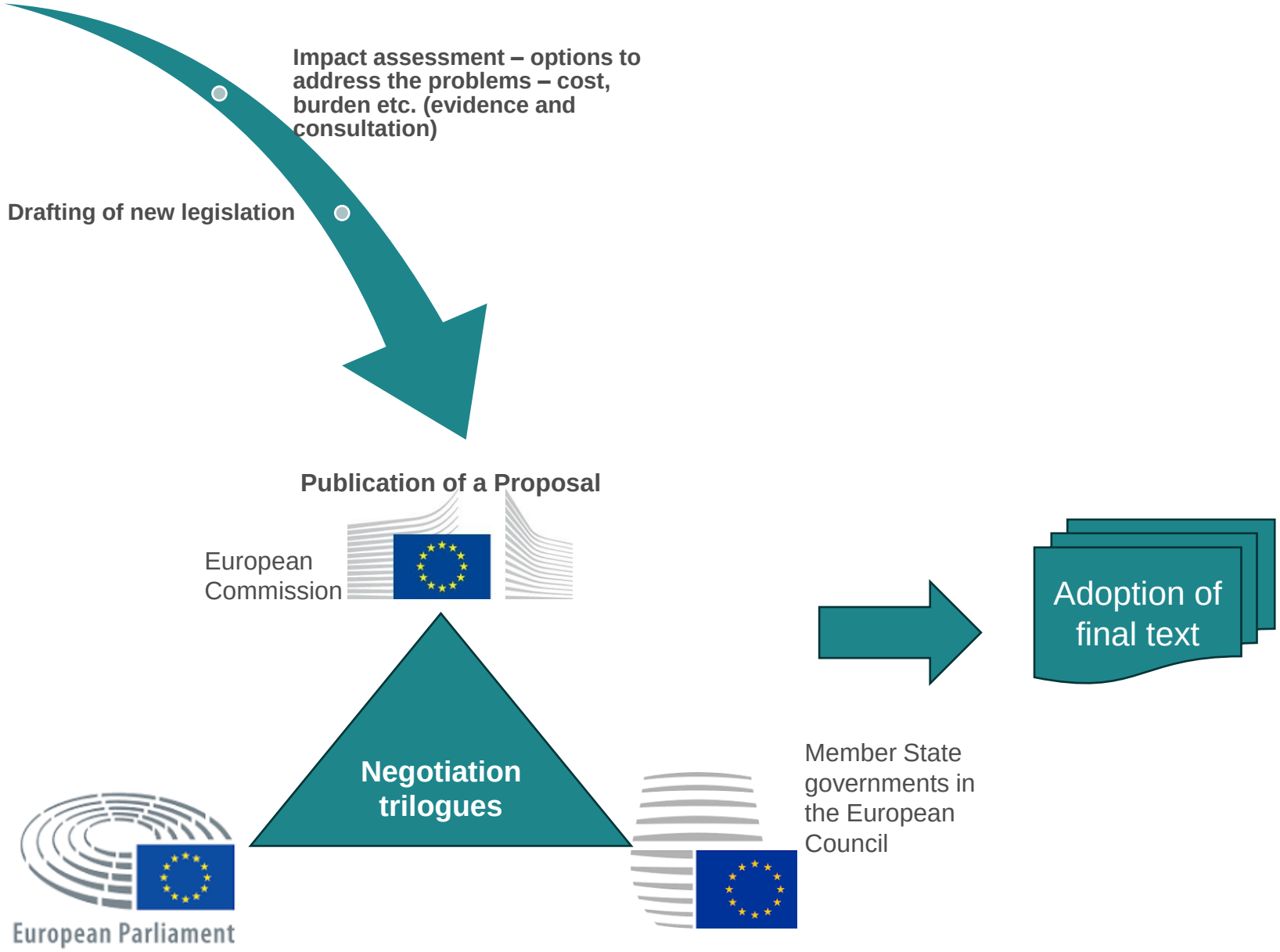
A new EU Regulation on standards of quality and safety for substances of human origin intended for human application

Webinar for SoHO Associations
22-04-2024

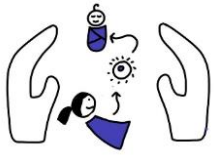
The EU legislative process



Gaps and shortcomings in the current legislation

-> Identified in the evaluation of BTC legislation (published 2019)

1. Patients are not fully protected from avoidable risks because some rules are out of date



2. Avoidable risks for BTC donors and for children born from donated eggs, sperm or embryos

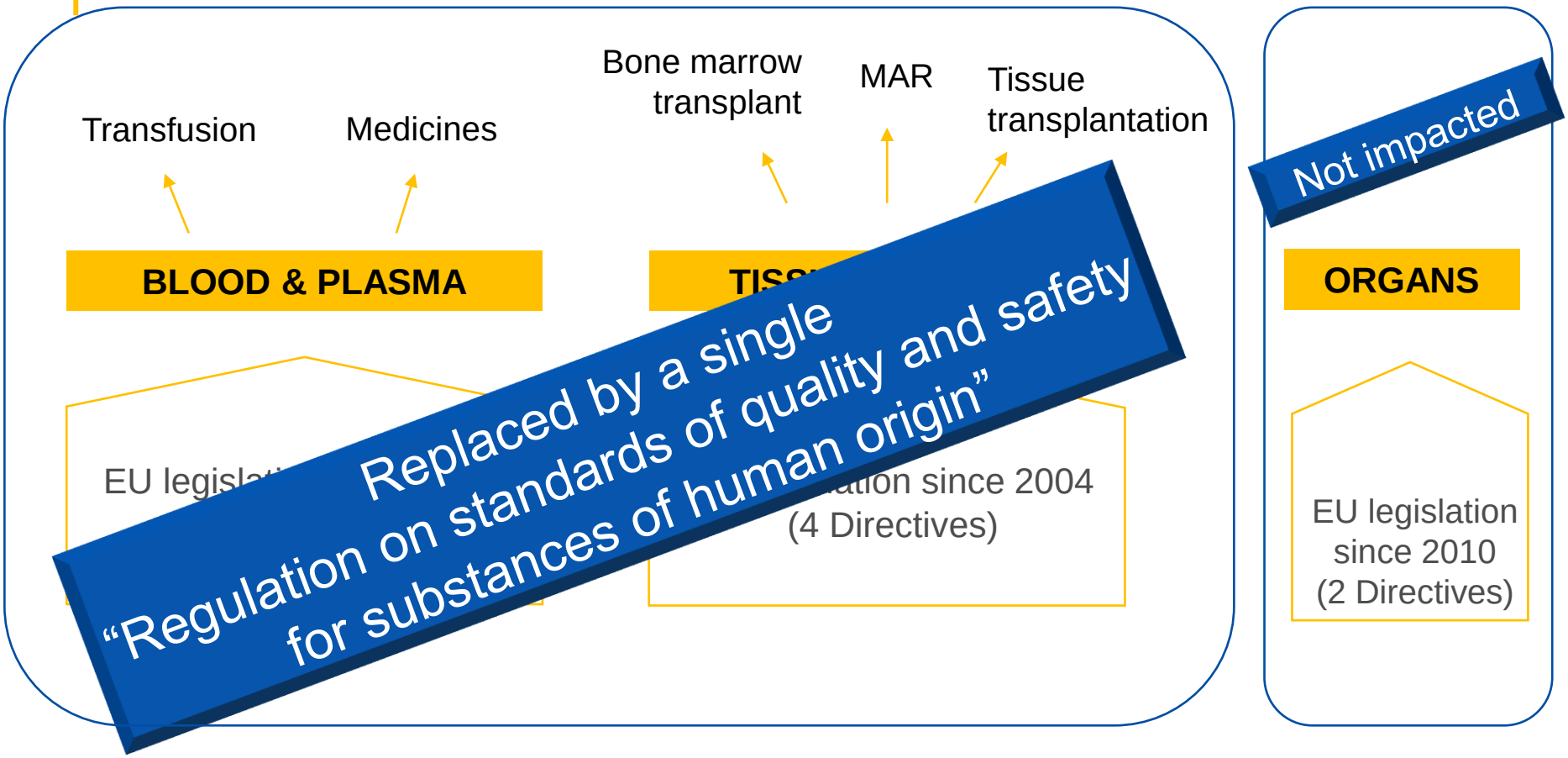
3. Member States have divergent approaches to oversight

4. Full potential of innovative therapies is not reached for patients

5. Patients are vulnerable to interruptions in EU supply of BTC

CoVID confirmed problems

Current EU SoHO legislation on safety and quality



Where we are in the process

- Political agreement reached on 14 December 2023 between the European Parliament and the Council of the EU on the Commission Proposal for a Regulation on the safety and quality of substances of human origin (SoHO).
- The proposal was proposed by the Commission in July 2022 and was amended through negotiations between the co-legislators during 2022 and 2023.
- The agreed text between the Council and the European Parliament had been subject to legal-linguistic revision.
- The European Parliament and the Council must formally adopt the new Regulation:
  - Vote by the European Parliament on **24 April**

Text to be voted: AM_Ple_LegConsolidated (europa.eu)

  - Adoption by the Council of the EU
  - Publication in the Official Journal of the EU (~ May-June)

https://health.ec.europa.eu/blood-tissues-cells-and-organs/overview/proposal-regulation-substances-human-origin_en

English

Search

Public Health

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New EU rules on substances of human origin

Check for updates – new link will be added when the European Parliament has voted

PAGE CONTENTS

On 14 December 2023, a political agreement was reached on the Commission's proposal for a Regulation on standards of quality and safety for substances of human origin intended for human application.

- Press release
- Factsheet

The agreed text, prior to legal-linguistic revision, is available on the Council website.

The Commission Proposal was tabled in July 2022.

- Press release
- MEMO

Key new and changed concepts

- **Scope and advice**
- **SoHO activities, entities and establishments**
- **SoHO Preparations and their authorisation**
- **Standards and hierarchy of technical guidelines**
- **Donor Protection and Voluntary Unpaid Donation**
- **Recipient and offspring protection**
- **Vigilance**
- **Supply continuity**
- **Digitalisation – the SoHO platform**

This presentation explains the concepts in the Regulation, as proposed by the Commission and amended during negotiations.

Scope: Regulation covers all steps for all SoHO (some limited provisions for autologous SoHO), unless processing or application steps fall under scope of other EU frameworks – then SoHO regulation is restricted to certain relevant activities

Publication obligations – national security or defence X

DONATION / COLLECTION

PROCESSING / APPLICATION

SoHO – transfusion, transplantation, assisted reproduction

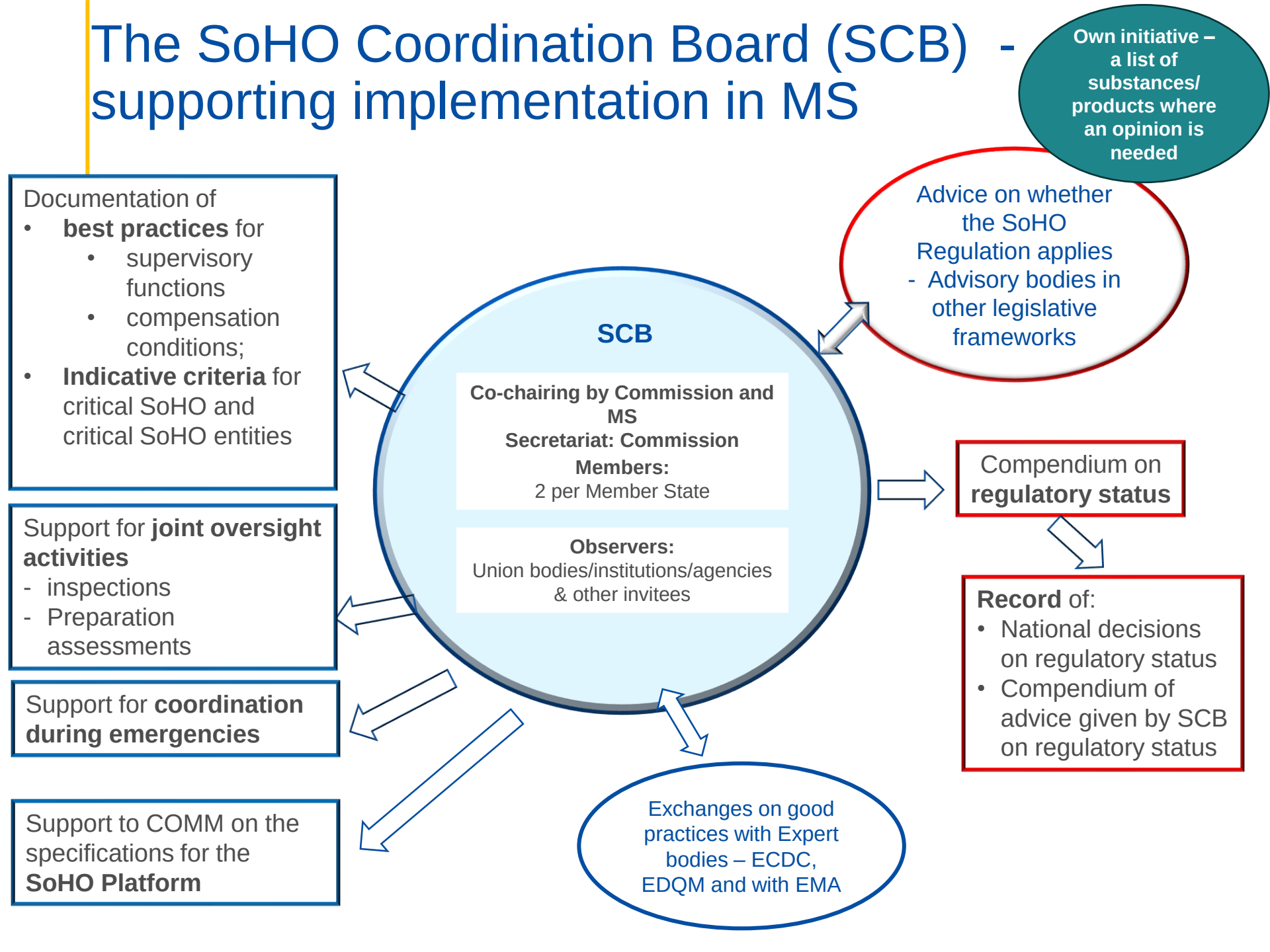
Medical devices

Medicinal products

X
- Breast milk for own child
- Organs
- Private situations
- Autologous bedside (closed systems)

Borderline criteria are <u>not</u> set in this Regulation. They are set in the other legislative acts (medicinal products, medical devices)
– FUTURE PROOFING

The SoHO Coordination Board (SCB) - supporting implementation in MS



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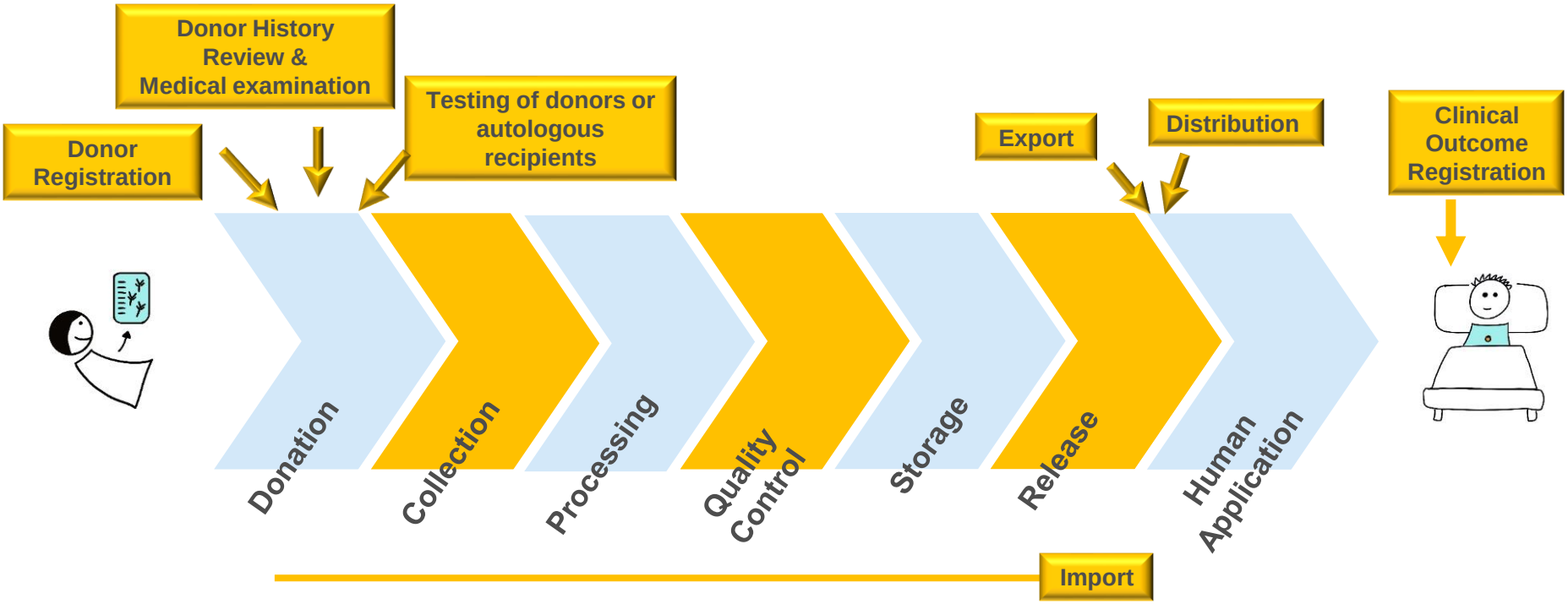
Supervision of all SoHO Activities that directly impact safety, quality or effectiveness



Any actor carrying out one or more SoHO activity/ies needs to register as SoHO entity with the Competent Authority

….but risk-based authorisation, ensuring efficient use of authority resources

A **SoHO entity** carries out **one or more SoHO activities**

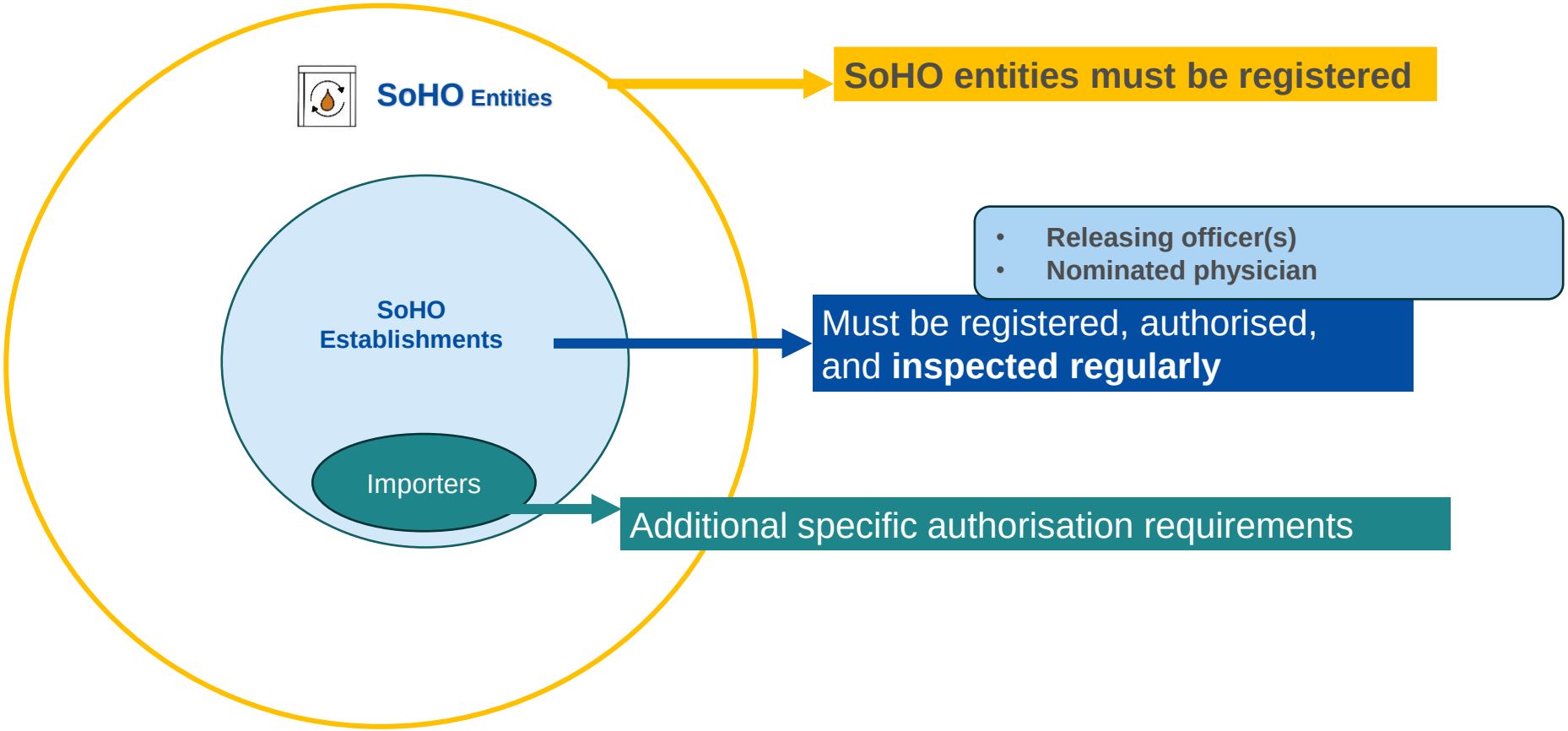
A **SoHO establishment is a SoHO entity that** carries out at least

- **Both processing and storage, or**
- **Release, or**
- **Import, or**
- **Export**

A SoHO establishment may carry out many other SoHO activities – all will be included in their authorisation

Note: ***CAs may regulate a SoHO entity as a SoHO establishment, even if it does not meet the criteria above, if it considers that the entity has a particularly important impact (e.g. a testing laboratory that tests donors for a whole region or country, a register that identifies and selects donors for one or more Member States).***

The concept of **SoHO entities** and **SoHO establishments:** graded approach to oversight - high level of transparency



Note: ***CA may inspect any SoHO entity, as it considers necessary and may "upgrade" an entity to establishment status***

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SoHO Preparation Authorisation – robust evidence of safety and effectiveness

What is a 'SoHO Preparation'?

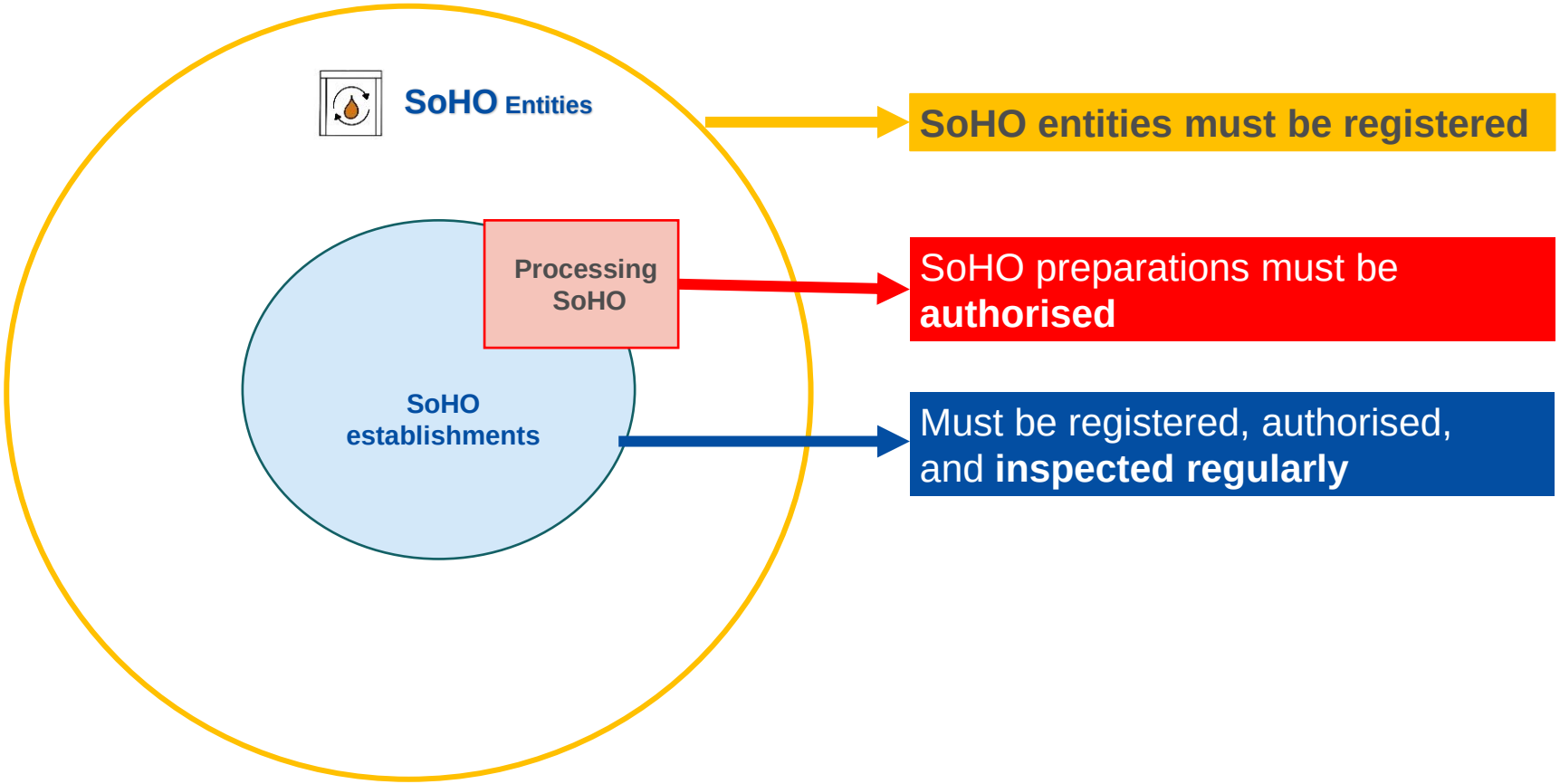
A particular SoHO that has been **subjected to processing,** and where relevant other SoHO activities, **has a specific clinical indication and is intended for immediate application to a recipient or for distribution.**

→ Must be **authorised**

EXAMPLE

SoHO	**SoHO Preparations**	
Blood	**Plasma**	
	Red blood cells	
	Platelets	

The concept of **SoHO entities** and **SoHO establishments:** graded approach to oversight - high level of transparency



SoHO Preparation Authorisation

Taking into account any relevant EDQM monograph

1 Systematic Benefit:Risk Assessment to determine the evidence available on safety, quality and effectiveness

2 Submission of an application, including laboratory validation and other safety, quality and effectiveness data and, where relevant, a clinical outcome monitoring plan proportionate to risk

3 Assessment of the application by the competent authority

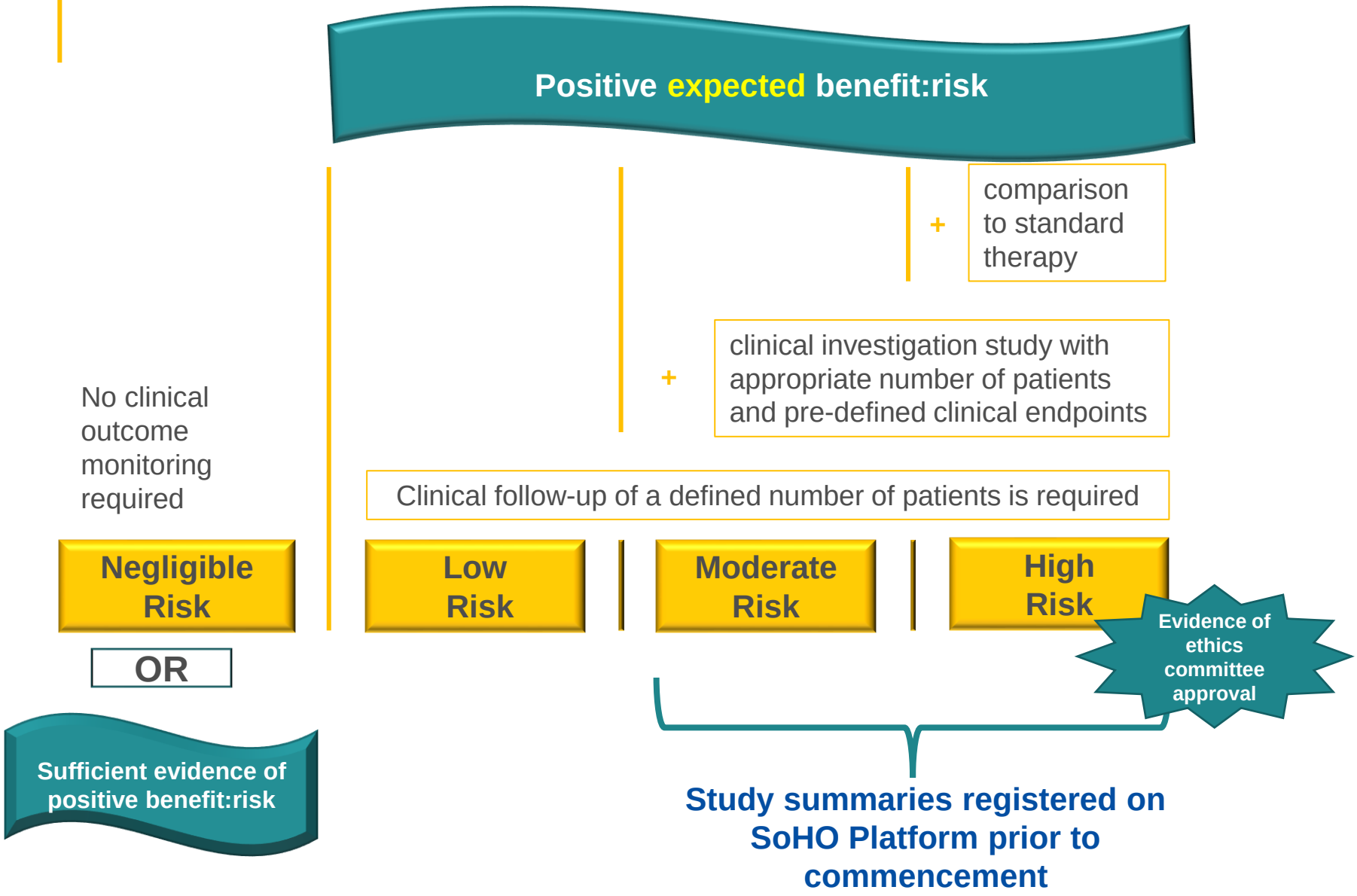
- Grant authorisation for the SoHO preparation
- **OR**
- Grant an approval of the Clinical Outcome Monitoring plan or request an amended plan
- **OR**
- Refuse authorisation

4 Assessment by the competent authority of evidence of safety, quality and effectiveness data gathered in clinical outcome monitoring

- Grant authorisation
- **OR**
- Refuse authorisation

Based on preparatory work done by GAPP Joint Action
(incl. stakeholders from 17 countries: 15 CAs & professional associations)

Clinical Outcome Monitoring Plans for gathering further evidence of safety and effectiveness in recipients



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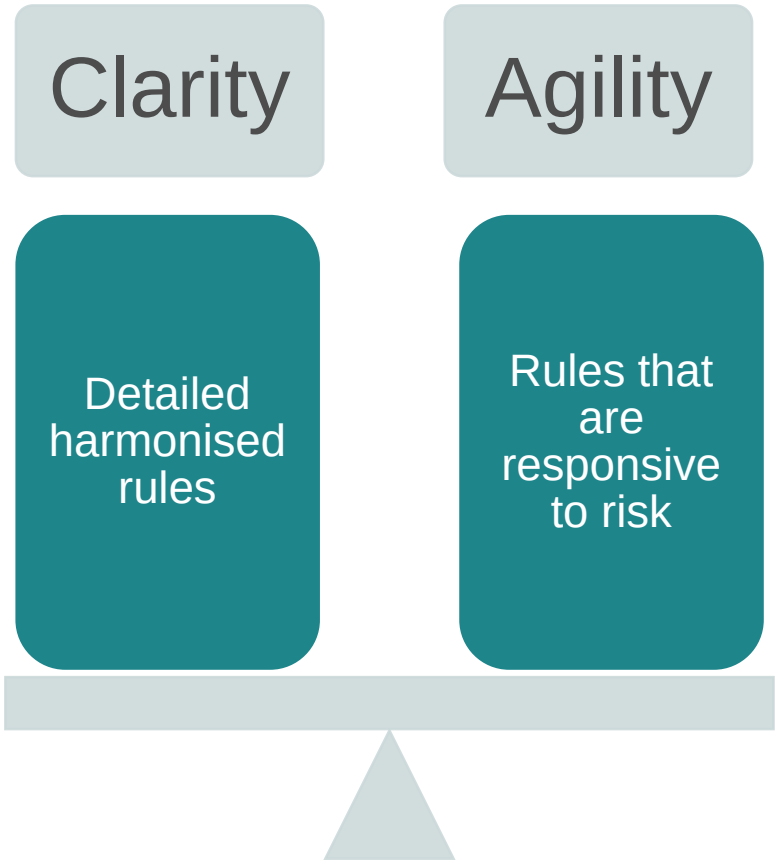
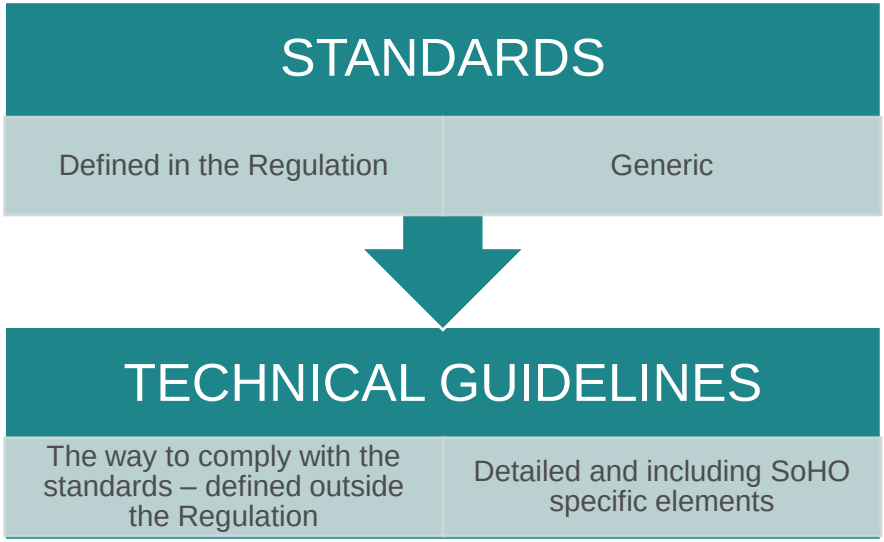
The challenge of setting technical rules

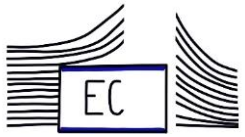




Implementation of generic standards through technical guidelines – **staying up-to-date with the science in an agile way**

Level 1

Commission Implementing Legislation → "where the Commission deems necessary"



If none:

Level 2

Technical Guidance on the EU SoHO Platform → Published & updated by ECDC/EDQM

Inspectors shall deem the standards to be met

OR:

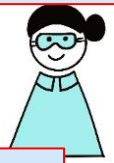
"Equivalent" Guidance → Demonstrated by MS to achieve the standards in the Regulation

MS shall demonstrate compliance with standards – **may do so** by demonstrating equivalence to ECDC and EDQM

If none:

Level 3

Other guidelines or methods based on international standards or scientific evidence



Entities shall demonstrate equivalence to inspectors – **may do so** by demonstrating equivalence to ECDC and EDQM

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SoHO Donor Protection – significantly strengthened

Protection of SoHO living donors before, during, and after the collection.

- Including for donations by relatives
- Information & consent
- Physical and mental integrity, non-discrimination, data protection & safeguarding of anonymity (with some exceptions e.g. ID of MAR parents when allowed or obliged in MS)
- Donor health evaluation
- Risk-proportionate approach to donor monitoring: registration of donors subjected to
    - surgical procedures
    - medicinal product treatment
    - frequent or repeated donations implying risk to health.
- Required reporting of serious adverse reactions in donors

Protection of the dignity and integrity of SoHO deceased donors

- Information & consent by relatives, when applicable

Voluntary & Unpaid Donation

Principle maintained
Based on Recommendations of the Council of Europe Committee on Bioethics – aiming for financial neutrality

- **NO financial incentives or inducements** to donate
- **Compensation** of living donors for losses can be allowed in accordance with the principle of VUD
- When a Member State allows compensation – **upper limit to be set in national legislation** – transparent criteria based on best practices established by the SCB
- Compensation conditions set in MS to be **shared** with the other MS via the SCB
- Donation **promotion and publicity activities** must not refer to compensation (without prejudice to national laws on information provision)

Considerable elaboration of recitals (4) to explain provisions

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Recipient and offspring protection

- Identification and mitigation of risks from **transmissible infectious, genetic, malignant diseases**
- Identification and mitigation of risks from **toxins, contaminants** from the environment, other donations, the personnel, the equipment, reagents etc.
- Identification and mitigation of risks of **detrimental effects on inherent properties of the SoHO concerned**
- Identification and mitigation of risks of **harmful immune reactions**
- Application of national rules regarding the **maximum numbers of offspring** from one SoHO donor
- **No application of SoHO unnecessarily** or in cases where there is no proven benefit
- No promotion of SoHO application based on **misleading information**
- No human application of SoHO without therapeutic or assisted reproduction objective (i.e. **no exclusively cosmetic or nutritional applications**)

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Vigilance overview – largely unchanged

No change to SAR/SAE definitions!

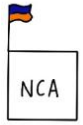
SoHO Entities

Send SAR/SAE notification & SAR/SAE investigation report to their CA

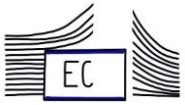
Competent Authorities

- Verify info of SAR/E notifications & investigation reports, assess the results of the investigation, inform the entity
- Send annual summary of SAR/E notifications & investigation reports received to their **SoHO National Authority**
- Launch **SoHO rapid alerts**

Communication with CAs from other frameworks



- Submits annual summary to the **EU SoHO Platform**
- Publishes aggregated summary for their MS



- Aggregate the summaries from the **SoHO National Authorities**
- publish annual SoHO vigilance report

Vigilance enhancements

- Inclusion of SAR reporting requirement for SAR in **living SoHO donors**
- Clarification that **SAR/E detected during clinical outcome monitoring** must be reported
- Obligation for reasonable efforts to encourage recipients of MAR donations to communicate information on **genetic conditions in offspring** – when serious these are reportable as SAR
- **Role of ECDC** for SAR concerning infectious disease transmissions
- Formalisation of **communication** requirements with **CAs in other sectors**, when appropriate
- Clarification that **loss of critical SoHO** constitutes an SAE in defined situations
- CAs to provide **guidance and templates** to professionals and to **inform relevant SoHO entities of Rapid Alerts** received

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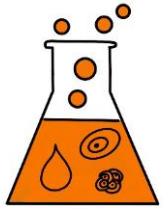
Resilience of Supply



Critical SoHO

'Critical SoHO' are SoHO that for which an insufficient supply will result in serious harm or risk of harm to patients or a serious interruption in manufacture of critical products regulated by other legislation.

A '**critical SoHO entity**' is a SoHO entity that carries out activities contributing to the supply of critical SoHOs and the scale of those activities is such that a failure to carry them out cannot be compensated by activities of other entities or alternative substances or products for recipients.

Supply of **critical SoHO** is protected by:

- **Obligations on Member States** to ensure a sufficient, adequate and resilient supply
  - Facilitate donation
  - Communication and education
  - Optimal use
- **Activity data collection** and monitoring
- Supply **alerts**
- National **SoHO emergency plans**
- SoHO Entity **emergency plans**
- **Derogations** and additional measures in emergency situations

New article!

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Digitalisation – efficiency, transparency, monitoring

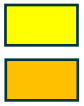
Next steps
Entry into Force and Date of Application

- Formal approval by the Council and the European Parliament
- The Regulation will enter into force 20 days after its publication in the Official Journal of the European Union – during **2024** (~ before summer)
- 3 years before the provisions become applicable - **2027** (an additional year for some provisions)

Preparing for 2027 –what professional associations could do to help implementation

- **Q&A with memberships (dedicated webinars)**
- **Dissemination and training activities for professionals – prepare individual SoHO entities/establishments**
- **Engage in preparatory EU-funded actions – including**
  - **GAPP-pro on SoHO Preparation Authorisation (SPA)**
  - **Readership on hospital entities**
- **Engage in development SoHO-digital platform (data-formats, approaches)**
- **(Prepare to) engage in EDQM work to develop guidelines**

Current & future EU4H actions SoHO



Support implementation
Focus on implementation

Project name (year)	Scope
1. SUPPLY (2021)	Shortages, supply continuity (plasma)
2. EGALITE (2021)	Availability, accreditation (Tissues)
3. BRAVEST (2021)	Crisis resilience (Organs)
4. EuroTRACTOR (2021)	Outcome registry (HSC)
5. EUMAR (2021)	Outcome registry (MAR)
6. SIGHTSoHO (2021)	Training authorities (B, TC)
7. Cooperation Agreement EDQM (2021)	Guidelines, vigilance, support professionals, supply (B, TC, O)
8. Readership (2022)	New obligations entities in hospitals (B, TC)
9. GAPP-Pro (2022)	New obligations process authorisation (B, TC)
10. New SoHO Breast Milk (2023)	Implementation new requirements for Breast milk banks
11. New SoHO FMT (call will be relaunched in 2024)	Implementation new requirements for FMT
11. Paired kidney exchange (2023)	Organs
12. Cooperation Agreement EDQM (2024)	Guidelines, vigilance, support professionals, supply (B, TC, O)
13. SoHO-X ICT (2024)	SoHO digital platform – new Regulation (B, TC)
14. Support for Organisational by SoHO Authorities (call to be launched in 2024)	Support the implementation of the supervisory functions in the new SoHO regulation
15. Regulatory Coherence (call to be launched in 2024)	Topics of concern across EU frameworks

Your questions – please send them to us by email!

- **No questions today!**
- **We ask each association to please gather any questions from their members and send them to us in one document or email**
- **We will reply in writing, if the answers are straight-forward, or organise a Webex meeting with representatives of the association to discuss.**
- **This will allow us to address sector-specific issues efficiently!**

Thank you