilitate the exchange of pharmacovigilance information regarding medicinal products marketed in the European Community, the National Medicines Agency shall ensure that reports of suspected serious adverse reactions that have taken place on Romanian territory are promptly made available to the European Medicines Agency and the other Member States, and in any case within 15 days after their notification at the latest.

(2) The National Medicines Agency shall ensure that reports of suspected serious adverse reactions that have taken place on Romanian territory are promptly made available to the marketing authorization holder, and in any case within 15 days after their notification at the latest.

Article 818

(1) The National Medicines Agency shall apply guidelines on the collection, verification and presentation of adverse reaction reports, including technical requirements for electronic exchange of pharmacovigilance information in accordance with internationally agreed formats, elaborated and published by the European Commission and shall notify to the latter the reference to an internationally agreed medical terminology; acting in accordance with the guidelines, marketing authorization holders shall use internationally agreed medical terminology for the reporting of adverse reactions.

(2) For the interpretation of definitions referred to in points (11) to (16) of Article 695 and of the principles outlined in this Chapter, the marketing authorization holder and the National Medicines Agency shall follow the guidelines referred to in paragraph (1).

Article 819

(1) Where, as a result of the evaluation of pharmacovigilance data, the National Medicines Agency considers that a marketing authorization should be suspended, revoked or varied in accordance with the guidelines referred to in Article 818, paragraph (1), it shall forthwith inform the European Medicines Agency, Member States and the marketing authorization holder.

(2) Where urgent action to protect public health is necessary, the National Medicines Agency may suspend the marketing authorization of a medicinal product, provided that the European Medicines Agency, the European Commission and the Member States are informed no later than the following working day.

(3) When the European Medicines Agency is informed in accordance with paragraph (1) in relation to suspensions and revocation, or with paragraph (2), the Committee for Medicinal Products of Human Use shall prepare an opinion within a time-frame to be determined depending on the urgency of the matter; in relation to variations, the Committee for Medicinal Products of Human Use may upon request from National Medicines Agency prepare an opinion.

(4) Acting on the basis of this opinion, the European Commission may request all Member States in which the product is being marketed to take temporary measures immediately; the final measures shall be adopted in accordance with the European procedures.

Article 820

The National Medicines Agency shall apply any amendments which may be necessary to update provisions of Articles 812 to 819 to take account of scientific and technical progress, after they have been adopted by the European Commission.

CHAPTER 11
Special provisions on medicinal products derived from human blood and plasma

Article 821

For the collection and testing of human blood and human plasma, national provisions transposing Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC shall apply.

Article 822

The Ministry of Public Health shall take the necessary measures to promote self-sufficiency in human blood or human plasma in Romania; for this purpose, it shall encourage the voluntary unpaid donation of blood and plasma and shall take the necessary measures to develop the production and use of products derived from human blood or human plasma coming from voluntary unpaid donations; the Ministry of Public Health notifies the European Commission of such measures.

CHAPTER 12
Supervision and sanctions

Article 823

(1) The National Medicines Agency shall ensure, by means of repeated inspections and if necessary unannounced inspections, that the legal requirements governing medicinal products are complied with; where appropriate, the National Medicines Agency shall ask its own control laboratories or a laboratory certified/recognized by the National Medicines Agency for this purpose, to carry out tests on samples.

The National Medicines Agency may also carry out unannounced inspections at the premises of manufacturers of active substances used as starting materials, or at the premises of marketing

authorization holders whenever it considers that there are grounds for suspecting non-compliance with the principles and guidelines of good manufacturing practice referred to in Article 756.
The National Medicines Agency may carry out inspections of starting material manufacturers at the specific request of the manufacturer himself.
Such inspections shall be carried out by inspectors of the National Medicines Agency, who shall be empowered to:
a) inspect the manufacturing or commercial establishments of manufacturers of medicinal products or of active substances used as starting materials, and any laboratories employed by the holder of the manufacturing authorization to carry out checks pursuant to Article 725;
b) take samples including with a view to independent tests being carried out by a control laboratory of the National Medicines Agency or a laboratory certified/recognized by the National Medicines Agency; the cost of the samples taken during supervision activities shall be covered, as appropriate, by either the manufacturer or the distribution unit; the cost of tests carried out by the National Medicines Agency or laboratories recognized by the National Medicines Agency shall be covered from the either the budget of the National Medicines Agency, if the product complies with qualitative requirements, or by the manufacturer or distributor in infringement, if the product does not comply with qualitative requirements;
c) examine any documents relating to the object of the inspection, subject to the national provisions in force placing restrictions on these powers with regard to the description of the manufacturing method;
d) inspect the premises, records and documents of marketing authorization holders or any firms employed by the marketing authorization holder to perform the activities described in Chapter 10 and in particular 815 and 816.

(2) The National Medicines Agency shall take all appropriate steps to ensure that the manufacturing processes used in the manufacture of immunological products are properly validated and attain batch-to-batch consistency.

(3) After every inspection as referred to in paragraph (1), the inspectors of the National Medicines Agency shall report on whether the manufacturer complies with the principles and guidelines of good manufacturing practice laid down in Article 756 or, where appropriate, with the requirements laid down in Articles 812 to 820; the content of such reports shall be communicated to the manufacturer or marketing authorization holder who has undergone the inspection.

(4) Without prejudice to any arrangements which may have been concluded between the European Community and third countries, the National Medicines Agency may require a manufacturer established in a third country to submit to an inspection as referred to in paragraph (1).

(5) Within 90 days of an inspection as referred to in paragraph (1), a certificate of good manufacturing practice shall be issued to a manufacturer if the outcome of the inspection shows that the manufacturer complies with the principles and guidelines of good manufacturing practice as provided for by national legislation; if inspections are performed as part of the certification procedure for the monographs of the European Pharmacopoeia, a certificate shall be drawn up.

(6) The National Medicines Agency shall enter the certificates of good manufacturing practice which they issue in a European Community database, managed by the European Medicines Agency on behalf of the European Community.

(7) If the outcome of the inspection as referred to in paragraph (1) is that the manufacturer does not comply with the principles and guidelines of good manufacturing practice as provided for by national legislation, the information shall be entered in the European Community database as referred to in paragraph (6).

(8) Inspections referred to in paragraph (1) may also be carried out at the request of a Member State, the European Commission or the European Medicines Agency.

Article 824

The National Medicines Agency shall take all appropriate measures to ensure that the holder of the marketing authorization for a medicinal product and, where appropriate, the holder of the manufacturing authorization, furnish proof of the controls carried out on the medicinal product and/or

the ingredients and of the controls carried out at an intermediate stage of the manufacturing process, in accordance with the methods laid down in Article 702, paragraph (4), point i).

Article 825

For the purpose of implementing Article 824, the National Medicines Agency may require manufacturers of immunological products to submit to the National Medicines Agency copies of all the control reports signed by the qualified person in accordance with Article 760.

Article 826

(1) Where it considers it necessary in the interests of public health, the National Medicines Agency may require the holder of an authorization for marketing:

— live vaccines,

— immunological medicinal products used in the primary immunization of infants or of other groups at risk,

— immunological medicinal products used in public health immunization programmes,

— new immunological medicinal products or immunological medicinal products manufactured using new or altered kinds of technology or new for a particular manufacturer, during a transitional period normally specified in the marketing authorization,

— to submit samples from each batch of the bulk and/or the medicinal product for examination by a control laboratory of the National Medicines Agency or a laboratory certified/recognized by the National Medicines Agency for this purpose before release on to the market unless, in the case of a batch manufactured in a Member State, the competent authority of that Member State has previously examined the batch in question and declared it to be in conformity with the approved specifications.

The National Medicines Agency shall ensure that any such examination is completed within 60 days of the receipt of the samples

(2) In the interests of public health, the National Medicines Agency may require the marketing authorization holder for medicinal products derived from human blood or human plasma to submit samples from each batch of the bulk and/or the medicinal product for testing by a control laboratory of the National Medicines Agency or a laboratory certified/recognized by the National Medicines Agency for this purpose, before being released into free circulation, unless, in the case of a batch manufactured in a Member State, the competent authority of that Member State has previously examined the batch in question and declared it to be in conformity with the approved specifications. The National Medicines Agency shall ensure that any such examination is completed within 60 days of the receipt of the samples.

Article 827

(1) The National Medicines Agency shall take all necessary measures to ensure that the manufacturing and purifying processes used in the preparation of medicinal products derived from human blood or human plasma are properly validated, attain batch-to-batch consistency and guarantee, insofar as the state of technology permits, the absence of specific viral contamination.

(2) To this end manufacturers shall notify the National Medicines Agency of the method used to reduce or eliminate pathogenic viruses liable to be transmitted by medicinal products derived from human blood or human plasma.

(3) The National Medicines Agency may submit samples of the respective batch for testing by a control laboratory of the National Medicines Agency or a laboratory certified/recognized by the National Medicines Agency for this purpose, either during the examination of the application pursuant to Article 724, or after a marketing authorization has been granted.

Article 828

(1) The National Medicines Agency shall suspend, revoke, withdraw or vary a marketing authorization if the view is taken that the product is harmful under normal conditions of use, or that it lacks therapeutic efficacy, or that the risk-benefit balance is not positive under the normal conditions of use, or that its qualitative and quantitative composition is not as declared; therapeutic efficacy is lacking when it is concluded that therapeutic results cannot be obtained from the medicinal product.

(2) An authorization shall also be suspended, revoked, withdrawn or varied where the particulars supporting the application as provided for in Article 702 or Articles 704, 705, 706, 707 and

708 are incorrect or have not been amended in accordance with Article 728, or where the controls referred to in Article 824 have not been carried out.

Article 829

(1) Without prejudice to the measures provided for in Article 828, the National Medicines Agency shall take all appropriate steps to ensure that the supply of the medicinal product is prohibited and the medicinal product withdrawn from the market, if the view is taken that:

a) the medicinal product is harmful under normal conditions of use; or

b) it lacks therapeutic efficacy; or

c) the risk-benefit balance is not favourable under the authorized conditions of use; or

d) its qualitative and quantitative composition is not as declared; or

e) the controls on the medicinal product and/or on the ingredients and the controls at an intermediate stage of the manufacturing process have not been carried out or if some other requirement or obligation relating to the grant of the manufacturing authorization has not been fulfilled.

(2) The National Medicines Agency may limit the prohibition to supply the product, or its withdrawal from the market, to those batches which are the subject of dispute.

Article 830

(1) The National Medicines Agency shall suspend or revoke the marketing authorization for a category of medicinal products or all medicinal products where any one of the requirements laid down in Article 749 is no longer met.

(2) In addition to the measures specified in Article 829, the National Medicines Agency may suspend manufacture or imports of medicinal products coming from third countries, or suspend or revoke the manufacturing authorization for a category of medicinal products or all medicinal products where Articles 750, 754, 760 and 824 are no longer complied with.

Article 831

The provisions of this Chapter shall apply to homeopathic medicinal products.

Article 832

(1) Wholesale and retail distribution units shall inform the National Medicines Agency about quality deficiencies they are informed about.

(2) The National Medicines Agency shall analyse the claims on quality deficiencies and proposes the administrative measures required.

(3) Pharmaceutical units shall respect the provisions regarding the withdrawal from the market of non-compliant medicinal products.

(4) Any medicinal product manufacturing or distribution unit shall proceed to the disposal of non-compliant or expired medicinal products, in accordance with provisions in force; narcotic and psychotropic medicinal products are disposed of according to the legal provisions in force.

(5) Any person using medicinal products may inform the National Medicines Agency about quality deficiencies observed regarding the medicinal products used.

Article 833

Infringement of the provisions of this Title results in disciplinary, civil, contravention or criminal liability, as appropriate.

Article 834

(1) Counterfeiting or placing on the market of medicinal products in violation of provisions of this Title constitutes infraction and 3 months to 3 years imprisonment shall be applied.

(2) If the medicinal products referred to in paragraph (1) are hazardous to health, 1 to 8 years imprisonment shall be applied.

(3) If the deed referred to in paragraphs (1) and (2) has resulted in disease or worsening thereof, 2 to 8 years imprisonment shall be applied; if it has resulted in death, 5 to 15 years imprisonment shall be applied.

Article 835

(1) Infringement of good clinical practice by qualified staff in conducting clinical trials constitutes an infraction and 3 to 6 months imprisonment or a fine of 10,000 RON to 20,000 RON shall be applied.

(2) Conduct of clinical trials which require approval from the National Medicines Agency by unqualified staff as well as infringement of Good clinical practice entails criminal liability of the perpetrators and 1 to 2 years imprisonment shall be applied.

(3) If the deed referred to in paragraphs (1) and (2) has resulted in disease, worsening thereof or death, 2 to 5 years imprisonment shall be applied.

Article 836

(1) The following deeds shall constitute contravention and shall be sanctioned by inspectors of the National Medicines Agency or, as appropriate, of the Ministry of Public Health, as follows:

a) a fine of 10,000 RON to 30,000 RON and closure of the unit shall be applied, in cases of manufacturing unit functioning not based on possession of a manufacturing authorization granted by the National Medicines Agency; the same fine and closure of the unit shall be applied and the unit shall be closed in the case of wholesale distribution units functioning not based on possession of an authorization granted by the Ministry of Public Health;

b) a fine of 5,000 RON to 10,000 RON shall be applied, in case of disregard of good laboratory practice by the laboratories carrying out pharmacotoxicological tests in view of gathering the documentation for marketing authorization of a medicinal product for human use;

c) a fine of 5,000 RON to 10,000 RON shall be applied to the manufacturer or distributor, as appropriate, in case of: conducting, within their premises, of activities other than those they have been authorized for; distribution of medicinal products from the manufacturer or wholesale distributors to units not authorized by the Ministry of Public Health according to the law; participation, in the manufacturing and distribution process involving technical operations which require specialized training, of staff not appropriately qualified, as well as violation of provisions on medicinal products classification for supply, labelling and package leaflet, medicinal product advertising, reporting of changes occurred in manufacturing and distribution, withdrawals, infringement of good practice in pharmacovigilance activity carried out by the marketing authorization holder;

d) a fine of 5,000 RON to 10,000 RON shall be applied for infringement of conditions based on which the medicinal product has been authorized for manufacturing or of good manufacturing practice;

e) a fine of 10,000 RON to 20,000 RON shall be applied in case medicinal products are manufactured and distributed in the absence of documents certifying their origin or quality, in case of infringement of provisions regarding medicinal products withdrawal by manufactures or distributors as well as in the case of possession or distribution of medicinal products whose shelf life is overdue or whose analysis bulletin is noncompliant;

f) a fine of 5,000 RON to 10,000 RON shall be applied for absence of the chief pharmacist or his alternate from the distribution unit premises during unit functioning time as well as for obstruction of inspection activities;

g) a fine of 10,000 RON to 30,000 RON and one year suspension of the functioning authorization for the distribution unit shall be applied in case one of the violations referred to under c) and e) is repeated within 3 months.

h) a fine of 5,000 RON to 20,000 RON and suspension of functioning authorization of the distribution unit until remedy of the reported deficiencies shall be applied in case of infringement of good distribution practice.

i) a fine of 2,000 to 5,000 RON shall be applied in case the marketing authorization holder does not report to the National Medicines Agency the adverse reactions brought to its knowledge.

(2) Limits of the fines referred to in paragraph (1) may be periodically updated by Government decision.

Article 837

Provisions of Article 836 shall be completed with the provisions of Government Ordinance no. 2/2001 on the legal regime of contraventions, approved by Law 180/2002, with further changes and completions.

Article 838

Infringement of the legal provisions regarding the legal status of narcotic and psychotropic substances shall be sanctioned according to legislation in force.

CHAPTER 13
General provisions

Article 839

(1) The Ministry of Public Health shall take all appropriate measures to ensure that the National Medicines Agency communicates to competent authorities of the Member States such information as is appropriate to guarantee that the requirements placed on the authorizations referred to in Articles 748 and 788, on the certificates referred to in Article 823, paragraph (5) or on the marketing authorizations are fulfilled.

(2) Upon reasoned request, the National Medicines Agency shall forthwith communicate the reports referred to in Article 823, paragraph (3) to the competent authorities of another Member State.

(3) The conclusions reached in accordance with Article 823, paragraph (1) shall be valid throughout the European Community. However, in exceptional cases, if the National Medicines Agency is unable, for reasons relating to public health, to accept the conclusions reached following an inspection under Article 823, paragraph (1), it shall forthwith inform the European Commission and the European Medicines Agency.

Article 840

(1) The National Medicines Agency shall take all the appropriate measures to ensure that decisions authorizing marketing, refusing or revoking a marketing authorization, cancelling a decision refusing or revoking a marketing authorization, prohibiting supply, or withdrawing a product from the market, together with the reasons on which such decisions are based, are brought to the attention of the European Medicines Agency forthwith.

(2) The marketing authorization holder shall be obliged to notify the National Medicines Agency, as well as the competent authorities of the Member States concerned forthwith of any action taken by him to suspend the marketing of a medicinal product or to withdraw a medicinal product from the market, together with the reasons for such action if the latter concerns the efficacy of the medicinal product or the protection of public health; the National Medicines Agency shall ensure that this information is brought to the attention of the European Medicines Agency.

(3) The National Medicines Agency shall ensure that appropriate information about action taken pursuant to paragraphs (1) and (2), which may affect the protection of public health in third countries is forthwith brought to the attention of the World Health Organisation, with a copy to the European Medicines Agency.

(4) The National Medicines Agency shall take into account the list of the medicinal products which are prohibited in the European Community, which is annually published by the European Commission.

Article 841

The National Medicines Agency shall communicate to the Member States and receives from them all the information necessary to guarantee the quality and safety of homeopathic medicinal products manufactured and marketed within Romania and the European Community and in particular the information referred to in Articles 839 and 840.

Article 842

(1) Every decision referred to in this Title which is taken by the National Medicines Agency shall state in detail the reasons on which it is based.

(2) Such decision shall be notified to the party concerned, together with information as to the redress available to him under the laws in force and of the time-limit allowed for access to such redress.

(3) Decisions to grant or revoke a marketing authorization shall be made publicly available.

Article 843

(1) An authorization to market a medicinal product shall not be refused, suspended or revoked except on the grounds set out in this Title.

(2) No decision concerning suspension of manufacture or of importation of medicinal products coming from third countries, prohibition of supply or withdrawal from the market of a medicinal product may be taken except on the grounds set out in Articles 829 and 830.

Article 844

(1) In the absence of a marketing authorization or of a pending application for a medicinal product authorized in another Member State in accordance with Directive 2001/83/EC, the National Medicines Agency may for justified public health reasons authorize the placing on the market of the said medicinal product.

(2) When the National Medicines Agency avails itself of this possibility, it shall adopt the necessary measures in order to ensure that the requirements of this Title are complied with, in particular those referred to in Chapters 5, 6, 8, 10 and 12.

(3) Before granting such an authorization, the National Medicines Agency shall:

a) notify the marketing authorization holder, in the Member State in which the medicinal product concerned is authorized, of the proposal to grant an authorization under this Article in respect of the product concerned; and

b) request the competent authority in that State to furnish a copy of the assessment report referred to in Article 21, paragraph (4) of Directive 2001/83/EC and of the marketing authorization in force in respect of the said medicinal product.

(4) The National Medicines Agency shall notify the European Commission if any medicinal product is authorized, or ceases to be authorized, under paragraph (1), including the name or corporate name and permanent address of the authorization holder.

Article 845

(1) In order to guarantee independence and transparency, the National Medicines Agency shall ensure that members of its staff responsible for granting authorizations, rapporteurs and experts concerned with the authorization and surveillance of medicinal products have no financial or other interests in the pharmaceutical industry which could affect their impartiality; these persons shall make an annual declaration of their financial interests.

(2) In addition, the National Medicines Agency shall make publicly accessible its rules of procedure and those of its committees, agendas for its meetings and records of its meetings, accompanied by decisions taken, details of votes and explanations of votes, including minority opinions.

Article 846

(1) At the request of the manufacturer, the exporter or the authorities of an importing third country, the National Medicines Agency shall certify that a manufacturer of medicinal products is in possession of the manufacturing authorization; when issuing such certificates, the National Medicines Agency shall comply with the following conditions:

a) they shall have regard to the prevailing administrative arrangements of the World Health Organisation;

b) for medicinal products intended for export which are already authorized on Romanian territory, they shall supply the summary of the product characteristics as approved in accordance with Article 726.

(2) When the manufacturer is not in possession of a marketing authorization he shall provide the National Medicines Agency with a declaration explaining why no marketing authorization is available.

Article 847

When a medicinal product authorized in accordance with the centralised procedure, the National Medicines Agency shall implement conditions or restrictions with regard to the safe and effective use of the medicinal product referred to in the opinion of the Committee for Medicinal Products for Human Use within the European Medicines Agency.

Article 848

The Ministry of Public Health shall ensure that appropriate collection systems are in place for medicinal products that are unused or have expired.

Article 849

Provisions of this Title shall also apply to medicinal products containing narcotic and psychotropic substances, as well as to medicinal products containing hazardous chemical substances, regulated by Law 360/2003 on the regime of hazardous chemical substances and preparations, with further changes and completions.

Article 850

At Ministry of Public Health proposal on grounds of public health, the Government may limit or prohibit the export of certain medicinal products for specified periods of time.

Article 851

The Ministry of Public Health shall establish and approve the prices of medicinal products, with the exception of non- prescription medicinal products (OTC).

CHAPTER 14
Final and transitory provisions

Article 852

(1) In case of reference medicinal products authorized for marketing or for which authorization applications have been submitted in Romania or in Member States before 30 October 2005, or to the European Medicines Agency, for authorisation through centralised procedure, before 20 November 2005 respectively, provisions of paragraphs (2) to (9) shall apply.

(2) By way of derogation from Article 702, paragraph (4), point j), without prejudice to the law relating to the protection of industrial and commercial property, the applicant shall not be required to provide the results of preclinical tests and of clinical trials, if he can demonstrate that the medicinal product is a generic of a reference medicinal product which is or has been authorized in Romania, in a Member State or, through centralised procedure, in the European Community.

(3) The applicant may avail himself of the right provided for in paragraph (2) only after either at least 6 years have elapsed since authorization in Romania or a Member State of the reference medicinal product, or at least 10 years have elapsed since the authorization by centralised procedure of high-technology medicinal products in the European Community (data exclusivity period), respectively.

(4) The data exclusivity period is counted from the date of reference medicinal product authorization in Romania, in a Member State or, through centralised procedure, in the European Community, whichever of these authorizations occurred first.

(5) In case the reference medicinal product has not been authorized in Romania, the documentation submitted by the applicant shall mention the name of the Member State in which the reference medicinal product is or has been authorized, or the fact that the medicinal product has been authorized in the European Community through centralised procedure. The National Medicines Agency shall require the competent authority in the Member State mentioned by the applicant, or the European Medicines Agency respectively, to confirm that the reference medicinal product is or has been authorized, its complete composition and any other relevant documentation, as appropriate.

(6) For the purposes of this Article, high-technology medicinal products shall bear the meaning of medicinal products from one of the categories below, which has been authorized through centralised procedure:

a) medicinal products developed by means of the following biotechnological processes:

- recombinant DNA technology,
- controlled expression of genes coding for biologically active proteins in prokaryotes and eukaryotes including transformed mammalian cells,
- hybridoma and monoclonal antibody methods.

b) medicinal products developed by biotechnological processes other than mentioned under a) and which constitute a significant innovation,

c) medicinal products administered by means of new delivery systems which constitute a significant innovation,

d) medicinal products presented for an entirely new indication which is of significant therapeutic interest,

e) medicinal products based on radio-isotopes which are of significant therapeutic interest,
f) new medicinal products derived from human blood or human plasma;
g) medicinal products the manufacture of which employs processes which demonstrate a significant technical advance such as two-dimensional electrophoresis under micro-gravity.
h) medicinal products containing a new active substance which was not authorized for use in a medicinal product intended for human use by any Member State, before 1 January 1995.

(7) However, where the medicinal product is intended for a therapeutic use other than that of the other medicinal products on the market or for administration by different routes, or in different doses, the results of appropriate toxicological and pharmacological tests and/or of appropriate clinical trials shall be provided.

(8) The National Medicines Agency may only receive authorization applications for generic medicinal products after expiry of the data exclusivity period granted in Romania for the reference medicinal product.

(9) For the purposes of this Article, the terms „reference medicinal product" and „generic medicinal product" will bear the same meaning as in Article 704, paragraph (2).

Article 853

With regard to the marketing authorization procedure related to applications submitted to the National Medicines Agency before the present Title entry into force, legal provisions shall be observed as in force at the time of application submission.

Article 854

On submission of documentation for marketing authorization, applicants shall pay to the National Medicines Agency a 1000 EUR fee for marketing authorization or its RON equivalent at the National Bank of Romania current exchange rate, to be transferred to the state budget.

Article 855

The authorization for marketing of medicinal products shall not be subject to regulations concerning tacit approval procedure, except for provisions of Article 771, paragraph (3).

Article 856

(1) On submission of documentation for functioning authorization, pharmaceutical warehouses shall pay 4,000 RON to the account of the Ministry of Public Health.

(2) Amounts cashed under paragraph (1) by the Ministry of Public Health shall be transferred to the state budget, according to legal provisions.

Article 857

Tariffs proposed by the National Medicines Agency for its activities shall be approved by order of the minister of public health, published in the Official Gazette of Romania.

Article 858

Expenses required for carrying out inspections by Ministry of Public Health employees with a view to granting a functioning authorization for pharmaceutical warehouses or other types of inspections shall be ensured from the budget of the Ministry of Public Health.

Article 859

The data exclusivity periods provided for in Article 704, paragraph (1) shall not apply to reference medicinal products for which an application for authorization has been submitted to the National Medicines Agency or to Member States after 30 October 2005, or to the European Medicines Agency for authorization through centralised procedure after 20 November 2005.

Article 860

For the traditional herbal medicinal products which are already on the market on the entry into force of this Title, the National Medicines Agency shall apply the provisions of this Title within seven years after its entry into force.

Article 861

(1) On the date of this Title entry into force, Government Emergency Ordinance no. 152/1999 on medicinal products for human use, published in the Official Gazette of Romania, Part I, no. 508 of 20 October 1999, approved with changes and completions through Law no. 336/2002, with further

changes and completions, shall be repealed, except for Article 109, paragraph (1)^1, with further changes, as shall any other provisions contrary to provisions of the present law.

(2) Secondary legislation elaborated based on Government Emergency Ordinance no. 152/1999, approved with changes and completions through Law no.336/2002, with further changes and completions shall remain in force to the extent it does not contradict the present Title.

(3) By way of derogation from paragraph (1), the following provisions shall be repealed in three days from the publication of the present law:

a) Article 23^1 of Government Emergency Ordinance no. 152/1999, approved with changes and completions through Law no. 336/2002, with further changes and completions;

b) Article 9, point 2, point a, sub-point (iii) of Annex 1 (Regulations on marketing authorization and supervision of medicinal products for human use) of Order of the minister of health and the family no. 263/2003, published in the Official Gazette of Romania, Part I, no. 336 of 19 May 2003 concerning approval of Regulations on marketing authorization and supervision, advertising, labelling and leaflet of medicinal products for human use;

c) Order of the minister of health no. 1443/2004 on approval of Rules for the application of Government Emergency Ordinance no. 152/1999 provisions on medicinal products for human use approved with changes and completions through Law no. 336/2002, with further changes and completions, on data exclusivity, published in the Official Gazette of Romania, Part I, no. 1077 of 19 November 2004.

Article 862

The following articles and paragraphs in the present title shall be repealed at Accession time:

- Article 700, paragraph (2);
- Article 730, paragraph (3);
- Article 733;
- Article 735, paragraph (2);
- Article 787, paragraph (1).

The present Title is a transposition of Directive 2001/83/CE of 6 November 2001 on the Community code relating to medicinal products for human use, as published in OJ no. L 311 of 28 November 2001, except for the Annex and amended by Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003, on standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components, modifying Directive 2001/83/EC as published in OJ no. L 33 of 8 February 2003, Directive 2004/24/EC of 31 March modifying Directive 2001/83/EC on traditional herbal drugs, published in OJ no. L 136 of 30 April 2004 and Directive 2004/27/EC of 31 March 2004, modifying Directive 2001/83/EC published in OJ no. L 136 of 30 April 2004.

Article 863

The present law shall come into force as follows:

a) 3 days following publication: Title 9 – Funding of certain healthcare expenses, Title 12 Exercise of the medical profession. Organisation and functioning of the College of Medical Doctors in Romania, Title 13 – Exercise of the dental medical profession. Organisation and functioning of the College of Dental Doctors in Romania, Title 14 – Exercise of the pharmacist profession. Organisation and functioning of the College of Pharmacists in Romania, as well as Article 704, paragraph (2) and Article 852;

b) 30 de days following publication: Title 1 – Public health, Title 2 – National health programmes, Title 7 – Hospitals, Title 8 – Social health insurance, Title 16 – Set up, organisation and functioning of the National School for Public Health and Healthcare Management;

c) 90 de days following publication: Title 3 – Primary medical assistance, Title 4 – The national system for emergency healthcare and qualified first aid, Title 5 – European Community based healthcare, Title 6 – Removal and transplant of organs, tissues and cells of human origin for therapeutic purposes, Title 9 – European and national social health insurance card, Title 10 – Voluntary health insurance, Title 15 – Civil liability of medical staff and providers of medical, sanitary and pharmaceutical services, Title 17 – The medicinal product;

d) on Romania's accession to the European Union: Article 700, paragraph (1), Article 702, paragraph (2), Article 704, paragraph (5), Article 710, paragraph (2), Article 716, paragraph (1), point

c), Article 716, paragraph (4), Article 717, paragraph (2), Article 718, paragraph (2), Article 719, paragraph (1), Article 721, paragraphs (1) and (3), Article 722, paragraph (1), the second subparagraph, Article722, paragraph (2), Article 723, Article 726, paragraph (3), Article726, paragraph (4), the second subparagraph, Article 727, paragraph (3), Article 730, paragraphs (5) to (8), Article 735, paragraph (1), Articles 736 to 747, Article 748, paragraph (4), Article 749, paragraph (1), point b), Article 759, paragraph (1), Article 767, Article 768, Article 769, paragraph (1), point f), point vi), Article 769, paragraph (1), point g), Article 769, paragraph (3), Article 771, paragraph (3), Article 775, Article 785, Article 786, Article 787, paragraph (3), point a), Article787, paragraph (4), Article 788, paragraph (4), Article788, paragraph (6), the second subparagraph, Article788, paragraph (7), Article 791, point g), Article 792, paragraph (1), Article792, paragraph (3), Article 813, Article 814, Article 816, paragraph (6), the second subparagraph, Article 817, Article 822, Article 823, paragraph (4), Article 823, paragraphs (6) to (8), Article 839, Article 840, paragraphs (2) to (4), Article 844, Article 845, paragraph (2) and Article 848;

e) 6 months following Romania's accession to the European Union: Articles 320 to 329;

f) 1 year following Romania's accession to the European Union: Article 766.