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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Regulation laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing rules governing the European Medicines Agency - Four-column table

Delegations will find enclosed the four-column table on the above-mentioned Regulation. This document contains in Annex A the explanations on the layout of the table used in this document and in Annex B the text of the Commission proposal, the amendments voted by the European Parliament on 10 April 2024 and changes to the proposal approved by the Council on 4 June 2025.

ANNEX A

	Commission proposal	EP amendments voted on 10 April 2024	Text agreed by the Council on 4 June 2025	Draft agreement
		Plain text in this column is text from the Commission proposal that the European Parliament proposes to maintain. ***Text in blue underlined bold italics in this column is text that the EP proposes to add to the Commission proposal.*** ***Text in red italics ~~strikethrough~~ in this column is text that the EP proposes to delete.***	Plain text in this column is text from the Commission proposal that Council wishes to maintain. **Text in bold** in this column is text that Council has agreed to add. Text in ~~strikethrough~~ in this column is text that Council has agreed to delete.	

ANNEX B

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing rules governing the European Medicines Agency, amending Regulation (EC) No 1394/2007 and Regulation (EU) No 536/2014 and repealing Regulation (EC) No 726/2004, Regulation (EC) No 141/2000 and Regulation (EC) No 1901/2006 (Text with EEA relevance)

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0131 (COD)	2023/0131 (COD)	2023/0131 (COD)	
Proposal Title				
2	Proposal for a	Proposal for a	Proposal for a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing rules governing the European Medicines Agency, amending Regulation (EC) No 1394/2007 and Regulation (EU) No 536/2014 and repealing Regulation (EC) No 726/2004, Regulation (EC) No 141/2000 and Regulation (EC) No 1901/2006 (Text with EEA relevance)	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing rules governing the European Medicines Agency, amending Regulation (EC) No 1394/2007 and Regulation (EU) No 536/2014 and repealing Regulation (EC) No 726/2004, Regulation (EC) No 141/2000 and Regulation (EC) No 1901/2006 (Text with EEA relevance)	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing rules governing the European Medicines Agency, amending Regulation (EC) No 1394/2007 and Regulation (EU) No 536/2014 and repealing Regulation (EC) No 726/2004, Regulation (EC) No 141/2000 and Regulation (EC) No 1901/2006 (Text with EEA relevance)	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 168(4), point (c), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 168(4), point (c), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 168(4), point (c), thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital -1				
10a		***(-1) Ensuring that patients receive the medicines they need, when they need them, regardless of where they live in the Union, is a central objective of the European Health Union. Ensuring the competitiveness of the European pharmaceutical industry, whilst providing better availability of medicines and***		

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		more equal and timely access for patients, is a key objective of the proposed Union pharmaceutical reform.		
Recital 1				
11	(1) The Union pharmaceutical framework has enabled the authorisation of safe, efficacious and high-quality medicines in the Union, contributing to a high level of public health and a smooth functioning of the internal market of these products.	(1) The Union pharmaceutical framework has enabled the authorisation of safe, efficacious and high-quality medicines in the Union, contributing to a high level of public health and a smooth functioning of the internal market of these products.	(1) The Union pharmaceutical framework has enabled the authorisation of safe, efficacious and high-quality medicines in the Union, contributing to a high level of public health and a smooth functioning of the internal market of these products.	
Recital 1a				
11a		***(1a) This Regulation should contribute to the implementation of the One Health Approach,***		

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		stressing the well-established interconnectedness between human, animal and ecosystem health, and the need to include those three dimensions when addressing public health threats. Environmental stress and degradation, including biodiversity loss, contribute to the transmission of diseases between, and the disease burden of, humans and animals. In addition, pollution from active pharmaceutical ingredients negatively affects the quality of waters and ecosystems, causes antimicrobial resistance to increase rapidly, posing risks to public health globally.		
Recital 2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
12	(2) The Pharmaceutical Strategy for Europe marks a turning point with the addition of further key objectives and by creating a modern framework that makes innovative and established medicinal products available to patients and healthcare systems at affordable prices, while ensuring security of supply and addressing environmental concerns.	(2) The Pharmaceutical Strategy for Europe marks a turning point with the addition of further key objectives and by ~~creating~~***aiming to create an attractive environment for research, development and production of medicinal products in the Union, along with*** a modern framework that makes innovative and established medicinal products available to patients and healthcare systems at affordable prices, while ***strengthening the fight against shortages of medicinal products and*** ensuring security of supply and addressing environmental concerns.	(2) The Pharmaceutical Strategy for Europe marks a turning point with the addition of further key objectives and by creating a modern framework that makes innovative and established medicinal products available to patients and healthcare systems at affordable prices, while ensuring security of supply and addressing environmental concerns.	
Recital 2a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
12a		***(2a) To supplement the measures to address shortages of medicinal products, the communication of the Commission of 24 October 2023 entitled 'Addressing medicine shortages in the EU' aims to address critical shortages of medicines and strengthen security of supply in the Union by, among other things, introducing the launch of a European voluntary solidarity mechanism for medicines allowing Member States to redistribute their available stock in the event of shortages.***		
Recital 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
13	(3) Addressing unequal patient access of medicinal products has become a key priority of the Pharmaceutical Strategy for Europe as has been highlighted by the Council and the European Parliament. Member States have called for revised mechanisms and incentives for development of medicinal products tailored to the level of unmet medical need, while ensuring patient access and availability of medicinal products in all Member States.	(3) Addressing unequal patient access of medicinal products has become a key priority of the Pharmaceutical Strategy for Europe as has been highlighted by the Council and the European Parliament. Member States ***and the European Parliament*** have called for revised mechanisms and incentives for development of medicinal products tailored to the level of unmet medical need, while ensuring ***that the process is transparent,*** patient access and availability ***as well as affordability*** of medicinal products in all Member States.	(3) Addressing unequal patient access of medicinal products has become a key priority of the Pharmaceutical Strategy for Europe as has been highlighted by the Council and the European Parliament. Member States have called for revised mechanisms and incentives for development of medicinal products tailored to the level of unmet medical need, while ensuring patient access and availability of medicinal products in all Member States.	
Recital 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
14	(4) Previous amendments to the Union pharmaceutical legislation have addressed access to medicinal products by providing for accelerated assessment for marketing authorisation applications or by allowing conditional marketing authorisation for medicinal products for unmet medical need. While these measures accelerated the authorisation of innovative and promising therapies, these medicinal products do not always reach the patient and patients in the Union still have different levels of access to medicines.	(4) Previous amendments to the Union pharmaceutical legislation have addressed access to medicinal products by providing for accelerated assessment for marketing authorisation applications or by allowing conditional marketing authorisation for medicinal products for unmet medical need. While these measures accelerated the authorisation of innovative and promising therapies ***in some areas, and many unaddressed public health priorities remain***, these medicinal products do not always reach the patient and patients in the Union still have different levels of access to medicines.	(4) Previous amendments to the Union pharmaceutical legislation have addressed access to medicinal products by providing for accelerated assessment for marketing authorisation applications or by allowing conditional marketing authorisation for medicinal products for unmet medical need. While these measures accelerated the authorisation of innovative and promising therapies, these medicinal products do not always reach the patient and patients in the Union still have different levels of access to medicines.	

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Recital 5				
15	(5) The COVID-19 pandemic has spotlighted critical issues which require a reform of the Union pharmaceuticals framework to strengthen its resilience and to ensure that it serves the people under all circumstances.	(5) The COVID-19 pandemic ~~*has spotlighted*~~***further underlined*** critical issues**,** which require a reform of the Union pharmaceuticals framework to strengthen its resilience**, *while improving the availability of medicinal products*** and to ensure that it ***corresponds to public health needs and*** serves the people under all circumstances.	(5) The COVID-19 pandemic has spotlighted critical issues which require a reform of the Union pharmaceuticals framework to strengthen its resilience and to ensure that it serves the people under all circumstances.	
Recital 5a				
15a		***(5a) The COVID-19 pandemic also highlighted disparities in terms of the capacity of health systems, national immunisation infrastructure, shortages and***		

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		preparation. In addition to the measures in this Regulation, Member States should strengthen their national immunisation programmes, ensuring their population is better sufficiently protected against infectious diseases and strengthening pandemic preparedness and response.		
Recital 6				
16	(6) For the sake of clarity, it is necessary to replace Regulation (EC) No 726/2004 of the European Parliament and of the Council[1] with a new Regulation. _____	(6) ~~*For the sake of clarity,*~~ It is ***therefore*** necessary to replace Regulation (EC) No 726/2004 of the European Parliament and of the Council[1] with a new Regulation. _____	(6) For the sake of clarity, it is necessary to replace Regulation (EC) No 726/2004 of the European Parliament and of the Council[1] with a new Regulation. _____	

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	1. Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).	1. Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).	1. Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).	
Recital 7				
17	(7) Veterinary medicinal products are governed by Regulation (EU) No 2019/6 of the European Parliament and of the Council[1]. These medicinal products are outside the scope of this Regulation, even if certain provisions regarding the governance and general tasks of the Agency set out in this Regulation apply to these	(7) Veterinary medicinal products are governed by Regulation (EU) No 2019/6 of the European Parliament and of the Council[1]. These medicinal products are outside the scope of this Regulation, even if certain provisions regarding the governance and general tasks of the Agency set out in this Regulation apply to these	(7) Veterinary medicinal products are governed by Regulation (EU) No 2019/6 of the European Parliament and of the Council[1]. These medicinal products are outside the scope of this Regulation, even if certain provisions regarding the governance and general tasks of the Agency set out in this Regulation apply to these	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal products. The specific tasks of the Agency in respect to veterinary medicinal products are laid down in Regulation 2019/6 and Regulation 470/2009 of the European Parliament and of the Council[2]. __________ 1. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43). 2. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive	medicinal products. The specific tasks of the Agency in respect to veterinary medicinal products are laid down in Regulation 2019/6 and Regulation 470/2009 of the European Parliament and of the Council[2]. __________ 1. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43). 2. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive	medicinal products. The specific tasks of the Agency in respect to veterinary medicinal products are laid down in Regulation 2019/6 and Regulation 470/2009 of the European Parliament and of the Council[2]. __________ 1. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43). 2. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive	

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	2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 1).	2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 1).	2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 1).	
Recital 8				
18	(8) The scope of centrally authorised medicinal products has been adapted to the realities of the market and technological development as well as the need to ensure a centralised assessment for certain categories of medicinal products. In the light of the Commission's report[1] on the experience gained, it has proved necessary to improve the operation of the marketing authorisation procedures for the placing of medicinal products on the Union	(8) The scope of centrally authorised medicinal products has been adapted to the realities of the market and technological development as well as the need to ensure a centralised assessment for certain categories of medicinal products. In the light of the Commission's report[1] on the experience gained, it has proved necessary to improve the operation of the marketing authorisation procedures for the placing of medicinal products on the Union	(8) The scope of centrally authorised medicinal products has been adapted to the realities of the market and technological development as well as the need to ensure a centralised assessment for certain categories of medicinal products. In the light of the Commission's report[1] on the experience gained, it has proved necessary to improve the operation of the marketing authorisation procedures for the placing of medicinal products on the Union	

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	market and to amend certain administrative aspects of the European Medicines Agency. In addition, the regulatory framework should be adapted to the current market conditions and economic reality, while continuing to safeguard a high level of protection of public health and the environment. The conclusions of that report call for corrections to some of the operating procedures and require adaptations to take account of scientific and technological development. It also emerges from the report that the general principles previously established which govern the centralised marketing authorisation procedure	market and to amend certain administrative aspects of the European Medicines Agency. In addition, the regulatory framework should be adapted to the current market conditions and economic reality, while continuing to safeguard a high level of protection of public health and the environment. The conclusions of that report call for corrections to some of the operating procedures and require adaptations to take account of scientific and technological development. It also emerges from the report that the general principles previously established which govern the centralised marketing authorisation procedure	market and to amend certain administrative aspects of the European Medicines Agency. In addition, the regulatory framework should be adapted to the current market conditions and economic reality, while continuing to safeguard a high level of protection of public health and the environment. The conclusions of that report call for corrections to some of the operating procedures and require adaptations to take account of scientific and technological development. It also emerges from the report that the general principles previously established which govern the centralised marketing authorisation procedure	

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	('centralised procedure') should be maintained. __________ 1. Report from the Commission to the European Parliament and the Council on the experience acquired with the procedures for authorising and supervising medicinal products for human use, in accordance with the requirements set out in the EU legislation on medicinal products for human use, COM(2021)497 final.	('centralised procedure') should be maintained. __________ 1. Report from the Commission to the European Parliament and the Council on the experience acquired with the procedures for authorising and supervising medicinal products for human use, in accordance with the requirements set out in the EU legislation on medicinal products for human use, COM(2021)497 final.	('centralised procedure') should be maintained. __________ 1. Report from the Commission to the European Parliament and the Council on the experience acquired with the procedures for authorising and supervising medicinal products for human use, in accordance with the requirements set out in the EU legislation on medicinal products for human use, COM(2021)497 final.	
Recital 8a				
18a			**(8a) Without affecting the rules laid down in this Regulation, Member States remain the sole responsible for their own national security. They are responsible in defending their essential state**	

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			functions, including ensuring their territorial integrity and safeguarding national security. In particular, under Article 346 TFEU, no Member State is obliged to supply information the disclosure of which it considers contrary to the essential interests of its security. For this reason, Member States should be able to waive some of the information obligations related to the marketing of medicinal products when these medicinal products are supplied for military or defence purposes or insofar as the application of such requirements imply a risk to national security and defence.	
Recital 9				

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19	(9) As to the scope of this Regulation, the authorisation of antimicrobials is, in principle, in the interest of patients' health at Union level and therefore it should be made possible to authorise them at Union level.	(9) As to the scope of this Regulation, the authorisation of antimicrobials is~~, in principle,~~ in the interest of patients' health at Union level and therefore it should be made possible to authorise them at Union level.	(9) As to the scope of this Regulation, the authorisation of antimicrobials is, in principle, in the interest of patients' health at Union level and therefore it should be made possible to authorise them at Union level.	
Recital 10				
20	(10) With a view to maintain a high-level of scientific evaluation for new medicinal products and medicinal products that will serve the entire Union population, the centralised procedure should be mandatory for high-technological medicinal products, particularly those resulting from biotechnological processes, priority antimicrobials, orphan	(10) With a view to maintain a high-level of scientific evaluation for new medicinal products and medicinal products that will serve the entire Union population, the centralised procedure should be mandatory for high-technological medicinal products, particularly those resulting from biotechnological processes, priority antimicrobials, orphan	(10) With a view to maintain a high-level of scientific evaluation for new medicinal products and medicinal products that will serve the entire Union population, the centralised procedure should be mandatory for high-technological medicinal products, particularly those resulting from biotechnological processes, priority antimicrobials, orphan	

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	medicinal products, paediatric use medicinal products and any medicinal product that includes an active substances not authorised before the last important change to the scope of the centralised procedure in 2004.	medicinal products, paediatric use medicinal products and any medicinal product that includes an active substances not authorised before the last important change to the scope of the centralised procedure in 2004.	medicinal products, paediatric use medicinal products and any medicinal product that includes an active substances not authorised before the last important change to the scope of the centralised procedure in 2004.	
Recital 11				
21	(11) As regards medicinal products for human use, optional access to the centralised procedure should also be foreseen in cases where use of a single procedure produces added value for the patient. The centralised procedure should remain optional for medicinal products which, although not belonging to the categories of products to be	(11) As regards medicinal products for human use, optional access to the centralised procedure should also be foreseen in cases where use of a single procedure produces added value for the patient. The centralised procedure should remain optional for medicinal products which, although not belonging to the categories of products to be	(11) As regards medicinal products for human use, optional access to the centralised procedure should also be foreseen in cases where use of a single procedure produces added value for the patient. The centralised procedure should remain optional for medicinal products which, although not belonging to the categories of products to be	

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	authorised by the Union, are nevertheless therapeutically innovative. It is also appropriate to allow access to this procedure for medicinal products which, although not innovative, may be of benefit to society or to patients, including paediatric patients, if they are authorised from the outset at Union level, such as certain medicinal products which can be supplied without a medical prescription. This option may be extended to generic and biosimilar medicinal products authorised by the Union, provided that this in no way undermines either the harmonisation achieved when the reference medicinal product was evaluated or the results of that evaluation. At the same time, to	authorised by the Union, are nevertheless therapeutically innovative. It is also appropriate to allow access to this procedure for medicinal products which, although not innovative, may be of benefit to society or to patients, including paediatric patients, if they are authorised from the outset at Union level, such as certain medicinal products which can be supplied without a medical prescription. This option may be extended to generic and biosimilar medicinal products authorised by the Union, provided that this in no way undermines either the harmonisation achieved when the reference medicinal product was evaluated or the results of that evaluation. At the same time, to	authorised by the Union, are nevertheless therapeutically innovative. It is also appropriate to allow access to this procedure for medicinal products which, although not innovative, may be of benefit to society or to patients, including paediatric patients, if they are authorised from the outset at Union level, such as certain medicinal products which can be supplied without a medical prescription. This option may be extended to generic and biosimilar medicinal products authorised by the Union, provided that this in no way undermines either the harmonisation achieved when the reference medicinal product was evaluated or the results of that evaluation. At the same time, to	

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	ensure wide availability of generic medicinal products, those medicinal products may be authorised in any case by the competent authorities of the Member States, even if they are based on a centrally authorised reference medicinal product.	ensure wide availability of generic medicinal products, those medicinal products may be authorised in any case by the competent authorities of the Member States, even if they are based on a centrally authorised reference medicinal product.	ensure wide availability of generic medicinal products, those medicinal products may be authorised in any case by the competent authorities of the Member States, even if they are based on a centrally authorised reference medicinal product.	
Recital 11a				
21a			**(11a) The Court of Justice of the European Union (hereafter "the Court") has on numerous occasions held that the health and life of humans rank foremost among the assets and interests protected by the Treaty. According to the Charter of Fundamental Rights, a high level of human health**	

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			protection shall be ensured in the definition and implementation of all the Union's policies and activities. The centralised procedure ensures a high standard of scientific assessment and delivers significant benefits to the Union's patient population, particularly regarding innovative medicines that can improve diagnosis, prevention and treatment of diseases and patients' lives. In addition to its objective of guaranteeing a high level of protection of public health at Union level, the centralised procedure also brings greater clarity and efficiency to the Union's authorisation system. This	

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			allows applicants of such products to benefit from easier and harmonised access to the European Union market. However, these innovative medicinal products are often unevenly available across the Union; this results in different levels of patient access depending on the Member State in which patients live. While fully respecting fundamental rights and without prejudice to the provisions of the Treaties, including provisions on the free movement of goods and competition, it is essential that marketing authorisation holders who obtain a centralised marketing authorisation for such medicinal products make	

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			every effort to place them on the market in all Member States. In light of the fact that medicinal products are key for a broad and good therapeutic offer to patients in the EU, this is necessary to maintain a high level of public health protection across the EU, remove obstacles within the internal market and to strengthen Union-wide access to these products. Marketing authorisation holders should, in addition to established national legislation and procedures aiming at making available and supplying medicinal products at national level, also make their best efforts in complying with new mechanisms provided by the revised Directive that allow	

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			Member States to signal directly to companies their interest to have supply of a specific new medicinal product. Accordingly, a marketing authorisation holder for a medicinal product authorised through the centralised procedure which is subject to regulatory protection or intellectual property rights, should ensure that the medicinal product is made available and supplied in accordance with the needs of patient populations across all Member States. This obligation, however, should neither compromise the financial viability of the company nor be considered breached where external factors beyond the company's control	

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			make supply in all Member States impossible.	
Recital 12				
22	(12) The structure and operation of the various bodies making up the Agency should be designed in such a way as to take into account the need to constantly renew scientific expertise, the need for cooperation between Union and national bodies, the need for adequate involvement of civil society, and the future enlargement of the Union. The various bodies of the Agency should establish and develop appropriate contacts with the parties concerned, in particular	(12) The structure and operation of the various bodies making up the Agency should be designed in such a way as to take into account the need to constantly renew scientific expertise, the need for cooperation between Union and national bodies, the need for adequate involvement of civil society, and the future enlargement of the Union. The various bodies of the Agency should establish and develop appropriate contacts with the parties concerned, in particular with representatives of patients,	(12) The structure and operation of the various bodies making up the Agency should be designed in such a way as to take into account the need to constantly renew scientific expertise, the need for cooperation between Union and national bodies, the need for adequate involvement of civil society, and the future enlargement of the Union. The various bodies of the Agency should establish and develop appropriate contacts with the parties concerned, in particular	

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	with representatives of patients and healthcare professionals.	***consumers*** and healthcare professionals.	with representatives of patients and healthcare professionals.	
Recital 13				
23	(13) The chief task of the Agency should be to provide Union institutions and Member States with the best possible scientific opinions to enable them to exercise the powers of authorisation and supervision of medicinal products conferred on them by Union legal acts in the field of medicinal products. Marketing authorisation should be granted by the Commission only after a single scientific evaluation procedure addressing the quality, safety and efficacy of high-technology medicinal products has	(13) The chief task of the Agency should be to provide Union institutions and Member States with the best possible scientific opinions to enable them to exercise the powers of authorisation and supervision of medicinal products conferred on them by Union legal acts in the field of medicinal products. Marketing authorisation should be granted by the Commission only after a single scientific evaluation procedure addressing the quality, safety and efficacy of high-technology medicinal products has	(13) The chief task of the Agency should be to provide Union institutions and Member States with the best possible scientific opinions to enable them to exercise the powers of authorisation and supervision of medicinal products conferred on them by Union legal acts in the field of medicinal products. Marketing authorisation should be granted by the Commission only after a single scientific evaluation procedure addressing the quality, safety and efficacy of high-technology medicinal products has	

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	been conducted by the Agency, applying the highest possible standards.	been conducted by the Agency, applying the highest possible standards ***and the completion of an environmental risk assessment***.	been conducted by the Agency, applying the highest possible standards.	
Recital 14				
24	(14) To ensure close cooperation between the Agency and scientists operating in Member States, the composition of the Management Board should be such as to guarantee that the competent authorities of the Member States are closely involved in the overall management of the Union system for authorising medicinal products.	(14) To ensure close cooperation between the Agency and scientists operating in Member States, the composition of the Management Board should be such as to guarantee that the competent authorities of the Member States are closely involved in the overall management of the Union system for authorising medicinal products.	(14) To ensure close cooperation between the Agency and scientists operating in Member States, the composition of the Management Board should be such as to guarantee that the competent authorities of the Member States are closely involved in the overall management of the Union system for authorising medicinal products.	
Recital 15				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
25	(15) The Agency's budget should be composed of fees and charges paid by the private sector and contributions from the Union budget to implement Union policies and contributions paid from third countries.	(15) The Agency's budget should be ***transparent and*** composed of fees and charges paid by the private sector and contributions from the Union budget to implement Union policies and contributions paid from third countries. ***Although the majority of its funding comes from fees, the Agency is a public authority. It is of utmost importance to safeguard its integrity and independence in order to maintain public trust in the Union regulatory framework.***	(15) The Agency's budget should be composed of fees and charges paid by the private sector and contributions from the Union budget to implement Union policies and contributions paid from third countries.	
Recital 16				
26	(16) Exclusive responsibility for preparing the Agency's opinions on all questions	(16) Exclusive responsibility for preparing the Agency's opinions on all questions	(16) Exclusive responsibility for preparing the Agency's opinions on all questions	

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	concerning medicinal products for human use should be vested in the Committee for Medicinal Products for Human Use.	concerning medicinal products for human use should be vested in the Committee for Medicinal Products for Human Use.	concerning medicinal products for human use should be vested in the Committee for Medicinal Products for Human Use.	
Recital 17				
27	(17) The creation of the Agency through Council Regulation (EEC) No 2309/93[1] which was replaced by Regulation (EC) No 726/2004 has made it possible to reinforce the scientific evaluation and monitoring of medicinal products in the Union, in particular through its scientific bodies and committees for which competent authorities of the Member States provide experts and expertise, ensuring a high quality and independent	(17) The creation of the Agency through Council Regulation (EEC) No 2309/93[1] which was replaced by Regulation (EC) No 726/2004 has made it possible to reinforce the scientific evaluation and monitoring of medicinal products in the Union, in particular through its scientific bodies and committees for which competent authorities of the Member States provide experts and expertise, ensuring a high quality and independent	(17) The creation of the Agency through Council Regulation (EEC) No 2309/93[1] which was replaced by Regulation (EC) No 726/2004 has made it possible to reinforce the scientific evaluation and monitoring of medicinal products in the Union, in particular through its scientific bodies and committees for which competent authorities of the Member States provide experts and expertise, ensuring a high quality and independent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	assessment. This Regulation does not establish a new Agency. The Agency mentioned in this Regulation is the Agency established by Regulation (EC) No 726/2004. _____ 1. Council Regulation (EEC) No 1647/2003 of 18 June 2003 amending Regulation (EEC) No 2309/93 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the evaluation of Medicinal Products (OJ L 245, 29.9.2003, p. 19).	assessment. This Regulation does not establish a new Agency. The Agency mentioned in this Regulation is the Agency established by Regulation (EC) No 726/2004. _____ 1. Council Regulation (EEC) No 1647/2003 of 18 June 2003 amending Regulation (EEC) No 2309/93 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the evaluation of Medicinal Products (OJ L 245, 29.9.2003, p. 19).	assessment. ~~This Regulation does not establish a new Agency. The Agency mentioned in this Regulation is the Agency established by Regulation (EC) No 726/2004.~~ _____ 1. Council Regulation (EEC) No 1647/2003 of 18 June 2003 amending Regulation (EEC) No 2309/93 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the evaluation of Medicinal Products (OJ L 245, 29.9.2003, p. 19).	
Recital 18				
28	(18) The field of activity of the scientific committees should be enlarged and their operating	(18) The field of activity of the scientific committees should be enlarged and their operating	(18) The field of activity of the scientific committees should be enlarged and their operating	

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	methods and composition modernised. In this regard it is important to ensure patient and healthcare professional representation in the Committee for Human Medicinal Products as it is the main evaluation committee of the Agency for medicinal products for human use.	methods and composition modernised. In this regard it is important to ensure patient and healthcare professional representation in the Committee for Human Medicinal Products as it is the main evaluation committee of the Agency for medicinal products for human use.	methods and composition modernised. In this regard it is important to ensure patient and healthcare professional representation in the Committee for Human Medicinal Products as it is the main evaluation committee of the Agency for medicinal products for human use.	
Recital 18a				
28a		***(18a) The Agency should set transparent criteria for the appointment of patients' and healthcare professionals' representatives to the Committee for Medicinal Products for Human Use and the Pharmacovigilance Risk Assessment Committee in order to***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		ensure there is a well-balanced representation of medical specialties and diseases amongst appointed members and alternates, and there are robust rules on the prevention of conflicts of interests. Declaration of direct or indirect financial or other interests in the pharmaceutical or other medical industry which could affect the impartiality of appointed stakeholders should be an integral part of the selection process and subsequently should be made publicly available.		
Recital 19				
29	(19) Scientific advice for future applicants seeking a marketing	(19) Scientific advice for future applicants seeking a marketing	(19) Scientific advice for future applicants seeking a marketing	

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	authorisation should be provided more generally and in greater depth. Similarly, structures allowing the development of advice for companies, in particular small and medium-sized enterprises ('SMEs'), should be put in place.	authorisation should be provided more generally and in greater depth ***and should be adapted to the specificities of the medicinal product concerned***. Similarly, structures allowing the development of advice for companies, in particular small and medium-sized enterprises ('SMEs') ***and not-for-profit entities***, should be put in place. ***The Agency should also promote open and public exchanges about latest scientific developments and updates of scientific guidelines.***	authorisation should be provided more generally and in greater depth. Similarly, structures allowing the development of advice for companies, in particular small and medium-sized enterprises ('SMEs'), should be put in place.	
Recital 20				
30	(20) Promising medicinal products that have the potential to significantly address patients'	(20) Promising medicinal products ***and certain combinations products of***	(20) Promising medicinal products that have the potential to significantly address patients'	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	unmet medical needs should benefit from early and enhanced scientific support. Such support will ultimately help patients benefit from new therapies as early as possible.	***medicinal products and medical devices, as well as medicinal products in exclusive use with medical devices*** that have the potential to significantly address patients' unmet medical needs should benefit from early and enhanced scientific support***,*** ***including through supporting patient-relevant in vitro and in silico technologies which are key to the development of those products***. Such support will ultimately help patients benefit from new therapies as early as possible.	unmet medical needs should benefit from early and enhanced scientific support. Such support will ultimately help patients benefit from new therapies as early as possible.	
Recital 20a				
30a		***(20a) Next to unmet medical needs already recognised in the***		

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		pediatric, antimicrobial, oncological, rare, and neurodegenerative diseases, attention should also be given to unmet medical needs in the mental health sphere and treatments therein.		
Recital 21				
31	(21) In order to allow for advice that is more informative and an exchange of information between different bodies, scientific advice provided by the Agency should sometimes take place in parallel to scientific advice provided by other bodies. This should be the case for the joint scientific consultation carried out by the Member State Coordination	(21) In order to allow for advice that is more informative and an exchange of information between different bodies, scientific advice provided by the Agency should sometimes take place in parallel to scientific advice provided by other bodies. This should be the case for the joint scientific consultation carried out by the Member State Coordination	(21) In order to allow for advice that is more informative and an exchange of information between different bodies, scientific advice provided by the Agency should sometimes take place in parallel to scientific advice provided by other bodies. This should be the case for the joint scientific consultation carried out by the Member State Coordination	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Group on Health Technology Assessment foreseen in Regulation (EU) 2021/2282 of the European Parliament and of the Council[1] and, in cases of medicinal products involving a medical device, the consultation of the expert panels as described in Article 106 of Regulation (EU) No 2017/745 of the European Parliament and of the Council[2]. Where parallel scientific advice consultation mechanisms are established under other relevant Union legal acts, a similar mechanism should apply. __________ 1. Regulation (EU) 2021/2282 of the European Parliament and of the Council of 15 December 2021 on health technology	Group on Health Technology Assessment foreseen in Regulation (EU) 2021/2282 of the European Parliament and of the Council[1] and, in cases of medicinal products involving a medical device, the consultation of the expert panels as described in Article 106 of Regulation (EU) No 2017/745 of the European Parliament and of the Council[2]. Where parallel scientific advice consultation mechanisms are established under other relevant Union legal acts, a similar mechanism should apply. __________ 1. Regulation (EU) 2021/2282 of the European Parliament and of the Council of 15 December 2021 on health technology	Group on Health Technology Assessment foreseen in Regulation (EU) 2021/2282 of the European Parliament and of the Council[1] and, in cases of medicinal products involving a medical device, the consultation of the expert panels as described in Article 106 of Regulation (EU) No 2017/745 of the European Parliament and of the Council[2]. Where parallel scientific advice consultation mechanisms are established under other relevant Union legal acts, a similar mechanism should apply. __________ 1. Regulation (EU) 2021/2282 of the European Parliament and of the Council of 15 December 2021 on health technology	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	assessment and amending Directive 2011/24/EU (OJ L 458, 22.12.2021, p. 1). 2. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).	assessment and amending Directive 2011/24/EU (OJ L 458, 22.12.2021, p. 1). 2. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).	assessment and amending Directive 2011/24/EU (OJ L 458, 22.12.2021, p. 1). 2. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).	
Recital 21a				
31a		***(21a) Based on the European Ombudsman's decision in its strategic inquiry OI/7/2017/KR of 17 July 2019 on how the European Medicines Agency engages with medicine developers in the period leading up to applications for authorisations to market new medicines in the***		

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		Union, the Agency should enhance the transparency of scientific advice. In addition, staff and experts from national competent authorities providing scientific advice should, to the extent possible, not be involved in a subsequent evaluation of a marketing authorisation application for the same products. However, in duly justified cases, such as where the indication of a medicinal product concerns a rare disease, that expert should be able to carry out a subsequent evaluation of the same product, provided that that is duly documented.		
Recital 22				

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32	(22) It is also necessary to reinforce the role of the scientific committees in such a way as to enable the Agency to participate actively in international scientific dialogue and to develop certain activities that will be necessary, in particular regarding international scientific harmonisation and technical cooperation with the World Health Organization.	(22) It is also necessary to reinforce the role of the scientific committees in such a way as to enable the Agency to participate actively in international scientific dialogue and to develop certain activities that will be necessary, in particular regarding international scientific harmonisation and technical cooperation with the World Health Organization.	(22) It is also necessary to reinforce the role of the scientific committees in such a way as to enable the Agency to participate actively in international scientific dialogue and to develop certain activities that will be necessary, in particular regarding international scientific harmonisation and technical cooperation with the World Health Organization.	
Recital 23				
33	(23) Furthermore, without prejudice to the provisions laid down in Regulation (EU) 2019/6, which remain applicable for veterinary medicinal products, in order to create greater legal certainty, it is necessary to define	(23) Furthermore, without prejudice to the provisions laid down in Regulation (EU) 2019/6, which remain applicable for veterinary medicinal products, in order to create greater legal certainty, it is necessary to define	(23) Furthermore, without prejudice to the provisions laid down in Regulation (EU) 2019/6, which remain applicable for veterinary medicinal products, in order to create greater legal certainty, it is necessary to define	

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	the responsibilities regarding the transparency rules for the Agency's work, to set certain conditions for the marketing of medicinal products authorised by the Union, to confer on the Agency powers to monitor the distribution of medicinal products authorised by the Union, to carry out inspections together with the Member States in third countries, and to specify the sanctions and the procedures for implementing them in the event of failure to observe the provisions of this Regulation and the conditions contained in the marketing authorisations granted under the procedures it establishes.	the responsibilities regarding the transparency rules for the Agency's work, to set certain conditions for the marketing of medicinal products authorised by the Union, to confer on the Agency powers to monitor the distribution of medicinal products authorised by the Union, to carry out inspections together with the Member States in third countries, and to specify the sanctions and the procedures for implementing them in the event of failure to observe the provisions of this Regulation and the conditions contained in the marketing authorisations granted under the procedures it establishes.	the responsibilities regarding the transparency rules for the Agency's work, to set certain conditions for the marketing of medicinal products authorised by the Union, to confer on the Agency powers to monitor the distribution of medicinal products authorised by the Union~~, to carry out inspections together with the Member States in third countries,~~ and to specify the sanctions and the procedures for implementing them in the event of failure to observe the provisions of this Regulation and the conditions contained in the marketing authorisations granted under the procedures it establishes.	
Recital 24				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
34	(24) In particular, the Agency should be empowered and given the capacity to carry out inspections, where this is in the interest of the Union and where the competent authorities of the Member States request support in carrying out their tasks under revised Directive 2001/83/EC of the European Parliament and of the Council[1]. The interest of the Union may concern situations where, to ensure faster access to medicinal products, challenges with inspections capacities at national level have to be addressed in a timely manner or where a response to a public health emergency or a major event requires immediate action. Providing the Agency with	(24) In particular, the Agency should be empowered and given the capacity to carry out inspections, where this is in the interest of the Union and where the competent authorities of the Member States request support in carrying out their tasks under revised Directive 2001/83/EC of the European Parliament and of the Council[1]. The interest of the Union may concern situations where, to ensure faster access to medicinal products, challenges with inspections capacities at national level have to be addressed in a timely manner or where a response to a public health emergency or a major event requires immediate action. Providing the Agency with	(24) ~~In particular~~**Without prejudice to the powers of the national competent authorities and without undermining their national inspection resources**, the Agency should be ~~empowered and given the~~**provided with the targeted inspection** capacity to ~~carry out inspections, where this is~~**contribute to the strenghtening of the supervision of the manufacturing of the medicinal products worldwide,** in the interest of the ~~Union and where the competent authorities of the Member States request support in carrying out their tasks under revised Directive 2001/83/EC of the European Parliament and of the Council[1]. The~~**Union.The** interest of the Union may concern	

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	appropriate inspection capacity will also, in the interest of the Union, facilitate the dissemination of best practices, know-how, and improve the oversight of manufacturing of medicinal products worldwide. Following the request from a competent authority of the Member State, the Agency, at its own discretion, can accept to either provide support to the inspections of sites located in the Union or to carry out inspections of sites located in third countries. _____ 1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).	appropriate inspection capacity will also, in the interest of the Union, facilitate the dissemination of best practices, know-how, and improve the oversight of manufacturing of medicinal products worldwide. Following the request from a competent authority of the Member State, the Agency, at its own discretion, can accept to either provide support to the inspections of sites located in the Union or to carry out inspections of sites located in third countries. _____ 1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).	situations where, to ensure faster access to medicinal products, challenges with inspections capacities at national level have to be addressed in a timely manner or where a response to a public health emergency or a major event requires immediate action. ~~Providing~~**Therefore,** the Agency ~~with appropriate inspections~~**should be empowered and given the** capacity ~~will also, in the interest~~**to support Member States with regard to inspections in third countries. In particular, where the competent authorities** of the ~~Union, facilitate the dissemination of best practices, know-how, and improve the oversight of manufacturing of medicinal products worldwide. Following~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~the~~**Member States** request ~~from a~~**support in carrying out their tasks under revised Directive 2001/83/EC of the European Parliament and of the Council, the Agency should be able to participate in inspections. Where the** competent authority of ~~the~~**a** Member State **cannot carry out an inspection**, the Agency~~, at its own discretion, can~~ **should facilitate the delegation of the inspection to another competent authority of a Member State. As a last resort, where no other competent authority of a Member State is able to** accept ~~to either provide support to the inspections of sites located in the Union or~~**the delegation** to carry out ~~inspections of sites located in~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~third countries~~**an inspection, the competent authority concerned should be able to request the Agency to carry out the inspection**. _____ ~~1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).~~	
Recital 25				
35	(25) In certain cases, shortcomings in Member States' system of supervision and related enforcement activities could risk to substantially hinder the achievement of the objectives of this Regulation and those of	(25) In certain cases, shortcomings in Member States' system of supervision and related enforcement activities could risk to substantially hinder the achievement of the objectives of this Regulation and those of	(25) ~~In certain cases, shortcomings in Member States' system of~~ **To ensure consistency in** supervision and ~~related~~ enforcement ~~activities could risk to substantially hinder the achievement of the objectives of~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	revised Directive 2001/83/EC which could even lead to the emergence of risks to public health. To address these challenges, harmonised inspection standards should be ensured through the establishment of a joint audit programme within the Agency. This joint audit programme will also further harmonise the interpretation of good manufacturing and distribution practices on the basis of Union legislative requirements. Moreover, it will support further mutual recognition of inspection outcomes between Member States and with strategic partners. Within the joint audit programme, the competent authorities are subject to regular audits conducted by	revised Directive 2001/83/EC which could even lead to the emergence of risks to public health ***or to the environment***. To address these challenges, harmonised inspection standards should be ensured through the establishment of a joint audit programme within the Agency. This joint audit programme will also further harmonise the interpretation of good manufacturing and distribution practices on the basis of Union legislative requirements. Moreover, it will support further mutual recognition of inspection outcomes between Member States and with strategic partners. Within the joint audit programme, the competent authorities are subject to regular audits conducted by	~~this Regulation and those of revised Directive 2001/83/EC which could even lead to the emergence of risks to public health. To address these challenges~~**in the Union** , harmonised inspection standards should be ensured through the establishment of a joint audit programme within the Agency. This joint audit programme will also further harmonise the interpretation of good manufacturing and distribution practices on the basis of Union legislative requirements**, taking into account the specific constitutional and administrative structures of each Member State pursuant to Article 4(2) TEU**. Moreover, it	

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	other Member States to maintain an equivalent and harmonised quality system and to ensure an appropriate implementation of relevant good manufacturing and distribution practices into national laws and equivalence with other EEA inspectorates.	other Member States to maintain an equivalent and harmonised quality system and to ensure an appropriate implementation of relevant good manufacturing and distribution practices into national laws and equivalence with other EEA inspectorates.	will support further mutual recognition of inspection outcomes between Member States and with strategic partners. Within the joint audit programme, the competent authorities are subject to regular audits conducted by other Member States to maintain an equivalent and harmonised quality system and to ensure an appropriate implementation of relevant good manufacturing and distribution practices into national laws and equivalence with other EEA ~~inspectorates~~**Member States**.	
Recital 26				
36	(26) An inspection working group, which provides input and	(26) An inspection working group, which provides input and	(26) ~~An~~ **The** inspection working ~~group~~**groups**, which	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recommendations on all matters relating, directly or indirectly, to good manufacturing practice and good distribution practice irrespective of the marketing authorisation procedure through different reporting lines, should be established within the Agency. In particular, that working group should be responsible for the establishment, development and overall supervision of the joint audit programme.	recommendations on all matters relating, directly or indirectly, to good manufacturing practice and good distribution practice irrespective of the marketing authorisation procedure through different reporting lines, should be established within the Agency. In particular, that working group should be responsible for the establishment, development and overall supervision of the joint audit programme.	~~provides~~**provide** input and recommendations on all matters relating, directly or indirectly, to good **clinical practice, good** manufacturing practice ~~and~~ **,** good distribution practice **and good pharmacovigilance practice,** irrespective of the marketing authorisation procedure through different reporting lines, should be established within the Agency. In particular, that working group should be responsible for the establishment, development and overall supervision of the joint audit programme.	
Recital 26a				
36a		***(26a) Pharmaceutical research plays a decisive role in the***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		continuing improvement in public health and in ensuring the Union's competitiveness. Medicinal products, in particular those that are the result of long, costly research will not continue to be developed in the Union unless they are covered by favourable rules that provide for sufficient protection to encourage such research. However, it is difficult to establish a direct link between these favourable rules and Union competitiveness. Such rules, while making Union markets more attractive, are agnostic to the medicines' geographical origin and authorised medicines from third countries are equally eligible to receive Union incentives, just as		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Union-based innovative companies can equally benefit from incentives in third countries.		
Recital 27				
37	(27) To promote innovation and the development of new medicinal products by SMEs within the meaning of Commission Recommendation 2003/361/EC[1], and to reduce the cost of the placing on the market of medicinal products for human use authorised via the centralised procedure, these undertakings should benefit from a support scheme from the Agency. _________	(27) To promote innovation and the development of new medicinal products by SMEs within the meaning of Commission Recommendation 2003/361/EC[1], and to reduce the cost of the placing on the market of medicinal products for human use authorised via the centralised procedure, these undertakings should benefit from a support scheme from the Agency. _________	(27) To promote innovation and the development of new medicinal products by SMEs within the meaning of Commission Recommendation 2003/361/EC[1], and to reduce the cost of the placing on the market of medicinal products for human use authorised via the centralised procedure, these undertakings should benefit from a support scheme from the Agency. _________	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	
Recital 28				
38	(28) The support scheme should be composed of regulatory, procedural and administrative support, and of a reduction, deferral or waiver of fees. The scheme should cover the various steps involved in pre-authorisation procedures, such as scientific advice, the submission of the marketing authorisation application, and post-authorisation procedures.	(28) The support scheme should be composed of regulatory, procedural and administrative support, and of a reduction, deferral or waiver of fees. The scheme should cover the various steps involved in pre-authorisation procedures, such as scientific advice, the submission of the marketing authorisation application, and post-authorisation procedures.	(28) The support scheme should be composed of regulatory, procedural and administrative support, and of a reduction, deferral or waiver of fees. The scheme should cover the various steps involved in pre-authorisation procedures, such as scientific advice, the submission of the marketing authorisation application, and post-authorisation procedures.	
Recital 29				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
39	(29) Legal entities that are not engaged in an economic activity such as universities, public bodies, research centres or not-for-profit organisations, represent an important source of innovation and should also benefit from this support scheme. Whereas it should be possible to take account of the particular situation of these entities on an individual basis, such support can best be achieved by means of a dedicated support scheme, including administrative support and through the reduction, deferral and waiver of fees.	(29) Legal entities that are not engaged in an economic activity such as universities, public bodies, research centres or not-for-profit organisations, represent an important source ***of research in unmet medical needs, of research in different subpopulations, repurposing and optimisation and*** of innovation and should also benefit from this support scheme. Whereas it should be possible to take account of the particular situation of these entities on an individual basis, such support can best be achieved by means of a dedicated support scheme, including administrative support and through the reduction, deferral and waiver of fees.	(29) Legal entities that are not engaged in an economic activity such as universities, public bodies, research centres or not-for-profit organisations, represent an important source of innovation and should also benefit from this support scheme. Whereas it should be possible to take account of the particular situation of these entities on an individual basis, such support can best be achieved by means of a dedicated support scheme, including administrative support and through the reduction, deferral and waiver of fees.	

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Recital 30				
40	(30) The Agency should be empowered to give scientific recommendations on whether a product under development, which could potentially fall under the mandatory scope of the centralised procedure, meets the scientific criteria to be a medicinal product. Such an advisory mechanism would address, as early as possible, questions related to borderline cases with other areas such as substances of human origin, cosmetics or medical devices, which may arise as science develops. To ensure that recommendations given by the Agency take into account the views of equivalent advisory	(30) The Agency should be empowered to give scientific recommendations on whether a product under development, which could potentially fall under the mandatory scope of the centralised procedure, meets the scientific criteria to be a medicinal product. Such an advisory mechanism would address, as early as possible, questions related to borderline cases with other areas such as ***in particular*** substances of human origin, cosmetics or medical devices, which may arise as science develops. To ensure that recommendations given by the Agency take into account the views of equivalent advisory	(30) The Agency should be empowered to give scientific recommendations on whether a product under development, which could potentially fall under the mandatory scope of the centralised procedure, meets the scientific criteria to be a medicinal product. Such an advisory mechanism would address, as early as possible, questions related to borderline cases with other areas such as substances of human origin, cosmetics or medical devices, which may arise as science develops. To ensure that recommendations given by the Agency take into account the views of equivalent advisory	

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	mechanisms in other legal frameworks, the Agency should consult the relevant advisory or regulatory bodies.	mechanisms in other legal frameworks, the Agency should consult the relevant advisory or regulatory bodies. ***Where there is a doubt about whether the regulatory status of a particular product under development, which could potentially fall under the mandatory scope of the centralised procedure, meets the scientific criteria to be a medicinal product, the Agency and the relevant advisory bodies responsible for other regulatory frameworks, namely medical devices and substances of human origin should engage in consultations. In such cases, the compendium referred to in Regulation (EU) 2024/... of the European Parliament and of the***	mechanisms in other legal frameworks, the Agency should consult the relevant advisory or regulatory bodies**, in particular regulatory status advisory committee established by [revised Directive 2001/83/EC]**.	

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		Council[1a] [SoHO Regulation] should be consulted, where relevant. If after consulting the compendium, there remains doubt about the regulatory status the relevant bodies should further consult to determine the regulatory status. The Commission should facilitate the cooperation between the Agency and advisory bodies established by other Union legislation. The opinions and the recommendations of the Agency and the relevant advisory bodies on the regulatory status of the product should be made publicly available after the consultations have taken place.		

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		1a. Regulation (EU) 2024/... of the European Parliament and of the Council of ... on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC (OJ L, ...).		
Recital 31				
41	(31) To increase transparency of scientific assessments and all other activities, a European medicines web-portal should be created and maintained by the Agency.	(31) To increase transparency of scientific assessments and all other activities, a ***user-friendly*** European medicines web-portal should be created and maintained by the Agency. ***The portal should provide information for all centrally authorised medicinal products, inter alia on safety, efficacy, environmental risk, patient populations, and where relevant information on***	(31) To increase transparency of scientific assessments and all other activities, a European medicines web-portal should be created and maintained by the Agency.	

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		antimicrobial resistance, shortages, and pending obligations for marketing authorisation holders. Sufficient budgetary resources should be allocated to the Agency to ensure its transparency obligations and commitments are appropriately implemented.		
Recital 31a				
41a		***(31a) The Union Register of medicinal products lists all medicinal products for human and veterinary use as well as orphan medicinal products that have received a marketing authorisation by the Commission through the centralised procedure. The information***		

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		provided in the Union Register can be used to search for pertinent information on the medicinal product in question, including the active substance, the international non-proprietary name, the anatomical therapeutic chemical (ATC), the indications of the medicinal product, information on the authorisation and any post-authorisation requirements as well as applicable regulatory protection periods.		
Recital 32				
42	(32) Experience with the functioning of the regulatory system has shown that the existing European Medicines Agency	(32) Experience with the functioning of the regulatory system has shown that the existing European Medicines Agency	(32) Experience with the functioning of the regulatory system has shown that the existing European Medicines Agency	

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	multi-scientific committee structure often creates complexity in the scientific assessment process among committees, duplication of work and non-optimised use of expertise and resources. In addition, the Agency and the competent authorities of the Member States are confronted with challenges related to limited capacity and appropriate expertise to deal with increasing number of procedures related to existing medicinal products and assessment of new ones, in particular cutting edge innovative and complex medicinal products.	multi-scientific committee structure often creates complexity in the scientific assessment process among committees, duplication of work and non-optimised use of expertise and resources. In addition, the Agency and the competent authorities of the Member States are confronted with challenges related to limited capacity and appropriate expertise to deal with increasing number of procedures related to existing medicinal products and assessment of new ones, in particular cutting edge innovative and complex medicinal products.	multi-scientific committee structure often creates complexity in the scientific assessment process among committees, duplication of work and non-optimised use of expertise and resources. In addition, the Agency and the competent authorities of the Member States are confronted with challenges related to limited capacity and appropriate expertise to deal with increasing number of procedures related to existing medicinal products and assessment of new ones, in particular cutting edge innovative and complex medicinal products.	
Recital 33				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
43	(33) To optimise the functioning and efficiency of the regulatory system, the structure of the Agency's scientific committees is simplified and reduced to two main Committees for medicinal products for human use, the Committee for Medicinal Products for Human Use (CHMP) and Pharmacovigilance Risk Assessment Committee (PRAC).	(33) To optimise the functioning and efficiency of the regulatory system, the structure of the Agency's scientific committees is simplified and reduced to two main Committees for medicinal products for human use, the Committee for Medicinal Products for Human Use (CHMP) and Pharmacovigilance Risk Assessment Committee (PRAC).	(33) To optimise the functioning and efficiency of the regulatory system, the structure of the Agency's scientific committees is simplified and reduced to two main Committees for medicinal products for human use, the Committee for Medicinal Products for Human Use (CHMP) and Pharmacovigilance Risk Assessment Committee (PRAC).	
Recital 33a				
43a		***(33a) To ensure the adequate expertise and evaluation of the environmental risk assessments of pharmaceutical substances, the Agency should establish a new ad hoc Environmental Risk Assessment working party. That***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		working party should be involved where necessary depending on the application for a marketing authorisation. The working party should have the scientific knowledge necessary to characterise and assess the risks, and the mitigation measures for such risks, related to the manufacture, use and disposal of medicinal products. The working party should contribute towards the implementation of the One Health Approach and closing the gap between pharmaceutical and environmental assessment.		
Recital 34				
44	(34) The simplification of procedures should not have an	(34) The simplification of procedures should not have an	(34) The simplification of procedures should not have an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	impact on standards or the quality of scientific evaluation of the medicinal products to guarantee the quality, safety and efficacy of medicinal products. It should also allow for the reduction of the scientific evaluation period from 210 days to 180 days.	impact on standards or the quality of scientific evaluation of the medicinal products to guarantee the quality, safety and efficacy of medicinal products. It should also allow for the reduction of the scientific evaluation period from 210 days to 180 days.	impact on standards or the quality of scientific evaluation of the medicinal products to guarantee the quality, safety and efficacy of medicinal products. ~~It should also allow for the reduction of the scientific evaluation period from 210 days to 180 days.~~	
Recital 35				
45	(35) The Agency's scientific committees should be able to delegate some of their evaluation duties to working parties which should be open to experts from the scientific world and appointed for this purpose, whilst retaining complete responsibility for the scientific opinions issued by them.	(35) The Agency's scientific committees should be ~~*able to delegate some of*~~***supported, in relation to*** their evaluation duties***,*** ***by*** ~~*to*~~ working parties which should be open to experts from the scientific world and appointed for this purpose~~,~~ whilst retaining complete responsibility for the scientific opinions issued by them.	(35) The Agency's scientific committees should be able to delegate some of their evaluation duties to working parties which should be open to experts from the scientific world and appointed for this purpose, whilst retaining complete responsibility for the scientific opinions issued by them.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 36				
46	(36) The expertise of the Committee for Advanced Therapies (CAT), the Committee for Orphan Medicinal Products (COMP), the Paediatric Committee (PDCO) and Committee for Herbal Medicinal Products (HMPC) is retained through working groups, working parties and a pool of experts who are organised based on different domains and who are giving input to the CHMP and PRAC. The CHMP and PRAC consists of experts from all Member States while working parties consist in majority of experts appointed by the Member States, based on their expertise, and of external experts.	(36) The expertise of the Committee for Advanced Therapies (CAT), the Committee for Orphan Medicinal Products (COMP), the Paediatric Committee (PDCO) and Committee for Herbal Medicinal Products (HMPC) is retained through working groups, working parties***, ad hoc working groups,*** and a pool of experts who are organised based on different domains and who are giving input to the CHMP and PRAC. ***Their evaluation will continue to encompass all the necessary expertise for each product as part of the rapporteur teams, with the possibility for CHMP and PRAC***	(36) The expertise of the Committee for Advanced Therapies (CAT), the Committee for Orphan Medicinal Products (COMP), the Paediatric Committee (PDCO) and Committee for Herbal Medicinal Products (HMPC) is retained through working groups, working parties and a pool of experts who are organised based on different ~~domains~~**areas of expertise** and who are giving input to the CHMP and PRAC. The CHMP and PRAC consists of experts from all Member States while working parties consist in majority of experts appointed by the Member States, based on their expertise,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The model of rapporteurs remains unchanged. Representation of patients and health care professionals, with expertise in all areas, including rare and paediatric diseases, is increased at the CHMP and PRAC, in addition to the dedicated working groups representing patients and health care professionals.	***to call upon additional scientific experts to provide specific input and advice on specific aspects raised during the evaluation. In addition, patients and healthcare professionals will be part of the pool of experts and will also be brought into EMA's work according to their expertise in a certain disease area.*** The CHMP and PRAC consists of experts from all Member States while working parties ***and expert groups*** consist in majority of experts appointed by the Member States, based on their expertise, and of external experts. The model of rapporteurs remains unchanged. Representation of patients***, their caregivers*** and health care professionals, with expertise in all	and**, if necessary,** of external experts. The model of rapporteurs remains unchanged**. The efficiency gain, involvement of adequate scientific expertise and broad geographic representation of experts in the scientific committees, working parties and working groups will be ensured as part of the strategy for the organisational management and internal control systems**. Representation of patients and health care professionals, with expertise in ~~all~~ **a wide range of** areas, including rare and paediatric diseases, is ~~increased~~ **assured** at the CHMP and PRAC, in addition to the dedicated working groups representing patients and health care professionals.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		areas, including rare and paediatric diseases, is increased at the CHMP and PRAC, in addition to the dedicated working groups representing patients and health care professionals. ***Information regarding the composition and work of the committees and working groups should be publicly available.***		
Recital 36a				
46a			**(36a) It is crucial that the expertise of experts is not only preserved within working groups, working parties, and a pool of experts, but also that the relevant expertise is expanded to cover emerging technologies, incorporates expertise from a**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			broader range of Member States, and enables the Agency to continue fulfilling its obligations at the highest scientific level. It is also essential that experts can share knowledge, expand their skills through training programs, such as those offered by the EU Network Training Center (EUNTC), and engage in on-the-job learning activities, including shadowing rapporteurs, mentoring, and participating in discussions on topics of interest in working parties, European Scientific Expert Groups (ESECs), and other relevant fora.	
Recital 37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
47	(37) Scientific committees like the CAT have been instrumental to ensure expertise and capacity building in an emerging technological field. However, after more than 15 years, advanced therapy medicinal products are now more common. The full integration of their assessment in the work of the CHMP will facilitate the assessment of medicinal products within the same therapeutic class, independent of the technology on which they are based. It will also ensure that all biological medicinal products are assessed by the same committee.	(37) Scientific committees like the CAT have been instrumental to ensure expertise and capacity building in an emerging technological field. However, after more than 15 years, advanced therapy medicinal products are now more common. The full integration of their assessment in the work of the CHMP will facilitate the assessment of medicinal products within the same therapeutic class, independent of the technology on which they are based. It will also ensure that all biological medicinal products are assessed by the same committee.	(37) Scientific committees**, such as** ~~like~~ the CAT have been instrumental to ensure expertise and capacity building in an emerging technological field. However, after more than 15 years, advanced therapy medicinal products are now more common. The~~ full~~ integration of their assessment in the work of the CHMP will facilitate the assessment of medicinal products within the same therapeutic class, independent of the technology on which they are based. ~~It will also ensure that all biological medicinal products are assessed by the same committee.~~	
Recital 38				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
48	(38) To allow for more informative advice on clinical trial applications and therefore a more integrated development advice in view of future data requirements for marketing authorisation applications, the Agency can engage in consultation with representatives from Member States with clinical trial expertise. Nevertheless, decisions on clinical trial applications should remain within the competence of the Member States, in accordance with Regulation (EU) No 536/2014 of the European Parliament and of the Council[1]. __________ 1. Regulation (EU) No 536/2014 of the European Parliament and of the Council of	(38) To allow for more informative advice on clinical trial applications and therefore a more integrated development advice in view of future data requirements for marketing authorisation applications, the Agency can engage in consultation with representatives from Member States with clinical trial expertise. Nevertheless, decisions on clinical trial applications should remain within the competence of the Member States, in accordance with Regulation (EU) No 536/2014 of the European Parliament and of the Council[1]. __________ 1. Regulation (EU) No 536/2014 of the European Parliament and of the Council of	(38) To allow for more informative advice on clinical trial applications and therefore a more integrated development advice in view of future data requirements for marketing authorisation applications, the Agency can engage in consultation with representatives from Member States with clinical trial expertise. Nevertheless, decisions on clinical trial applications should remain within the competence of the Member States, in accordance with Regulation (EU) No 536/2014 of the European Parliament and of the Council[1]. __________ 1. Regulation (EU) No 536/2014 of the European Parliament and of the Council of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (OJ L 158, 27.5.2014, p. 1).	16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (OJ L 158, 27.5.2014, p. 1).	16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (OJ L 158, 27.5.2014, p. 1).	
Recital 39				
49	(39) To allow for a more informative decision making and for exchange of information and pooling of knowledge on general issues of scientific or technical nature related to the tasks of the Agency regarding medicinal products for human use, in particular to scientific guidelines on unmet medical needs and the design of clinical trials, or other studies and the generation of evidence along the life cycle of medicinal product, the Agency should be able to have recourse to	(39) To allow for a more informative decision making and for exchange of information and pooling of knowledge on general issues of scientific or technical nature related to the tasks of the Agency regarding medicinal products for human use, in particular to scientific guidelines on unmet medical needs and the design of clinical trials, or other studies and the generation of evidence along the life cycle of medicinal product, the Agency should be able to have recourse to	(39) To allow for a more informative decision making and for exchange of information and pooling of knowledge on general issues of scientific or technical nature related to the tasks of the Agency regarding medicinal products for human use, in particular to scientific guidelines on unmet medical needs and the design of clinical trials, or other studies and the generation of evidence along the life cycle of medicinal product, the Agency should be able to have recourse to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a consultation process of authorities or bodies active along the life cycle of medicinal products. These authorities could be, as appropriate, representatives from Heads of Medicines Agencies, the Clinical Trial Coordination and Advisory Group, the SoHO Coordination Board, the Coordination Group on Health Technology Assessment, Medical Devices Coordination Group, medical devices national competent authorities, national competent authorities for pricing and reimbursement of medicines, national insurance funds or healthcare payers. The Agency should also be able to extend the consultation mechanism to consumers, patients, healthcare	a consultation process of authorities or bodies active along the life cycle of medicinal products. ***Additionally, to improve regulatory certainty and cross-sectoral cooperation the Commission should, on an annual basis, or more frequently where deemed necessary, organise joint meetings with the advisory bodies established under other Union legislation to assess emerging trends and questions on the regulatory status of products and find agreement on common regulatory status principles.*** These authorities could be, as appropriate, representatives from Heads of Medicines Agencies, the Clinical Trial Coordination and Advisory Group, the SoHO	a consultation process of authorities or bodies active along the life cycle of medicinal products. These authorities could be, as appropriate, representatives from Heads of Medicines Agencies, the Clinical Trial Coordination and Advisory Group, the SoHO Coordination Board, the Coordination Group on Health Technology Assessment, Medical Devices Coordination Group, medical devices national competent authorities, national competent authorities for pricing and reimbursement of medicines, national insurance funds or healthcare payers. The Agency should also be able to extend the consultation mechanism to consumers, patients, healthcare	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	professionals, industry, associations representing payers, or other stakeholders, as relevant.	Coordination Board, the Coordination Group on Health Technology Assessment, Medical Devices Coordination Group, medical devices national competent authorities, national competent authorities for pricing and reimbursement of medicines, national insurance funds or healthcare payers. The Agency should also be able to extend the consultation mechanism to consumers, patients ***and their caregivers***, healthcare professionals***, academia***, industry, associations representing payers, or other stakeholders, as relevant.	professionals, industry, associations representing payers, or other stakeholders, as relevant.	
Recital 40				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
50	(40) Member States should ensure adequate funding of competent authorities to carry out their tasks under this Regulation and under [revised Directive 2001/83/EC]. In addition, in line with the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies[1], Member States should ensure adequate resources are assigned by the competent authorities of the Member States for the purpose of their contributions to the work of the Agency, taking into account the cost-based remuneration they receive from the Agency. _________	(40) Member States should ensure adequate funding of competent authorities to carry out their tasks under this Regulation and under [revised Directive 2001/83/EC]. In addition, in line with the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies[1], Member States should ensure adequate resources are assigned by the competent authorities of the Member States for the purpose of their contributions to the work of the Agency, taking into account the cost-based remuneration they receive from the Agency. _________	(40) Member States should ensure adequate funding of competent authorities to carry out their tasks under this Regulation and under [revised Directive 2001/83/EC]. In addition, in line with the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies[1], Member States should ensure adequate resources are assigned by the competent authorities of the Member States for the purpose of their contributions to the work of the Agency, taking into account the cost-based remuneration they receive from the Agency. _________	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. https://europa.eu/european-union/sites/europaeu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf	1. https://europa.eu/european-union/sites/europaeu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf	1. https://europa.eu/european-union/sites/europaeu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf	
Recital 41				
51	(41) In the context of cooperation with international organisations to support global public health, it is important to leverage the scientific assessment performed by the Union and to promote reliance by third country regulatory authorities based on the use of certificates of medicinal products for authorised medicinal products in the Union. An applicant may request independently or as part of an application under the centralised procedure a scientific opinion	(41) In the context of cooperation with international organisations to support global public health, it is important to leverage the scientific assessment performed by the Union and to promote reliance by third country regulatory authorities based on the use of certificates of medicinal products for authorised medicinal products in the Union. An applicant may request independently or as part of an application under the centralised procedure a scientific opinion	(41) In the context of cooperation with international organisations to support global public health, it is important to leverage the scientific assessment performed by the Union and to promote reliance by third country regulatory authorities based on the use of certificates of medicinal products for authorised medicinal products in the Union. An applicant may request independently or as part of an application under the centralised procedure a scientific opinion	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from the Agency for the use of the medicinal product for markets outside the Union. The Agency should cooperate with the World Health Organization and relevant third country regulatory authorities and bodies to issue such scientific opinions.	from the Agency for the use of the medicinal product for markets outside the Union. The Agency should cooperate with the World Health Organization and relevant third country regulatory authorities and bodies to issue such scientific opinions.	from the Agency for the use of the medicinal product for markets outside the Union. The Agency should cooperate with the World Health Organization and relevant third country regulatory authorities and bodies to issue such scientific opinions.	
Recital 42				
52	(42) The Agency may cooperate with competent authorities of third countries in the context of performing its tasks. Such regulatory cooperation should be coherent with the broader economic relationship of the Union with the third country concerned, taking account of the relevant international agreements	(42) The Agency may cooperate with competent authorities of third countries in the context of performing its tasks. Such regulatory cooperation should be coherent with the broader economic relationship of the Union with the third country concerned, taking account of the relevant international agreements	(42) The Agency may cooperate with competent authorities of third countries in the context of performing its tasks. Such regulatory cooperation should be coherent with the broader economic relationship of the Union with the third country concerned, taking account of the relevant international agreements	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	between the Union and that third country.	between the Union and that third country.	between the Union and that third country.	
Recital 43				
53	(43) In the interest of public health, marketing authorisation decisions under the centralised procedure should be taken on the basis of the objective scientific criteria of quality, safety and efficacy of the medicinal product concerned, to the exclusion of economic and other considerations. However, Member States should be able, exceptionally, to prohibit the use in their territory of medicinal products for human use.	(43) In the interest of public health, marketing authorisation decisions under the centralised procedure should be taken on the basis of the objective scientific criteria of quality, safety and efficacy of the medicinal product concerned, to the exclusion of economic and other considerations. However, Member States should be able, exceptionally, to prohibit the use in their territory of medicinal products for human use. ***Member States should provide justification***	(43) In the interest of public health, marketing authorisation decisions under the centralised procedure should be taken on the basis of the objective scientific criteria of quality, safety and efficacy of the medicinal product concerned, to the exclusion of economic and other considerations. However, Member States should be able, exceptionally, to prohibit the use in their territory of medicinal products for human use.	

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		for such prohibition of use to the Commission and the Agency.		
Recital 43a				
53a		***(43a) The Union is required, pursuant to Article 208 of the Treaty on the Functioning of the European Union (TFEU), to take account of development objectives in policies that are likely to have an impact on low- and middle-income countries. Union pharmaceutical legislation has a role to play in the realisation of global public health objectives by promoting the development of efficacious, safe, accessible, and affordable innovations for antimicrobial resistance, poverty-related, emerging and re-***		

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		emerging health threats, and neglected diseases, and other conditions of global public health interest. The Commission should continue to encourage research, development and innovation in areas of major global health interest, in line with its international commitments.		
Recital 44				
54	(44) The quality, safety and efficacy criteria of [revised Directive 2001/83/EC] should apply to medicinal products authorised by the Union under the centralised procedure. The benefit-risk balance of all medicinal products will be assessed when they are placed on the market, and	(44) The quality, safety and efficacy criteria of [revised Directive 2001/83/EC] should apply to medicinal products authorised by the Union under the centralised procedure. The benefit-risk balance of all medicinal products will be assessed when they are placed on the market, and	(44) The quality, safety and efficacy criteria of [revised Directive 2001/83/EC] should apply to medicinal products authorised by the Union under the centralised procedure. The benefit-risk balance of all medicinal products will be assessed when they are placed on the market, and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	at any other time the competent authority deems appropriate.	at any other time the competent authority deems appropriate.	at any other time the competent authority deems appropriate.	
Recital 45				
55	(45) Marketing authorisation applications, like any other application submitted to the Agency, should follow the digital by default principle and hence be sent to the Agency in electronic form. Applications should be assessed based on the file submitted by the applicant in accordance with the different legal basis provided by [revised Directive 2001/83/EC]. At the same time, the Agency and the relevant committees may take into account any information that is in its possession. Applicants shall be	(45) Marketing authorisation applications, like any other application submitted to the Agency, should follow the digital by default principle and hence be sent to the Agency in electronic form. Applications should be assessed based on the file submitted by the applicant in accordance with the different legal basis provided by [revised Directive 2001/83/EC]. At the same time, the Agency and the relevant committees may take into account any information that is in its possession. Applicants shall be	(45) Marketing authorisation applications, like any other application submitted to the Agency, should follow the digital by default principle and hence be sent to the Agency in electronic form. Applications should be assessed based on the file submitted by the applicant in accordance with the different legal basis provided by [revised Directive 2001/83/EC]. At the same time, the Agency and the relevant committees may take into account any information that is in its possession. Applicants shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requested to generally submit raw data, in particular with regard to the clinical trials performed by the applicant in order to ensure a full assessment of the quality, safety and efficacy of the medicinal product.	requested to generally submit raw data, in particular with regard to the clinical trials performed by the applicant in order to ensure a full assessment of the quality, safety and efficacy of the medicinal product.	requested to generally submit raw data, in particular with regard to the clinical trials performed by the applicant in order to ensure a full assessment of the quality, safety and efficacy of the medicinal product. **However, this obligation to submit raw data should not be construed as obliging the Agency and the relevant committees to examine or make use of all such data during their scientific assessment. They should retain the discretion to determine which data are relevant and necessary for the purposes of assessing the application.**	
Recital 45a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
55a		***(45a) The Agency should pay particular attention to the composition of clinical trials to ensure gender based equity and comprehensive clinical data.***		
Recital 46				
56	(46) Directive 2010/63/EU of the European Parliament and of the Council on the protection of animals used for scientific purposes[1] lays down provisions on the protection of animals used for scientific purposes based on the principles of replacement, reduction and refinement. Any study involving the use of live animals, which provides essential information on the quality, safety and efficacy of a medicinal	(46) Directive 2010/63/EU of the European Parliament and of the Council on the protection of animals used for scientific purposes[1] lays down provisions on the protection of animals used for scientific purposes based on the principles of replacement, reduction and refinement. Any study involving the use of live animals, which provides essential information on the quality, safety and efficacy of a medicinal	(46) Directive 2010/63/EU of the European Parliament and of the Council on the protection of animals used for scientific purposes[1] lays down provisions on the protection of animals used for scientific purposes based on the principles of replacement, reduction and refinement. Any study involving the use of live animals, which provides essential information on the quality, safety and efficacy of a medicinal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	product, should take into account those principles of replacement, reduction and refinement, where they concern the care and use of live animals for scientific purposes, and should be optimised in order to provide the most satisfactory results whilst using the minimum number of animals. The procedures of such testing should be designed to avoid causing pain, suffering, distress or lasting harm to animals and should follow the available Agency and the International Committee for Harmonisation (ICH) guidelines. In particular, the marketing authorisation applicant and the marketing authorisation holder should take into account the principles laid down in Directive	product, should take into account those principles of replacement, reduction and refinement, where they concern the care and use of live animals for scientific purposes, and should be optimised in order to provide the most satisfactory results whilst using the minimum number of animals. The procedures of such testing should be ***only used where necessary and be*** designed to avoid causing pain, suffering, distress or lasting harm to animals and should follow the available Agency and the International Committee for Harmonisation (ICH) guidelines. In particular, the marketing authorisation applicant and the marketing authorisation holder should take into account the	product, should take into account those principles of replacement, reduction and refinement, where they concern the care and use of live animals for scientific purposes, and should be optimised in order to provide the most satisfactory results whilst using the minimum number of animals. The procedures of such testing should be designed to avoid causing pain, suffering, distress or lasting harm to animals and should follow the available Agency and the International Committee for Harmonisation (ICH) guidelines. In particular, the marketing authorisation applicant and the marketing authorisation holder should take into account the principles laid down in Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2010/63/EU, including, where possible, use of new approach methodologies in place of animal testing. These can include but are not limited to: in vitro models, such as microphysiological systems including organ-on-chips, (2D and 3D) cell culture models, organoids and human stem cells-based models; in silico tools or read-across models. _____ 1. Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).	principles laid down in Directive 2010/63/EU, ~~*including, where possible, use of*~~***giving priority to*** new approach methodologies ***(NAMs)*** in place of animal testing. These can include but are not limited to: in vitro models, such as microphysiological systems including organ-on-chips, (2D and 3D) cell culture models, organoids and human stem cells-based models; in silico tools***, in chemico technologies and any combination thereof*** or read-across***, aquatic egg*** models ***as well as invertebrate species***. ***Ultimately, efforts should be made to fully replace procedures on live animals for scientific purposes. The Agency should in its annual report highlight key***	2010/63/EU, including, where possible, use of new approach methodologies in place of animal testing. These can include but are not limited to: in vitro models, such as microphysiological systems including organ-on-chips, (2D and 3D) cell culture models, organoids and human stem cells-based models; in silico tools or read-across models. _____ 1. Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		observations and best practices in the replacement, reduction and refinement of animal testing submitted by applicants. _____ 1. Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).		
Recital 47				
57	(47) Procedures should be in place to facilitate joint animal testing, wherever possible, in order to avoid unnecessary duplication of testing using live animals covered by Directive 2010/63/EU. Marketing authorisation applicants and marketing authorisation	(47) Procedures should be in place to facilitate joint animal testing, wherever possible, in order to avoid unnecessary ~~*duplication of*~~ testing using live animals covered by Directive 2010/63/EU. Marketing authorisation applicants and marketing authorisation	(47) Procedures should be in place to facilitate joint animal testing, wherever possible, in order to avoid unnecessary duplication of testing using live animals covered by Directive 2010/63/EU. Marketing authorisation applicants and marketing authorisation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	holders should make all efforts to reuse animal study results and make the results obtained from animal studies publicly available. For abridged applications marketing authorisation applicants should refer to the relevant studies conducted for the reference medicinal product.	holders should make all efforts to reuse animal study results and make the results obtained from animal studies publicly available. For abridged applications marketing authorisation applicants should refer to the relevant studies conducted for the reference medicinal product.	holders should make all efforts to reuse animal study results and make the results obtained from animal studies publicly available. For abridged applications marketing authorisation applicants should refer to the relevant studies conducted for the reference medicinal product.	
Recital 48				
58	(48) The summary of product characteristics and the package leaflet should reflect the assessment of the Agency and be part of its scientific opinion. The opinion may recommend certain conditions that should be part of the marketing authorisation, for example on the safe and	(48) The summary of product characteristics and the package leaflet should reflect the assessment of the Agency and be part of its scientific opinion. The opinion may recommend certain conditions that should be part of the marketing authorisation, for example on the safe and	(48) The summary of product characteristics and the package leaflet should reflect the assessment of the Agency and be part of its scientific opinion. The opinion may recommend certain conditions that should be part of the marketing authorisation, for example on the safe and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	efficacious use of the medicinal product or on post-authorisation obligations that have to be complied with by the marketing authorisation holder. Those conditions may include the requirement to conduct post-authorisation safety or efficacy studies or other studies that are considered necessary to optimise the treatment, for example where the proposed dose scheme by the applicant, whilst acceptable and justifying a positive benefit-risk balance, could be further optimised post-authorisation. Where the applicant disagrees with parts of the opinion, the applicant may request its re-examination.	efficacious use of the medicinal product or on post-authorisation obligations that have to be complied with by the marketing authorisation holder. Those conditions may include the requirement to conduct post-authorisation safety or efficacy studies or other studies that are considered necessary to optimise the treatment, for example where the proposed dose scheme by the applicant, whilst acceptable and justifying a positive benefit-risk balance, could be further optimised post-authorisation. Where the applicant disagrees with parts of the opinion, the applicant may request its re-examination.	efficacious use of the medicinal product or on post-authorisation obligations that have to be complied with by the marketing authorisation holder. Those conditions may include the requirement to conduct post-authorisation safety or efficacy studies or other studies that are considered necessary to optimise the treatment, for example where the proposed dose scheme by the applicant, whilst acceptable and justifying a positive benefit-risk balance, could be further optimised post-authorisation. Where the applicant disagrees with parts of the opinion, the applicant may request its re-examination.	
Recital 49				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
59	(49) Due to the need to reduce overall approval times for medicinal products, the time between the opinion of the Committee for Medicinal Products for Human Use (CHMP) and the final decision on the application for a marketing authorisation should in principle be no longer than 46 days.	(49) Due to the need to reduce overall approval times for medicinal products, the time between the opinion of the Committee for Medicinal Products for Human Use (CHMP) and the final decision on the application for a marketing authorisation should in principle be no longer than 46 days.	(49) Due to the need to reduce overall approval times for medicinal products, the time between the opinion of the Committee for Medicinal Products for Human Use (CHMP) and the final decision on the application for a marketing authorisation should in principle be no longer than 46 days.	
Recital 50				
60	(50) On the basis of the opinion of the Agency the Commission should adopt a decision on the application by means of implementing acts. In justified cases, the Commission may return the opinion for further examination or deviate in its	(50) On the basis of the opinion of the Agency the Commission should adopt a decision on the application by means of implementing acts. In justified cases, the Commission may return the opinion for further examination or deviate in its	(50) On the basis of the opinion of the Agency the Commission should adopt a decision on the application by means of implementing acts. In justified cases, the Commission may return the opinion for further examination or deviate in its	

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	decision from the opinion of the Agency. Taking into account the need to make medicinal products swiftly available to patients, it should be acknowledged that the chairperson of the Standing Committee on Medicinal Products for human use will use the available mechanisms under Regulation (EU) 182/2011 of the European Parliament and of the Council[1] and notably the possibility to obtain the committee's opinion by written procedure and within expeditious deadlines which, in principle, will not exceed 10 calendar days. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of	decision from the opinion of the Agency. Taking into account the need to make medicinal products swiftly available to patients, it should be acknowledged that the chairperson of the Standing Committee on Medicinal Products for human use will use the available mechanisms under Regulation (EU) 182/2011 of the European Parliament and of the Council[1] and notably the possibility to obtain the committee's opinion by written procedure and within expeditious deadlines which, in principle, will not exceed 10 calendar days. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of	decision from the opinion of the Agency. Taking into account the need to make medicinal products swiftly available to patients, it should be acknowledged that the chairperson of the Standing Committee on Medicinal Products for human use will use the available mechanisms under Regulation (EU) 182/2011 of the European Parliament and of the Council[1] and notably the possibility to obtain the committee's opinion by written procedure and within expeditious deadlines which, in principle, will not exceed ~~10~~**15** calendar days. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of	

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	16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 51				
61	(51) As a general rule a marketing authorisation should be granted for an unlimited time; however, one renewal may be decided only on justified grounds related to the safety of the medicinal product.	(51) As a general rule a marketing authorisation should be granted for an unlimited time; however, one renewal may be decided only on justified grounds related to the safety of the medicinal product.	(51) As a general rule a marketing authorisation should be granted for an unlimited time; however, one renewal may be decided only on justified grounds related to the safety of the medicinal product.	
Recital 51a				
61a		***(51a) As a matter of good practice, marketing authorisations should be granted***		

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		based on comparative clinical trials on patients who are representative of the population that is to be treated with the product. In addition, patient-reported outcome measures (PROMs) and patient-reported experience measures (PREMs) should be an integral part of clinical data submitted with the marketing authorisation application in order to assess the quality of care and the impact of the treatments on patients.		
Recital 52				
62	(52) There is a need to provide for the ethical requirements of Regulation (EU) No 536/2014 to apply to medicinal products	(52) There is a need to provide for the ethical requirements of Regulation (EU) No 536/2014 to apply to medicinal products	(52) There is a need to provide for the ethical requirements of Regulation (EU) No 536/2014 to apply to medicinal products	

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	authorised by the Union. In particular, with respect to clinical trials conducted outside the Union on medicinal products destined to be authorised within the Union, at the time of the evaluation of the application for authorisation, it should be verified that these trials were conducted in accordance with the principles equivalent to these of Regulation (EU) No 536/2014 as regards the rights and safety of the subject and the reliability and robustness of the data generated in the clinical trial.	authorised by the Union. In particular, with respect to clinical trials conducted outside the Union on medicinal products destined to be authorised within the Union, at the time of the evaluation of the application for authorisation, it should be verified that these trials were conducted in accordance with the principles equivalent to these of Regulation (EU) No 536/2014 as regards the rights and safety of the subject and the reliability and robustness of the data generated in the clinical trial.	authorised by the Union. In particular, with respect to clinical trials conducted outside the Union on medicinal products destined to be authorised within the Union, at the time of the evaluation of the application for authorisation, it should be verified that these trials were conducted in accordance with the principles equivalent to these of Regulation (EU) No 536/2014 as regards the rights and safety of the subject and the reliability and robustness of the data generated in the clinical trial.	
Recital 53				
63	(53) Environmental risks may arise from medicinal products containing or consisting of	(53) Environmental risks may arise from medicinal products containing or consisting of	(53) Environmental risks may arise from medicinal products containing or consisting of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	genetically modified organisms. It is thus necessary to subject such medicinal products to an environmental risk-assessment procedure similar to the procedure under Directive 2001/18/EC of the European Parliament and of the Council[1], to be conducted in parallel with the evaluation, under a single Union procedure, of the quality, safety and efficacy of the medicinal product concerned. The environmental risk-assessment should be conducted in accordance with the requirements set out in this Regulation and in [revised Directive 2001/83/EC] which are based on the principles set out in Directive 2001/18/EC but taking into account the specificities of medicinal products.	genetically modified organisms. It is thus necessary to subject such medicinal products to an environmental risk-assessment procedure similar to the procedure under Directive 2001/18/EC of the European Parliament and of the Council[1], to be conducted in parallel with the evaluation, under a single Union procedure, of the quality, safety and efficacy of the medicinal product concerned. The environmental risk-assessment should be conducted in accordance with the requirements set out in this Regulation and in [revised Directive 2001/83/EC] which are based on the principles set out in Directive 2001/18/EC but taking into account the specificities of medicinal products.	genetically modified organisms. It is thus necessary to subject such medicinal products to an environmental risk-assessment procedure similar to the procedure under Directive 2001/18/EC of the European Parliament and of the Council[1], to be conducted in parallel with the evaluation, under a single Union procedure, of the quality, safety and efficacy of the medicinal product concerned. The environmental risk-assessment should be conducted in accordance with the requirements set out in this Regulation and in [revised Directive 2001/83/EC] which are based on the principles set out in Directive 2001/18/EC but taking into account the specificities of medicinal products.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	___________ 1. Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).	___________ 1. Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).	___________ 1. Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).	
Recital 53a				
63a		***(53a) Several care pathways should be explored to make therapies available in all Member States, including by advancing provisions for access to cross border care, such as Directive 2011/24/EU[1a] and Regulation (EC) No 883/2004[1b] of the European Parliament and of the Council. This is particularly important for the advanced***		

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		therapy medicinal products, as their unique characteristics result in significant infrastructural complexities and system barriers, which can substantially limit their continuous supply. _____ ***1a. Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).*** ***1b. Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166 30.4.2004, p. 1).***		
Recital 54				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
64	(54) [revised Directive 2001/83/EC] permits Member States to temporarily allow the use and supply of unauthorised medicinal products for public health reasons or individual patient needs and that includes medicinal products to be authorised under this Regulation. It is also necessary, that Member States are allowed under this Regulation to make a medicinal product available for compassionate use prior to its marketing authorisation. In those exceptional and urgent situations, where there is a lack of a suitable authorised medicinal product, the need to protect public health or the health of individual patients must prevail over other considerations, in	(54) [revised Directive 2001/83/EC] permits Member States to temporarily allow the use and supply of unauthorised medicinal products for public health reasons or individual patient needs and that includes medicinal products to be authorised under this Regulation. It is also necessary, that Member States are allowed under this Regulation to make a medicinal product available for compassionate use prior to its marketing authorisation. In those exceptional and urgent situations, where there is a lack of a suitable authorised medicinal product, the need to protect public health or the health of individual patients must prevail over other considerations, in	(54) [revised Directive 2001/83/EC] permits Member States to temporarily allow the use and supply of unauthorised medicinal products for public health reasons or individual patient needs and that includes medicinal products to be authorised under this Regulation. It is also necessary, that Member States are allowed under this Regulation to make a medicinal product available for compassionate use prior to its marketing authorisation. In those exceptional and urgent situations, where there is a lack of a suitable authorised medicinal product, the need to protect public health or the health of individual patients must prevail over other considerations, in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	particular the need to obtain a marketing authorisation and consequently, to have available complete information about the risks posed by the medicinal product, including any risks to the environment from medicinal products containing or consisting of genetically modified organisms (GMOs). To avoid delays in making these products available or uncertainties as regards their status in certain Member States, it is appropriate, in those exceptional and urgent situations, that for a medicinal product containing or consisting of GMOs, an environmental risk assessment or consent in accordance with Directive 2001/18/EC or Directive 2009/41/EC of the European	particular the need to obtain a marketing authorisation and consequently, to have available complete information about the risks posed by the medicinal product, including any risks to the environment from medicinal products containing or consisting of genetically modified organisms (GMOs). To avoid delays in making these products available or uncertainties as regards their status in certain Member States, it is appropriate, in those exceptional and urgent situations, that for a medicinal product containing or consisting of GMOs, an environmental risk assessment or consent in accordance with Directive 2001/18/EC or Directive 2009/41/EC of the European	particular the need to obtain a marketing authorisation and consequently, to have available complete information about the risks posed by the medicinal product, including any risks to the environment from medicinal products containing or consisting of genetically modified organisms (GMOs). To avoid delays in making these products available or uncertainties as regards their status in certain Member States, it is appropriate, in those exceptional and urgent situations, that for a medicinal product containing or consisting of GMOs, an environmental risk assessment or consent in accordance with Directive 2001/18/EC or Directive 2009/41/EC of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council[1] should not be a prerequisite. Nevertheless, in these cases, Member States should implement appropriate measures to minimise foreseeable negative environmental impacts resulting from the intended or unintended release of the medicinal products containing or consisting of GMOs into the environment. _____ 1. Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms (Recast) (OJ L 125, 21.5.2009, p. 75).	Parliament and of the Council[1] should not be a prerequisite. Nevertheless, in these cases, Member States should implement appropriate measures ***in line with the precautionary principle*** to minimise foreseeable negative environmental impacts resulting from the intended or unintended release of the medicinal products containing or consisting of GMOs into the environment ***and agree on an appropriate timeline for the delivery of the environmental risk data***. _____ 1. Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically	Parliament and of the Council[1] should not be a prerequisite. Nevertheless, in these cases, Member States should implement appropriate measures to minimise foreseeable negative environmental impacts resulting from the intended or unintended release of the medicinal products containing or consisting of GMOs into the environment. _____ 1. Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms (Recast) (OJ L 125, 21.5.2009, p. 75).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		modified micro-organisms (Recast) (OJ L 125, 21.5.2009, p. 75).		
Recital 55				
65	(55) For medicinal products, the period for protection of data relating to non-clinical tests and clinical trials should be the same as that provided for in [revised Directive 2001/83/EC].	(55) For medicinal products, the period for protection of data relating to non-clinical tests and clinical trials should be the same as that provided for in [revised Directive 2001/83/EC].	(55) For medicinal products, the period for protection of data relating to non-clinical tests and clinical trials should be the same as that provided for in [revised Directive 2001/83/EC].	
Recital 56				
66	(56) In order to meet, in particular, the legitimate expectations of patients and to take account of the increasingly rapid progress of science and therapies, accelerated assessment procedures should be set up, reserved for medicinal products of	(56) In order to meet, in particular, the legitimate expectations of patients and to take account of the increasingly rapid progress of science and therapies, accelerated assessment procedures should be set up, reserved for medicinal products of	(56) In order to meet, in particular, the legitimate expectations of patients and to take account of the increasingly rapid progress of science and therapies, accelerated assessment procedures should be set up, reserved for medicinal products of	

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	major therapeutic interest, and procedures for obtaining conditional marketing authorisations subject to certain regularly reviewable conditions.	major therapeutic interest, and procedures for obtaining conditional marketing authorisations subject to certain regularly reviewable conditions.	major therapeutic interest, and procedures for obtaining conditional marketing authorisations subject to certain regularly reviewable conditions.	
Recital 57				
67	(57) Compassionate use programmes allow for an early access to medicinal products. Existing provisions should be reinforced to ensure that a common approach is followed, whenever possible, regarding the criteria and conditions for the compassionate use of new medicinal products under Member States' legislation. Moreover, it is important to allow for data on such uses to be collected to inform	(57) Compassionate use programmes allow for an early access to medicinal products. Existing provisions should be reinforced to ensure that a common approach is followed, whenever possible, regarding the criteria and conditions for the compassionate use of new medicinal products under Member States' legislation. Moreover, it is important to allow for data on such uses to be collected to inform	(57) Compassionate use programmes allow for an early access to medicinal products. Existing provisions should be reinforced to ensure that a common approach is followed, whenever possible, regarding the criteria and conditions for the compassionate use of new medicinal products under Member States' legislation. Moreover, it is important to allow for data on such uses to be collected to inform	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	decisions regarding the benefit-risk balance of the medicinal products concerned.	decisions regarding the benefit-risk balance of the medicinal products concerned.	decisions regarding the benefit-risk balance of the medicinal products concerned.	
Recital 57a				
67a		***(57a) Given the underserved needs in the area of mental health, the revision should contribute to increased access to treatments, and the development of novel treatments, for patients who need them most.***		
Recital 57b				
67b		***(57b) The Commission should support the use of early access pilot programmes to treat patients with complex comorbidities, including physical and mental***		

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		health conditions who are often excluded from clinical trials. Allowing this would support evidence gathering on the safety and efficacy of these treatments. Such programmes should provide treatment experience for healthcare providers and generate valuable real-world data to inform future authorisations of these treatments.		
Recital 58				
68	(58) There is the possibility under certain circumstances for marketing authorisations to be granted, subject to specific obligations or conditions, on a conditional basis or under exceptional circumstances. The	(58) There is the possibility under certain ***duly justified*** circumstances for marketing authorisations to be granted, subject to specific obligations or conditions, on a conditional basis or under exceptional	(58) There is the possibility under certain circumstances for marketing authorisations to be granted, subject to specific obligations or conditions, on a conditional basis or under exceptional circumstances. The	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	legislation should allow under similar circumstances for medicinal products with a standard marketing authorisation for new indications to be authorised on a conditional basis or under exceptional circumstances. The medicinal products authorised on a conditional basis or under exceptional circumstances should in principle satisfy the requirements for a standard marketing authorisation with the exception of the specific derogations or conditions outlined in the relevant conditional or exceptional marketing authorisation and shall be subject to specific review of the fulfilment of the imposed specific conditions or obligations. It is also	circumstances. The legislation should allow under similar circumstances for medicinal products with a standard marketing authorisation for new indications to be authorised on a conditional basis or under exceptional circumstances. The medicinal products authorised on a conditional basis or under exceptional circumstances should in principle satisfy the requirements for a standard marketing authorisation with the exception of the specific derogations or conditions outlined in the relevant conditional or exceptional marketing authorisation and shall be subject to specific review of the fulfilment of the imposed specific conditions	legislation should allow under similar circumstances for medicinal products with a standard marketing authorisation for new indications to be authorised on a conditional basis or under exceptional circumstances. The medicinal products authorised on a conditional basis or under exceptional circumstances should in principle satisfy the requirements for a standard marketing authorisation with the exception of the specific derogations or conditions outlined in the relevant conditional or exceptional marketing authorisation and shall be subject to specific review of the fulfilment of the imposed specific conditions or obligations. It is also	

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	understood that the grounds for refusal of a marketing authorisation shall apply mutatis mutandis for such cases.	or obligations. It is also understood that the grounds for refusal of a marketing authorisation shall apply mutatis mutandis for such cases.	understood that the grounds for refusal of a marketing authorisation shall apply mutatis mutandis for such cases.	
Recital 59				
69	(59) In principle, only one marketing authorisation may be granted to an applicant for a medicinal product. Duplicate marketing authorisations should only be granted in exceptional circumstances. When those exceptional circumstances are no longer present, notably as regards the protection by a patent or a supplementary protection certificate in one or more Member States, any potentially negative	(59) In principle, only one marketing authorisation may be granted to an applicant for a medicinal product. Duplicate marketing authorisations should only be granted in exceptional circumstances. When those exceptional circumstances are no longer present, notably as regards the protection by a patent or a supplementary protection certificate in one or more Member States, any potentially negative	(59) In principle, only one marketing authorisation may be granted to an applicant for a medicinal product. Duplicate marketing authorisations should only be granted in exceptional circumstances. When those exceptional circumstances are no longer present, notably as regards the protection by a patent or a supplementary protection certificate in one or more Member States, any potentially negative	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	effects on markets from the existence of duplicate marketing authorisations should be minimised through a withdrawal of the initial or the duplicate marketing authorisation.	effects on markets from the existence of duplicate marketing authorisations should be minimised through a withdrawal of the initial or the duplicate marketing authorisation.	effects on markets from the existence of duplicate marketing authorisations should be minimised through a withdrawal of the initial or the duplicate marketing authorisation.	
Recital 60				
70	(60) Regulatory decision-making on the development, authorisation and supervision of medicinal products may be supported by access and analysis of health data, including real world data, where appropriate, i.e. health data generated outside of clinical studies. The Agency should be able to use such data, including via the Data Analysis and Real World Interrogation Network (DARWIN)	(60) Regulatory decision-making on the development, authorisation and supervision of medicinal products may be supported by access and analysis of health data, including real world data, where appropriate, i.e. health data generated outside of clinical studies***, and data generated via in silico methods, such as computational modelling and simulation, digital molecular***	(60) Regulatory decision-making on the development, authorisation and supervision of medicinal products may be supported by access and analysis of health data, including real world data, where appropriate, i.e. health data generated outside of clinical studies. The Agency should be able to use such data, including via the Data Analysis and Real World Interrogation Network (DARWIN)	

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	and the European Health Data Space interoperable infrastructure. Through these capabilities the Agency may take advantage of all the potential of supercomputing, artificial intelligence and big data science to fulfil its mandate, without compromising privacy rights. Where necessary the Agency may cooperate with the competent authorities of the Member States towards this objective.	***representation and mechanistic modelling, digital twin technology and artificial intelligence (AI)***. The Agency should be able to use such data, including via the Data Analysis and Real World Interrogation Network (DARWIN) and the European Health Data Space interoperable infrastructure. Through these capabilities the Agency may take advantage of all the potential of supercomputing, artificial intelligence and big data science***, including results of studies conducted via in silico methods,*** to fulfil its mandate, without compromising privacy rights***. The Agency should put in place sufficient, effective and specific technical and organisational measures to***	and the European Health Data Space interoperable infrastructure. Through these capabilities the Agency may take advantage of all the potential of supercomputing, artificial intelligence and big data science to fulfil its mandate, without compromising privacy rights. Where necessary the Agency may cooperate with the competent authorities of the Member States towards this objective.	

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		safeguard the fundamental rights and interests of data subjects in line with Regulations (EU) 2016/679[1a] and (EU) 2018/1725[1b] of the European Parliament and of the Council. Where necessary the Agency may cooperate with the competent authorities of the Member States towards this objective. _____ ***1a. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).***		

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		1b. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).		
Recital 61				
71	(61) The handling of health data requires a high level of protection against cyber attacks. It is necessary for the Agency to be equipped with a high level of security controls and processes against cyber attacks to ensure that the Agency operates normally at all times. To that end, the Agency should establish a plan to prevent,	(61) The handling of health data requires a high level of protection against cyber attacks. It is necessary for the Agency to be equipped with a high level of security controls and processes against cyber attacks to ensure that the Agency operates normally at all times. To that end, the Agency should establish a plan to prevent,	(61) The handling of health data requires a high level of protection against cyber attacks. It is necessary for the Agency to be equipped with a high level of security controls and processes against cyber attacks to ensure that the Agency operates normally at all times. To that end, the Agency should establish a plan to prevent,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	detect, mitigate and respond to cyber attacks so that its operations are secure at all times, while preventing any illegal access to documentation held by the Agency.	detect, mitigate and respond to cyber attacks so that its operations are secure at all times, while preventing any illegal access to documentation held by the Agency.	detect, mitigate and respond to cyber attacks so that its operations are secure at all times, while preventing any illegal access to documentation held by the Agency.	
Recital 62				
72	(62) Due to the sensitive nature of health data, the Agency should safeguard its processing operations and ensure that they respect the data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality. Where the processing of personal data is necessary for the purposes of this	(62) Due to the sensitive nature of health data, the Agency should safeguard its processing operations and ensure that they respect the data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality. Where the processing of personal data is necessary for the purposes of this	(62) Due to the sensitive nature of health data, the Agency should safeguard its processing operations and ensure that they respect the data protection principles of lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality. Where the processing of personal data is necessary for the purposes of this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation, such processing should be done in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation should take place in accordance with Regulation (EU) 2016/679[1] and Regulation (EU) 2018/1725[2] of the European Parliament and of the Council. __________ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of	Regulation, such processing should be done in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation should take place in accordance with Regulation (EU) 2016/679[1] and Regulation (EU) 2018/1725[2] of the European Parliament and of the Council. __________ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of	Regulation, such processing should be done in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation should take place in accordance with Regulation (EU) 2016/679[1] and Regulation (EU) 2018/1725[2] of the European Parliament and of the Council. __________ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	
Recital 63				
73	(63) Access to individual patient data from clinical studies in structured format allowing for statistical analyses is valuable to assist regulators in understanding the submitted evidence and to inform regulatory decision-making on the benefit-risk balance of a medicinal product. The introduction of such possibility in the legislation is important to foster data-driven benefit-risk	(63) Access to individual patient data from clinical studies in structured format allowing for statistical analyses is valuable to assist regulators in understanding the submitted evidence and to inform regulatory decision-making on the benefit-risk balance of a medicinal product. The introduction of such possibility in the legislation is important to foster data-driven benefit-risk	(63) Access to individual patient data from clinical studies in structured format allowing for statistical analyses ~~is~~**can be** valuable to assist regulators in understanding the submitted evidence and to inform regulatory decision-making on the benefit-risk balance of a medicinal product. The introduction of such possibility in the legislation is important to ~~foster~~**further enable**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	assessments at all stages of the life cycle of a medicinal product. This Regulation therefore empowers the Agency to request such data as part of the assessment of initial and post-authorisation applications.	assessments at all stages of the life cycle of a medicinal product. This Regulation therefore empowers the Agency to request such data as part of the assessment of initial and post-authorisation applications.	data-driven benefit-risk assessments at all stages of the life cycle of a medicinal product. This ~~Regulation~~**Directive** therefore empowers ~~the Agency~~**competent authorities of Member States** to request**, as necessary,** such data as part of the assessment of initial and ~~post-authorisation~~**post-marketing authorisation** applications.	
Recital 64				
74	(64) For generic and biosimilar medicinal products, as a general rule, risk management plans should not be developed and submitted, also considering that the reference medicinal product has such a plan; however, in	(64) For generic and biosimilar medicinal products, as a general rule, risk management plans should not be developed and submitted, also considering that the reference medicinal product has such a plan; however, in	(64) For generic and biosimilar medicinal products, as a general rule, risk management plans should not be developed and submitted, also considering that the reference medicinal product has such a plan; however, in	

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	specific cases, a risk management plan for generic and biosimilar medicinal products should be developed and submitted to the competent authorities.	specific cases, a risk management plan for generic and biosimilar medicinal products should be developed and submitted to the competent authorities.	specific cases, a risk management plan for generic and biosimilar medicinal products should be developed and submitted to the competent authorities.	
Recital 65				
75	(65) In the preparation of scientific advice and in duly justified cases, the Agency should also be able to consult authorities established in other relevant Union legal acts or other public bodies established in the Union, as applicable. These may include experts in clinical trials, medical devices, substances of human origin or any other as required for the provision of the scientific advice in question.	(65) In the preparation of scientific advice and in duly justified cases, the Agency should ~~*also be able to*~~ consult authorities established in other relevant Union legal acts or other public bodies established in the Union, as applicable. These may include experts in clinical trials, medical devices, substances of human origin or any other as required for the provision of the scientific advice in question. ***In addition to***	(65) In the preparation of scientific advice and in duly justified cases, the Agency should also be able to consult authorities established in other relevant Union legal acts or other public bodies established in the Union, as applicable. These may include experts in clinical trials, medical devices, substances of human origin or any other as required for the provision of the scientific advice in question.	

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		providing scientific advice, the Agency should ensure that scientific guidelines are updated and promote an open and public discussion on latest scientific developments.		
Recital 66				
76	(66) Through the Priority Medicines (PRIME) scheme, the Agency has gained experience of the provision of early scientific and regulatory support to developers of certain medicinal products that, based on preliminary evidence, are likely to address an unmet medical need and are considered promising at an early stage of development. It is appropriate to recognise this early	(66) Through the Priority Medicines (PRIME) scheme, the Agency has gained experience of the provision of early scientific and regulatory support to developers of certain medicinal products that, based on preliminary evidence, are likely to address an unmet medical need and are considered promising at an early stage of development. It is appropriate to recognise this early	(66) Through the Priority Medicines (PRIME) scheme, the Agency has gained experience of the provision of early scientific and regulatory support to developers of certain medicinal products that, based on preliminary evidence, are likely to address an unmet medical need and are considered promising at an early stage of development. It is appropriate to recognise this early	

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	support mechanism, including for priority antimicrobials and repurposed medicinal products when they fulfil the criteria for the scheme, and allow the Agency, in consultation with the Member States and the Commission, to establish selection criteria for promising medicinal products.	support mechanism, including for priority antimicrobials and repurposed medicinal products when they fulfil the criteria for the scheme, and allow the Agency, in consultation with the Member States and the Commission, to establish selection criteria for promising medicinal products.	support mechanism, including for priority antimicrobials and repurposed medicinal products when they fulfil the criteria for the scheme, and allow the Agency, in consultation with the Member States and the Commission, to establish selection criteria for promising medicinal products.	
Recital 67				
77	(67) The Agency, in consultation with the Member States and the Commission, should set the scientific selection criteria for medicinal products that receive pre-authorisation support with priority to be given to the most promising developments in therapies. In the case of medicinal	(67) The Agency, in consultation with the Member States and the Commission, should set the scientific selection criteria for medicinal products that receive pre-authorisation support with priority to be given to ***public health needs and*** the most promising developments in	(67) The Agency, in consultation with the Member States and the Commission, should set the scientific selection criteria for medicinal products that receive pre-authorisation support with priority to be given to the most promising developments in therapies. In the case of medicinal	

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	products for unmet medical needs, based on the scientific selection criteria set by the Agency, any interested developer can submit preliminary evidence to demonstrate that the medicinal product has the potential to provide a major therapeutic advancement with respect to the identified unmet medical need.	therapies. In the case of medicinal products for unmet medical needs, based on the scientific selection criteria set by the Agency, any interested developer can submit preliminary evidence to demonstrate that the medicinal product has the potential to provide a major therapeutic advancement with respect to the identified unmet medical need.	products for unmet medical needs, based on the scientific selection criteria set by the Agency, any interested developer can submit preliminary evidence to demonstrate that the medicinal product has the potential to provide a major therapeutic advancement with respect to the identified unmet medical need.	
Recital 68				
78	(68) Before a medicinal product for human use is authorised for placing on the market of one or more Member States, it generally has to undergo extensive studies to ensure that it is safe, of high quality and	(68) Before a medicinal product for human use is authorised for placing on the market of one or more Member States, it generally has to undergo extensive studies to ensure that it is safe, of high quality and	(68) Before a medicinal product for human use is authorised for placing on the market of one or more Member States, it generally has to undergo extensive studies to ensure that it is safe, of high quality and	

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	effective for use in the target population. However, in the case of certain categories of medicinal products for human use, in order to meet unmet medical needs of patients and in the interest of public health, it may be necessary to grant marketing authorisation on the basis of less complete data than is normally the case. Such marketing authorisation should be granted subject to specific obligations. The categories of medicinal products for human use concerned should be the medicinal products, including orphan medicinal products, that aim at the treatment, prevention or medical diagnosis of seriously debilitating or life-threatening diseases, or that are intended to be used in	effective for use in the target population. However, in the case of certain categories of medicinal products for human use, in order to meet unmet medical needs of patients and in the interest of public health, it may be necessary to grant marketing authorisation on the basis of less complete data than is normally the case. Such marketing authorisation should be granted subject to specific obligations. The categories of medicinal products for human use concerned should be the medicinal products, including orphan medicinal products, that aim at the treatment, prevention or medical diagnosis of seriously debilitating or life-threatening diseases, or that are intended to be used in	effective for use in the target population. However, in the case of certain categories of medicinal products for human use, in order to meet unmet medical needs of patients and in the interest of public health, it may be necessary to grant marketing authorisation on the basis of less complete data than is normally the case. Such marketing authorisation should be granted subject to specific obligations. The categories of medicinal products for human use concerned should be the medicinal products, ~~including orphan medicinal products,~~ that aim at the treatment, prevention or medical diagnosis of seriously debilitating or life-threatening diseases, or that are intended to be used in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	emergency situations in response to public health threats.	emergency situations in response to public health threats.	emergency situations in response to public health threats.	
Recital 68a				
78a		***(68a) There is still a lack of sufficiently detailed and comparable data at Union level to determine the trends and identify possible risk factors that could lead to the development of further measures to limit the risk from antimicrobial resistance and to monitor the effect of measures already introduced. Therefore it is important to collect data on the sales and use of antimicrobials, and data on antimicrobial resistant organisms found in animals, humans and food. To ensure that the information***		

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		collected can be used effectively, appropriate rules should be laid down concerning the collection and the exchange of data. The Member States should be responsible for collecting data on the use of antimicrobials under the coordination of the Agency.		
Recital 69				
79	(69) The Union should have the means to carry out a scientific assessment of the medicinal products presented in accordance with the decentralised marketing authorisation procedures. Moreover, with a view to ensuring the effective harmonisation of administrative decisions taken by Member States with regard to	(69) The Union should have the means to carry out a scientific assessment of the medicinal products presented in accordance with the decentralised marketing authorisation procedures. Moreover, with a view to ensuring the effective harmonisation of administrative decisions taken by Member States with regard to	(69) The Union should have the means to carry out a scientific assessment of the medicinal products presented in accordance with the decentralised marketing authorisation procedures. Moreover, with a view to ensuring the effective harmonisation of administrative decisions taken by Member States with regard to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal products presented in accordance with decentralised marketing authorisation procedures, it is necessary to endow the Union with the means to resolve disagreements between Member States concerning the quality, safety and efficacy of medicinal products.	medicinal products presented in accordance with decentralised marketing authorisation procedures, it is necessary to endow the Union with the means to resolve disagreements between Member States concerning the quality, safety and efficacy of medicinal products.	medicinal products presented in accordance with decentralised marketing authorisation procedures, it is necessary to endow the Union with the means to resolve disagreements between Member States concerning the quality, safety and efficacy of medicinal products.	
Recital 70				
80	(70) In the event of a risk to public health, the marketing authorisation holder or the competent authorities should be able to make urgent safety or efficacy restrictions on their own initiative to ensure a swift adaption of the marketing authorisation to maintain the safe	(70) In the event of a risk to public health, the marketing authorisation holder or the competent authorities should be able to make urgent safety or efficacy restrictions on their own initiative to ensure a swift adaption of the marketing authorisation to maintain the safe	(70) In the event of a risk to public health, the marketing authorisation holder or the competent authorities should be able to make urgent safety or efficacy restrictions on their own initiative to ensure a swift adaption of the marketing authorisation to maintain the safe	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and efficacious use of the medicinal product by healthcare professionals and patients. If a review is launched on the same safety or efficacy concern addressed by urgent restrictions initiated by a competent authority, any written observations by the marketing authorisation holder should be considered in that review to avoid duplication of assessment.	and efficacious use of the medicinal product by healthcare professionals and patients. If a review is launched on the same safety or efficacy concern addressed by urgent restrictions initiated by a competent authority, any written observations by the marketing authorisation holder should be considered in that review to avoid duplication of assessment.	and efficacious use of the medicinal product by healthcare professionals and patients. If a review is launched on the same safety or efficacy concern addressed by urgent restrictions initiated by a competent authority, any written observations by the marketing authorisation holder should be considered in that review to avoid duplication of assessment.	
Recital 71				
81	(71) The terms of a marketing authorisation for a medicinal product for human use may be varied. While the core elements of a variation are laid down in this Regulation, the Commission	(71) The terms of a marketing authorisation for a medicinal product for human use may be varied. While the core elements of a variation are laid down in this Regulation, the Commission	(71) The terms of a marketing authorisation for a medicinal product for human use may be varied. While the core elements of a variation are laid down in this Regulation, the Commission	

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	should be empowered to complement these elements by laying down further necessary elements, to adapt the system to technical and scientific progress, and to employ digitalisation measures to ensure that unnecessary administrative burden is avoided for marketing authorisation holders and competent authorities.	should be empowered to complement these elements by laying down further necessary elements, to adapt the system to technical and scientific progress, and to employ digitalisation measures to ensure that unnecessary administrative burden is avoided for marketing authorisation holders and competent authorities.	should be empowered to complement these elements by laying down further necessary elements, to adapt the system to technical and scientific progress, and to employ digitalisation measures to ensure that unnecessary administrative burden is avoided for marketing authorisation holders and competent authorities.	
Recital 72				
82	(72) To avoid unnecessary administrative and financial burden both for the pharmaceutical industry and the competent authorities, certain streamlining measures should be introduced. Electronic applications for	(72) To avoid unnecessary administrative and financial burden both for the pharmaceutical industry and the competent authorities, certain streamlining measures should be introduced. Electronic applications for	(72) To avoid unnecessary administrative and financial burden both for the pharmaceutical industry and the competent authorities, certain streamlining measures should be introduced. Electronic applications for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	marketing authorisations and for variations to the terms of the marketing authorisation should be made possible.	marketing authorisations and for variations to the terms of the marketing authorisation should be made possible.	marketing authorisations and for variations to the terms of the marketing authorisation should be made possible.	
Recital 73				
83	(73) To optimise the use of resources for both applicants for marketing authorisations and competent authorities assessing such applications, a single assessment of an active substance master file should be introduced. The outcome of the assessment should be issued through a certificate. To avoid duplication of assessment, the use of an active substance master file certificate should be mandatory for subsequent applications or	(73) To optimise the use of resources for both applicants for marketing authorisations and competent authorities assessing such applications, a single assessment of an active substance master file should be introduced. The outcome of the assessment should be issued through a certificate. To avoid duplication of assessment, the use of an active substance master file certificate should be mandatory for subsequent applications or	(73) To optimise the use of resources for both applicants for marketing authorisations and competent authorities assessing such applications, a single assessment of an active substance master file should be introduced. The outcome of the assessment should be issued through a certificate. To avoid duplication of assessment, the use of an active substance master file certificate should be mandatory for subsequent applications or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	marketing authorisations for medicinal products for human use containing that active substance from an active substance master file certification holder. The Commission should be empowered to establish the procedure for the single assessment of an active substance master file. To further optimise the use of resources, the Commission should be empowered to extend the certification scheme to additional quality master files, e.g. in case of novel excipients, adjuvants, radiopharmaceutical precursors and active substance intermediates, when the intermediate is a chemical active substance by itself or used in	marketing authorisations for medicinal products for human use containing that active substance from an active substance master file certification holder. The Commission should be empowered to establish the procedure for the single assessment of an active substance master file. To further optimise the use of resources, the Commission should be empowered to extend the certification scheme to additional quality master files, e.g. in case of novel excipients, adjuvants, radiopharmaceutical precursors and active substance intermediates, when the intermediate is a chemical active substance by itself or used in	marketing authorisations for medicinal products for human use containing that active substance from an active substance master file certification holder. The Commission should be empowered to establish the procedure for the single assessment of an active substance master file. To further optimise the use of resources, the Commission should be empowered to extend the certification scheme to additional quality master files, e.g. in case of novel excipients, adjuvants, radiopharmaceutical precursors and active substance intermediates, when the intermediate is a chemical active substance by itself or used in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conjugation with a biological substance.	conjugation with a biological substance.	conjugation with a biological substance.	
Recital 74				
84	(74) To avoid unnecessary administrative and financial burdens for applicants, marketing authorisation holders and competent authorities, certain streamlining measures should be introduced. Electronic application for marketing authorisation and for variations to the terms of the marketing authorisation should be introduced. For generic and biosimilar medicinal products, except in specific cases, risk management plans do not need to be developed and submitted to the competent authorities.	(74) To avoid unnecessary administrative and financial burdens for applicants, marketing authorisation holders and competent authorities, certain streamlining measures should be introduced. Electronic application for marketing authorisation and for variations to the terms of the marketing authorisation should be introduced. For generic and biosimilar medicinal products, except in specific cases, risk management plans do not need to be developed and submitted to the competent authorities.	(74) To avoid unnecessary administrative and financial burdens for applicants, marketing authorisation holders and competent authorities, certain streamlining measures should be introduced. Electronic application for marketing authorisation and for variations to the terms of the marketing authorisation should be introduced. For generic and biosimilar medicinal products, except in specific cases, risk management plans do not need to be developed and submitted to the competent authorities.	

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Recital 75				
85	(75) In a situation of public health emergency, it is of major interest for the Union that safe and efficacious medicinal products can be developed and made available within the Union as soon as possible. Agile, fast and streamlined processes are of the essence. A range of measures already exists at Union level to facilitate, support and speed up the development of and granting marketing authorisations for treatments and vaccines during a public health emergency.	(75) In a situation of public health emergency, it is of major interest for the Union that safe and efficacious medicinal products can be developed and made available within the Union as soon as possible. Agile, fast and streamlined processes are of the essence. A range of measures already exists at Union level to facilitate, support and speed up the development of and granting marketing authorisations for treatments and vaccines during a public health emergency.	(75) In a situation of public health emergency, it is of major interest for the Union that safe and efficacious medicinal products can be developed and made available within the Union as soon as possible. Agile, fast and streamlined processes are of the essence. A range of measures already exists at Union level to facilitate, support and speed up the development of and granting marketing authorisations for treatments and vaccines during a public health emergency.	
Recital 76				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
86	(76) It is considered appropriate to also have the possibility for the Commission to grant temporary emergency marketing authorisations to address public health emergencies. Temporary emergency marketing authorisations may be granted provided that, having regard to the circumstances of the public health emergency, the benefit of the immediate availability on the market of the medicinal product concerned outweighs the risk inherent to the fact that additional comprehensive quality, non-clinical, clinical data may still be required. A temporary emergency marketing authorisation should be valid only during the public health emergency. The Commission	(76) It is considered appropriate to also have the possibility for the Commission to grant temporary emergency marketing authorisations, to address public health emergencies. Temporary emergency marketing authorisations may be granted provided that, having regard to the circumstances of the public health emergency, the benefit of the immediate availability on the market of the medicinal product concerned outweighs the risk inherent to the fact that additional comprehensive quality, non-clinical, clinical data may still be required. A temporary emergency marketing authorisation should be valid only during the public health emergency. The Commission	(76) It is considered appropriate to also have the possibility for the Commission to grant temporary emergency marketing authorisations to address public health emergencies. Temporary emergency marketing authorisations may be granted provided that, having regard to the circumstances of the public health emergency, the benefit of the immediate availability on the market of the medicinal product concerned outweighs the risk inherent to the fact that additional comprehensive quality, non-clinical, clinical data may still be required. A temporary emergency marketing authorisation should be valid only during the public health emergency. The Commission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be given the possibility to vary, suspend or revoke such marketing authorisations in order to protect public health or when the marketing authorisation holder has not complied with the conditions and obligations set out in the temporary emergency marketing authorisation.	should be given the possibility to vary, suspend or revoke such marketing authorisations in order to protect public health or when the marketing authorisation holder has not complied with the conditions and obligations set out in the temporary emergency marketing authorisation ***or when a standard or conditional marketing authorisation has been granted for the relevant indication***.	should be given the possibility to vary, suspend or revoke such marketing authorisations in order to protect public health or when the marketing authorisation holder has not complied with the conditions and obligations set out in the temporary emergency marketing authorisation.	
Recital 76a				
86a		***(76a) It is appropriate to have in place transparency measures and standards regarding the Agency's regulatory activities in relation to medicinal products, in***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		particular those that receive a temporary emergency marketing authorisation. Those measures should include the timely publication of all relevant information on approved medicinal products and medical devices and of clinical data, including clinical trial protocols. The public information regarding clinical trials and marketing authorisation decisions should be in accordance with Regulation (EU) 2022/123 of the European Parliament and of the Council[1a] _____ ***1a. Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		medicinal products and medical devices (OJ L 20, 31.1.2022, p. 1).		
Recital 77				
87	(77) The development of antimicrobial resistance is a growing concern and the pipeline of effective antimicrobials is obstructed due to a market failure; it is therefore necessary to consider new measures to promote the development of priority antimicrobials that are effective against antimicrobial resistance and to support undertakings, often SMEs, which choose to invest in this area.	(77) The development of antimicrobial resistance is a growing concern and the pipeline of effective antimicrobials is obstructed due to a market failure ***whereby antimicrobial research and development (R&D) is hampered by the low commercial value of the antimicrobial medicinal product market.*** It is therefore necessary to ***maintain the efficacy of existing antimicrobials for as long as possible and to*** consider ***a number of*** new measures to promote the development of priority antimicrobials that are effective	(77) The development of antimicrobial resistance is a growing concern and the pipeline of effective antimicrobials is obstructed due to a market failure; it is therefore necessary to consider new measures to promote the development of priority antimicrobials that are effective against antimicrobial resistance and to support undertakings, often SMEs, which choose to invest in this area.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		against antimicrobial resistance and to support undertakings, often SMEs, ***and not-for-profit entities*** which choose to invest in this area. ***It is equally necessary to support research and development of novel antimicrobials through the different phases of antimicrobial development, in particular through market entry rewards and milestone reward payments. Additionally, the establishment of subscription models which delink the volume of antimicrobial sales from the reward received, in particular through voluntary joint procurement, can help overcome such market failures. Such measures should facilitate the development of alternative treatments, such as***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		bacteriophages, which are effective against multi-drug resistant bacteria and can be used as an alternative treatment or together with antibiotics. However, addressing anti-microbial resistance will not be possible by relying on R&D alone. To ensure prudent use of existing antibiotics, the Authority should also support the development and procurement of rapid diagnostic tools to ensure appropriate prescriptions.		
Recital 77a				
87a		***(77a) Reluctance to invest in the development of antimicrobials exists in part because the development of antimicrobials is***		

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		costly and many developers, often SMEs, cannot afford to proceed to the next stage of development. Additionally, when an antimicrobial is developed, the market is naturally limited by virtue of the need to use antimicrobials prudently. Therefore, it is necessary to consider further Union level action to support the development of antimicrobials and address existing market failures. Accordingly, a milestone payment reward scheme, complemented by a subscription model voluntary joint procurement scheme, should be developed to ensure that a market exists for developers that delink volumes sold from payment received.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 77b				
87b		***(77b) Milestone payments are an early-stage financial reward granted upon achieving certain R&D objectives prior to market approval, for example successful completion of phase I. While such mechanisms would serve primarily to provide access to existing antimicrobials, they could also support new antimicrobials in the development phase. A subscription model consists of a series of financial payments to an antibiotic developer for successfully obtaining regulatory approval for an antibiotic that meets specific pre-defined criteria. A subscription model scheme***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>through voluntary joint procurement agreements should alleviate concerns for developers by ensuring there is a market for the antimicrobial when developed.</u>		
Recital 78				
88	(78) To be considered a ‘priority antimicrobial’, a medicinal product should represent a real advancement against antimicrobial resistance and should therefore bring forward non-clinical and clinical data that underpin a significant clinical benefit with respect to antimicrobial resistance. When assessing the conditions for antibiotics, the Agency shall take	(78) To be considered a ‘priority antimicrobial’, a medicinal product should represent a real advancement against antimicrobial resistance and should therefore bring forward non-clinical and clinical data that underpin a significant clinical benefit with respect to antimicrobial resistance. When assessing the conditions for antibiotics, the Agency shall take	(78) To be considered a ‘priority antimicrobial’, a medicinal product should represent a real advancement against antimicrobial resistance and should therefore bring forward non-clinical and clinical data that underpin a significant clinical benefit with respect to antimicrobial resistance. When assessing the conditions for antibiotics, the Agency shall take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	into account the prioritisation of pathogens as regards the risk of antimicrobial resistance provided for in the 'WHO priority pathogens list for R&D of new antibiotics', specifically those listed as priority 1 (critical) or priority 2 (high) or in case there is an equivalent list of priority pathogens adopted at Union level, the Agency should take such Union list into account as a priority.	into account the prioritisation of pathogens as regards the risk of antimicrobial resistance provided for in the 'WHO priority pathogens list for R&D of new antibiotics', specifically those listed as priority 1 (critical) or priority 2 (high) or in case there is an equivalent list of priority pathogens adopted at Union level, the Agency should take such Union list into account as a priority.	into account the prioritisation of pathogens as regards the risk of antimicrobial resistance provided for in the 'WHO priority pathogens list for R&~~amp;~~D of new antibiotics', specifically those listed as priority 1 (critical) or priority 2 (high) or in case there is an equivalent list of priority pathogens adopted at Union level, the Agency should take such Union list into account as a priority.	
Recital 78a				
88a		***(78a) To effectively address major ongoing and upcoming public health challenges, in particular antimicrobial resistance, while also building on***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		existing resources, the Health Emergency Preparedness and Response Authority ('HERA' or the 'Authority') should be established as a separate structure under the legal personality of the European Centre for Disease Prevention and Control (ECDC), which was established by Regulation (EC) No 851/2004 of the European Parliament and of the Council[1a]. The Authority should be responsible for creating, coordinating and implementing the long-term European portfolio of biomedical research and development agenda for medical countermeasures against current and emerging public health threats, as well as providing tools		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		to ensure Union-wide access to those products, including tools to support the production, procurement, stockpiling and distribution capacity for medical countermeasures and other priority medical products in the Union. The Authority will play a crucial role in addressing health threats globally. The Authority should primarily focus on the fight against the most urgent health threats, including antimicrobial resistance and shortages of medicinal products. However, in the future as its capacity increases, the Authority should expand the scope of its mission, specifically to tackle other areas of unmet medical need such as rare and neglected		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		diseases. The Authority should have adequate resources to fulfil its mandate. _____ ***1a. Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control (OJ L 142, 30.4.2004, p. 1).***		
Recital 78b				
88b		***(78b) In addition to the growing threat of antimicrobial resistance, there are other market failures present in the pharmaceutical sector for which further action at Union level is required to meet the public health needs of Union citizens. In particular, there is misalignment between R&D***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		priorities and the public health needs of Union citizens. The market failures in the Union have, in certain instances, resulted in no treatments being available for rare diseases and unequal access to medicinal products, and have led to shortages. This Regulation should therefore address those market failures through providing for a modulated approach to market exclusivities and increased transparency concerning R&D expenditure to better deliver on the objectives of affordability, accessibility and availability of medicinal products in the Union.		
Recital 78c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
88c		***(78c) Joint procurement, whether within a country or involving more than one country, can improve access to, affordability, and security of supply of medicinal products. Member States interested in joint procurement of medicinal products should be able to request the Commission to facilitate joint procurement of centrally authorised medicinal products at Union level conducted pursuant to Directive 2014/24/EU of the European Parliament and of the Council[1a]*** _____ ***1a. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).		
Recital 79				
89	(79) The creation of a voucher rewarding the development of priority antimicrobials through an additional year of regulatory data protection has the capacity to provide the needed financial support to developers of priority antimicrobials. However, in order to ensure that the financial reward which is ultimately borne by health systems is mostly absorbed by the developer of the priority antimicrobial and not the buyer of the voucher, the number of available vouchers on the market should be kept to a minimum. It is therefore necessary to establish	(79) ***As an alternative, for developers who have not availed of market entry rewards and milestone payment schemes,*** the creation of a voucher rewarding the development of priority antimicrobials through an additional ~~*year*~~***period*** of regulatory data protection has the capacity to provide the needed financial support to developers of priority antimicrobials. However, in order to ensure that the financial reward which is ultimately borne by health systems is mostly absorbed by the developer of the priority antimicrobial and not the	(79) The creation of a voucher rewarding the development of priority antimicrobials through an additional year of regulatory data protection has the capacity to provide the needed financial support to developers of priority antimicrobials. However, in order to ensure that the financial reward which is ultimately borne by health systems is mostly absorbed by the developer of the priority antimicrobial and not the buyer of the voucher, the number of available vouchers on the market should be kept to a minimum. It is therefore necessary to establish	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	strict conditions of granting, transfer and use of the voucher and to further give the possibility to the Commission to revoke the voucher under certain circumstances.	buyer of the voucher, the number of available vouchers on the market should be kept to a minimum. It is therefore necessary to establish strict conditions of granting, transfer and use of the voucher and to further give the possibility to the Commission to revoke the voucher under certain circumstances. ***Additionally, the monetary value paid for the transfer of the voucher should be transferred to the Authority, which should distribute the corresponding amount, in yearly instalments, to the marketing authorisation holder, in order to ensure manufacturing capacity and supply of the priority antimicrobial for which the voucher was created.***	strict conditions of granting, transfer and use of the voucher and to further give the possibility to the Commission to revoke the voucher under certain circumstances.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 80				
90	(80) A transferable data exclusivity voucher should only be available to those antimicrobial products that bring a significant clinical benefit with respect to antimicrobial resistance, and which have the characteristics described in this Regulation. It is also necessary to ensure that an undertaking which receives this incentive is in turn capable to supply the medicinal product to patients across the Union in sufficient quantities and to provide information on all funding received for research related to its development in order to provide a full account of the direct financial	(80) A transferable data exclusivity voucher should only be available to those antimicrobial products that bring a significant clinical benefit with respect to antimicrobial resistance, and which have the characteristics described in this Regulation. It is also necessary to ensure that an undertaking which receives this incentive is in turn capable to supply the medicinal product to patients across the Union in sufficient quantities and to provide information on all funding received for research related to its development in order to provide a full account of the direct financial ***and indirect*** support given to the	(80) A transferable data exclusivity voucher should only be available to those antimicrobial products that bring a significant clinical benefit with respect to antimicrobial resistance, and which have the characteristics described in this Regulation. It is also necessary to ensure that an undertaking which receives this incentive is in turn capable to supply the medicinal product to patients across the Union in sufficient quantities and to provide information on all funding received for research related to its development in order to provide a full account of the direct financial	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	support given to the medicinal product.	medicinal product ***in accordance with Article 57 of [revised Directive 2001/83/EC]***.	support given to the medicinal product.	
Recital 81				
91	(81) To ensure a high level of transparency and complete information on the economic effect of the transferable data exclusivity voucher, notably as regards the risk of overcompensation of investment, a developer of a priority antimicrobial is required to provide information on all direct financial support received for research related to the development of the priority antimicrobial. The declaration should include direct financial	(81) To ensure a high level of transparency and complete information on the economic effect of the transferable data exclusivity voucher, notably as regards the risk of overcompensation of investment, a developer of a priority antimicrobial is required to provide information on all direct financial support received for research related to the development of the priority antimicrobial. The declaration should include direct financial	(81) To ensure a high level of transparency and complete information on the economic effect of the transferable data exclusivity voucher, notably as regards the risk of overcompensation of investment, a developer of a priority antimicrobial is required to provide information on all direct financial support received for research related to the development of the priority antimicrobial. The declaration should include direct financial	

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	support received from any source worldwide.	support received from any source worldwide ***and any indirect financial support in accordance with Article 57 of [revised Directive 2001/83/EC]***.	support received from any source worldwide.	
Recital 82				
92	(82) A transfer of a voucher for a priority antimicrobial may be conducted by sale. The value of the transaction which may be monetary or otherwise agreed between the buyer and the seller, shall be made public so as to inform regulators and the public. The identity of the holder of a voucher that has been granted and not yet used should be publicly known at all times so as to ensure	(82) A transfer of a voucher for a priority antimicrobial may be conducted by sale ***and may only be transferred once***. The value of the transaction which may be monetary or otherwise agreed between the buyer and the seller, shall be made public so as to inform regulators and the public. The identity of the holder of a voucher that has been granted and not yet used should be publicly known at all times so as to ensure	(82) A transfer of a voucher for a priority antimicrobial may be conducted by sale. The value of the transaction which may be monetary or otherwise agreed between the buyer and the seller, shall be made public so as to inform regulators and the public. The identity of the holder of a voucher that has been granted and not yet used should be publicly known at all times so as to ensure	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a maximum level of transparency and trust.	a maximum level of transparency and trust.	a maximum level of transparency and trust.	
Recital 83				
93	(83) The provisions related to transferable data exclusivity vouchers shall be applicable for a specified period from the entry into force of this Regulation or until a maximum number of vouchers are granted by the Commission in order to limit the total cost of the measure to Member State health systems. The limited application of the measure will also provide the possibility to assess the effect of the measure in addressing the market failure in the development of new antimicrobials addressing	(83) The provisions related to transferable data exclusivity vouchers shall be applicable for a specified period from the entry into force of this Regulation or until a maximum number of vouchers are granted by the Commission in order to limit the total cost of the measure to Member State health systems. The limited application of the measure will also provide the possibility to assess the effect of the measure in addressing the market failure in the development of new antimicrobials addressing	(83) The provisions related to transferable data exclusivity vouchers shall be applicable for a specified period from the entry into force of this Regulation or until a maximum number of vouchers are granted by the Commission in order to limit the total cost of the measure to Member State health systems. The limited application of the measure will also provide the possibility to assess the effect of the measure in addressing the market failure in the development of new antimicrobials addressing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	antimicrobial resistance and assess the cost on national health systems. Such assessment will provide the necessary knowledge to decide whether to extend the application of the measure.	antimicrobial resistance and assess the cost on national health systems. Such assessment will provide the necessary knowledge to decide whether to extend the application of the measure. ***Additionally, by ... [five years from the date of entry into force of this Regulation], the Commission should provide an evaluation report on the effectiveness of both the milestone payment reward schemes and the transferable data exclusivity vouchers in the development of priority antimicrobials.***	antimicrobial resistance and assess the cost on national health systems. Such assessment will provide the necessary knowledge to decide whether to extend the application of the measure.	
Recital 84				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
94	(84) The period of application of the provisions on transferable exclusivity vouchers for priority antimicrobials and the total number of vouchers may be extended by the Parliament and the Council upon proposal by the Commission on the basis of the experience acquired.	(84) The period of application of the provisions on transferable exclusivity vouchers for priority antimicrobials and the total number of vouchers may be extended by the Parliament and the Council upon proposal by the Commission on the basis of the experience acquired.	(84) The period of application of the provisions on transferable exclusivity vouchers for priority antimicrobials and the total number of vouchers may be extended by the Parliament and the Council upon proposal by the Commission on the basis of the experience acquired.	
Recital 85				
95	(85) Where the Commission considers that there are reasons to believe that a medicinal product could present a potential serious risk to human health, a scientific evaluation of the medicinal product should be undertaken by the Agency, leading to a decision whether to maintain, vary, suspend	(85) Where the Commission considers that there are reasons to believe that a medicinal product could present a potential serious risk to human health, a scientific evaluation of the medicinal product should be undertaken by the Agency, leading to a decision whether to maintain, vary, suspend	(85) Where the Commission considers that there are reasons to believe that a medicinal product could present a potential serious risk to human health, a scientific evaluation of the medicinal product should be undertaken by the Agency, leading to a decision whether to maintain, vary, suspend	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	or revoke the marketing authorisation, and taken on the basis of an overall benefit-risk assessment. The Commission may also act on a centralised marketing authorisation where the conditions attached to it are not complied with.	or revoke the marketing authorisation, and taken on the basis of an overall benefit-risk assessment. The Commission may also act on a centralised marketing authorisation where the conditions attached to it are not complied with.	or revoke the marketing authorisation, and taken on the basis of an overall benefit-risk assessment. The Commission may also act on a centralised marketing authorisation where the conditions attached to it are not complied with.	
Recital 86				
96	(86) Medicinal products for rare diseases and for children should be subject to the same provisions as any other medicinal product concerning their quality, safety and efficacy, for example for what concerns the marketing authorisation procedures, the pharmacovigilance and quality requirements. However, specific	(86) Medicinal products for rare diseases and for children should be subject to the same provisions as any other medicinal product concerning their quality, safety, and efficacy ***and environmental risk***, for example for what concerns the marketing authorisation procedures, the pharmacovigilance and quality	(86) Medicinal products for rare diseases and for children should be subject to the same provisions as any other medicinal product concerning their quality, safety and efficacy, for example for what concerns the marketing authorisation procedures, the pharmacovigilance and quality requirements. However, specific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements also apply to them. Such requirements, which are currently defined in separate legislations, should be integrated in this Regulation in order to ensure clarity and coherency of all the measures applicable to these medicinal products.	requirements. However, specific requirements also apply to them. Such requirements, which are currently defined in separate legislations, should be integrated in this Regulation in order to ensure clarity and coherency of all the measures applicable to these medicinal products.	requirements also apply to them. Such requirements, which are currently defined in separate legislations, should be integrated in this Regulation in order to ensure clarity and coherency of all the measures applicable to these medicinal products.	
Recital 87				
97	(87) Some orphan conditions occur so infrequently that the cost of developing and bringing to the market a medicinal product to diagnose, prevent or treat the condition cannot be recovered by the expected sales of the medicinal product. However, patients suffering from rare conditions	(87) Some orphan conditions occur so infrequently that the cost of developing and bringing to the market a medicinal product to diagnose, prevent or treat the condition cannot be recovered by the expected sales of the medicinal product. However, patients suffering from rare conditions	(87) Some orphan conditions occur so infrequently that the cost of developing and bringing to the market a medicinal product to diagnose, prevent or treat the condition cannot be recovered by the expected sales of the medicinal product. However, patients suffering from **life threatening or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be entitled to the same quality of treatment as other patients; it is therefore necessary to stimulate the research, development and placing on the market of appropriate medications by the pharmaceutical industry.	should be entitled to the same quality of treatment as other patients; it is therefore necessary to stimulate the research, development and placing on the market of appropriate medications by the pharmaceutical industry.	**chronically or severely debilitating** rare conditions should be entitled to the same quality of treatment as other patients; it is therefore necessary to stimulate the research, development and placing on the market of appropriate medications by the pharmaceutical industry.	
Recital 88				
98	(88) Regulation (EC) No 141/2000 of the European Parliament and of the Council[1] has proved to be successful in boosting developments of orphan medicinal products in the Union; therefore an action at Union level remains preferable to uncoordinated measures by the	(88) Regulation (EC) No 141/2000 of the European Parliament and of the Council[1] has proved to be successful in boosting developments of orphan medicinal products in the Union, ***even though more progress needs to be done, as 95 % of rare diseases are still without***	(88) Regulation (EC) No 141/2000 of the European Parliament and of the Council[1] has proved to be successful in boosting developments of orphan medicinal products in the Union; therefore an action at Union level remains preferable to uncoordinated measures by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States which may result in distortions of competition and barriers to intra-Union trade. _____ 1. Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ L 18, 22.1.2000, p. 1).	***authorised treatment and the treatments available for 5 % of rare diseases are not necessarily transformative or curative***; therefore an action at Union level remains preferable to uncoordinated measures by the Member States which may result in distortions of competition and barriers to intra-Union trade. ***The Union should build on its success, driving and ensuring a similar degree of innovation under this Regulation.*** _____ 1. Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ L 18, 22.1.2000, p. 1).	Member States which may result in distortions of competition and barriers to intra-Union trade. _____ 1. Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ L 18, 22.1.2000, p. 1).	
Recital 89				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
99	(89) The open and transparent Union procedure for the designation of potential medicinal products as orphan medicinal products established by Regulation (EC) No 141/2000 should be maintained. To increase legal clarity and simplification, the specific legal provisions applicable to these medicinal products should be integrated in this Regulation.	(89) The open and transparent Union procedure for the designation of potential medicinal products as orphan medicinal products established by Regulation (EC) No 141/2000 should be maintained. To increase legal clarity and simplification, the specific legal provisions applicable to these medicinal products should be integrated in this Regulation.	(89) The open and transparent Union procedure for the designation of potential medicinal products as orphan medicinal products established by Regulation (EC) No 141/2000 should be maintained. To increase legal clarity and simplification, the specific legal provisions applicable to these medicinal products should be integrated in this Regulation.	
Recital 90				
100	(90) Objective criteria for the orphan designation based on the prevalence of the life-threatening or chronically debilitating condition for which diagnosis, prevention or treatment is sought	(90) Objective criteria for the orphan designation based on the prevalence of the life-threatening or chronically debilitating condition for which diagnosis, prevention or treatment is sought	(90) Objective criteria for the orphan designation based on the prevalence of the life-threatening or chronically **or severely** debilitating condition for which diagnosis, prevention or treatment	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and the existence of no satisfactory method of diagnosis, prevention or treatment of the condition in question that has been authorised in the Union should be maintained; a prevalence of not more than five affected persons per 10 000 is generally regarded as the appropriate threshold. The orphan designation criterion on the basis of return on investment has been abolished, since it has never been used.	and the existence of no satisfactory method of diagnosis, prevention or treatment of the condition in question that has been authorised in the Union should be maintained; a prevalence of not more than five affected persons per 10 000 is generally regarded as the appropriate threshold. The orphan designation criterion on the basis of return on investment has been abolished, since it has never been used. ***Nevertheless, medicinal products should still be able to lose the orphan status in cases where the population criterion is no longer met.***	is sought and the existence of no satisfactory method of diagnosis, prevention or treatment of the condition in question that has been authorised in the Union should be maintained; a prevalence of not more than five affected persons per 10 000 is generally regarded as the appropriate threshold. ~~The orphan designation criterion on the basis of return on investment has been abolished, since it has never been used.~~	
Recital 91				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
101	(91) The criterion for orphan designation based on prevalence of a disease may, however, not be appropriate to identify rare diseases in all cases. For example, for conditions which have a short duration and high mortality, measuring the number of people that acquired the disease during a specific time period would better reflect if it is rare within the meaning of this Regulation than measuring the number of people who are 'affected by it' in a specific moment of time. With the aim to better identify only those diseases which are rare, the Commission should be empowered to set up specific designation criteria for certain conditions if the one provided for	(91) The criterion for orphan designation based on prevalence of a disease may, however, not be appropriate to identify rare diseases in all cases. For example, for conditions which have a short duration and high mortality, measuring the number of people that acquired the disease during a specific time period would better reflect if it is rare within the meaning of this Regulation than measuring the number of people who are 'affected by it' in a specific moment of time. With the aim to better identify only those diseases which are rare, the Commission should be empowered to set up specific designation criteria for certain conditions if the one provided for	(91) The criterion for orphan designation based on prevalence of a disease may, however, not be appropriate to identify rare diseases in all cases. For example, for conditions which have a short duration and high mortality, measuring the number of people that acquired the disease during a specific time period would better reflect if it is rare within the meaning of this Regulation than measuring the number of people who are 'affected by it' in a specific moment of time. ~~With the aim to better identify only those diseases which are rare, the Commission should be empowered to set up specific designation criteria for certain conditions if the one provided for~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	are not appropriate due to scientific reasons and on the basis of a recommendation of the Agency.	are not appropriate due to scientific reasons and on the basis of a recommendation of the Agency.	~~are not appropriate due to scientific reasons and on the basis of a recommendation of the Agency.~~	
Recital 92				
102	(92) With the aim to better identify only those diseases which are rare, the Commission should be empowered to supplement the designation criteria by a delegated act if they are not appropriate for certain conditions due to scientific reasons and on the recommendation of the Agency. In addition, the designation criteria require implementing measures to be adopted by the Commission.	*deleted*	*(92)* With the aim to better identify only those diseases which are rare, the Commission should be empowered to supplement the designation criteria by a delegated act if they are not appropriate for certain conditions due to scientific reasons and on the recommendation of the Agency. In addition, the designation criteria require implementing measures to be adopted by the Commission.	
Recital 92a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
102a		***(92a) What qualifies as a significant benefit in a patient population can change over time. Therefore, while ensuring predictability, the Agency should also take into account any scientific developments and guidance when assessing whether medicinal products meet the significant benefit criteria.***		
Recital 93				
103	(93) If a satisfactory method of diagnosis, prevention or treatment of the condition in question has already been authorised in the Union, the orphan medicinal product will have to be of significant benefit to those affected by that condition. In this	(93) If a satisfactory method of diagnosis, prevention or treatment of the condition in question has already been authorised in the Union, the orphan medicinal product will have to be of significant benefit to those affected by that condition. In this	(93) If a satisfactory method of diagnosis, prevention or treatment of the condition in question has already been authorised in the Union, the orphan medicinal product will have to be of significant benefit to those affected by that condition. In this	

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	context, a medicinal product authorised in one Member State is generally deemed as being authorised in the Union. It is not necessary for it to have Union authorisation or to be authorised in all Member States to be considered as a satisfactory method. In addition, commonly used methods of diagnosis, prevention or treatment that are not subject to a marketing authorisation may be considered satisfactory if there is scientific evidence of their efficacy and safety. In certain cases, medicinal products prepared for an individual patient in a pharmacy according to a medical prescription, or according to the prescriptions of a pharmacopoeia	context, a medicinal product authorised in one Member State is generally deemed as being authorised in the Union. It is not necessary for it to have Union authorisation or to be authorised in all Member States to be considered as a satisfactory method. In addition, commonly used methods of diagnosis, prevention or treatment that are not subject to a marketing authorisation may be considered satisfactory if there is scientific evidence of their efficacy and safety. In certain cases, medicinal products prepared for an individual patient in a pharmacy according to a medical prescription, or according to the prescriptions of a pharmacopoeia	context, a medicinal product authorised in one Member State is generally deemed as being authorised in the Union. It is not necessary for it to have Union authorisation or to be authorised in all Member States to be considered as a satisfactory method. In addition, commonly used methods of diagnosis, prevention or treatment that are not subject to a marketing authorisation may be considered satisfactory if there is scientific evidence of their efficacy and safety. In certain cases, medicinal products prepared for an individual patient in a pharmacy according to a medical prescription, or according to the prescriptions of a pharmacopoeia	

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	and intended to be supplied directly to patients served by the pharmacy, may be considered as satisfactory treatment if they are well known and safe and this is a general practice for the relevant patient population in the Union.	and intended to be supplied directly to patients served by the pharmacy, ~~may~~ ***should also*** be considered as satisfactory treatment if they are well known and safe and this is a general practice for the relevant patient population in the Union.	and intended to be supplied directly to patients served by the pharmacy, may be considered as satisfactory treatment if they are well known and safe and this is a general practice for the relevant patient population in the Union.	
Recital 94				
104	(94) The competence to designate a medicinal product as an orphan medicinal product, in the form of a decision, is accorded to the Agency. This is expected to facilitate and expedite the designation procedure, while ensuring high level of scientific expertise.	(94) The competence to designate a medicinal product as an orphan medicinal product, in the form of a decision, is accorded to the Agency. This is expected to facilitate and expedite the designation procedure, while ensuring high level of scientific expertise.	(94) The competence to designate a medicinal product as an orphan medicinal product, in the form of a decision, is accorded to the Agency. This is expected to facilitate and expedite the designation procedure, while ensuring high level of scientific expertise.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 95				
105	(95) In order to incite faster authorisation of designated orphan medicinal products, the validity of orphan designation has been set at seven years, with the possibility of extension by the Agency under certain specified conditions; the orphan designation may be withdrawn at the request of the orphan medicine sponsor.	(95) In order to incite faster authorisation of designated orphan medicinal products, the validity of orphan designation has been set at seven years, with the possibility of extension by the Agency under certain specified conditions; the orphan designation may be withdrawn at the request of the orphan medicine sponsor***, who should be able to provide a reasoned justification for the withdrawal request***. ***The Agency should make the reasoned justification for the withdrawal request, when provided by the sponsor, publicly available.***	(95) In order to incite faster authorisation of designated orphan medicinal products, the validity of orphan designation has been set at seven years, with the possibility of extension by the Agency under certain specified conditions; the orphan designation may be withdrawn at the request of the orphan **medicinal product** ~~medicine~~ sponsor.	
Recital 96				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
106	(96) The Agency is responsible for designation of an orphan medicinal product as well as for the setting up and management of a register of designated orphan medicinal products. That register should be publicly available and the minimum data which should be included in the register have been specified in this Regulation with the empowerment for the Commission to amend or supplement this data by a delegated act.	(96) The Agency is responsible for designation of an orphan medicinal product as well as for the setting up and management of a register of designated orphan medicinal products. That register should be publicly available and the minimum data which should be included in the register have been specified in this Regulation with the empowerment for the Commission to amend or supplement this data by a delegated act.	(96) The Agency is responsible for designation of an orphan medicinal product as well as for the setting up and management of a register of designated orphan medicinal products. That register should be publicly available and the minimum data which should be included in the register have been specified in this Regulation with the empowerment for the Commission to amend or supplement this data by a delegated act.	
Recital 97				
107	(97) Sponsors of orphan medicinal products designated under this Regulation should be entitled to the full benefit of	(97) Sponsors of orphan medicinal products designated under this Regulation should be entitled to the full benefit of	(97) Sponsors of orphan medicinal products designated under this Regulation should be entitled to the full benefit of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	incentives granted by the Union or by the Member States to support the research and development of medicinal products for the diagnosis, prevention or treatment of such conditions, including rare diseases.	incentives granted by the Union or by the Member States to support the research and development of medicinal products for the diagnosis, prevention or treatment of such conditions, including rare diseases.	incentives granted by the Union or by the Member States to support the research and development of medicinal products for the diagnosis, prevention or treatment of such conditions, including rare diseases.	
Recital 98				
108	(98) Patients suffering from orphan conditions deserve medicinal products of the same quality, safety and efficacy as other patients; orphan medicinal products should therefore be submitted to the normal evaluation process carried out by the Committee of Medicinal Products for Human Use for the applicant to obtain an marketing authorisation	(98) Patients suffering from orphan conditions deserve medicinal products of the same quality, safety and efficacy as other patients; orphan medicinal products should therefore be submitted to the normal evaluation process carried out by the Committee of Medicinal Products for Human Use for the applicant to obtain an marketing authorisation	(98) Patients suffering from orphan conditions deserve medicinal products of the same quality, safety and efficacy as other patients; **designated** orphan medicinal products should therefore be submitted to the normal evaluation process carried out by the Committee of Medicinal Products for Human Use for the applicant to obtain an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for orphan medicinal product, while a separate marketing authorisation may be granted for indications not fulfilling the criteria of an orphan medicinal product.	for orphan medicinal product, while a separate marketing authorisation may be granted for indications not fulfilling the criteria of an orphan medicinal product.	marketing authorisation for **those indications which fulfill the criteria for** orphan ~~medicinal product~~**designation**, while a separate marketing authorisation may be granted for indications not fulfilling the criteria of an orphan medicinal product. **Those marketing authorisations should be considered as belonging to the same global marketing authorisation.**	
Recital 99				
109	(99) A vast percentage of rare diseases remains without treatment with research and development clustered in the areas where profit is better assured. Therefore, there is a need to target those areas	(99) A vast percentage of rare diseases remains without treatment with research and development clustered in the areas where profit is better assured. Therefore, there is a need to target those areas	(99) ~~A vast percentage of rare diseases remains without treatment with research and development clustered in the areas where profit is better assured. Therefore, there is a need to target those areas~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	where research is mostly needed and where investments are most risky.	where research is mostly needed and where investments are most risky.	~~where research is mostly needed and where investments are most risky.~~	
Recital 100				
110	(100) Orphan medicinal products addressing a high unmet medical need prevent, diagnose or treat conditions where either no other method of prevention, diagnosis or treatment exists or, if such method already exists, they would bring exceptional therapeutic advancement. In both cases, the criterion of meaningful reduction in disease morbidity or mortality for the relevant patient population should ensure that only most effective medicinal products are covered. The Agency should	(100) Orphan medicinal products addressing a high unmet medical need prevent, diagnose or treat conditions where either no other method of prevention, diagnosis or treatment exists or, if such method already exists, they would bring exceptional therapeutic advancement. In both cases, the criterion of meaningful reduction in disease morbidity or mortality for the relevant patient population should ensure that only most effective medicinal products are covered. The Agency should	(100) ~~Orphan medicinal products addressing a high unmet medical need prevent, diagnose or treat conditions where either no other method of prevention, diagnosis or treatment exists or, if such method already exists, they would bring exceptional therapeutic advancement. In both cases, the criterion of meaningful reduction in disease morbidity or mortality for the relevant patient population should ensure that only most effective medicinal products are covered. The Agency should~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	draw up scientific guidelines on the category of ‘orphan medicinal products addressing a high unmet medical need’.	draw up scientific guidelines on the category of ‘orphan medicinal products addressing a high unmet medical need’.	~~draw up scientific guidelines on the category of ‘orphan medicinal products addressing a high unmet medical need’.~~	
Recital 101				
111	(101) Experience since the adoption of Regulation (EC) No 141/2000 shows that the strongest incentive for industry to invest in the development and making available of orphan medicinal products is where there is a prospect of obtaining market exclusivity for a certain number of years during which part of the investment might be recovered. In addition to the periods of market exclusivity, orphan medicinal products will benefit from the	(101) Experience since the adoption of Regulation (EC) No 141/2000 shows that the strongest incentive for industry to invest in the development and making available of orphan medicinal products is where there is a prospect of obtaining market exclusivity for a certain number of years during which part of the investment might be recovered. In addition to the periods of market exclusivity, orphan medicinal products will benefit from the	(101) Experience since the adoption of Regulation (EC) No 141/2000 shows that the strongest incentive for industry to invest in the development and making available of orphan medicinal products is where there is a prospect of obtaining market exclusivity for a certain number of years during which part of the investment might be recovered. In addition to the periods of market exclusivity, orphan medicinal products will benefit from the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	periods of regulatory protection set out in [revised Directive 2001/83/EC], including the prolongations of regulatory data protection. However, where an orphan medicinal product obtains an additional therapeutic indication it will benefit only from the prolongation of market exclusivity.	periods of regulatory protection set out in [revised Directive 2001/83/EC], including the prolongations of regulatory data protection. However, where an orphan medicinal product obtains an additional therapeutic indication it will benefit only from the prolongation of market exclusivity.	periods of regulatory protection set out in [revised Directive 2001/83/EC], including the prolongations of regulatory data protection. However, where an orphan medicinal product obtains an additional therapeutic indication it will benefit only from the prolongation of market exclusivity.	
Recital 102				
112	(102) In order to incentivise research and development of orphan medicinal products addressing high unmet needs, to ensure market predictability and to ensure a fair distribution of incentives, a modulation of market exclusivity has been introduced;	(102) In order to incentivise research and development of orphan medicinal products addressing high unmet needs, to ensure market predictability and to ensure a fair distribution of incentives, a modulation of market exclusivity has been introduced;	(102) ~~In order to incentivise research and development of~~ Orphan medicinal products ~~addressing high unmet needs, to ensure market predictability and to ensure a fair distribution of incentives, a modulation of market exclusivity has been introduced;~~	

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	orphan medicinal products addressing high unmet medical needs benefit from the longest market exclusivity, while market exclusivity for well-established use orphan medicinal products, requiring less investment, is the shortest. In order to ensure increased predictability for developers, the possibility to review the eligibility criteria for market exclusivity after six years after the marketing authorisation has been abolished.	orphan medicinal products addressing high unmet medical needs benefit from the longest market exclusivity, while market exclusivity for well-established use orphan medicinal products, requiring less investment, is the shortest. In order to ensure increased predictability for developers, the possibility to review the eligibility criteria for market exclusivity after six years after the marketing authorisation has been abolished.	~~orphan medicinal products addressing high unmet medical needs~~**generally** benefit from ~~the longest~~**10 years of** market exclusivity, while market exclusivity for well-established use orphan medicinal products, requiring less investment, is ~~the shortest~~**shorter**. In order to ensure increased predictability for developers **and to incentivise their research and development**, the possibility to review the eligibility criteria for market exclusivity after six years after the marketing authorisation~~ has been~~ **should be** abolished.	
Recital 103				

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113	(103) In order to encourage faster and wider access also to orphan medicinal products, an additional period of one year of market exclusivity is granted to orphan medicinal products for a Union market launch, with the exception of well-established use medicinal products.	*deleted*	(103) ~~In order to encourage faster and wider access also to orphan medicinal products, an additional period of one year of market exclusivity is granted to orphan medicinal products for a Union market launch, with the exception of well-established use medicinal products.~~	
Recital 104				
114	(104) To reward research into and development of new therapeutic indications, an additional period of one year of market exclusivity is provided for a new therapeutic indication (with a maximum of two indications).	(104) ***To maximise the potential benefit of clinical research, continued exploration of new indications should be encouraged.*** To reward research into and development of new therapeutic indications, an additional period of one year of market exclusivity is provided for	(104) To reward research into and development of new therapeutic indications, an additional period of one year of market exclusivity is provided for a new therapeutic indication (with a maximum of two indications).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		a new therapeutic indication (with a maximum of two indications).		
Recital 105				
115	(105) This Regulation includes several provisions aimed to avoid not-justified benefits being derived from the market exclusivity and to improve accessibility of medicinal products by ensuring faster entry of generics and biosimilars, and similar medicinal products on the market. It also clarifies the concurrence of market exclusivity with data protection and defines situations when a similar medicinal product may be granted a marketing authorisation, despite the ongoing market exclusivity.	(105) This Regulation includes several provisions aimed to avoid not-justified benefits being derived from the market exclusivity and to improve accessibility of medicinal products by ensuring faster entry of generics and biosimilars, and similar medicinal products on the market. It also clarifies the concurrence of market exclusivity with data protection and defines situations when a similar medicinal product may be granted a marketing authorisation, despite the ongoing market exclusivity.	(105) This Regulation includes several provisions aimed to avoid not-justified benefits being derived from the market exclusivity and to improve accessibility of medicinal products by ensuring faster entry of generics and biosimilars, and similar medicinal products on the market. It also clarifies the concurrence of market exclusivity with data protection and defines situations when a similar medicinal product may be granted a marketing authorisation, despite the ongoing market exclusivity.	

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Recital 105a				
115a		***(105a) The Agency should refuse the validation of an application for a marketing authorisation referring to data for a reference medicinal product only on the basis of the grounds set out in this Regulation and [revised Directive 2001/83/EC]. The same should apply to any decision to grant, vary, suspend, restrict or revoke the marketing authorisation. The Agency cannot base its decision on any other grounds. In particular, those decisions cannot be based on the patent or supplementary protection certificate status of the reference medicinal product.***		

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Recital 105b				
115b		***(105b) One of the overarching goals of this Regulation is to help to meet the medical needs of patients with rare diseases, to improve the affordability of orphan medicinal products and patient access to orphan medicinal products across the Union, and to encourage innovation in areas of need. While other Union programmes and policies also contribute to those goals, people living with a rare disease continue to face common challenges that are numerous and multifactorial, including delayed diagnoses, lack of available transformative treatments, and difficulties to***		

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		access treatments where they live, reflecting the fragmentation of the market across the Member States. The Union added value in addressing the needs of people living with a rare disease being exceptionally high due to the rarity of patients, experts, data, and resources, it is appropriate for the Commission to complement this Regulation by developing a dedicated framework for rare diseases to bridge relevant legislation, policies and programmes, and support national strategies with a view to better meeting the unmet needs of people living with rare diseases and of their carers. That framework should be needs-driven and goals-based, and		

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		developed in consultation with the Member States and patient organisations as well as, where relevant, other interested parties.		
Recital 106				
116	(106) Before a medicinal product for human use is placed on the market in one or more Member States, it has to have undergone extensive studies, including non-clinical tests and clinical trials, to ensure that it is safe, of high quality and effective for use in the target population. It is important that such studies are undertaken also on the paediatric population in order to ensure that medicinal products are appropriately authorised for use in the paediatric	(106) Before a medicinal product for human use is placed on the market in one or more Member States, it has to have undergone extensive studies, including non-clinical tests and clinical trials, to ensure that it is safe, of high quality and effective for use in the target population. It is important that such studies are undertaken also on the paediatric population in order to ensure that medicinal products are appropriately authorised for use in the paediatric	(106) Before a medicinal product for human use is placed on the market in one or more Member States, it has to have undergone extensive studies, including non-clinical tests and clinical trials, to ensure that it is safe, of high quality and effective for use in the target population. It is important that such studies are undertaken also ~~on~~**in** the paediatric population in order to ensure that medicinal products are appropriately authorised for use in the paediatric	

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	population, and to improve the information available on the use of medicinal products in the various paediatric population. It is also important that medicinal products are presented in dosages and formulations adequate for the use in children.	population, and to improve the information available on the use of medicinal products in the various paediatric population. It is also important that medicinal products are presented in dosages and formulations adequate for the use in children.	population, and to improve the information available on the use of medicinal products in the various paediatric population. It is also important that medicinal products are presented in dosages and formulations adequate for the use in children.	
Recital 107				
117	(107) Therefore, the development of medicinal products that could potentially be used for the paediatric population should become an integral part of the development of medicinal products, integrated into the development programme for adults. Thus, paediatric investigation plans should be	(107) Therefore, the development of medicinal products that could potentially be used for the paediatric population should become an integral part of the development of medicinal products, integrated into the development programme for adults. Thus, paediatric investigation plans should be	(107) Therefore, the development of medicinal products that could potentially be used for the paediatric population should become an integral part of the development of medicinal products, integrated into the development programme for adults. Thus, paediatric investigation plans should be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	submitted early during medicinal product development, in time for studies to be conducted in the paediatric population, where appropriate, before marketing authorisation applications are submitted.	submitted early during medicinal product development, in time for studies to be conducted in the paediatric population, where appropriate, before marketing authorisation applications are submitted.	submitted early during medicinal product development, in time for studies to be conducted in the paediatric population, where appropriate, before marketing authorisation applications are submitted.	
Recital 108				
118	(108) As the development of medicinal products is a dynamic process dependent on the result of ongoing studies, in certain cases, for example when limited information on the medicinal products are available because the medicinal products are tested for the first time in the paediatric population, a specific procedure allowing to progressively build up	(108) As the development of medicinal products is a dynamic process dependent on the result of ongoing studies, in certain cases, for example when limited information on the medicinal products are available because the medicinal products are tested for the first time in the paediatric population, a specific procedure allowing to progressively build up	(108) As the development of medicinal products is a dynamic process dependent on the result of ongoing studies, in certain cases, for example when limited information on the medicinal products are available because the medicinal products are tested for the first time in the paediatric population, a specific procedure allowing to progressively build up	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a paediatric investigation plan should be put in place.	a paediatric investigation plan should be put in place.	a paediatric investigation plan should be put in place.	
Recital 109				
119	(109) During public health emergencies, in order not to delay a prompt authorisation of a medicinal product intended for the treatment or the prevention of a condition related to the public health emergency, there should be a possibility to temporarily waive the requirements concerning paediatric studies to be submitted at the moment of marketing authorisation.	(109) During public health emergencies, in order not to delay a prompt authorisation of a medicinal product intended for the treatment or the prevention of a condition related to the public health emergency, there should be a possibility to temporarily waive the requirements concerning paediatric studies to be submitted at the moment of marketing authorisation.	(109) During public health emergencies, in order not to delay a prompt authorisation of a medicinal product intended for the treatment or the prevention of a condition related to the public health emergency, there should be a possibility to temporarily waive the requirements concerning paediatric studies to be submitted at the moment of marketing authorisation.	
Recital 110				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
120	(110) In order to not endanger the health of children and avoid to expose them to unnecessary clinical trials, the obligation to agree and conduct paediatric studies in children should be waived when the medicinal product is likely to be ineffective or unsafe in part or all of the paediatric population, the specific medicinal product does not represent a significant therapeutic benefit over existing treatments for children or the disease for which the medicinal product is intended occurs only in adult populations. Nevertheless, in the last case, if on the basis of existing scientific evidence, the medicinal product due to its molecular mechanism of action is expected to be effective	(110) In order to not endanger the health of children and avoid to expose them to unnecessary clinical trials, the obligation to agree and conduct paediatric studies in children should be waived when the medicinal product is likely to be ineffective or unsafe in part or all of the paediatric population, the specific medicinal product does not represent a significant therapeutic benefit over existing treatments for children or the disease for which the medicinal product is intended occurs only in adult populations. Nevertheless, in the last case, if on the basis of existing scientific evidence, the medicinal product due to its molecular mechanism of action is expected to be effective	(110) In order to not endanger the health of children and avoid to expose them to unnecessary clinical trials, the obligation to agree and conduct paediatric studies in children should be waived when the medicinal product is likely to be ineffective or unsafe in part or all of the paediatric population, the specific medicinal product does not represent a significant therapeutic benefit over existing **methods of diagnosis, prevention or** treatments for children or the disease for which the medicinal product is intended occurs only in adult populations. Nevertheless, ~~in the last case,~~ if on the basis of existing scientific evidence, the medicinal product due to its	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	against a different disease in children, the obligation should be maintained.	against a different disease in children, the obligation should be maintained.	~~molecular~~ mechanism of action is ~~expected to be effective against~~ **relevant for** a different disease **or condition in the same therapeutic area** in children, the obligation should be maintained.	
Recital 111				
121	(111) To ensure that research in the paediatric population is only conducted to meet their therapeutic needs, the Agency should agree and make public lists of waivers for medicinal products and for specific medicinal products or for classes or part of classes of medicinal products. As knowledge of science and medicine evolves over time, provision should be made for the	(111) To ensure that research in the paediatric population is only conducted to meet their therapeutic needs, the Agency should agree and make public lists of waivers for medicinal products and for specific medicinal products or for classes or part of classes of medicinal products. As knowledge of science and medicine evolves over time, provision should be made for the	(111) To ensure that research in the paediatric population is only conducted to meet their therapeutic needs, the Agency should agree and make public lists of waivers for medicinal products and for specific medicinal products or for classes or part of classes of medicinal products. As knowledge of science and medicine evolves over time, provision should be made for the	

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	lists of waivers to be amended. However, if a waiver is revoked, that requirement should not apply for a given period in order to allow time for at least a paediatric investigation plan to be agreed and studies in the paediatric population to be initiated before an application for marketing authorisation is submitted.	lists of waivers to be amended. However, if a waiver is revoked, that requirement should not apply for a given period in order to allow time for at least a paediatric investigation plan to be agreed and studies in the paediatric population to be initiated before an application for marketing authorisation is submitted.	lists of waivers to be amended. However, if a waiver is revoked, that requirement should not apply for a given period in order to allow time for at least a paediatric investigation plan to be agreed and studies in the paediatric population to be initiated before an application for marketing authorisation is submitted.	
Recital 112				
122	(112) With a view to ensuring that research is conducted only when safe and ethical and that the requirement for study data in the paediatric population does not block or delay the authorisation of medicinal products for other populations, the Agency may defer	(112) With a view to ensuring that research is conducted only when safe and ethical and that the requirement for study data in the paediatric population does not block or delay the authorisation of medicinal products for other populations, the Agency may	(112) With a view to ensuring that research is conducted only when safe and ethical and that the requirement for study data in the paediatric population does not block or delay the authorisation of medicinal products for other populations, the Agency may defer	

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	the initiation or completion of some or all of the measures contained in a paediatric investigation plan for a limited period of time. Such deferral should be extended only in duly justified cases.	defer***, based on scientific, ethical and technical grounds or considerations related to public health,*** the initiation or completion of some or all of the measures contained in a paediatric investigation plan for a limited period of time. Such deferral should be extended only in duly justified cases.	the initiation or completion of some or all of the measures contained in a paediatric investigation plan for a limited period of time. Such deferral should be extended only in duly justified cases.	
Recital 113				
123	(113) The possibility to modify an agreed paediatric investigation plan should be foreseen when the applicant encounters such difficulties with its implementation as to render the plan unworkable or no longer appropriate.	(113) The possibility to modify an agreed paediatric investigation plan should be foreseen when the applicant encounters such difficulties with its implementation as to render the plan unworkable or no longer appropriate.	(113) The possibility to modify an agreed paediatric investigation plan should be foreseen when the applicant encounters such difficulties with its implementation as to render the plan unworkable or no longer appropriate.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 114				
124	(114) The Agency, after consultation of the Commission and of interested parties, should draw up the details of the content of an application for agreement of a paediatric investigation plan, for its modification, for waivers and for deferral requests.	(114) The Agency, after consultation of the Commission and of interested parties, should draw up the details of the content of an application for agreement of a paediatric investigation plan, for its modification, for waivers and for deferral requests.	(114) The Agency, after consultation of the Commission and of interested parties, should draw up the details of the content of an application for agreement of a paediatric investigation plan, for its modification, for waivers and for deferral requests.	
Recital 115				
125	(115) For medicinal products intended to be developed for use only in children which would be developed independently from the current provisions, simplified details of the paediatric investigation plan should be required.	(115) For medicinal products intended to be developed for use only in children which would be developed independently from the current provisions, simplified details of the paediatric investigation plan should be required.	(115) For medicinal products intended to be developed for use only in children which would be developed independently from the current provisions, simplified details of the paediatric investigation plan should be required.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 116				
126	(116) To ensure that the data supporting the marketing authorisation concerning the use of a medicinal product in children to be authorised under this Regulation have been correctly developed, the Committee for Medicinal Products for Human Use should check compliance with the agreed paediatric investigation plan and any waivers and deferrals at the validation step for marketing authorisation applications.	(116) To ensure that the data supporting the marketing authorisation concerning the use of a medicinal product in children to be authorised under this Regulation have been correctly developed, the Committee for Medicinal Products for Human Use should check compliance with the agreed paediatric investigation plan and any waivers and deferrals at the validation step for marketing authorisation applications.	(116) To ensure that the data supporting the marketing authorisation concerning the use of a medicinal product in children to be authorised under this Regulation have been correctly developed, the Committee for Medicinal Products for Human Use should check compliance with the agreed paediatric investigation plan and any waivers and deferrals at the validation step for marketing authorisation applications.	
Recital 117				
127	(117) Free scientific advice should be provided by the Agency as an incentive to sponsors	(117) Free scientific advice should be provided by the Agency as an incentive to sponsors	(117) Free scientific advice should be provided by the Agency as an incentive to sponsors	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	developing medicinal products for the paediatric population.	developing medicinal products for the paediatric population.	developing medicinal products for the paediatric population.	
Recital 118				
128	(118) To provide healthcare professionals and patients with information on the safe and effective use of medicinal products in the paediatric population, the results of the studies conducted in accordance with a paediatric investigation plan, independently from the fact that they support or not the use of the medicinal product in children, should be included in the summary of product characteristics and, if appropriate, in the package leaflet.	(118) To provide healthcare professionals and patients with information on the safe and effective use of medicinal products in the paediatric population, the results of the studies conducted in accordance with a paediatric investigation plan, independently from the fact that they support or not the use of the medicinal product in children, should be included in the summary of product characteristics and, if appropriate, in the package leaflet.	(118) To provide healthcare professionals and patients with information on the safe and effective use of medicinal products in the paediatric population, the results of the studies conducted in accordance with a paediatric investigation plan, independently from the fact that they support or not the use of the medicinal product in children, should be included in the summary of product characteristics and, if appropriate, in the package leaflet.	
Recital 119				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
129	(119) To sustain the development of novel, paediatric only indications from authorised medicinal products no longer covered by intellectual property rights, it is necessary to establish a specific type of marketing authorisation, the Paediatric Use Marketing Authorisation. A Paediatric Use Marketing Authorisation should be granted through existing marketing authorisation procedures but should apply specifically for medicinal products developed exclusively for use in the paediatric population. It should be possible for the name of the medicinal product that has been granted a Paediatric Use Marketing Authorisation to retain	(119) To sustain the development of novel, paediatric only indications from authorised medicinal products no longer covered by intellectual property rights, it is necessary to establish a specific type of marketing authorisation, the Paediatric Use Marketing Authorisation. A Paediatric Use Marketing Authorisation should be granted through existing marketing authorisation procedures but should apply specifically for medicinal products developed exclusively for use in the paediatric population. It should be possible for the name of the medicinal product that has been granted a Paediatric Use Marketing Authorisation to retain	(119) To sustain the development of novel, paediatric only indications from authorised medicinal products no longer covered by intellectual property rights, it is necessary to establish a specific type of marketing authorisation, the Paediatric Use Marketing Authorisation. A Paediatric Use Marketing Authorisation should be granted through existing marketing authorisation procedures but should apply specifically for medicinal products developed exclusively for use in the paediatric population. It should be possible for the name of the medicinal product that has been granted a Paediatric Use Marketing Authorisation to retain	

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	the existing brand name of the corresponding medicinal product authorised for adults, in order to capitalise on existing brand recognition, while benefiting from the regulatory protection associated with a new marketing authorisation.	the existing brand name of the corresponding medicinal product authorised for adults, in order to capitalise on existing brand recognition, while benefiting from the regulatory protection associated with a new marketing authorisation.	the existing brand name of the corresponding medicinal product authorised for adults, in order to capitalise on existing brand recognition, while benefiting from the regulatory protection associated with a new marketing authorisation.	
Recital 120				
130	(120) An application for a Paediatric Use Marketing Authorisation should include the submission of data concerning use of the medicinal product in the paediatric population, collected in accordance with an agreed paediatric investigation plan. These data may be derived from the published literature or from	(120) An application for a Paediatric Use Marketing Authorisation should include the submission of data concerning use of the medicinal product in the paediatric population, collected in accordance with an agreed paediatric investigation plan. These data may be derived from the published literature or from	(120) An application for a Paediatric Use Marketing Authorisation should include the submission of data concerning use of the medicinal product in the paediatric population, collected in accordance with an agreed paediatric investigation plan. These data may be derived from the published literature or from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	new studies. An application for a Paediatric Use Marketing Authorisation should also be able to refer to data contained in the dossier of a medicinal product which is or has been authorised in the Union. This is intended to provide an additional incentive to encourage SMEs, including generic companies, to develop off-patent medicinal products for the paediatric population.	new studies. An application for a Paediatric Use Marketing Authorisation should also be able to refer to data contained in the dossier of a medicinal product which is or has been authorised in the Union. This is intended to provide an additional incentive to encourage SMEs, including generic companies, to develop off-patent medicinal products for the paediatric population.	new studies. An application for a Paediatric Use Marketing Authorisation should also be able to refer to data contained in the dossier of a medicinal product which is or has been authorised in the Union. This is intended to provide an additional incentive to encourage SMEs, including generic companies, to develop off-patent medicinal products for the paediatric population.	
Recital 121				
131	(121) Some paediatric investigation plans may be discontinued due to various reasons despite possible positive results for the treatment of children obtained from the studies	(121) Some paediatric investigation plans may be discontinued due to various reasons despite possible positive results for the treatment of children obtained from the studies	(121) Some paediatric investigation plans may be discontinued due to various reasons despite possible positive results for the treatment of children obtained from the studies	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	already conducted. The information of such discontinuations and their reasons should be collected by the Agency and made public in order to inform eventual third parties who may be interested in continuing the above-mentioned studies.	already conducted. The information of such discontinuations and their reasons should be collected by the Agency and made public in order to inform eventual third parties who may be interested in continuing the above-mentioned studies.	already conducted. The information of such discontinuations and their reasons should be collected by the Agency and made public in order to inform eventual third parties who may be interested in continuing the above-mentioned studies.	
Recital 122				
132	(122) To increase the transparency on clinical trials conducted in children in third countries and referred to in a paediatric investigation plan or conducted from a marketing authorisation holder independently from a paediatric investigation plan, information on these clinical trials should be included in the	(122) To increase the transparency on clinical trials conducted in children in third countries and referred to in a paediatric investigation plan or conducted from a marketing authorisation holder independently from a paediatric investigation plan, information on these clinical trials should be included in the	(122) To increase the transparency on clinical trials conducted in children in third countries and referred to in a paediatric investigation plan or conducted from a marketing authorisation holder independently from a paediatric investigation plan, information on these clinical trials should be included in the	

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	European clinical trial database created by Regulation (EU) No 536/2014.	European clinical trial database created by Regulation (EU) No 536/2014.	European clinical trial database created by Regulation (EU) No 536/2014.	
Recital 123				
133	(123) The summary of the results of all the paediatric clinical trials included in the European clinical trial database created by Regulation (EU) No 536/2014 should be made publicly available within 6 months after the end of the clinical trials unless this is not possible for justified scientific reasons.	(123) The summary of the results of all the paediatric clinical trials included in the European clinical trial database created by Regulation (EU) No 536/2014 should be made publicly available within 6 months after the end of the clinical trials unless this is not possible for justified scientific reasons.	(123) The summary of the results of all the paediatric clinical trials included in the European clinical trial database created by Regulation (EU) No 536/2014 should be made publicly available within 6 months after the end of the clinical trials unless this is not possible for justified scientific reasons.	
Recital 124				
134	(124) To discuss priority in medicinal product development, in	(124) To discuss priority in medicinal product development, in	(124) To discuss priority in medicinal product development, in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	particular in areas of unmet medical need for children and to coordinate studies relating to paediatric medicinal products, the Agency should set up a European network composed of patient representatives, academics, medicines developers, investigators and research centres based in the Union or in the European Economic Area.	particular in areas of unmet medical need for children and to coordinate studies relating to paediatric medicinal products, the Agency should set up a European network composed of patient representatives, academics, medicines developers, investigators and research centres based in the Union or in the European Economic Area.	particular in areas of unmet medical need for children and to coordinate studies relating to paediatric medicinal products, the Agency should set up a European network composed of patient representatives, academics, medicines developers, investigators and research centres based in the Union or in the European Economic Area.	
Recital 125				
135	(125) Union funding should be provided to cover all aspects of the work of the Agency resulting from paediatric related activities, such as the assessment of paediatric investigation plans, fee waivers for scientific advice, and information	(125) Union funding should be provided to cover all aspects of the work of the Agency resulting from paediatric related activities, such as the assessment of paediatric investigation plans, fee waivers for scientific advice, and information	(125) Union funding should be provided to cover all aspects of the work of the Agency resulting from paediatric related activities, such as the assessment of paediatric investigation plans, fee waivers for scientific advice, and information	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and transparency measures, including the database of paediatric studies and the network.	and transparency measures, including the database of paediatric studies and the network.	and transparency measures, including the database of paediatric studies and the network.	
Recital 126				
136	(126) It is necessary to take measures for the supervision of medicinal products authorised by the Union, and in particular for the intensive supervision of undesirable effects of these medicinal products within the framework of Union pharmacovigilance activities, so as to ensure the rapid withdrawal from the market of any medicinal product presenting a negative benefit-risk balance under normal conditions of use.	(126) It is necessary to take measures for the supervision of medicinal products authorised by the Union, and in particular for the intensive supervision of undesirable effects of these medicinal products***, and the collection of real-world data*** within the framework of Union pharmacovigilance activities, so as to ensure the rapid withdrawal from the market of any medicinal product presenting a negative benefit-risk balance under normal conditions of use.	(126) It is necessary to take measures for the supervision of medicinal products authorised by the Union, and in particular for the intensive supervision of undesirable effects of these medicinal products within the framework of Union pharmacovigilance activities, so as to ensure the rapid withdrawal from the market of any medicinal product presenting a negative benefit-risk balance under normal conditions of use.	

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Recital 127				
137	(127) The main tasks of the Agency in the area of pharmacovigilance laid down in Regulation (EC) No 726/2004 should be maintained. This includes the management of the Union pharmacovigilance database and data-processing network (the 'Eudravigilance database'), the coordination of safety announcements by the Member States and the provision to the public of information regarding safety issues. The Eudravigilance database should be the single point of receipt of pharmacovigilance information. Member States should therefore not impose any additional reporting requirements	(127) The main tasks of the Agency in the area of pharmacovigilance laid down in Regulation (EC) No 726/2004 should be maintained. This includes the management of the Union pharmacovigilance database and data-processing network (the 'Eudravigilance database'), the coordination of safety announcements by the Member States and the provision to the public of information regarding safety issues. The Eudravigilance database should be the single point of receipt of pharmacovigilance information. Member States should therefore not impose any additional reporting requirements	(127) The main tasks of the Agency in the area of pharmacovigilance laid down in Regulation (EC) No 726/2004 should be maintained. This includes the management of the Union pharmacovigilance database and data-processing network (the 'Eudravigilance database'), the coordination of safety announcements by the Member States and the provision to the public of information regarding safety issues. The Eudravigilance database should be the single point of receipt of pharmacovigilance information. Member States should therefore not impose any additional reporting requirements	

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	on marketing authorisation holders. The database should be fully and permanently accessible to the Member States, the Agency and the Commission, and accessible to an appropriate extent to marketing authorisation holders and the public.	on marketing authorisation holders. The database should be fully and permanently accessible to the Member States, the Agency and the Commission, and accessible to an appropriate extent to marketing authorisation holders and the public.	on marketing authorisation holders. The database should be fully and permanently accessible to the Member States, the Agency and the Commission, and accessible to an appropriate extent to marketing authorisation holders and the public.	
Recital 128				
138	(128) To enhance the efficiency of market surveillance, the Agency should be responsible for coordinating Member States' pharmacovigilance activities. A number of provisions are required to put in place stringent and efficient pharmacovigilance procedures, to allow the competent authority of the Member State to	(128) To enhance the efficiency of market surveillance, the Agency should be responsible for coordinating Member States' pharmacovigilance activities. A number of provisions are required to put in place stringent and efficient pharmacovigilance procedures, to allow the competent authority of the Member State to	(128) To enhance the efficiency of market surveillance, the Agency should be responsible for coordinating Member States' pharmacovigilance activities. A number of provisions are required to put in place stringent and efficient pharmacovigilance procedures, to allow the competent authority of the Member State to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	take provisional emergency measures, including the introduction of amendments to the marketing authorisation and, finally, to permit a reassessment to be made at any time of the risk-benefit balance of a medicinal product.	take provisional emergency measures, including the introduction of amendments to the marketing authorisation and, finally, to permit a reassessment to be made at any time of the risk-benefit balance of a medicinal product.	take provisional emergency measures, including the introduction of amendments to the marketing authorisation and, finally, to permit a reassessment to be made at any time of the risk-benefit balance of a medicinal product.	
Recital 129				
139	(129) Scientific and technological progresses in data analytics and data infrastructure are essential for the development, authorisation and supervision of medicinal products. The digital transformation has affected regulatory decision-making, making it more data-driven and multiplying the possibilities to	(129) Scientific and technological progresses in data analytics and data infrastructure are essential for the development, authorisation and supervision of medicinal products. The digital transformation has affected regulatory decision-making, making it more data-driven and multiplying the possibilities to	(129) Scientific and technological progresses in data analytics and data infrastructure are essential for the development, authorisation and supervision of medicinal products. The digital transformation has affected regulatory decision-making, making it more data-driven and multiplying the possibilities to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	access evidence, across the life cycle of a medicinal product. This Regulation recognises the Agency's experience and capacity to access and analyse data submitted independently from the marketing authorisation applicant or marketing authorisation holder. On this basis, the Agency should take initiative to update the summary of product characteristics in case new efficacy or safety data has an impact on the benefit-risk balance of a medicinal product.	access evidence ***and real-world data***, across the life cycle of a medicinal product. This Regulation recognises the Agency's experience and capacity to access and analyse data submitted independently from the marketing authorisation applicant or marketing authorisation holder. On this basis, the Agency should take initiative to update the summary of product characteristics in case new efficacy or safety data has an impact on the benefit-risk balance of a medicinal product. ***In such cases, the Agency should consult with the marketing authorisation applicant or marketing authorisation holder, before undertaking any such update.***	access evidence, across the life cycle of a medicinal product. This Regulation recognises the Agency's experience and capacity to access and analyse data submitted independently from the marketing authorisation applicant or marketing authorisation holder. On this basis, the Agency should take initiative to update the summary of product characteristics in case new efficacy or safety data has an impact on the benefit-risk balance of a medicinal product.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 130				
140	(130) It is also appropriate to entrust the Commission, in close cooperation with the Agency and after consultations with the Member States, with the task of coordinating the execution of the various supervisory responsibilities vested in the Member States, and in particular with the tasks of providing information on medicinal products and of checking the observance of good manufacturing, laboratory and clinical practices.	(130) It is also appropriate to entrust the Commission, in close cooperation with the Agency and after consultations with the Member States, with the task of coordinating the execution of the various supervisory responsibilities vested in the Member States, and in particular with the tasks of providing information on medicinal products and of checking the observance of good manufacturing, laboratory and clinical practices.	(130) It is also appropriate to entrust the Commission, in close cooperation with the Agency and after consultations with the Member States, with the task of coordinating the execution of the various supervisory responsibilities vested in the Member States, and in particular with the tasks of providing information on medicinal products and of checking the observance of good manufacturing, laboratory and clinical practices.	
Recital 131				
141	(131) It is necessary to provide for the coordinated	(131) It is necessary to provide for the coordinated	(131) It is necessary to provide for the coordinated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementation of Union procedures for the marketing authorisation of medicinal products, and of the marketing authorisation procedures of Member States which have already been harmonised to a considerable degree by [revised Directive 2001/83/EC].	implementation of Union procedures for the marketing authorisation of medicinal products, and of the marketing authorisation procedures of Member States which have already been harmonised to a considerable degree by [revised Directive 2001/83/EC].	implementation of Union procedures for the marketing authorisation of medicinal products, and of the marketing authorisation procedures of Member States which have already been harmonised to a considerable degree by [revised Directive 2001/83/EC].	
Recital 132				
142	(132) The Union and Member States have developed a scientific evidence-based process that allows competent authorities to determine the relative effectiveness of new or existing medicinal products. This process focuses specifically on the added value of a medicinal product in comparison with other	(132) The Union and Member States have developed a scientific evidence-based process that allows competent authorities to determine the relative effectiveness of new or existing medicinal products. This process focuses specifically on the added value of a medicinal product in comparison with other	(132) The Union and Member States have developed a scientific evidence-based process that allows competent authorities to determine the relative effectiveness of new or existing medicinal products. This process focuses specifically on the added value of a medicinal product in comparison with other	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	new or existing health technologies However, this evaluation should not be conducted in the context of the marketing authorisation, for which it is agreed that the fundamental criteria should be retained. It is useful in this respect to allow for the possibility of gathering information on the methods used by the Member States to determine the therapeutic benefit obtained by each new medicinal product.	new or existing health technologies However, this evaluation should not be conducted in the context of the marketing authorisation, for which it is agreed that the fundamental criteria should be retained. It is useful in this respect to allow for the possibility of gathering information on the methods used by the Member States to determine the therapeutic benefit obtained by each new medicinal product.	new or existing health technologies However, this evaluation should not be conducted in the context of the marketing authorisation, for which it is agreed that the fundamental criteria should be retained. It is useful in this respect to allow for the possibility of gathering information on the methods used by the Member States to determine the therapeutic benefit obtained by each new medicinal product.	
Recital 132a				
142a		***(132a) To better facilitate patient' access to innovative medicinal products, it is appropriate to establish common rules for the testing and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		authorisation of innovative medicinal products and innovative technologies related to such products for which, due to their exceptional nature or characteristics, the Union regulatory framework for medicinal products is not expected to be adapted.		
Recital 132b				
142b		***(132b) On duly justified grounds, regulatory sandboxes should be able to be set up when it is not possible to develop the medicinal product or category of medicinal products in compliance with the requirements applicable to medicinal products due to scientific or regulatory challenges***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		arising from characteristics or methods related to the medicinal product, and those characteristics or methods positively and distinctively contribute to the quality, safety or efficacy of the medicinal product or category of medicinal products, or significantly improve patient access to treatment.		
Recital 132c				
142c		***(132c) The objectives of providing for the possibility of establishing regulatory sandboxes under this Regulation are the following: for the Agency and national competent authorities to increase their understanding of technical and scientific***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		developments, to allow developers in a controlled environment to test and develop innovative medicinal products and related technologies for which the current regulatory framework is not adapted, as agreed with the competent authorities, and to identify possible future adaptations of the legal framework for the authorisation of medicinal products in the Union.		
Recital 133				
143	(133) Regulatory sandboxes can provide the opportunity for advancing regulation through proactive regulatory learning, enabling regulators to gain better	(133) Regulatory sandboxes can provide the opportunity for advancing regulation through proactive regulatory learning, enabling regulators to gain better	(133) Regulatory sandboxes can provide the opportunity for advancing regulation through proactive regulatory learning, enabling regulators to gain better	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regulatory knowledge and to find the best means to regulate innovations based on real-world evidence, especially at a very early stage of development of a medicinal product, which can be particularly important in the face of high uncertainty and disruptive challenges, as well as when preparing new policies. Regulatory sandboxes provide a structured context for experimentation, enable where appropriate in a real-world environment the testing of innovative technologies, products, services or approaches – at the moment especially in the context of digitalisation or the use of artificial intelligence and machine learning in the life cycle of medicinal products from drug	regulatory knowledge and to find the best means to regulate innovations based on real-world evidence, especially at a very early stage of development of a medicinal product, which can be particularly important in the face of high uncertainty and disruptive challenges, as well as when preparing new policies. ***SMEs and startups should also have the possibility of utilising*** regulatory sandboxes ***whereby they can, as relevant, contribute with their knowhow and experience. Regulatory sandboxes can*** provide ***controlled frameworks which, by providing*** a structured context for experimentation, enable where appropriate in a real-world environment the testing of	regulatory knowledge and to find the best means to regulate innovations based on real-world evidence, especially at a very early stage of development of a medicinal product, which can be particularly important in the face of high uncertainty and disruptive challenges, as well as when preparing new policies. Regulatory sandboxes provide a structured context for experimentation, enable where appropriate in a real-world environment the testing of innovative technologies, products, services or approaches – at the moment especially in the context of digitalisation or the use of artificial intelligence and machine learning in the life cycle of medicinal products from drug	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	discovery, development to the administration of medicinal products – for a limited time and in a limited part of a sector or area under regulatory supervision ensuring that appropriate safeguards are in place. In its conclusions of 23 December 2020 the Council has encouraged the Commission to consider the use of regulatory sandboxes on a case-by-case basis when drafting and reviewing legislation.	innovative technologies, products, services or approaches – at the moment especially in the context of digitalisation or the use of artificial intelligence and machine learning in the life cycle of medicinal products from drug discovery, development to the administration of medicinal products – for a limited time and in a limited part of a sector or area under regulatory supervision ensuring that appropriate safeguards are in place. ***They allow the authorities tasked with implementing and enforcing the legislation to exercise on a case-by-case basis a degree of flexibility in relation to testing innovative medicinal products, for the benefit of bringing such***	discovery, development to the administration of medicinal products – for a limited time and in a limited part of a sector or area under regulatory supervision ensuring that appropriate safeguards are in place. In its conclusions of 23 December 2020 the Council has encouraged the Commission to consider the use of regulatory sandboxes on a case-by-case basis when drafting and reviewing legislation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		products to patients without compromising the standards of quality, safety and efficacy. The regulatory sandbox should in principle allow the Agency to assess if an adapted framework for the medicinal product in question is appropriate and should be developed. Given that the regulatory sandbox should not continue indefinitely, upon its completion the medicinal product in question should, if appropriate, be regulated through an adapted framework. In its conclusions of 23 December 2020 the Council has encouraged the Commission to consider the use of regulatory sandboxes on a case-by-case basis when drafting and reviewing legislation.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 134				
144	(134) In the area of medicinal products, a high level of protection of inter alia citizens, consumers, health, as well as legal certainty, a level playing field and fair competition always need to be ensured and existing levels of protection need to be respected.	(134) In the area of medicinal products, a high level of protection of inter alia citizens, consumers, health***, the environment***, as well as legal certainty, a level playing field and fair competition always need to be ensured and existing levels of protection need to be respected. ***Whenever possible, priority should be given to the use of non-animal approaches.***	(134) In the area of medicinal products, a high level of protection of inter alia citizens, consumers, health, as well as legal certainty, a level playing field and fair competition always need to be ensured and existing levels of protection need to be respected.	
Recital 134a				
144a			**(134a) A regulatory sandbox can be established if a highly innovative medicinal product's unique characteristics make following existing rules**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			impossible for the purpose of authorising and placing such medicinal product in the market, and if its characteristics distinctly improve quality, safety, efficacy, or patient access. A regulatory sandbox should be initiated as a time-limited regulatory framework in order to allow developers to contribute to the Agency's work and identify at an early stage gaps between innovative science and technologies and the existing mechanism of regulation, without affecting the level of quality, safety and efficacy laid down in Union law. The regulatory sandbox could be initiated on a recommendation of a sandbox	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			plan established by the Agency, which would set out a clinical, scientific and regulatory justification for the regulatory sandbox, including an overview of the regulatory requirements that need to be adapted, while ensuring an equivalent protection of quality, safety and efficacy standards as those laid down in Union law. This will allow to test innovative products in a real world environment under strict regulatory supervision to ensure that the necessary evidence and data is generated by developers to demonstrate their quality, safety or efficacy, and thus facilitate their authorisation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 135				
145	(135) The establishment of a regulatory sandbox should be based on a Commission Decision following a recommendation of the Agency. Such decision should be based on a detailed plan outlining the particularities of the sandbox as well as describing the products to be covered. A regulatory sandbox should be limited in duration and may be terminated at any time based on public health considerations. The learning stemming from a regulatory sandbox should inform future changes to the legal framework to fully integrate the particular innovative aspects into the medicinal product regulation.	(135) The establishment of a regulatory sandbox should be based on a Commission Decision following a recommendation of the Agency. Such decision should be based on a detailed ***and comprehensive*** plan outlining the particularities of the sandbox as well as describing the products to be covered. A regulatory sandbox should be limited in duration and may be terminated at any time based on public health considerations. The learning stemming from a regulatory sandbox should inform future changes to the legal framework to fully integrate the particular innovative aspects into the	(135) The establishment of a regulatory sandbox should be based on a Commission **implementing** Decision~~-~~**,** following a recommendation of the Agency. Such decision should be based on a detailed plan outlining the particularities of the sandbox as well as describing the products to be covered. A regulatory sandbox should be limited in duration and ~~may~~**could** be terminated at any time based on public health considerations. The learning stemming from a regulatory sandbox ~~should inform~~**are capable of informing** future changes to the legal framework **in order** to fully	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Where appropriate, adapted frameworks may be developed by the Commission on the basis of the results of a regulatory sandbox.	medicinal product regulation. Where appropriate, adapted frameworks may be developed by the Commission on the basis of the results of a regulatory sandbox.	integrate the particular innovative aspects into the medicinal product regulation. Where appropriate, adapted frameworks ~~may~~**could** be developed by the Commission on the basis of the results of a regulatory sandbox. **Marketing authorisations under a sandbox should be granted on the basis of the same regulatory principles of quality, safety and efficacy as other medicinal products. The regulatory sandbox should not affect the supervisory and corrective powers of the competent authorities and the liability of the participants, such as clinical trial sponsors, marketing authorision holders, applicants for marketing authorisation, or any entities**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			involved in the lifecycle of the medicinal product.	
Recital 135a				
145a		***(135a) The Union market for medicinal products remains fragmented, despite the Union having a single market and being the second largest market for pharmaceuticals in the world. The organisation of healthcare systems is a national competence of Member States and that allows for decisions to be made closer to the patient, but also brings divergences in both pricing and patient access. Better and closer coordination between national authorities opens the door to a more efficient and effective***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		supply of medicinal products throughout the Union.		
Recital 135b				
145b		***(135b) More often than in the past, Member States experience critical shortages of certain antimicrobials, endangering the health of patients and risking the development of antimicrobial resistance. Those critical shortages are the result of changing infection patterns, which strongly increases demand. On the supply side, the long lead times needed to boost production makes it difficult to respond quickly. This experience underlines the need for a dedicated effort from all actors to***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		address the issue of critical shortages.		
Recital 136				
146	(136) Shortages of medicinal products represent a growing threat to public health, with potential serious risks to the health of patients in the Union and impacts on the right of patients to access appropriate medical treatment. The root causes of shortages are multifactorial, with challenges identified along the entire pharmaceutical value chain, from quality and manufacturing problems. In particular, shortages of medicinal products can result from supply chain disruptions and vulnerabilities affecting the supply	(136) Shortages of medicinal products represent a growing threat to public health, with potential serious risks to the health of patients in the Union and impacts on the right of patients to access appropriate medical treatment***, including longer delays or interruptions in care or therapy, longer periods of hospitalisation, increased risks of exposure to falsified medicinal products, medication errors, adverse effects resulting from the substitution of unavailable medicinal products with***	(136) Shortages of medicinal products represent a growing threat to public health, with potential serious risks to the **smooth functioning of the internal market, as well as the** health of patients in the Union and impacts on ~~the~~**their** right ~~of patients~~ to access appropriate medical treatment. The root causes of shortages are multifactorial, with challenges identified along the entire pharmaceutical value chain, from quality and **safety risks to** manufacturing problems. In particular, shortages of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of key ingredients and components. Therefore, all marketing authorisation holders should have shortage prevention plans in place, to prevent shortages. The Agency should provide guidance to marketing authorisation holders on approaches to streamline the implementation of those plans.	***alternative ones, significant psychological distress for patients and increased costs for healthcare systems. Member States should collect data on the impact of shortages of medicinal products on patients and consumers, and share relevant information through the MSSG, in order to inform approaches to management of shortages of medicinal products***. The root causes of shortages are multifactorial, with challenges identified along the entire pharmaceutical value chain, from quality and manufacturing problems. In particular, shortages of medicinal products can result from supply chain disruptions and vulnerabilities affecting the supply	medicinal products can result from supply chain disruptions and vulnerabilities affecting the supply of key ingredients and components. ~~Therefore,~~ ~~all~~**Member States, depending on their situation, have addressed this in different ways. Due to a lack of coordination of measures taken at national level, these efforts resulted in a fragmented response leading to a jeopardy of the availability of medicines across the European Union.** Marketing authorisation holders should have shortage prevention plans in place **for certain products**, to prevent **or mitigate** shortages. The Agency should provide guidance to marketing authorisation holders on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		of key ingredients and components. Therefore, all marketing authorisation holders should have shortage prevention plans in place, to prevent shortages. The Agency should provide guidance to marketing authorisation holders on approaches to streamline the implementation of those plans.	approaches to streamline the implementation of those plans.	
Recital 137				
147	(137) To achieve a better security of supply for medicinal products in the internal market and to contribute thereby to a high level of public health protection, it is appropriate to approximate the rules on monitoring and reporting of actual or potential shortages of	(137) To achieve a better security of supply for medicinal products in the internal market and to contribute thereby to a high level of public health protection, it is appropriate to approximate the rules on monitoring and reporting of actual or potential shortages of	(137) To achieve a better security of supply for medicinal products in the internal market and to contribute thereby to a high level of public health protection, it is appropriate to approximate the rules on monitoring and reporting of actual or potential shortages of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal products, including the procedures and the respective roles and obligations of concerned entities in this Regulation. It is important to ensure continued supply of medicinal products, which is often taken for granted across Europe. This is especially true for the most critical medicinal products which are essential to ensure the continuity of care, the provision of quality healthcare and guarantee a high level of public health protection in Europe.	medicinal products, including the procedures and the respective roles and obligations of concerned entities in this Regulation***, while allowing Member States to adopt or maintain legislation ensuring a higher degree of protection against shortages of medicinal products***. It is important to ensure continued supply of medicinal products, which is often taken for granted across Europe. This is especially true for the most critical medicinal products which are essential to ensure the continuity of care, the provision of quality healthcare and guarantee a high level of public health protection in Europe. ***To combat certain shortages, medicinal products prepared for individual patients***	medicinal products, including the procedures and the respective roles and obligations of concerned entities in this Regulation. It is important to ensure continued supply of medicinal products, which is often taken for granted across Europe. This is especially true for the most critical medicinal products which are essential to ensure the continuity of care, the provision of quality healthcare and guarantee a high level of public health protection ~~in Europe~~ **within the Union**.	

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		in a pharmacy according to a medical prescription 'magistral formula', or according to the pharmacopoeia and intended to be supplied directly to patients served by the pharmacy 'officinal formula', should be able to be used.		
Recital 137a				
147a			**(137a) The phenomenon of parallel trade in medicinal products concerns medicinal products traded from one Member State to another Member State. Parallel trade facilitates the free movement of medicinal products due to the fact that the medicinal products are authorised in more Member**	

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			States on the basis of the Union legislation. This situation is different from export, where the harmonised system of authorising and making medicinal products available on the market does not exist. While the Court of Justice has ruled that parallel trade fosters the free movement of medicinal products and is therefore beneficial to the internal market, it has also recognised that the need to ensure that a country has reliable supplies for essential medical purposes, in particular a supply of medicinal products to the public that is reliable and of good quality, may, under Article 36 TFEU, justify a restriction on trade between	

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			Member States if that objective contributes to protecting human health and human life. Therefore, it should be possible for a Member State to require, for certain medicinal products, to be informed by wholesale distributors whenever one of these products leaves the Member State in question to be distributed in another Member State. On the basis of this information and other information at its disposal, including shortage prevention plans, the Member State should be able to take measures to prevent or mitigate shortages and should notify to the Agency. These measures should also be appropriate and proportionate	

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			to such objectives and take into account that the principles of the free movement of goods are restricted only for the purpose of safeguarding public health, thus respecting the case law of the Court of Justice of the European Union and the Treaties, notably the provisions on free movement and competition. The information requirements set out in this Article do not affect existing obligations under Union law for the notification of technical regulations and technical barriers to the internal market, including those set out in Directive 2015/1535. It is important to recognise that parallel import can contribute to	

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			the objective of access to medicines, notably in smaller or vulnerable markets.	
Recital 138				
148	(138) The national competent authorities should be empowered to monitor shortages of medicinal products that are authorised through both national and centralised procedures, based on notifications of marketing authorisation holders. The Agency should be empowered to monitor shortages of medicinal products that are authorised through the centralised procedure, also based on notifications of marketing authorisation holders. When critical shortages are identified,	(138) The national competent authorities should be empowered to monitor shortages of medicinal products that are authorised through both national and centralised procedures, based on notifications of marketing authorisation holders. The Agency should be empowered to monitor shortages of medicinal products that are authorised through the centralised procedure, also based on notifications of marketing authorisation holders. ***Information on such shortages should be***	(138) The national competent authorities should be empowered to monitor shortages of medicinal products that are authorised through both national and centralised procedures, based on notifications of marketing authorisation holders. The Agency should be empowered to monitor shortages of medicinal products that are authorised through the centralised procedure, also based on notifications of marketing authorisation holders. **To ensure continuity of supply and**	

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	both national competent authorities and the Agency should work in a coordinated manner to manage those critical shortages, whether the medicinal product concerned by the critical shortage is covered by a centralised marketing authorisation or a national marketing authorisation. Marketing authorisation holders and other relevant entities must provide the relevant information to inform the monitoring. Wholesale distributors and other persons or legal entities, including patient organisations or health care professionals, may also report a shortage of a given medicinal product marketed in the Member State concerned to the competent authority. The Executive Steering	***made available on the European medicines web-portal provided for in this Regulation.*** When critical shortages are identified, both national competent authorities and the Agency should work in a coordinated manner to ***communicate the necessary information to patients, consumers and healthcare professionals, including on the estimated duration of the shortage and available alternatives, and*** manage those critical shortages, whether the medicinal product concerned by the critical shortage is covered by a centralised marketing authorisation or a national marketing authorisation. Marketing authorisation holders	**availability of critical medicinal products on the market of any Member State where the medicinal product is authorised, rules for the transfer of the marketing authorisation or for the offer of a letter of access prior to the withdrawal of the marketing authorisation or the permanent market cessation, respectively, in Member States where the marketing authorisation is valid, should be laid down. Such transfer should not be considered to be a variation. Rules on wholesale distribution of medicinal products, marketed as a result of a marketing authorisation, whose data have been shared via a letter of access, do not affect**	

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	Group on Shortages and Safety of Medicinal Products ('the Medicines Shortages Steering Group' (MSSG)) already established within the Agency pursuant to Regulation (EU) 2022/123 of the European Parliament and of the Council[1], should adopt a list of critical shortages of medicinal products and ensure monitoring of those shortages by the Agency. The MSSG should also adopt a list of critical medicinal products authorised in accordance with [revised Directive 2001/83/EC] or this Regulation to ensure monitoring of the supply of those products. The MSSG may provide recommendations on measures to be taken by marketing	and other relevant entities, ***importers, manufacturers and suppliers,*** must provide the relevant information to inform the monitoring. Wholesale distributors and other persons or legal entities, including patient organisations or health care professionals ***and consumers and other persons or legal entities that are authorised or entitled to supply medicinal products to the public***, may also report a shortage of a given medicinal product marketed in the Member State concerned to the competent authority. The Executive Steering Group on Shortages and Safety of Medicinal Products ('the Medicines Shortages Steering Group' (MSSG)) already established	**the contractual arrangements between the marketing authorisation holders or wholesalers concerned.** When critical shortages **of Union concern** are identified, both national competent authorities and the Agency should work in a coordinated manner to manage those critical shortages, whether the medicinal product concerned by the critical shortage is covered by a centralised marketing authorisation or a national marketing authorisation. Marketing authorisation holders and other relevant entities ~~must~~ **should** provide the relevant information to inform the monitoring. Wholesale distributors and other persons or legal entities,	

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	authorisation holders, the Member States, the Commission and other entities to resolve any critical shortage or to ensure the security of supply of those critical medicinal products to the market. Implementing acts can be adopted by the Commission to ensure that appropriate measures, including the establishment or maintenance of contingency stocks, are taken by marketing authorisation holders, wholesale distributors or other relevant entities. _____ 1. Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for	within the Agency pursuant to Regulation (EU) 2022/123 of the European Parliament and of the Council[1], should adopt a list of critical shortages of medicinal products and ensure monitoring of those shortages by the Agency. The MSSG should also adopt a list of critical medicinal products authorised in accordance with [revised Directive 2001/83/EC] or this Regulation to ensure monitoring of the supply of those products. The MSSG may provide recommendations on measures to be taken by marketing authorisation holders, the Member States, the Commission and other entities to resolve any critical shortage or to ensure the security of supply of those critical	including patient organisations or health care professionals, may also report a shortage of a given medicinal product marketed in the Member State concerned to the competent authority. The **Agency, with the support of the** Executive Steering Group on Shortages and Safety of Medicinal Products ('the Medicines Shortages Steering Group' (MSSG)) already established within the Agency pursuant to Regulation (EU) 2022/123 of the European Parliament and of the Council[1], should ~~adopt~~**establish and, when necessary, update** a list of critical shortages of ~~medicinal products and~~**Union concern. The Agency, in coordination with the competent authority of the**	

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	medicinal products and medical devices (OJ L 20, 31.1.2022, p. 1).	medicinal products to the market. ***Where appropriate, those security of supply measures should also comprise the use of regulatory flexibilities such as on packaging and labelling requirements. However, such flexibility should not undermine high quality and safety standards.*** Implementing acts can be adopted by the Commission to ensure that appropriate measures, including the establishment or maintenance of contingency stocks, are taken by marketing authorisation holders, wholesale distributors or other relevant entities. _____ 1. Regulation (EU) 2022/123 of the European Parliament and of the Council of	**Member State concerned should** ensure monitoring of those shortages ~~by the Agency~~. The MSSG should also ~~adopt~~ **propose** a list of critical medicinal products authorised in accordance with [revised Directive 2001/83/EC] or this Regulation to ensure monitoring of the supply of those products**, to be adopted by the Commission**. The MSSG may provide recommendations on measures to be taken by marketing authorisation holders, the Member States, the Commission and other entities to resolve any critical shortage or to ensure the security of supply of those critical medicinal products to the market. ~~Implementing acts can be adopted by the Commission to ensure that~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (OJ L 20, 31.1.2022, p. 1).	~~appropriate measures, including the establishment or maintenance of contingency stocks, are taken by marketing authorisation holders, wholesale distributors or other relevant entities.~~ _____ ~~1. Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (OJ L 20, 31.1.2022, p. 1).~~	
Recital 138a				
148a			**(138a) Monitoring and prevention activities, together with targeted actions at national level, have at times proven to be**	

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			insufficient to prevent disruption of supply within the Union of critical medicinal products. Experience has shown that difficulties in the supply chain have led to uncoordinated approaches at company and governmental level, such as imposing contingency stocks requirements on actors in the supply chain, which led to restrictions in the internal market. Such restrictions are also likely to result in a suboptimal level of availability of critical medicines, due to the fact that a fragmented approach is jeopardising the availability throughout the European Union. It is necessary to ensure that tools for a Union approach are	

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			available to address such situations which are likely to lead to such restrictions, in specific circumstances, to ensure the free movement of medicines by safeguarding security of a safe and stable supply of them at Union level. The Commission should therefore be empowered to draw up recommendations on national measures, after having duly identified a serious risk of disruptions, , to improve security of supply within the Union.	
Recital 138a				
148b		***(138a) Wholesalers are usually a key supply link between marketing authorisation holders***		

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		and the users of medicinal products, and in those cases, in order to estimate demand, the quantity requested in wholesale orders should be considered.		
Recital 138b				
148c		***(138b) It is necessary to avoid that measures planned or taken in one Member State to prevent or mitigate a shortage at national level when responding to the legitimate needs of its citizens increase the risk of shortages in another Member State.***		
Recital 139				
149	(139) To ensure continuity of supply and availability of critical	(139) To ensure continuity of supply and availability of critical	(139) ~~To ensure continuity of supply and availability of critical~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal products to the market, rules on the transfer of the marketing authorisation prior to the permanent marketing cessation should be laid down. Such transfer should not be considered to be a variation.	medicinal products to the market, rules on the transfer of the marketing authorisation prior to the permanent marketing cessation should be laid down. Such transfer should not be considered to be a variation.	~~medicinal products to the market, rules on the transfer of the marketing authorisation prior to the permanent marketing cessation should be laid down. Such transfer should not be considered to be a variation.~~	
Recital 139a				
149a		***(139a) Public procurement procedures can be an effective tool for tackling shortages of medicinal products. At Member State level, invitations to tender based solely on price and where there is only one bidder increase the risk of shortages of medicinal products and of reducing the number of suppliers on the market. At Union level, joint***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		procurement should be recognised as a tool to tackle critical shortages, in particular during a health crisis, as demonstrated by the COVID-19 pandemic.		
Recital 140				
150	(140) It is recognised that improved access to information contributes to public awareness, gives the public the opportunity to express its observations and enables authorities to take due account of those observations. The general public should therefore have access to information in the Union Register of medicinal products, the Eudravigilance database and the manufacturing	(140) It is recognised that improved access to information contributes to public awareness ***and increases public trust***, gives the public the opportunity to express its observations and enables authorities to take due account of those observations. The general public should therefore have access to information in the Union Register of medicinal products, the Eudravigilance	(140) It is recognised that improved access to information contributes to public awareness, gives the public the opportunity to express its observations and enables authorities to take due account of those observations. The general public should therefore have access to information in the Union Register of medicinal products, the Eudravigilance database and the manufacturing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and wholesale distribution database, after the deletion of any commercially confidential information by the competent authority. Regulation (EC) No 1049/2001 of the European Parliament and of the Council[1] gives the fullest possible effect to the right of public access to documents and lays down the general principles and limits on such access. The Agency should therefore give the widest possible access to the documents while carefully balancing the right for information with existing data protection requirements. Certain public and private interests, such as personal data and commercially confidential information, should be protected by way of exception	database and the manufacturing and wholesale distribution database, after the deletion of any commercially confidential information by the competent authority~~.~~ ***, unless there is an overriding public interest in disclosure, in accordance with*** Regulation (EC) No 1049/2001 of the European Parliament and of the Council[1]***. Regulation (EC) No 1049/2001*** gives the fullest possible effect to the right of public access to documents and lays down the general principles and limits on such access. The Agency should therefore give the widest possible access to the documents while carefully balancing the right for information with existing data protection	and wholesale distribution database, after the deletion of any commercially confidential information by the competent authority. Regulation (EC) No 1049/2001 of the European Parliament and of the Council[1] gives the fullest possible effect to the right of public access to documents and lays down the general principles and limits on such access. The Agency should therefore give the widest possible access to the documents while carefully balancing the right for information with existing data protection requirements. Certain public and private interests, such as personal data and commercially confidential information, should be protected by way of exception	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in accordance with Regulation (EC) No 1049/2001. _____ 1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).	requirements. Certain public and private interests, such as personal data and commercially confidential information, should be protected by way of exception in accordance with Regulation (EC) No 1049/2001. _____ 1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).	in accordance with Regulation (EC) No 1049/2001. _____ 1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).	
Recital 141				
151	(141) To ensure the enforcement of certain obligations relating to the marketing authorisation for medicinal products for human use	(141) To ensure the enforcement of certain obligations relating to the marketing authorisation for medicinal products for human use	(141) To ensure the enforcement of certain obligations relating to the marketing authorisation for medicinal products for human use	

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	granted in accordance with this Regulation, the Commission should be able to impose financial penalties. When assessing the responsibility for failures to comply with those obligations and imposing such penalties, it is important that means exist to address the fact that marketing authorisation holders could be part of a wider economic entity. Otherwise, there is a clear and identifiable risk that the responsibility for a failure to comply with those obligations could be evaded, which might have an impact on the ability to impose effective, proportional and dissuasive penalties. The penalties imposed should be effective, proportionate and dissuasive,	granted in accordance with this Regulation, the Commission should be able to impose financial penalties. When assessing the responsibility for failures to comply with those obligations and imposing such penalties, it is important that means exist to address the fact that marketing authorisation holders could be part of a wider economic entity. Otherwise, there is a clear and identifiable risk that the responsibility for a failure to comply with those obligations could be evaded, which might have an impact on the ability to impose effective, proportional and dissuasive penalties. The penalties imposed should be effective, proportionate and dissuasive,	granted in accordance with this Regulation, the Commission should be able to impose financial penalties. When assessing the responsibility for failures to comply with those obligations and imposing such penalties, it is important that means exist to address the fact that marketing authorisation holders could be part of a wider economic entity. Otherwise, there is a clear and identifiable risk that the responsibility for a failure to comply with those obligations could be evaded, which might have an impact on the ability to impose effective, proportional and dissuasive penalties. The penalties imposed should be effective, proportionate and dissuasive,	

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	having regard to the circumstances of the specific case. For the purposes of ensuring legal certainty in the conduct of the infringement procedure, it is necessary to set maximum amounts for penalties. Those maximum amounts should not be linked to the turnover of a particular medicinal product but the economic entity involved.	having regard to the circumstances of the specific case. For the purposes of ensuring legal certainty in the conduct of the infringement procedure, it is necessary to set maximum amounts for penalties. Those maximum amounts should not be linked to the turnover of a particular medicinal product but the economic entity involved.	having regard to the circumstances of the specific case. For the purposes of ensuring legal certainty in the conduct of the infringement procedure, it is necessary to set maximum amounts for penalties. Those maximum amounts should not be linked to the turnover of a particular medicinal product but the economic entity involved.	
Recital 142				
152	(142) To supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be	(142) To supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be	(142) To supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be	

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	delegated to the Commission in respect of determining the situations in which post-authorisation efficacy studies may be required; specifying the categories of medicinal products to which a marketing authorisation subject to specific obligations could be granted and specifying the procedures and requirements for granting such a marketing authorisation and for its renewal; specifying exemptions to variation and the categories in which variations should be classified and establishing procedures for the examination of applications for variations to the terms of marketing authorisations as well as specifying conditions and procedures for cooperation with	delegated to the Commission in respect of determining the situations in which post-authorisation efficacy studies may be required; specifying the categories of medicinal products to which a marketing authorisation subject to specific obligations could be granted and specifying the procedures and requirements for granting such a marketing authorisation and for its renewal; specifying exemptions to variation and the categories in which variations should be classified and establishing procedures for the examination of applications for variations to the terms of marketing authorisations as well as specifying conditions and procedures for cooperation with	delegated to the Commission in respect of determining the situations in which post-authorisation efficacy studies may be required; specifying the categories of medicinal products to which a marketing authorisation subject to specific obligations could be granted and specifying the procedures and requirements for granting such a marketing authorisation and for its renewal; specifying exemptions to variation and the categories in which variations should be classified and establishing procedures for the examination of applications for variations to the terms of marketing authorisations as well as specifying conditions and procedures for cooperation with	

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	third countries and international organisations for examination of applications for such variations; establishing procedures for the examination of applications for the transfer of marketing authorisations; laying down the procedure and rules for the imposition of fines or periodic penalty payments for a failure to comply with the obligations under this Regulation as well as the conditions and methods for their collection. The Commission should be empowered to adopt supplementary measures laying down the situations in which post-authorisation efficacy studies may be required. It is of particular importance that the Commission carries out appropriate	third countries and international organisations for examination of applications for such variations; establishing procedures for the examination of applications for the transfer of marketing authorisations; laying down the procedure and rules for the imposition of fines or periodic penalty payments for a failure to comply with the obligations under this Regulation as well as the conditions and methods for their collection. The Commission should be empowered to adopt supplementary measures laying down the situations in which post-authorisation efficacy studies may be required. It is of particular importance that the Commission carries out appropriate	third countries and international organisations for examination of applications for such variations; establishing procedures for the examination of applications for the transfer of marketing authorisations; laying down the procedure and rules for the imposition of fines or periodic penalty payments for a failure to comply with the obligations under this Regulation as well as the conditions and methods for their collection. The Commission should be empowered to adopt supplementary measures laying down the situations in which post-authorisation efficacy studies may be required. It is of particular importance that the Commission carries out appropriate	

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	consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	

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	___________ 1. OJ L 123, 12.5.2016, p. 1.	___________ 1. OJ L 123, 12.5.2016, p. 1.	___________ 1. OJ L 123, 12.5.2016, p. 1.	
Recital 143				
153	(143) To ensure uniform conditions for the implementation of this Regulation in relation to marketing authorisations for medicinal products for human use, implementing powers should be conferred on the Commission. The implementing powers related to the granting of centralised marketing authorisations and for suspending, revoking or withdrawing those authorisations, for granting vouchers, establishing and modifying regulatory sandboxes and decisions on the	(143) To ensure uniform conditions for the implementation of this Regulation in relation to marketing authorisations for medicinal products for human use, implementing powers should be conferred on the Commission. The implementing powers related to the granting of centralised marketing authorisations and for suspending, revoking or withdrawing those authorisations, for granting vouchers, establishing and modifying regulatory sandboxes and decisions on the	(143) To ensure uniform conditions for the implementation of this Regulation in relation to marketing authorisations for medicinal products for human use, implementing powers should be conferred on the Commission. The implementing powers related to the granting of centralised marketing authorisations and for suspending, revoking or withdrawing those authorisations, for granting vouchers, establishing and modifying regulatory sandboxes and decisions on the	

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	regulatory status of medicinal products should be exercised in accordance with Regulation (EU) 182/2011.	regulatory status of medicinal products should be exercised in accordance with Regulation (EU) 182/2011.	regulatory status of medicinal products should be exercised in accordance with Regulation (EU) 182/2011.	
Recital 144				
154	(144) Article 91 of Regulation (EU) No 536/2014 currently stipulates, amongst others, that it applies without prejudice to Directives 2001/18/EC and 2009/41/EC.	(144) Article 91 of Regulation (EU) No 536/2014 currently stipulates, amongst others, that it applies without prejudice to Directives 2001/18/EC and 2009/41/EC.	(144) Article 91 of Regulation (EU) No 536/2014 currently stipulates, amongst others, that it applies without prejudice to Directives 2001/18/EC and 2009/41/EC.	
Recital 145				
155	(145) Experience shows that, in clinical trials with investigational medicinal products containing or consisting of GMOs, the procedure to achieve compliance	(145) Experience shows that, in clinical trials with investigational medicinal products containing or consisting of GMOs, the procedure to achieve compliance	(145) Experience shows that, in clinical trials with investigational medicinal products containing or consisting of GMOs, the procedure to achieve compliance	

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	with the requirements of Directives 2001/18/EC and 2009/41/EC as regards the environmental risk assessment and consent by the competent authority of a Member State is complex and can take a significant amount of time.	with the requirements of Directives 2001/18/EC and 2009/41/EC as regards the environmental risk assessment and consent by the competent authority of a Member State is complex and can take a significant amount of time.	with the requirements of Directives 2001/18/EC and 2009/41/EC as regards the environmental risk assessment and consent by the competent authority of a Member State is complex and can take a significant amount of time.	
Recital 146				
156	(146) The complexity of that procedure increases greatly in the case of multi-centre clinical trials conducted in several Member States, as sponsors of clinical trials need to submit multiple requests for authorisation to multiple competent authorities in different Member States in parallel. In addition, national requirements	(146) The complexity of that procedure increases greatly in the case of multi-centre clinical trials conducted in several Member States, as sponsors of clinical trials need to submit multiple requests for authorisation to multiple competent authorities in different Member States in parallel. In addition, national requirements	(146) The complexity of that procedure increases greatly in the case of multi-centre clinical trials conducted in several Member States, as sponsors of clinical trials need to submit multiple requests for authorisation to multiple competent authorities in different Member States in parallel. In addition, national requirements	

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	and procedures for the environmental risk assessment (ERA) and written consent by competent authorities under GMO legislation vary greatly from one Member State to another as some Member States apply Directive 2001/18/EC, others apply Directive 2009/41/EC and there are Member States that apply either Directive 2009/41/EC or 2001/18/EC depending on the specific circumstances of a clinical trial. It is therefore not possible to determine a priori the national procedure that is to be followed.	and procedures for the environmental risk assessment (ERA) and written consent by competent authorities under GMO legislation vary greatly from one Member State to another as some Member States apply Directive 2001/18/EC, others apply Directive 2009/41/EC and there are Member States that apply either Directive 2009/41/EC or 2001/18/EC depending on the specific circumstances of a clinical trial. It is therefore not possible to determine a priori the national procedure that is to be followed.	and procedures for the environmental risk assessment (ERA) and written consent by competent authorities under GMO legislation vary greatly from one Member State to another as some Member States apply Directive 2001/18/EC, others apply Directive 2009/41/EC and there are Member States that apply either Directive 2009/41/EC or 2001/18/EC depending on the specific circumstances of a clinical trial. It is therefore not possible to determine a priori the national procedure that is to be followed.	
Recital 147				
157	(147) Consequently, it is particularly difficult to conduct	(147) Consequently, it is particularly difficult to conduct	(147) Consequently, it is particularly difficult to conduct	

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	multi-centre clinical trials with investigational medicinal products that contain or consist of GMOs involving several Member States.	multi-centre clinical trials with investigational medicinal products that contain or consist of GMOs involving several Member States.	multi-centre clinical trials with investigational medicinal products that contain or consist of GMOs involving several Member States.	
Recital 148				
158	(148) One of the objectives of Regulation (EU) No 536/2014 is that there will be a single coordinated and harmonised assessment of the clinical trial application between the involved Member States, with one country leading the coordination of the assessment (the Reporting Member State).	(148) One of the objectives of Regulation (EU) No 536/2014 is that there will be a single coordinated and harmonised assessment of the clinical trial application between the involved Member States, with one country leading the coordination of the assessment (the Reporting Member State).	(148) One of the objectives of Regulation (EU) No 536/2014 is that there will be a single coordinated and harmonised assessment of the clinical trial application between the involved Member States, with one country leading the coordination of the assessment (the Reporting Member State).	
Recital 149				

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159	(149) It is therefore appropriate to envisage a centralised assessment of the ERA involving experts from the national competent authorities.	(149) It is therefore appropriate to envisage a centralised assessment of the ERA involving experts from the national competent authorities ***and the ad hoc Environmental Risk Assessment working party***.	(149) It is therefore appropriate to envisage a centralised assessment of the ERA involving experts from the national competent authorities.	
Recital 150				
160	(150) Article 5 of Directive 2001/18/EC provides that the authorisation procedures for the deliberate release into the environment of GMOs and their related rules described in its Articles 6 to 11 do not apply for medicinal substances and compounds for human use if authorised by Union legal acts that	(150) Article 5 of Directive 2001/18/EC provides that the authorisation procedures for the deliberate release into the environment of GMOs and their related rules described in its Articles 6 to 11 do not apply for medicinal substances and compounds for human use if authorised by Union legal acts that	(150) Article 5 of Directive 2001/18/EC provides that the authorisation procedures for the deliberate release into the environment of GMOs and their related rules described in its Articles 6 to 11 do not apply for medicinal substances and compounds for human use if authorised by Union legal acts that	

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	fulfil the criteria listed in that Article.	fulfil the criteria listed in that Article.	fulfil the criteria listed in that Article.	
Recital 151				
161	(151) The requirement for the holding of authorisation of manufacturing and import of investigational medicinal products in the Union in accordance with Article 61(2), point (a), of Regulation (EU) No 536/2014 should be extended to investigational medicinal products containing or consisting of GMOs in Directive 2009/41/EC.	(151) The requirement for the holding of authorisation of manufacturing and import of investigational medicinal products in the Union in accordance with Article 61(2), point (a), of Regulation (EU) No 536/2014 should be extended to investigational medicinal products containing or consisting of GMOs in Directive 2009/41/EC.	(151) The requirement for the holding of authorisation of manufacturing and import of investigational medicinal products in the Union in accordance with Article 61(2), point (a), of Regulation (EU) No 536/2014 should be extended to investigational medicinal products containing or consisting of GMOs in Directive 2009/41/EC.	
Recital 152				
162	(152) It is thus judicious, in order to ensure an efficient	(152) It is thus judicious, in order to ensure an efficient	(152) It is thus judicious, in order to ensure an efficient	

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	functioning of Regulation (EU) No 536/2014, to define a specific authorisation procedure for the deliberate release of medicinal substances and compounds for human use containing or consisting of GMOs fulfilling the requirements of Article 5 of Directive 2001/18/EC and taking into account the specific characteristics of medicinal substances and compounds.	functioning of Regulation (EU) No 536/2014, to define a specific authorisation procedure for the deliberate release of medicinal substances and compounds for human use containing or consisting of GMOs fulfilling the requirements of Article 5 of Directive 2001/18/EC and taking into account the specific characteristics of medicinal substances and compounds.	functioning of Regulation (EU) No 536/2014, to define a specific authorisation procedure for the deliberate release of medicinal substances and compounds for human use containing or consisting of GMOs fulfilling the requirements of Article 5 of Directive 2001/18/EC and taking into account the specific characteristics of medicinal substances and compounds.	
Recital 153				
163	(153) Detailed rules concerning financial penalties for failure to comply with certain obligations laid down in this Regulation are specified in Commission Regulation (EC) No 658/2007[1].	(153) Detailed rules concerning financial penalties for failure to comply with certain obligations laid down in this Regulation are specified in Commission Regulation (EC) No 658/2007[1].	(153) Detailed rules concerning financial penalties for failure to comply with certain obligations laid down in this Regulation are specified in Commission Regulation (EC) No 658/2007[1].	

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	Those rules should be maintained, but it is appropriate to consolidate them by moving their core elements and the list specifying those obligations into this Regulation, while maintaining a delegation of powers that allows the Commission to supplement this Regulation by laying down procedures for imposing such financial penalties. It is appropriate, in order to provide for legal certainty, to clarify that Commission Regulation (EC) No 2141/96[2] remains in force and continues to apply unless and until repealed. For the same reason, it should be clarified that Regulations (EC) No 2049/2005[3], No 507/2006[4], No 658/2007 and (EC) No 1234/2008[5] remain in	Those rules should be maintained, but it is appropriate to consolidate them by moving their core elements and the list specifying those obligations into this Regulation, while maintaining a delegation of powers that allows the Commission to supplement this Regulation by laying down procedures for imposing such financial penalties. It is appropriate, in order to provide for legal certainty, to clarify that Commission Regulation (EC) No 2141/96[2] remains in force and continues to apply unless and until repealed. For the same reason, it should be clarified that Regulations (EC) No 2049/2005[3], No 507/2006[4], No 658/2007 and (EC) No 1234/2008[5] remain in	Those rules should be maintained, but it is appropriate to consolidate them by moving their core elements and the list specifying those obligations into this Regulation, while maintaining a delegation of powers that allows the Commission to supplement this Regulation by laying down procedures for imposing such financial penalties. It is appropriate, in order to provide for legal certainty, to clarify that Commission Regulation (EC) No 2141/96[2] remains in force and continues to apply unless and until repealed. For the same reason, it should be clarified that Regulations (EC) No 2049/2005[3], No 507/2006[4], No 658/2007 and (EC) No 1234/2008[5] remain in	

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	force and continue to apply unless and until repealed. __________ 1. Commission Regulation (EC) No 658/2007 of 14 June 2007 concerning financial penalties for infringement of certain obligations in connection with marketing authorisations granted under Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 155, 15.6.2007, p. 10). 2. Commission Regulation (EC) No 2141/96 of 7 November 1996 concerning the examination of an application for the transfer of a marketing authorization for a medicinal product falling within the scope of Council Regulation (EC) No 2309/93 (OJ L 286, 8.11.1996, p. 6). 3. Commission Regulation (EC) No 2049/2005 of 15 December 2005 laying down, pursuant to Regulation (EC) No 726/2004 of the European Parliament and	force and continue to apply unless and until repealed. __________ 1. Commission Regulation (EC) No 658/2007 of 14 June 2007 concerning financial penalties for infringement of certain obligations in connection with marketing authorisations granted under Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 155, 15.6.2007, p. 10). 2. Commission Regulation (EC) No 2141/96 of 7 November 1996 concerning the examination of an application for the transfer of a marketing authorization for a medicinal product falling within the scope of Council Regulation (EC) No 2309/93 (OJ L 286, 8.11.1996, p. 6). 3. Commission Regulation (EC) No 2049/2005 of 15 December 2005 laying down, pursuant to Regulation (EC) No 726/2004 of the European Parliament and	force and continue to apply unless and until repealed. __________ 1. Commission Regulation (EC) No 658/2007 of 14 June 2007 concerning financial penalties for infringement of certain obligations in connection with marketing authorisations granted under Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 155, 15.6.2007, p. 10). 2. Commission Regulation (EC) No 2141/96 of 7 November 1996 concerning the examination of an application for the transfer of a marketing authorization for a medicinal product falling within the scope of Council Regulation (EC) No 2309/93 (OJ L 286, 8.11.1996, p. 6). 3. Commission Regulation (EC) No 2049/2005 of 15 December 2005 laying down, pursuant to Regulation (EC) No 726/2004 of the European Parliament and	

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	of the Council, rules regarding the payment of fees to, and the receipt of administrative assistance from, the European Medicines Agency by micro, small and medium-sized enterprises (OJ L 329, 16.12.2005, p. 4). 4. Commission Regulation (EC) No 507/2006 of 29 March 2006 on the conditional marketing authorisation for medicinal products for human use falling within the scope of Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 92, 30.3.2006, p. 6). 5. Commission Regulation (EC) No 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (OJ L 334, 12.12.2008, p. 7).	of the Council, rules regarding the payment of fees to, and the receipt of administrative assistance from, the European Medicines Agency by micro, small and medium-sized enterprises (OJ L 329, 16.12.2005, p. 4). 4. Commission Regulation (EC) No 507/2006 of 29 March 2006 on the conditional marketing authorisation for medicinal products for human use falling within the scope of Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 92, 30.3.2006, p. 6). 5. Commission Regulation (EC) No 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (OJ L 334, 12.12.2008, p. 7).	of the Council, rules regarding the payment of fees to, and the receipt of administrative assistance from, the European Medicines Agency by micro, small and medium-sized enterprises (OJ L 329, 16.12.2005, p. 4). 4. Commission Regulation (EC) No 507/2006 of 29 March 2006 on the conditional marketing authorisation for medicinal products for human use falling within the scope of Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 92, 30.3.2006, p. 6). 5. Commission Regulation (EC) No 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (OJ L 334, 12.12.2008, p. 7).	
Recital 154				

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164	(154) This Regulation is based on the double legal basis of Article 114 and Article 168(4), point (c), TFEU. It aims at achieving an internal market as regards medicinal products for human use, taking as a base a high level of protection of health. At the same time, this Regulation sets high standards of quality and safety for medicinal products in order to meet common safety concerns as regards these products. Both objectives are being pursued simultaneously. These two objectives are inseparably linked and one is not secondary to another. Regarding Article 114 TFEU, this Regulation establishes a European Medicines Agency and provides specific provision with	(154) This Regulation is based on the double legal basis of Article 114 and Article 168(4), point (c), TFEU. It aims at achieving an internal market as regards medicinal products for human use, taking as a base a high level of protection of health. At the same time, this Regulation sets high standards of quality and safety for medicinal products in order to meet common safety concerns as regards these products. Both objectives are being pursued simultaneously. These two objectives are inseparably linked and one is not secondary to another. Regarding Article 114 TFEU, this Regulation establishes a European Medicines Agency and provides specific provision with	(154) This Regulation is based on the double legal basis of Article 114 and Article 168(4), point (c), TFEU. It aims at achieving an internal market as regards medicinal products for human use, taking as a base a high level of protection of health. At the same time, this Regulation sets high standards of quality and safety for medicinal products in order to meet common safety concerns as regards these products. Both objectives are being pursued simultaneously. These two objectives are inseparably linked and one is not secondary to another. Regarding Article 114 TFEU, this Regulation establishes a European Medicines Agency and provides specific provision with	

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	regard to the central authorisation of medicinal products, therefore ensuring the functioning of the internal market and the free movement of medicinal products. Regarding Article 168(4), point (c), TFEU, this Regulation sets high standards of quality and safety for medicinal products.	regard to the central authorisation of medicinal products, therefore ensuring the functioning of the internal market and the free movement of medicinal products. Regarding Article 168(4), point (c), TFEU, this Regulation sets high standards of quality and safety for medicinal products.	regard to the central authorisation of medicinal products, therefore ensuring the functioning of the internal market and the free movement of medicinal products. Regarding Article 168(4), point (c), TFEU, this Regulation sets high standards of quality and safety for medicinal products.	
Recital 155				
165	(155) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the integrity of the person, the rights of the child, respect for private and family life,	(155) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the integrity of the person, the rights of the child, respect for private and family life,	(155) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, the integrity of the person, the rights of the child, respect for private and family life,	

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	the protection of personal data and the freedom of art and science.	the protection of personal data and the freedom of art and science. ***<u>Similarly, this Regulation aims to ensure a high level of protection of the environment in accordance with Article 192(1) TFEU.</u>***	the protection of personal data and the freedom of art and science.	
Recital 156				
166	(156) The objective of this Regulation is to ensure the authorisation of high quality medicinal products, including for paediatric patients and patients suffering from rare diseases throughout the Union. Where this objective cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, be better achieved at Union level, the Union may adopt	(156) The objective of this Regulation is to ensure the authorisation of high quality medicinal products, including for paediatric patients and patients suffering from rare diseases throughout the Union. Where this objective cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, be better achieved at Union level, the Union may adopt	(156) The objective of this Regulation is to ensure the authorisation of high quality medicinal products, including for paediatric patients and patients suffering from rare diseases throughout the Union. Where this objective cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, be better achieved at Union level, the Union may adopt	

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	measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
Formula				
167	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
CHAPTER I				
168	CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS	CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS	CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS	

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Article 1				
169	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
Article 1, first paragraph				
170	This Regulation lays down Union procedures for the authorisation, supervision and pharmacovigilance of medicinal products for human use at Union level, establishes rules and procedures at Union and at Member State level relating to the security of supply of medicinal products and lays down the governance provisions of the European Medicines Agency ('the Agency') established by Regulation (EC) No 726/2004	This Regulation lays down Union procedures for the authorisation, supervision and pharmacovigilance of medicinal products for human use at Union level, establishes rules and procedures at Union and at Member State level relating to ***the monitoring and management of shortages and critical shortages and*** the security of supply of medicinal products and lays down the governance provisions of the European Medicines Agency ('the	This Regulation lays down Union procedures for the authorisation, supervision and pharmacovigilance of medicinal products for human use at Union level, establishes rules and procedures at Union and at Member State level relating to the security of supply of medicinal products and lays down the governance provisions of the European Medicines Agency ('the Agency') established by Regulation (EC) No 726/2004	

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	which shall carry out the tasks relating to medicinal products for human use that are laid down in this Regulation, Regulation (EU) No 2019/6 and other relevant Union legal acts.	Agency') established by Regulation (EC) No 726/2004 which shall carry out the tasks relating to medicinal products for human use that are laid down in this Regulation, Regulation (EU) No 2019/6 and other relevant Union legal acts.	which shall carry out the tasks relating to medicinal products for human use that are laid down in this Regulation, Regulation (EU) No 2019/6 and other relevant Union legal acts.	
Article 1, second paragraph				
171	This Regulation shall not affect the powers of Member States' authorities as regards setting the prices of medicinal products or their inclusion in the scope of the national health system or social security schemes on the basis of health, economic and social conditions. Member States may choose from the particulars shown	This Regulation shall not affect the powers of Member States' authorities as regards setting the prices of medicinal products or their inclusion in the scope of the national health system or social security schemes on the basis of health, economic and social conditions. Member States may choose from the particulars shown	This Regulation shall not affect the powers of Member States' authorities as regards setting the prices of medicinal products or their inclusion in the scope of the national health system or social security schemes on the basis of health, economic and social conditions. Member States may choose from the particulars shown	

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	in the marketing authorisation those therapeutic indications and pack sizes which will be covered by their social security bodies.	in the marketing authorisation those therapeutic indications and pack sizes which will be covered by their social security bodies.	in the marketing authorisation those therapeutic indications and pack sizes which will be covered by their social security bodies.	
Article 2				
172	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph				
173	For the purposes of this Regulation, the definitions laid down in Article 4 of [revised Directive 2001/83/EC[1]] shall apply. _____	For the purposes of this Regulation, the definitions laid down in Article 4 of [revised Directive 2001/83/EC[1]] shall apply. _____	For the purposes of this Regulation, the definitions laid down in Article 4 of [revised Directive 2001/83/EC[1]] shall apply. _____	

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	1. [Name of revised Directive 2001/83/EC, date (OJ L XX, XX.XX.XXX, p. X).]	1. [Name of revised Directive 2001/83/EC, date (OJ L XX, XX.XX.XXX, p. X).]	1. [Name of revised Directive 2001/83/EC, date (OJ L XX, XX.XX.XXX, p. X).]	
Article 2, second paragraph				
174	The following definitions shall also apply:	The following definitions shall also apply:	The following definitions shall also apply:	
Article 2, second paragraph, point (1)				
175	(1) 'veterinary medicinal product' means a medicinal product as defined in Article 4, point (1), of Regulation (EU) 2019/6;	(1) 'veterinary medicinal product' means a medicinal product as defined in Article 4, point (1), of Regulation (EU) 2019/6;	(1) 'veterinary medicinal product' means a medicinal product as defined in Article 4, point (1), of Regulation (EU) 2019/6;	
Article 2, second paragraph, point (2)				
176	(2) 'designated orphan medicinal product' means a medicinal product under	(2) 'designated orphan medicinal product' means a medicinal product under	(2) 'designated orphan medicinal product' means a medicinal product ~~under~~	

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	development which has been granted an orphan designation by a decision referred to in Article 64(4);	development which has been granted an orphan designation by a decision referred to in Article 64(4);	~~development~~ which has been granted an orphan designation by a decision referred to in Article 64(4);	
Article 2, second paragraph, point (3)				
177	(3) 'orphan medicinal products' means a medicinal product which has been granted an orphan marketing authorisation referred to in Article 69;	(3) 'orphan medicinal products' means a medicinal product which has been granted an orphan marketing authorisation referred to in Article 69;	(3) 'orphan medicinal products' means a medicinal product which has been granted an orphan marketing authorisation referred to in Article 69;	
Article 2, second paragraph, point (4)				
178	(4) 'orphan medicine sponsor' means any legal or natural person, established in the Union, who submitted an application for or has been granted an orphan	(4) 'orphan medicine sponsor' means any legal or natural person, established in the Union, who submitted an application for or has been granted an orphan	(4) 'orphan ~~medicine~~**medicinal product** sponsor' means any legal or natural person, established in the Union, who submitted an application for or has been granted	

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	designation by a decision referred to in Article 64(4);	designation by a decision referred to in Article 64(4);	an orphan designation **for a medicinal product** by a decision referred to in Article 64(4);	
Article 2, second paragraph, point (5)				
179	(5) 'similar medicinal product' means a medicinal product containing a similar active substance or substances as contained in a currently authorised orphan medicinal product, and which is intended for the same therapeutic indication;	(5) 'similar medicinal product' means a medicinal product containing a similar active substance or substances as contained in a currently authorised orphan medicinal product, and which is intended for the same therapeutic indication;	(5) 'similar medicinal product' means a medicinal product containing a similar active substance or substances as contained in a currently authorised orphan medicinal product, and which is intended for the same therapeutic indication;	
Article 2, second paragraph, point (6)				
180	(6) 'similar active substance' means an identical active substance, or an active substance with the same principal molecular	(6) 'similar active substance' means an identical active substance, or an active substance with the same principal molecular	(6) 'similar active substance' means an identical active substance, or an active substance with the same principal molecular	

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	structural features (but not necessarily all of the same molecular structural features) and which acts via the same mechanism. In the case of advanced therapy medicinal products, for which the principal molecular structural features cannot be fully defined, the similarity between two active substances shall be assessed on the basis of the biological and functional characteristics;	structural features (but not necessarily all of the same molecular structural features) and which acts via the same mechanism. In the case of advanced therapy medicinal products, for which the principal molecular structural features cannot be fully defined, the similarity between two active substances shall be assessed on the basis of the biological and functional characteristics;	structural features (but not necessarily all of the same molecular structural features) and which acts via the same mechanism. In the case of advanced therapy medicinal products, for which the principal molecular structural features cannot be fully defined, the similarity between two active substances shall be assessed on the basis of the biological and functional characteristics;	
Article 2, second paragraph, point (7)				
181	(7) 'significant benefit' means a clinically relevant advantage or a major contribution to patient care of an orphan medicinal product if such an advantage or contribution	(7) 'significant benefit' means a clinically relevant advantage or a major contribution to patient care of an orphan medicinal product if such an advantage or contribution	(7) 'significant benefit' means a clinically relevant advantage or a major contribution to patient care of an orphan medicinal product if such an advantage **as compared**	

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	benefits a substantial part of the target population;	benefits a ~~*substantial*~~***relevant*** part of the target population;	**to existing satisfactory methods** or contribution benefits a substantial part of the target population;	
Article 2, second paragraph, point (8)				
182	(8) 'clinically superior' means that a medicinal product is shown to provide a significant therapeutic or diagnostic advantage above that provided by an orphan medicinal product in one or more of the following ways:	(8) 'clinically superior' means that a medicinal product is shown to provide a significant therapeutic or diagnostic advantage above that provided by an orphan medicinal product in one or more of the following ways:	(8) 'clinically superior' means that a medicinal product is shown to provide a significant therapeutic or diagnostic advantage above that provided by an orphan medicinal product in one or more of the following ways:	
Article 2, second paragraph, point (8)(a)				
183	(a) greater efficacy than an authorised medicinal orphan medicinal product in a substantial part of the target population;	(a) greater efficacy than an authorised medicinal orphan medicinal product in a	(a) greater efficacy than an ~~authorised medicinal~~ orphan medicinal product in a substantial part of the target population;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		~~*substantial*~~***relevant*** part of the target population;		
Article 2, second paragraph, point (8)(b)				
184	(b) greater safety than an authorised medicinal product in a substantial part of the target population;	(b) greater safety than an authorised medicinal product in a ~~*substantial*~~***relevant*** part of the target population;	(b) greater safety than an ~~authorised~~ **orphan** medicinal product in a substantial part of the target population;	
Article 2, second paragraph, point (8)(c)				
185	(c) in exceptional cases, where neither greater safety nor greater efficacy has been shown, demonstration that the medicinal product otherwise makes a major contribution to diagnosis or to patient care.	(c) in exceptional cases, where neither greater safety nor greater efficacy has been shown, demonstration that the medicinal product otherwise makes a major contribution to diagnosis or to patient care.	(c) in exceptional cases, where neither greater safety nor greater efficacy has been shown, demonstration that the medicinal product otherwise makes a major contribution to ~~diagnosis or to~~ patient care.	
Article 2, second paragraph, point (9)				

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186	(9) ‘paediatric use marketing authorisation’ means a marketing authorisation granted in respect of a medicinal product for human use which is not protected by a supplementary protection certificate under Regulation (EC) No 469/2009 of the European Parliament and of the Council concerning the supplementary protection certificate for medicinal products[1] [OP please replace reference by new instrument when adopted], or by a patent which qualifies for the granting of the supplementary protection certificate, covering exclusively therapeutic indications which are relevant for use in the paediatric population, or subsets thereof, including the appropriate strength,	(9) ‘paediatric use marketing authorisation’ means a marketing authorisation granted in respect of a medicinal product for human use which is not protected by a supplementary protection certificate under Regulation (EC) No 469/2009 of the European Parliament and of the Council concerning the supplementary protection certificate for medicinal products[1] [OP please replace reference by new instrument when adopted], or by a patent which qualifies for the granting of the supplementary protection certificate, covering exclusively therapeutic indications which are relevant for use in the paediatric population, or subsets thereof, including the appropriate strength,	(9) ‘paediatric use marketing authorisation’ means a marketing authorisation granted in respect of a medicinal product for human use which is not protected by a supplementary protection certificate under Regulation (EC) No 469/2009 of the European Parliament and of the Council concerning the supplementary protection certificate for medicinal products[1] [OP please replace reference by new instrument when adopted], or by a patent which qualifies for the granting of the supplementary protection certificate, covering exclusively therapeutic indications which are relevant for use in the paediatric population, or subsets thereof, including the appropriate strength,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pharmaceutical form or route of administration for that product. __________ 1. Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ L 152, 16.6.2009, p. 1).	pharmaceutical form or route of administration for that product. __________ 1. Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ L 152, 16.6.2009, p. 1).	pharmaceutical form or route of administration for that product. __________ 1. Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ L 152, 16.6.2009, p. 1).	
Article 2, second paragraph, point (10)				
187	(10) ‘regulatory sandbox’ means a regulatory framework during which it is possible to develop, validate and test in a controlled environment innovative or adapted regulatory solutions that facilitate the development and authorisation of innovative products which are likely to fall in the scope of this Regulation,	(10) ‘regulatory sandbox’ means a regulatory framework during which it is possible to develop, validate and test in a controlled environment innovative or adapted regulatory solutions that facilitate the development and authorisation of innovative products which are likely to fall in the scope of this Regulation ***but***	(10) ‘regulatory sandbox’ means a regulatory framework during which it is possible to develop, validate and test in a controlled environment innovative or adapted regulatory solutions that facilitate the development and authorisation of innovative products which are likely to fall in the scope of this Regulation,	

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	pursuant to a specific plan and for a limited time under regulatory supervision.	***for which there is an absence of existing adapted rules for development and authorisation***, pursuant to a specific plan and for a limited time under regulatory supervision.	pursuant to a specific plan and for a limited time under regulatory supervision.	
Article 2, second paragraph, point (11)				
188	(11) 'critical medicinal product' means a medicinal product for which insufficient supply results in serious harm or risk of serious harm to patients and identified using the methodology pursuant to Article 130(1), point (a).	(11) 'critical medicinal product' means a medicinal product for which insufficient supply results in serious harm or risk of serious harm to patients and identified using the methodology pursuant to Article 130(1), point (a).	(11) 'critical medicinal product' means a medicinal product for which insufficient supply results in serious harm or risk of serious harm to patients ~~and identified using the methodology pursuant to Article 130(1), point (a)~~.	
Article 2, second paragraph, point (12)				

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189	(12) 'shortage' means a situation in which the supply of a medicinal product that is authorised and placed on the market in a Member State does not meet the demand for that medicinal product in that Member State.	(12) 'shortage' means a situation in which the supply of a medicinal product that is authorised and placed on the market in a Member State does not meet the demand for that medicinal product in that Member State ***whatever the cause***.	(12) 'shortage' means a situation in which the supply of a medicinal product that is authorised and placed on the market in a Member State does not meet the demand for that medicinal product in that Member State.	
Article 2, second paragraph, point (13)				
190	(13) 'critical shortage in the Member State' means a shortage of a medicinal product, for which there is no appropriate alternative medicinal product available on the market in that Member State, and that shortage cannot be resolved.	(13) 'critical shortage in the Member State' means a shortage of a medicinal product, for which there is no appropriate alternative medicinal product available on the market in that Member State, and that shortage cannot be resolved.	(13) 'critical shortage in the Member State' means a shortage of a medicinal product~~,~~ **which may result in a significant impact on the healthcare system of a Member State or results in harm or risk of harm to patients and** for which there is no appropriate alternative medicinal product available **in sufficient**	

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			quantities on the market in that Member State~~, and that shortage cannot be resolved~~.	
Article 2, second paragraph, point (14)				
191	(14) 'critical shortage' means a critical shortage in the Member State for which coordinated Union level action is considered necessary to resolve that shortage in accordance with this Regulation.	(14) 'critical shortage' means a critical shortage in the Member State for which coordinated Union level action is considered necessary to resolve that shortage in accordance with this Regulation.	(14) 'critical shortage **of Union concern**' means a critical shortage in the Member State **that cannot be resolved at Member State level and** for which coordinated Union level action is ~~considered~~ necessary to resolve that shortage in accordance with this Regulation.	
Article 2, second paragraph, point (14a)				
191a		***(14a) 'demand' means the request for a medicinal product by healthcare professionals or***		

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		patients in response to a clinical need; the demand is satisfactorily met when the medicinal product is acquired in appropriate time and in sufficient quantity to allow continuity of provision of the best care to patients;		
Article 2, second paragraph, point (14b)				
191b		***(14b) 'supply' means the total volume of stock of a given medicinal product that is placed on the market by a marketing authorisation holder or a manufacturer;***		
Article 3				
192	Article 3	Article 3	Article 3	

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	Centrally authorised medicinal products	Centrally authorised medicinal products	Centrally authorised medicinal products	
Article 3(1)				
193	1. A medicinal product listed in Annex I shall only be placed on the Union market if a marketing authorisation for that medicinal product has been granted by the Union in accordance with this Regulation (‘centralised marketing authorisation’).	1. A medicinal product listed in Annex I shall only be placed on the Union market if a marketing authorisation for that medicinal product has been granted by the Union in accordance with this Regulation (‘centralised marketing authorisation’).	1. A medicinal product listed in Annex I shall only be placed on the Union market if a marketing authorisation for that medicinal product has been granted by the Union in accordance with this Regulation (‘centralised marketing authorisation’).	
Article 3(2)				
194	2. Any medicinal product not listed in Annex I, may be granted a centralised marketing authorisation in accordance with this Regulation, if the product	2. Any medicinal product not listed in Annex I, may be granted a centralised marketing authorisation in accordance with this Regulation, if the product	2. Any medicinal product not listed in Annex I, may be granted a centralised marketing authorisation in accordance with this Regulation, if the product	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	meets at least one of the following requirements:	meets at least one of the following requirements:	meets at least one of the following requirements:	
Article 3(2), point (a)				
195	(a) the applicant shows that the medicinal product constitutes a significant therapeutic, scientific or technical innovation or that the granting of marketing authorisation in accordance with this Regulation is in the interest of patients' health at Union level, including as regards antimicrobial resistance and medicinal products for public health emergencies;	(a) the applicant shows that the medicinal product constitutes a significant therapeutic, scientific or technical innovation or that the granting of marketing authorisation in accordance with this Regulation is in the interest of patients' health at Union level, including as regards antimicrobial resistance and medicinal products for public health emergencies;	(a) the applicant shows that the medicinal product constitutes a significant therapeutic, scientific or technical innovation or that the granting of marketing authorisation in accordance with this Regulation is in the interest of patients' health at Union level, including as regards antimicrobial resistance and medicinal products for public health emergencies;	
Article 3(2), point (b)				
196	(b) it is a medicinal product intended solely for paediatric use.	(b) it is a medicinal product intended solely for paediatric use.	(b) it is a medicinal product intended solely for paediatric use.	

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Article 3(2), point (c)				
196a			**(c) the applicant refers in the marketing authorisation application to a reference medicinal product that has been authorised through the centralised procedure;**	
Article 3(2), point (d)				
196b			**(d) the medicinal product contains a new active substance, which on 20 May 2004 was not authorised in the Union.**	
Article 3(3)				
197	3. Homeopathic medicinal products shall not be granted a	3. Homeopathic medicinal products shall not be granted a	3. Homeopathic medicinal products shall not be granted a	

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	marketing authorisation in accordance with this Regulation.	marketing authorisation in accordance with this Regulation.	marketing authorisation in accordance with this Regulation.	
Article 3(4)				
198	4. The Commission shall grant and supervise centralised marketing authorisations for medicinal products for human use in accordance with Chapter II.	4. The Commission shall grant and supervise centralised marketing authorisations for medicinal products for human use in accordance with Chapter II.	4. The Commission shall grant and supervise centralised marketing authorisations for medicinal products for human use in accordance with Chapter II.	
Article 3(5)				
199	5. The Commission is empowered to adopt delegated acts in accordance with Article 175 to amend Annex I to adapt it to technical and scientific progress.	5. The Commission is empowered to adopt delegated acts in accordance with Article 175 to amend Annex I to adapt it to technical and scientific progress.	5. ~~The Commission is empowered to adopt delegated acts in accordance with Article 175 to amend Annex I to adapt it to technical and scientific progress.~~	
Article 4				

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200	Article 4 Member State authorisation of generics of centrally authorised medicinal products	Article 4 Member State authorisation of generics of centrally authorised medicinal products	Article 4 Member State authorisation of ~~generics of~~ **medicinal products referring to** centrally authorised medicinal products	
Article 4, first paragraph				
201	A generic medicinal product of a reference medicinal product authorised by the Union may be authorised by the competent authorities of the Member States in accordance with [revised Directive 2001/83/EC] under the following conditions:	A generic medicinal product of a reference medicinal product authorised by the Union may be authorised by the competent authorities of the Member States in accordance with [revised Directive 2001/83/EC] under the following conditions:	~~A generic medicinal product of a reference medicinal product authorised by the Union may be authorised by~~**By derogation to Article 3** the competent authorities of the Member States in accordance with [revised Directive ~~2001/83/EC~~**2001/83**] **may authorise a medicinal product that refers to a reference medicinal product authorised by**	

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			the Union under the following conditions:	
Article 4, first paragraph, point (a)				
202	(a) the application for marketing authorisation is submitted in accordance with Article 9 of [revised Directive 2001/83/EC];	(a) the application for marketing authorisation is submitted in accordance with Article 9 of [revised Directive 2001/83/EC];	(a) the application for marketing authorisation is submitted in accordance with Article 9**, 10, 11 or 12** of [revised Directive 2001/83/EC];	
Article 4, first paragraph, point (b)				
203	(b) the summary of product characteristics and the package leaflet are in all relevant respects consistent with that of the medicinal product authorised by the Union.	(b) the summary of product characteristics and the package leaflet are in all relevant respects consistent with that of the medicinal product authorised by the Union.	(b) the summary of product characteristics and the package leaflet are in all relevant respects consistent with that of the medicinal product authorised by the Union~~.~~ **including its indications;**	

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Article 4, first paragraph, point (c)				
203a			**(c) the reference medicinal product is not medicinal product referred to Annex I, points 1 or 2.**	
Article 4, second paragraph				
204	Point (b), first subparagraph, shall not apply to those parts of summary of product characteristics and package leaflet referring to indications, posologies, pharmaceutical forms, methods or routes of administration or any other way in which the medicinal product may be used which were still covered by a patent or a supplementary protection certificate for medicinal	Point (b), first subparagraph, shall not apply to those parts of summary of product characteristics and package leaflet referring to indications, posologies, pharmaceutical forms, methods or routes of administration or any other way in which the medicinal product may be used which were still covered by a patent or a supplementary protection certificate for medicinal	Point (b)~~, first subparagraph~~, shall not apply to those parts of summary of product characteristics and package leaflet referring to indications, posologies, pharmaceutical forms, methods or routes of administration or any other way in which the medicinal product may be used which were still covered by a patent or a supplementary protection certificate for medicinal	

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	products at the time when the generic medicinal product was marketed and where the applicant for the generic medicinal product has requested not to include this information in their marketing authorisation.	products at the time when the generic medicinal product was marketed and where the applicant for the generic medicinal product has requested not to include this information in their marketing authorisation.	products at the time when the ~~generic~~ medicinal product **for which a marketing authorisation have been requested under this Article,** was marketed and where the applicant for ~~the generic~~**this** medicinal product has requested not to include this information in their marketing authorisation.	
Chapter II				
205	Chapter II GENERAL PROVISIONS AND RULES ON APPLICATIONS	Chapter II GENERAL PROVISIONS AND RULES ON APPLICATIONS	Chapter II GENERAL PROVISIONS AND RULES ON APPLICATIONS	
Section 1				

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206	Section 1 Application for centralised marketing authorisations	Section 1 Application for centralised marketing authorisations	Section 1 Application for centralised marketing authorisations	
Article 5				
207	Article 5 Submission of applications for marketing authorisations	Article 5 Submission of applications for marketing authorisations	Article 5 Submission of applications for marketing authorisations	
Article 5(1)				
208	1. The marketing authorisation holder for medicinal products covered by this Regulation shall be established in the Union. The marketing authorisation holder shall be responsible for the placing on the market of those medicinal	1. The marketing authorisation holder for medicinal products covered by this Regulation shall be established in the Union. The marketing authorisation holder shall be responsible for the placing on the market of those medicinal	1. The marketing authorisation holder for medicinal products covered by this Regulation shall be established in the Union. The marketing authorisation holder shall be responsible for the placing on the market of those medicinal	

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	products, whether done by that marketing authorisation holder or via one or more persons designated to that effect.	products, whether done by that marketing authorisation holder or via one or more persons designated to that effect.	products, whether done by that marketing authorisation holder or via one or more persons designated to that effect.	
Article 5(2)				
209	2. An applicant shall agree with the Agency the submission date of an application for a marketing authorisation.	2. An applicant shall agree with the Agency the submission date of an application for a marketing authorisation.	2. An applicant shall agree with the Agency the submission date of an application for a marketing authorisation.	
Article 5(3)				
210	3. An applicant shall submit an application for a marketing authorisation electronically to the Agency and in the formats made available by the Agency.	3. An applicant shall submit an application for a marketing authorisation electronically to the Agency and in the formats made available by the Agency.	3. An applicant shall submit an application for a marketing authorisation electronically to the Agency and in the formats made available by the Agency.	
Article 5(4)				

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211	4. The applicant shall be responsible for the accuracy of the information and documentation submitted with respect to its application.	4. The applicant shall be responsible for the accuracy of the information and documentation submitted with respect to its application.	4. The applicant shall be responsible for the accuracy **and completeness** of the information and documentation submitted with respect to its application.	
Article 5(5)				
212	5. Within 20 days of receipt of an application, the Agency shall check whether all the information and documentation required in accordance with Article 6 have been submitted, that the application does not contain critical deficiencies that may prevent the evaluation of the medicinal product and decide whether the application is valid.	5. Within 20 days of receipt of an application, the Agency shall check whether all the information and documentation required in accordance with Article 6 have been submitted, that the application does not contain critical deficiencies ***as defined in the guidelines drawn up pursuant to paragraph 7 of this Article*** that may prevent the evaluation of the medicinal product and decide whether the application is valid.	5. Within 20 days of receipt of an application, the Agency shall check whether all the information and documentation required in accordance with Article 6 have been submitted, that the application does not contain critical deficiencies that may prevent the evaluation of the medicinal product and decide whether the application is valid.	

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Article 5(6), first subparagraph				
213	6. Where the Agency considers that the application is incomplete, or contains critical deficiencies that may prevent the evaluation of the medicinal product, it shall inform the applicant accordingly and set a time limit for submitting the missing information and documentation. That time limit may be extended once by the Agency.	6. Where the Agency considers that the application is incomplete, or contains critical deficiencies that may prevent the evaluation of the medicinal product, it shall inform the applicant accordingly and set a time limit for submitting the missing information and documentation. That time limit may be extended once by the Agency.	6. Where the Agency considers that the application is incomplete, or contains critical deficiencies that may prevent the evaluation of the medicinal product, it shall inform the applicant accordingly and set a time limit for submitting the missing information and documentation. That time limit may be extended once by the Agency.	
Article 5(6), second subparagraph				
214	Upon receipt of the responses from the applicant to the request to submit the missing information and documentation, the Agency	Upon receipt of the responses from the applicant to the request to submit the missing information and documentation, the Agency	Upon receipt of the responses from the applicant to the request to submit the missing information and documentation, the Agency	

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	will determine whether the application can be considered valid. Where the Agency refuses to validate an application, it shall notify the applicant and state the reasons for such refusal.	will determine whether the application can be considered valid. Where the Agency refuses to validate an application, it shall notify the applicant and state the reasons for such refusal.	will determine whether the application can be considered valid. Where the Agency refuses to validate an application, it shall notify the applicant and state the reasons for such refusal.	
Article 5(6), third subparagraph				
215	If the applicant fails to provide the missing information and documentation within the time limit, the application shall be considered to have been withdrawn.	If the applicant fails to provide the missing information and documentation within the time limit, the application shall be considered to have been withdrawn.	If the applicant fails to provide the missing information and documentation within the time limit, the application shall be considered to have been withdrawn.	
Article 5(7)				
216	7. The Agency shall draw up scientific guidelines for the identification of critical	7. The Agency shall draw up scientific guidelines for the identification of critical	7. The Agency shall draw up scientific guidelines for the identification of critical	

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	deficiencies that may prevent the evaluation of a medicinal product, in consultation with the European Commission and the Member States.	deficiencies that may prevent the evaluation of a medicinal product, in consultation with the European Commission and the Member States.	deficiencies that may prevent the evaluation of a medicinal product, in consultation with the European Commission and the Member States.	
Article 5a				
216a			**Article 5a** **Article 5a** **Obligation to supply for centrally authorised medicinal products**	
Article 5a(1)				
216b			**1. With a view to facilitating access to a medicinal product authorised under this Regulation and where such**	

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			product is subject, as applicable, to regulatory protection pursuant to Article 80 of the [revised Directive], market exclusivity in accordance with Article 72 patent or a supplementary protection certificate, a Member State may request the marketing authorisation holder of that medicinal product to place it on the market and supply on the market of that Member State, either pursuant to the mechanism set out in Article 56a of [revised Directive] or independently. The marketing authorisation holder shall ensure, upon agreement with the respective Member State and within the limits of its	

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			responsibility, that such medicinal product is placed on the market and supplied for use in patients in that Member State according to the needs of the relevant patient population.	
Article 5a(2), first subparagraph				
216c			**2. In case a Member State considers that a marketing authorisation holder referred to in paragraph 1 has consistently failed to comply with paragraph 1 it may inform the Commission. The Member State shall provide the Commission with a detailed description of the facts of the case and substantiate the allegations of non-compliance by**	

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			the marketing authorisation holder.	
Article 5a(2), second subparagraph				
216d			**Prior to informing the Commission, the Member State shall notify the marketing authorisation holder concerned and invite it to provide written observations within four weeks from the notification. This period may be prolonged once. The written observations shall be attached to the information in accordance with the first subparagraph. When informing the Commission, the Member State shall duly consider the explanations provided by the**	

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			marketing authorisation holder in its written observations.	
Article 5a(3)				
216e			**3. Whenever more than one Member State invokes paragraph 3, first subparagraph, with regards to the same medicinal product, the Commission shall require the marketing authorisation holder to enter into negotiations with the relevant Member States in good faith and make best efforts to ensure supply.**	
Article 5a(4)				
216f			**4. By [OP please insert the date = 4 years following the date**	

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			of entering into force of this Regulation], the Commission shall present a report to the European Parliament and the Council on the application of Article 5a. The report shall be based, among others, on information provided by Member States, and it shall include an assessment on whether the rules provided for in this Article ensure that the medicinal products concerned are placed on the market and supplied for use in patients in all Member States that have applied this Article. The Commission shall, if appropriate, present legislative proposals based on that evaluation in order to amend	

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			this Regulation, including the possibility to impose penalties in accordance with Article 172 or make further proposals.	
Article 6				
217	Article 6 Centralised marketing authorisation application	Article 6 Centralised marketing authorisation application	Article 6 Centralised marketing authorisation application	
Article 6(1), first subparagraph				
218	1. Each application for a centralised marketing authorisation of a medicinal product for human use shall specifically and completely include the particulars and documentation as referred to in Chapter II of [revised Directive	1. Each application for a centralised marketing authorisation of a medicinal product for human use shall specifically and completely include the particulars and documentation as referred to in Chapter II of [revised Directive	1. Each application for a centralised marketing authorisation of a medicinal product for human use shall specifically and completely include the particulars and documentation as referred to in Chapter II of [revised Directive	

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	2001/83/EC]. In the case of applications in accordance with Article 6(2), Article 10 and Article 12 of [revised Directive 2001/83/EC], this shall include the electronic submission of raw data, in accordance with Annex II of that Directive.	2001/83/EC]. In the case of applications in accordance with Article 6(2), Article 10 and Article 12 of [revised Directive 2001/83/EC], this shall include the electronic submission of raw data, in accordance with Annex II of that Directive.	2001/83/EC]. In the case of applications in accordance with Article 6(2), Article 10 and Article 12 of [revised Directive 2001/83/EC], this shall include the electronic submission of raw data, in accordance with Annex II of that Directive.	
Article 6(1), second subparagraph				
219	The documentation shall include a declaration to the effect that clinical trials carried out outside the Union meet the ethical requirements of Regulation (EU) No 536/2014. Those particulars and documentation shall take account of the unique, Union nature of the authorisation requested and, otherwise than in	The documentation shall include a declaration to the effect that clinical trials carried out outside the Union meet the ethical requirements of Regulation (EU) No 536/2014. Those particulars and documentation shall take account of the unique, Union nature of the authorisation requested and, otherwise than in	The documentation shall include a declaration to the effect that clinical trials carried out outside the Union meet the ethical requirements of Regulation (EU) No 536/2014. Those particulars and documentation shall take account of the unique, Union nature of the authorisation requested and, otherwise than in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	exceptional cases relating to the application of the law on trademarks pursuant to Regulation (EU) 2017/1001 of the European Parliament and of the Council[1], shall include the use of a single name for the medicinal product. The use of a single name does not exclude the use of additional qualifiers where necessary to identify different presentations of the medicinal product concerned. _____ 1. Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).	exceptional cases relating to the application of the law on trademarks pursuant to Regulation (EU) 2017/1001 of the European Parliament and of the Council[1], shall include the use of a single name for the medicinal product. The use of a single name does not exclude ~~*the use of additional qualifiers where necessary to identify different presentations of the medicinal product concerned.*~~ : _____ 1. Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).	exceptional cases relating to the application of the law on trademarks pursuant to Regulation (EU) 2017/1001 of the European Parliament and of the Council[1], shall include the use of a single name for the medicinal product. The use of a single name does not exclude the use of additional qualifiers where necessary to identify different presentations of the medicinal product concerned. _____ 1. Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).	
Article 6(1), second subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
219a		***(a) the use of additional qualifiers where necessary to identify different presentations of the medicinal product concerned; and***		
Article 6(1), second subparagraph, point (b)				
219b		***(b) the use of identified versions of the summary of product characteristics as referred to in Article 62 of [revised Directive 2001/83/EC] in situations where elements of the product information are still covered by patent law or supplementary protection certificates for medicinal products.***		
Article 6(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
220	2. For medicinal products that are likely to offer an exceptional therapeutic advancement in the diagnosis, prevention or treatment of a life-threatening, seriously debilitating or serious and chronic condition in the Union, the Agency may, following the advice of the Committee for Medicinal Products for Human Use regarding the maturity of the data related to the development, offer to the applicant a phased review of complete data packages for individual modules of particulars and documentation as referred to in paragraph 1.	2. For medicinal products that are likely to offer an exceptional therapeutic advancement in the diagnosis, prevention or treatment of a life-threatening, seriously debilitating or serious and chronic condition ***or that are expected to be of major interest from the point of view of public health or intended for conditions with no authorised alternatives*** in the Union, the Agency may, following the advice of the Committee for Medicinal Products for Human Use regarding the maturity of the data related to the development, offer to the applicant a phased review of complete data packages for individual modules of particulars	2. For medicinal products that are likely to offer an exceptional therapeutic advancement in the diagnosis, prevention or treatment of a life-threatening, seriously debilitating or serious and chronic condition in the Union, **and are intended to be used in relation to a potential or declared public health emergency** the Agency may, following the advice of the Committee for Medicinal Products for Human Use regarding the maturity of the data related to the development, offer to the applicant a phased review of complete data packages for individual modules of particulars and documentation as referred to in paragraph 1.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and documentation as referred to in paragraph 1.		
Article 6(2), second subparagraph				
221	The Agency may at any stage suspend or cancel the phased review, where the Committee for Medicinal Products for Human Use considers that the submitted data are not of sufficient maturity or where it is considered that the medicinal product no longer fulfils an exceptional therapeutic advancement. The Agency shall inform the applicant accordingly.	The Agency may at any stage suspend or cancel the phased review, where the Committee for Medicinal Products for Human Use considers that the submitted data are not of sufficient maturity or where it is considered that the medicinal product no longer fulfils an exceptional therapeutic advancement. The Agency shall inform the applicant accordingly.	The Agency may at any stage suspend or cancel the phased review, where the Committee for Medicinal Products for Human Use considers that the submitted data are not of sufficient maturity or where it is considered that the medicinal product ~~no longer fulfils an exceptional therapeutic advancement~~**cannot be used in relation to a potential or declared public health emergency** . The Agency shall inform the applicant accordingly.	
Article 6(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
222	3. A fee shall apply for a marketing authorisation application and shall be payable to the Agency for the examination of the application.	3. A fee shall apply for a marketing authorisation application and shall be payable to the Agency for the examination of the application.	3. A fee shall apply for a marketing authorisation application and shall be payable to the Agency for the examination of the application.	
Article 6(4)				
223	4. Where appropriate, the application may include an active substance master file certificate or an application for an active substance master file or any other quality master file certificate or application as referred to in Article 25 of [revised Directive 2001/83/EC].	4. Where appropriate, the application may include an active substance master file certificate or an application for an active substance master file or any other quality master file certificate or application as referred to in Article 25 of [revised Directive 2001/83/EC].	4. Where appropriate, the application may include an active substance master file certificate or an application for an active substance master file or any other quality master file certificate or application as referred to in ~~Article 25~~**Articles 25 and 26** of [revised Directive 2001/83/EC].	
Article 6(5), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
224	5. The marketing authorisation applicant shall demonstrate that the principle of replacement, reduction and refinement of animal testing for scientific purposes has been applied in compliance with Directive 2010/63/EU with regard to any animal study conducted in support of the application.	5. The marketing authorisation applicant shall demonstrate that the principle of replacement, reduction and refinement of animal testing for scientific purposes has been applied in compliance with Directive 2010/63/EU with regard to any animal study conducted in support of the application.	5. The marketing authorisation applicant shall demonstrate that the principle of replacement, reduction and refinement of animal testing for scientific purposes has been applied in compliance with Directive 2010/63/EU with regard to any animal study conducted in support of the application.	
Article 6(5), second subparagraph				
225	The marketing authorisation applicant shall not carry out animal tests in case scientifically satisfactory non-animal testing methods are available.	The marketing authorisation applicant shall not carry out animal tests in case scientifically satisfactory non-animal testing methods are available. ***The Agency shall in its annual report highlight key observations and best practices in the replacement,***	The marketing authorisation applicant shall not carry out animal tests in case scientifically satisfactory non-animal testing methods are available.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		reduction and refinement of animal testing submitted by applicants.		
Article 6(6), first subparagraph				
226	6. The Agency shall ensure that the opinion of the Committee for Medicinal Products for Human Use is given within 180 days after receipt of a valid application. In the case of a medicinal product for human use containing or consisting of genetically modified organisms, the opinion of that Committee shall take into account the evaluation of the environmental risk assessment in accordance with Article 8.	6. The Agency shall ensure that the opinion of the Committee for Medicinal Products for Human Use is given within 180 days after receipt of a valid application. In the case of a medicinal product for human use containing or consisting of genetically modified organisms, the opinion of that Committee shall take into account the evaluation of the environmental risk assessment in accordance with Article 8.	6. The Agency shall ensure that the opinion of the Committee for Medicinal Products for Human Use is given within ~~180~~**210** days after receipt of a valid application. In the case of a medicinal product for human use containing or consisting of genetically modified organisms, the opinion of that Committee shall take into account the evaluation of the environmental risk assessment in accordance with Article 8.	
Article 6(6), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
227	On the basis of a duly reasoned request, the Committee for Medicinal Products for Human Use may call for the duration of the analysis of the scientific data in the file concerning the application for marketing authorisation to be extended.	On the basis of a duly reasoned request, the Committee for Medicinal Products for Human Use may call for the duration of the analysis of the scientific data in the file concerning the application for marketing authorisation to be extended.	On the basis of a duly reasoned request, the Committee for Medicinal Products for Human Use may call for the duration of the analysis of the scientific data in the file concerning the application for marketing authorisation to be extended.	
Article 6(7), first subparagraph				
228	7. When an application is submitted for a marketing authorisation in respect of medicinal products for human use which are of major interest from the point of view of public health and in particular from the viewpoint of therapeutic innovation, the applicant may request an accelerated assessment	7. When an application is submitted for a marketing authorisation in respect of medicinal products for human use which are of major interest from the point of view of public health and in particular from the viewpoint of therapeutic innovation, the applicant may request an accelerated assessment	7. When an application is submitted for a marketing authorisation in respect of medicinal products for human use which are of major interest from the point of view of public health and in particular from the viewpoint of therapeutic innovation, the applicant may request an accelerated assessment	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	procedure. The same shall apply for products referred to in Article 60. The request shall be duly substantiated.	procedure. The same shall apply for products referred to in Article 60. The request shall be duly substantiated.	procedure. The same shall apply for products referred to in Article 60. The request shall be duly substantiated. **The justification for an accelerated assessment shall be included in the European public assessment report set out in Article 16.**	
Article 6(7), second subparagraph				
229	If the Committee for Medicinal Products for Human Use accepts the request, the time-limit laid down in Article 6(6), first subparagraph, shall be reduced to 150 days.	If the Committee for Medicinal Products for Human Use accepts the request, the time-limit laid down in Article 6(6), first subparagraph, shall be reduced to 150 days.	If the Committee for Medicinal Products for Human Use accepts the request, the time-limit laid down in Article 6(6), first subparagraph, shall be reduced to 150 days.	
Article 6(8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
229a			**8. The adapted frameworks established in accordance with Art. 28 of [revised Directive 2001/83] may apply also for the for the purposes of obtaining a centralised marketing authorisation in accordance with this Regulation.**	
Article 7				
230	Article 7 Environmental risk assessment for medicinal products containing or consisting of genetically modified organisms	Article 7 Environmental risk assessment for medicinal products containing or consisting of genetically modified organisms	Article 7 Environmental risk assessment for medicinal products containing or consisting of genetically modified organisms	
Article 7(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
231	1. Without prejudice to Article 22 of [revised Directive 2001/83/EC], the marketing authorisation application of a medicinal product for human use containing or consisting of genetically modified organisms as defined in Article 2(2) of Directive 2001/18/EC shall be accompanied by an environmental risk assessment identifying and evaluating potential adverse effects of the genetically modified organisms on human health and the environment.	1. Without prejudice to Article 22 of [revised Directive 2001/83/EC], the marketing authorisation application of a medicinal product for human use containing or consisting of genetically modified organisms as defined in Article 2(2) of Directive 2001/18/EC shall be accompanied by an environmental risk assessment identifying and evaluating potential adverse effects of the genetically modified organisms on human ***and animal*** health, and the environment.	1. Without prejudice to Article 22 of [revised Directive 2001/83/EC], the marketing authorisation application of a medicinal product for human use containing or consisting of genetically modified organisms as defined in Article 2(2) of Directive 2001/18/EC shall be accompanied by an environmental risk assessment identifying and evaluating potential adverse effects of the genetically modified organisms on human health and the environment.	
Article 7(2)				
232	2. The environmental risk assessment for the medicinal products referred to in paragraph 1	2. The environmental risk assessment for the medicinal products referred to in paragraph 1	2. The environmental risk assessment for the medicinal products referred to in paragraph 1	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be conducted in accordance with the elements described in Article 8 and the specific requirements set out in Annex II to [revised Directive 2001/83/EC] based on the principles set out in Annex II to Directive 2001/18/EC taking into account the specificities of medicinal products.	shall be conducted in accordance with the elements described in Article 8 and the specific requirements set out in Annex II to [revised Directive 2001/83/EC] based on the principles set out in Annex II to Directive 2001/18/EC taking into account the specificities of medicinal products.	shall be conducted in accordance with the elements described in Article 8 and the specific requirements set out in Annex II to [revised Directive 2001/83/EC] based on the principles set out in Annex II to Directive 2001/18/EC taking into account the specificities of medicinal products.	
Article 7(3)				
233	3. Articles 13 to 24 of Directive 2001/18/EC shall not apply to medicinal products for human use containing or consisting of genetically modified organisms.	3. Articles 13 to 24 of Directive 2001/18/EC shall not apply to medicinal products for human use containing or consisting of genetically modified organisms.	3. Articles 13 to 24 of Directive 2001/18/EC shall not apply to medicinal products for human use containing or consisting of genetically modified organisms.	
Article 7(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
234	4. Articles 6 to 11 of [revised Directive 2001/18/EC] as well as Articles 4 to 13 of Directive 2009/41/EC shall not apply to operations related to the supply and clinical use, including the packaging and labelling, distribution, storage, transport, preparation for administration, administration, destruction or disposal of medicinal products containing or consisting of genetically modified organisms, with the exception of their manufacture, in any of the following cases:	4. Articles 6 to 11 of [revised Directive 2001/18/EC] as well as Articles 4 to 13 of Directive 2009/41/EC shall not apply to operations related to the supply and clinical use, including the packaging and labelling, distribution, storage, transport, preparation for administration, administration, destruction or disposal of medicinal products containing or consisting of genetically modified organisms, with the exception of their manufacture, in any of the following cases:	4. Articles 6 to 11 of [revised Directive 2001/18/EC] as well as Articles 4 to 13 of Directive 2009/41/EC shall not apply to operations related to the supply and clinical use, including the packaging and labelling, distribution, storage, transport, preparation for administration, administration, destruction or disposal of medicinal products containing or consisting of genetically modified organisms, with the exception of their manufacture, in any of the following cases:	
Article 7(4), point (a)				
235	(a) where such medicinal products have been excluded from	(a) where such medicinal products have been excluded from	(a) where such medicinal products have been excluded from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the provisions of [revised Directive 2001/83/EC] by a Member State pursuant to Article 3(1) of that Directive;	the provisions of [revised Directive 2001/83/EC] by a Member State pursuant to Article 3(1) of that Directive;	the provisions of [revised Directive 2001/83/EC] by a Member State pursuant to Article 3(1) of that Directive;	
Article 7(4), point (b)				
236	(b) where the use and distribution of such medicinal products have been temporarily authorised by a Member State pursuant to Article 3(2) of [revised Directive 2001/83/EC]; or	(b) where the use and distribution of such medicinal products have been temporarily authorised by a Member State pursuant to Article 3(2) of [revised Directive 2001/83/EC]; or	(b) where the use and distribution of such medicinal products have been temporarily authorised by a Member State pursuant to Article 3(2) of [revised Directive 2001/83/EC]; or	
Article 7(4), point (c)				
237	(c) where such medicinal products are made available by a Member State pursuant to Article 26(1).	(c) where such medicinal products are made available by a Member State pursuant to Article 26(1).	(c) where such medicinal products are made available by a Member State pursuant to Article 26(1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(5), first subparagraph				
238	5. In the cases referred to in paragraph 4, Member States shall implement appropriate measures to minimise foreseeable negative environmental impacts resulting from the intended or unintended release of the medicinal products containing or consisting of genetically modified organisms into the environment.	5. In the cases referred to in paragraph 4, Member States shall implement appropriate measures to minimise foreseeable negative environmental impacts resulting from the intended or unintended release of the medicinal products containing or consisting of genetically modified organisms into the environment.	5. In the cases referred to in paragraph 4, Member States shall implement appropriate measures to minimise foreseeable negative environmental impacts resulting from the intended or unintended release of the medicinal products containing or consisting of genetically modified organisms into the environment.	
Article 7(5), second subparagraph				
239	The competent authorities of the Member States shall ensure that information related to the use of medicinal products referred to in paragraph 4, is available and provided to the competent	The competent authorities of the Member States shall ensure that information related to the use of medicinal products referred to in paragraph 4, is available and provided to the competent	The competent authorities of the Member States shall ensure that information related to the use of medicinal products referred to in paragraph 4, is available and provided to the competent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorities established by Directive 2009/41/EC, when necessary and in particular in the event of an accident referred to in Article 14 and Article 15 of Directive 2009/41/EC.	authorities established by Directive 2009/41/EC, when necessary and in particular in the event of an accident referred to in Article 14 and Article 15 of Directive 2009/41/EC.	authorities established by Directive 2009/41/EC, when necessary and in particular in the event of an accident referred to in Article 14 and Article 15 of Directive 2009/41/EC.	
Article 8				
240	Article 8 Content of the environmental risk assessment for medicinal products containing or consisting of genetically modified organisms	Article 8 Content of the environmental risk assessment for medicinal products containing or consisting of genetically modified organisms	Article 8 Content of the environmental risk assessment for medicinal products containing or consisting of genetically modified organisms	
Article 8, first paragraph				
241	The environmental risk assessment referred to in Article 7(2) shall contain the following elements:	The environmental risk assessment referred to in Article 7(2) shall contain the following elements:	The environmental risk assessment referred to in Article 7(2) shall contain the following elements:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8, first paragraph, point (a)				
242	(a) description of the genetically modified organism and the modifications introduced as well as characterisation of the finished product;	(a) description of the genetically modified organism and the modifications introduced as well as characterisation of the finished product;	(a) description of the genetically modified organism and the modifications introduced as well as characterisation of the finished product;	
Article 8, first paragraph, point (b)				
243	(b) identification and characterisation of hazards for the environment, animals and for human health;	(b) identification and characterisation of hazards for the environment, animals and for human health ***throughout the lifecycle of the medicinal product, including manufacturing***; ***for the purpose of this point, 'hazards for human health' include the risks to the health of human beings other than the treated patient as the risk to the treated patient***	(b) identification and characterisation of hazards for the environment, animals and for human health;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		shall be assessed as part of the benefit-risk assessment of the medicinal product;		
Article 8, first paragraph, point (c)				
244	(c) exposure characterisation, assessing the likelihood or probability that the identified hazards materialise;	(c) exposure characterisation, assessing the likelihood or probability that the identified hazards materialise;	(c) exposure characterisation, assessing the likelihood or probability that the identified hazards materialise;	
Article 8, first paragraph, point (d)				
245	(d) risk characterisation taking into account the magnitude of each possible hazard and the likelihood or probability of that adverse effect occurring;	(d) risk characterisation taking into account the magnitude of each possible hazard and the likelihood or probability of that adverse effect occurring;	(d) risk characterisation taking into account the magnitude of each possible hazard and the likelihood or probability of that adverse effect occurring;	
Article 8, first paragraph, point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
246	(e) risk minimisation strategies proposed to address identified risks including specific containment measures to limit contact with the medicinal product.	(e) risk minimisation ***and mitigation*** strategies proposed to address identified risks including specific containment measures to limit contact with the medicinal product.	(e) risk minimisation strategies proposed to address identified risks including specific containment measures to limit ~~contact with~~**dissemination of** the medicinal product~~.~~ **in the environment, that is not originating from the use inherent in human application ;**	
Article 8, first paragraph, point (f)				
246a			**(f) overall risk evaluation and conclusions.**	
Article 9				
247	Article 9 Procedure for the environmental risk assessment for medicinal	Article 9 Procedure for the environmental risk assessment for medicinal	Article 9 Procedure for the environmental risk assessment for medicinal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	products containing or consisting of genetically modified organisms	products containing or consisting of genetically modified organisms	products containing or consisting of genetically modified organisms	
Article 9(1), first subparagraph				
248	1. The applicant shall submit an environmental risk assessment referred to in Article 7(1) to the Agency.	1. The applicant shall submit an environmental risk assessment referred to in Article 7(1) to the Agency.	1. The applicant shall submit an environmental risk assessment referred to in Article 7(1) to the Agency.	
Article 9(1), second subparagraph				
249	The Committee for Medicinal Products for Human Use shall assess the environmental risk assessment.	The Committee for Medicinal Products for Human Use shall assess the environmental risk assessment***, and where necessary consult the ad-hoc Environmental Risk Assessment working party referred to in Article 150***.	The Committee for Medicinal Products for Human Use shall assess the environmental risk assessment.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(2)				
250	2. In case of first-in-class medicinal products or when a novel question is raised during the assessment of the submitted environmental risk assessment, the Committee for Medicinal Products for Human Use, or the rapporteur, shall carry out necessary consultations with bodies Member States have set up in accordance with Directive 2001/18/EC. They may also consult with relevant Union bodies. Details on the consultation procedure shall be published by the Agency at the latest by [OJ:12 months after the date of entry into force of this Regulation].	2. In case of first-in-class medicinal products or when a novel question is raised during the assessment of the submitted environmental risk assessment, the Committee for Medicinal Products for Human Use, or the rapporteur, shall carry out necessary consultations with bodies Member States have set up in accordance with Directive 2001/18/EC. They ~~*may*~~***shall*** also consult with relevant Union bodies. Details on the consultation procedure shall be published by the Agency at the latest by [OJ:12 months after the date of entry into force of this Regulation].	2. In case of first-in-class medicinal products or when a novel question is raised during the assessment of the submitted environmental risk assessment, the Committee for Medicinal Products for Human Use, or the rapporteur, shall ~~carry out~~**, as** necessary**, carry out** consultations with bodies Member States have set up in accordance with Directive 2001/18/EC. They may also consult with relevant Union bodies. Details on the consultation procedure shall be published by the Agency at the latest by [OJ:12 months after the date of entry into force of this Regulation].	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 10				
251	Article 10 Committee assessment of an application for marketing authorisation	Article 10 Committee assessment of an application for marketing authorisation	Article 10 Committee assessment of an application for marketing authorisation	
Article 10(1)				
252	1. When preparing its opinion, the Committee for Medicinal Products for Human Use shall verify that the particulars and documentation submitted in accordance with Article 6 comply with the requirements of [revised Directive 2001/83/EC], and shall examine whether the conditions specified in this Regulation for granting a marketing authorisation are satisfied. When preparing its	1. When preparing its opinion, the Committee for Medicinal Products for Human Use shall verify that the particulars and documentation submitted in accordance with Article 6 comply with the requirements of [revised Directive 2001/83/EC], and shall examine whether the conditions specified in this Regulation for granting a marketing authorisation are satisfied. When preparing its	1. When preparing its opinion, the Committee for Medicinal Products for Human Use shall verify that the particulars and documentation submitted in accordance with Article 6 comply with the requirements of [revised Directive 2001/83/EC], and shall examine whether the conditions specified in this Regulation for granting a marketing authorisation are satisfied. When preparing its	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	opinion, the Committee for Medicinal Products for Human Use may make the following requests:	opinion, the Committee for Medicinal Products for Human Use may make the following requests:	opinion, the Committee for Medicinal Products for Human Use may make the following requests:	
Article 10(1), point (a)				
253	(a) that an Official Medicines Control Laboratory or a laboratory that a Member State has designated for that purpose tests the medicinal product for human use, its starting materials, ingredients and, where necessary, its intermediate products or other constituents in order to ensure that the control methods employed by the manufacturer and described in the application documents are satisfactory;	(a) that an Official Medicines Control Laboratory or a laboratory that a Member State has designated for that purpose tests the medicinal product for human use, its starting materials, ingredients and, where necessary, its intermediate products or other constituents in order to ensure that the control methods employed by the manufacturer and described in the application documents are satisfactory;	(a) that an Official Medicines Control Laboratory or a laboratory that a Member State has designated for that purpose tests the medicinal product for human use, its starting materials, ingredients and, where necessary, its intermediate products or other constituents in order to ensure that the control methods employed by the manufacturer and described in the application documents are satisfactory;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 10(1), point (b)				
254	(b) that the applicant supplements the particulars accompanying the application within a specific time period. In case of such a request, the time-limit set out in Article 6(6), first subparagraph, shall be suspended until the supplementary information requested is provided. Likewise, this time-limit shall be suspended for the time allowed for the applicant to prepare oral or written explanations.	(b) that the applicant supplements the particulars accompanying the application within a specific time period. In case of such a request, the time-limit set out in Article 6(6), first subparagraph, shall be suspended until the supplementary information requested is provided. Likewise, this time-limit shall be suspended for the time allowed for the applicant to prepare oral or written explanations.	(b) that the applicant supplements the particulars accompanying the application within a specific time period. In case of such a request, the time-limit set out in Article 6(6), first subparagraph, shall be suspended until the supplementary information requested is provided. Likewise, this time-limit shall be suspended for the time allowed for the applicant to prepare oral or written explanations.	
Article 10(2)				
255	2. Where within 90 days of the validation of the marketing authorisation application and	2. Where within 90 days of the validation of the marketing authorisation application and	2. Where within 90 days of the **date of** validation of the marketing authorisation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	during the assessment the Committee for Medicinal Products for Human Use considers that the submitted data are not of sufficient quality or maturity to complete the assessment, the assessment can be terminated. The Committee for Medicinal Products for Human Use shall summarise the deficiencies in writing. On this basis, the Agency shall inform the applicant accordingly and set a time limit to address the deficiencies. The application shall be suspended until the applicant addresses the deficiencies. If the applicant fails to address those deficiencies within the time limit set by the Agency, the application shall be considered as withdrawn.	during the assessment the Committee for Medicinal Products for Human Use considers that the submitted data are not of sufficient quality or maturity to complete the assessment, the assessment can be terminated. The Committee for Medicinal Products for Human Use shall summarise the deficiencies in writing. On this basis, the Agency shall inform the applicant accordingly and set a ***reasonable*** time limit to address the deficiencies. The application shall be suspended until the applicant addresses the deficiencies. If the applicant fails to address those deficiencies within the time limit set by the Agency, the application shall be	application and during the assessment the Committee for Medicinal Products for Human Use considers that the submitted data are not of sufficient quality or maturity to complete the assessment, the assessment can be terminated. **Prior to the termination,** the Committee for Medicinal Products for Human Use shall summarise the deficiencies in writing. On this basis, the Agency shall inform the applicant accordingly and set a time limit to address the deficiencies. The application shall be suspended until the applicant addresses the deficiencies. If the applicant fails to address those deficiencies within the time limit set by the Agency, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		considered as withdrawn ***by default***.	**examination shall be terminated and the** application shall be considered as withdrawn.	
Article 11				
256	Article 11 Certification of manufacturer	Article 11 Certification of manufacturer	Article 11 Certification of manufacturer	
Article 11(1)				
257	1. Upon receipt of a written request from the Committee for Medicinal Products for Human Use, a Member State shall forward the information demonstrating that the manufacturer of a medicinal product or the importer from a third country is able to manufacture the medicinal product concerned or carry out the	1. Upon receipt of a written request from the Committee for Medicinal Products for Human Use, a Member State shall forward the information demonstrating that the manufacturer of a medicinal product or the importer from a third country is able to manufacture the medicinal product concerned or carry out the	1. Upon receipt of a written request from the Committee for Medicinal Products for Human Use, a Member State shall forward the information demonstrating that the manufacturer of a medicinal product or the importer from a third country is able to manufacture the medicinal product concerned or carry out the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	necessary control tests, or both in accordance with the particulars and documents supplied by the applicant pursuant to Article 6.	necessary control tests, or both in accordance with the particulars and documents supplied by the applicant pursuant to Article 6.	necessary control tests, or both in accordance with the particulars and documents supplied by the applicant pursuant to Article 6.	
Article 11(2), first subparagraph				
258	2. The Committee for Medicinal Products for Human Use may, if it considers it necessary in order to complete the assessment, require the applicant to undergo a specific inspection of the manufacturing site of the medicinal product concerned.	2. The Committee for Medicinal Products for Human Use may, if it considers it necessary in order to complete the assessment, require the applicant to undergo a specific inspection of the manufacturing site of the medicinal product concerned.	2. The Committee for Medicinal Products for Human Use may, if it considers it necessary in order to complete the assessment, require the applicant to undergo a specific inspection of the manufacturing site of the medicinal product concerned.	
Article 11(2), second subparagraph				
259	The inspection shall be carried out within the time-limit set out in Article 6(6), first subparagraph, by	The inspection shall be carried out within the time-limit set out in Article 6(6), first subparagraph, by	The inspection shall be carried out within the time-limit set out in Article 6(6), first subparagraph, by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	inspectors from the Member State holding the appropriate qualifications. Those inspectors may be accompanied by a rapporteur or an expert appointed by the Committee, or by one or more inspectors of the Agency. The inspections may be carried out unannounced.	inspectors from the Member State holding the appropriate qualifications. Those inspectors may be accompanied by a rapporteur or an expert appointed by the Committee, or by one or more inspectors of the Agency. The inspections may be carried out unannounced.	inspectors from the Member State holding the appropriate qualifications. Those inspectors may be accompanied by a rapporteur or an expert appointed by the Committee, or by one or more inspectors of the Agency. The inspections may be carried out unannounced.	
Article 11(2), third subparagraph				
260	For manufacturing sites located in third countries, the inspection may be carried out by the Agency, following a request by the Member States and based on the procedure set out in Article 52.	For manufacturing sites located in third countries, the inspection may be carried out by the Agency, following a request by the Member States and based on the procedure set out in Article 52.	For manufacturing sites located in third countries, the inspection may be carried out by the Agency, following a request by the Member States and based on the procedure set out in Article 52.	
Article 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
261	Article 12 Committee Opinion	Article 12 Committee Opinion	Article 12 Committee Opinion	
Article 12(1)				
262	1. The Agency shall without undue delay inform the applicant if the opinion of the Committee for Medicinal Products for Human Use is that:	1. The Agency shall without undue delay inform the applicant if the opinion of the Committee for Medicinal Products for Human Use is that:	1. The Agency shall without undue delay inform the applicant if the opinion of the Committee for Medicinal Products for Human Use is that:	
Article 12(1), point (a)				
263	(a) the application does not satisfy the criteria for marketing authorisation set out in this Regulation;	(a) the application does not satisfy the criteria for marketing authorisation set out in this Regulation;	(a) the application does not satisfy the criteria for marketing authorisation set out in this Regulation;	
Article 12(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
264	(b) the application satisfies the criteria set out in this Regulation subject to changes required by the Agency to the summary of product characteristics are made;	(b) the application satisfies the criteria set out in this Regulation subject to changes required by the Agency to the summary of product characteristics are made;	(b) the application satisfies the criteria set out in this Regulation subject to changes required by the Agency to the summary of product characteristics are made;	
Article 12(1), point (c)				
265	(c) the application satisfies the criteria set out in this Regulation provided that changes required by the Agency, to the labelling or package leaflet of the medicinal product, are made to ensure compliance with Chapter VI of [revised Directive 2001/83/EC];	(c) the application satisfies the criteria set out in this Regulation provided that changes required by the Agency, to the labelling or package leaflet of the medicinal product, are made to ensure compliance with Chapter VI of [revised Directive 2001/83/EC];	(c) the application satisfies the criteria set out in this Regulation provided that changes required by the Agency, to the labelling or package leaflet of the medicinal product, are made to ensure compliance with Chapter VI of [revised Directive 2001/83/EC];	
Article 12(1), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
266	(d) where applicable, the application satisfies the criteria set out in Articles 18 and 19 subject to specific conditions therein.	(d) where applicable, the application satisfies the criteria set out in Articles 18 and 19 subject to specific conditions therein.	(d) where applicable, the application satisfies the criteria set out in Articles 18 and 19 subject to specific conditions therein.	
Article 12(2), first subparagraph				
267	2. Within 12 days of receipt of the opinion referred to in paragraph 1, the applicant may request by written notice to the Agency a re-examination of the opinion. In that case, the applicant shall provide the Agency with the detailed grounds for the request within 60 days after receipt of the opinion.	2. Within 12 days of receipt of the opinion referred to in paragraph 1, the applicant may request by written notice to the Agency a re-examination of the opinion. In that case, the applicant shall provide the Agency with the detailed grounds for the request within 60 days after receipt of the opinion.	2. Within 12 days of receipt of the opinion referred to in paragraph 1, the applicant may request by written notice to the Agency a re-examination of the opinion. In that case, the applicant shall provide the Agency with the detailed grounds for the request within 60 days after receipt of the opinion.	
Article 12(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
268	The re-examination procedure may deal only with the points of the opinion initially identified by the applicant and may be based only on the scientific data available when the Committee for Medicinal Products for Human Use adopted the initial opinion.	The re-examination procedure may deal only with the points of the opinion initially identified by the applicant and may be based only on the scientific data available when the Committee for Medicinal Products for Human Use adopted the initial opinion.	The re-examination procedure may deal only with the points of the opinion initially identified by the applicant and may be based only on the scientific data available when the Committee for Medicinal Products for Human Use adopted the initial opinion.	
Article 12(2), third subparagraph				
269	Within 60 days following receipt of the grounds for the request, the Committee for Medicinal Products for Human Use shall re-examine its opinion. The reasons for the conclusion reached shall be annexed to the final opinion.	Within 60 days following receipt of the grounds for the request, the Committee for Medicinal Products for Human Use shall re-examine its opinion. The reasons for the conclusion reached shall be annexed to the final opinion.	Within 60 days following receipt of the grounds for the request, the Committee for Medicinal Products for Human Use shall re-examine its opinion. The reasons for the conclusion reached shall be annexed to the final opinion.	
Article 12(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
270	3. Within 12 days after its adoption, the Agency shall send the final opinion of the Committee for Medicinal Products for Human Use to the Commission, to the Member States and to the applicant, together with a report describing the assessment of the medicinal product by the Committee for Medicinal Products for Human Use and stating the reasons for its conclusions.	3. Within 12 days after its adoption, the Agency shall send the final opinion of the Committee for Medicinal Products for Human Use to the Commission, to the Member States and to the applicant, together with a report describing the assessment of the medicinal product by the Committee for Medicinal Products for Human Use and stating the reasons for its conclusions.	3. Within 12 days after its adoption, the Agency shall send the final opinion of the Committee for Medicinal Products for Human Use to the Commission, to the Member States and to the applicant, together with a report describing the assessment of the medicinal product by the Committee for Medicinal Products for Human Use and stating the reasons for its conclusions.	
Article 12(4)				
271	4. If an opinion is favourable to the granting of the relevant marketing authorisation, the following documents shall be annexed to the opinion:	4. If an opinion is favourable to the granting of the relevant marketing authorisation, the following documents shall be annexed to the opinion:	4. If an opinion is favourable to the granting of the relevant marketing authorisation, the ~~following documents~~ **followings** shall be annexed to the opinion:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(4), point (a)				
272	(a) a summary of product characteristics referred to in Article 62 of [revised Directive 2001/83/EC] and corresponding to the assessment of the medicinal product;	(a) a summary of product characteristics referred to in Article 62 of [revised Directive 2001/83/EC] and corresponding to the assessment of the medicinal product;	(a) a summary of product characteristics referred to in Article 62 of [revised Directive 2001/83/EC] and corresponding to the assessment of the medicinal product;	
Article 12(4), point (b)				
273	(b) a recommendation on the frequency of submission of periodic safety update reports;	(b) a recommendation on the frequency of submission of periodic safety update reports;	(b) a recommendation on the frequency of submission of periodic safety update reports;	
Article 12(4), point (c)				
274	(c) details of any conditions or restrictions to be imposed on the supply or use of the medicinal product concerned, including the	(c) details of any conditions or restrictions to be imposed on the supply or use of the medicinal product concerned, including the	(c) details of any conditions or restrictions to be imposed on the supply or use of the medicinal product concerned, including the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conditions under which the medicinal product may be made available to patients, in accordance with the criteria laid down in Chapter XII of [revised Directive 2001/83/EC];	conditions under which the medicinal product may be made available to patients, in accordance with the criteria laid down in Chapter XII of [revised Directive 2001/83/EC];	conditions under which the medicinal product may be made available to patients, in accordance with the criteria laid down in Chapter XII of [revised Directive 2001/83/EC];	
Article 12(4), point (d)				
275	(d) details of any recommended conditions or restrictions with regard to the safe and effective use of the medicinal product;	(d) details of any recommended conditions or restrictions with regard to the safe and effective use of the medicinal product;	(d) details of any recommended conditions or restrictions with regard to the safe and effective use of the medicinal product;	
Article 12(4), point (e)				
276	(e) details of any recommended measures for ensuring the safe use of the	(e) details of any recommended measures for ensuring the safe use of the	(e) details of any recommended measures for ensuring the safe use of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal product to be included in the risk management system;	medicinal product to be included in the risk management system;	medicinal product to be included in the risk management system;	
Article 12(4), point (f)				
277	(f) where appropriate, details of any recommended obligation to conduct post-authorisation safety studies or to comply with obligations on the recording or reporting of suspected adverse reactions which are stricter than those referred to in Chapter VIII;	(f) where appropriate, details of any recommended obligation to conduct post-authorisation safety studies or to comply with obligations on the recording or reporting of suspected adverse reactions which are stricter than those referred to in Chapter VIII;	(f) where appropriate, details of any recommended obligation to conduct post-authorisation safety studies or to comply with obligations on the recording or reporting of suspected adverse reactions which are stricter than those referred to in Chapter VIII;	
Article 12(4), point (g)				
278	(g) where appropriate, details of any recommended obligation to conduct post-authorisation efficacy studies where concerns relating to some aspects of the	(g) where appropriate, details of any recommended obligation to conduct post-authorisation efficacy studies where concerns relating to some aspects of the	(g) where appropriate, details of any recommended obligation to conduct post-authorisation efficacy studies where concerns relating to some aspects of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	efficacy of the medicinal product are identified and can be resolved only after the medicinal product has been marketed. Such an obligation to conduct such studies shall be based on the delegated acts adopted pursuant to Article 21 while taking into account the scientific guidance referred to in Article 123 of [revised Directive 2001/83/EC];	efficacy of the medicinal product are identified and can be resolved only after the medicinal product has been marketed. Such an obligation to conduct such studies shall be based on the delegated acts adopted pursuant to Article 21 while taking into account the scientific guidance referred to in Article 123 of [revised Directive 2001/83/EC] ***and the consultation process in accordance with Article 162 of this Regulation***;	efficacy of the medicinal product are identified and can be resolved only after the medicinal product has been marketed. Such an obligation to conduct such studies shall be based on the delegated acts adopted pursuant to Article 21 while taking into account the scientific guidance referred to in Article 123 of [revised Directive 2001/83/EC];	
Article 12(4), point (h)				
279	(h) where appropriate, details of any recommended obligation to conduct any other post-authorisation studies to improve	(h) where appropriate, details of any recommended obligation to conduct any other post-authorisation studies***, including post-authorisation treatment***	(h) where appropriate, details of any recommended obligation to conduct any other post-authorisation studies to improve	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the safe and effective use of the medicinal product;	***optimisation studies,*** to improve the safe and effective use of the medicinal product;	the safe and effective use of the medicinal product;	
Article 12(4), point (i)				
280	(i) in case of medicinal products for which there is substantial uncertainty as to the surrogate endpoint relation to the expected health outcome, where appropriate and relevant for the benefit-risk balance, a post-authorisation obligation to substantiate the clinical benefit;	(i) in case of medicinal products for which there is ~~*substantial*~~***a detailed justification submitted to the Agency as to the grounds of*** uncertainty as to the surrogate endpoint relation to the expected health outcome, where appropriate and relevant for the benefit-risk balance, ***with specific attention given to new active substances and therapeutic indications,*** a post-authorisation obligation to substantiate the clinical benefit~~,~~***:***	(i) in case of medicinal products for which there is ~~substantial~~ uncertainty as to the surrogate endpoint relation to the expected health outcome, where appropriate and relevant for the benefit-risk balance, ~~a~~ **details of any** post-authorisation obligation to substantiate the clinical benefit;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(4), point (j)				
281	(j) where appropriate, details of any recommended obligation to conduct additional post-authorisation environmental risk assessment studies, collection of monitoring data or information on use, where concerns about risks to the environment or public health, including antimicrobial resistance need to be further investigated after the medicinal product has been marketed;	(j) where appropriate, details of any recommended obligation to conduct additional post-authorisation environmental risk assessment studies, collection of monitoring data or information on use, where concerns about risks to the environment or public health, including antimicrobial resistance need to be further investigated after the medicinal product has been marketed;	(j) where appropriate, details of any recommended obligation to conduct additional post-authorisation environmental risk assessment studies, collection of monitoring data or information on use, where concerns about risks to the environment or public health, including antimicrobial resistance need to be further investigated after the medicinal product has been marketed;	
Article 12(4), point (ja)				
281a		***(ja) where appropriate, any justified reasoning for granting marketing authorisation pursuant***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		to Article 18, 19 and 30 of this Regulation;		
Article 12(4), point (k)				
282	(k) the text of the labelling and package leaflet, presented in accordance with Chapter VI of [revised Directive 2001/83/EC];	(k) the text of the labelling and package leaflet, presented in accordance with Chapter VI of [revised Directive 2001/83/EC];	(k) the text of the labelling and package leaflet, presented in accordance with Chapter VI of [revised Directive 2001/83/EC];	
Article 12(4), point (l)				
283	(l) the assessment report as regards the results of the pharmaceutical and non-clinical tests and of the clinical trials, and as regards the risk management system and the pharmacovigilance system for the medicinal product concerned;	(l) the assessment report as regards the results of the pharmaceutical and non-clinical tests and of the clinical trials, and as regards the risk management system and the pharmacovigilance system for the medicinal product concerned;	(l) the assessment report as regards the results of the pharmaceutical and non-clinical tests and of the clinical trials, and as regards the risk management system and the pharmacovigilance system for the medicinal product concerned;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(4), point (m)				
284	(m) where appropriate, to carry out medicinal product-specific validation studies to replace animal-based control methods with non-animal-based control methods.	(m) where appropriate, to carry out medicinal product-specific validation studies to replace animal-based control methods with non-animal-based control methods.	(m) where appropriate, ~~to carry out~~**the details of any** medicinal product-specific validation studies to replace animal-based control methods with non-animal-based control methods.	
Article 12(4), point (ma)				
284a		***(ma) a stewardship and access plan in accordance with Article 17(1), point (a), of [revised Directive 2001/83/EC] and special information requirements in accordance with Article 69 of that Directive for any antimicrobials, as well as any***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		other obligations imposed on the marketing authorisation holder;		
Article 12(4), point (mb)				
284b		***(mb) where applicable, reasoning as to whether the medicinal product satisfies the criteria of Article 83 of [revised Directive 2001/83/EC] regarding medicinal products addressing an unmet medical need.***		
Article 12(5)				
285	5. When adopting its opinion, the Committee for Medicinal Products for Human Use shall include the criteria for the prescription or use of the medicinal products in accordance	5. When adopting its opinion, the Committee for Medicinal Products for Human Use shall include the criteria for the prescription or use of the medicinal products in accordance	5. When adopting its opinion, the Committee for Medicinal Products for Human Use shall include the criteria for the prescription or use of the medicinal products in accordance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with Article 50(1) of [revised Directive 2001/83/EC].	with Article 50(1) of [revised Directive 2001/83/EC].	with Article 50(1) of [revised Directive 2001/83/EC].	
Section 2				
286	Section 2 Marketing authorisation decisions	Section 2 Marketing authorisation decisions	Section 2 Marketing authorisation decisions	
Article 13				
287	Article 13 Commission decision on the marketing authorisation	Article 13 Commission decision on the marketing authorisation	Article 13 Commission decision on the marketing authorisation	
Article 13(1), first subparagraph				
288	1. Within 12 days of receipt of the opinion of the Committee for Medicinal products for Human Use the Commission shall submit to the Standing Committee on	1. Within 12 days of receipt of the opinion of the Committee for Medicinal products for Human Use the Commission shall submit to the Standing Committee on	1. Within 12 days of receipt of the opinion of the Committee for Medicinal products for Human Use the Commission shall submit to the Standing Committee on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Medicinal Products for Human Use referred to in Article 173(1) a draft of the decision on the application.	Medicinal Products for Human Use referred to in Article 173(1) a draft of the decision on the application.	Medicinal Products for Human Use referred to in Article 173(1) a draft of the decision on the application.	
Article 13(1), second subparagraph				
289	In duly justified cases, the Commission may return the opinion to the Agency for further consideration.	In duly justified cases, the Commission may return the opinion to the Agency for further consideration.	In duly justified cases, the Commission may return the opinion to the Agency for further consideration.	
Article 13(1), third subparagraph				
290	Where a draft decision envisages the granting of a marketing authorisation, it shall include or make reference to the documents referred to in Article 12(4).	Where a draft decision envisages the granting of a marketing authorisation, it shall include or make reference to the documents referred to in Article 12(4).	Where a draft decision envisages the granting of a marketing authorisation, it shall include or make reference to the documents referred to in Article 12(4).	
Article 13(1), fourth subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
291	Where a draft decision envisages the granting of a marketing authorisation subject to the conditions referred to in Article 12(4), points (c) to (j), it shall lay down deadlines for the fulfilment of the conditions, where necessary.	Where a draft decision envisages the granting of a marketing authorisation subject to the conditions referred to in Article 12(4), points (c) to (j), it shall lay down deadlines for the fulfilment of the conditions, where necessary.	Where a draft decision envisages the granting of a marketing authorisation subject to the conditions referred to in Article 12(4), points (c) to (j), it shall lay down deadlines for the fulfilment of the conditions, where necessary.	
Article 13(1), fifth subparagraph				
292	Where the draft decision differs from the opinion of the Agency, the Commission shall provide a detailed explanation of the reasons for the differences.	Where the draft decision differs from the opinion of the Agency, the Commission shall provide a detailed explanation of the reasons for the differences ***and make that information publicly available***.	Where the draft decision differs from the opinion of the Agency, the Commission shall provide a detailed explanation of the reasons for the differences.	
Article 13(1), sixth subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
293	The Commission shall send the draft decision to the Member States and the applicant.	The Commission shall send the draft decision ***and the accompanying reasoning referred to in the fifth subparagraph*** to the Member States and the applicant.	The Commission shall send the draft decision to the Member States and the applicant.	
Article 13(2)				
294	2. The Commission shall, by means of implementing acts, take a final decision within 12 days after obtaining the opinion of the Standing Committee on Medicinal Products for Human Use. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173, paragraphs 2 and 3.	2. The Commission shall, by means of implementing acts, take a final decision within 12 days after obtaining the opinion of the Standing Committee on Medicinal Products for Human Use. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173, paragraphs 2 and 3.	2. The Commission shall, by means of implementing acts, take a final decision within 12 days after obtaining the opinion of the Standing Committee on Medicinal Products for Human Use. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173, paragraphs 2 and 3.	
Article 13(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
295	3. Where a Member State raises important new questions of a scientific or technical nature that have not been addressed in the opinion delivered by the Agency, the Commission may refer the application back to the Agency for further consideration. In that case, the procedures set out in paragraphs 1 and 2, shall start again upon reception of the reply of the Agency.	3. Where a Member State raises important new questions of a scientific or technical nature that have not been addressed in the opinion delivered by the Agency, the Commission may refer the application back to the Agency for further consideration. In that case, the procedures set out in paragraphs 1 and 2, shall start again upon reception of the reply of the Agency.	3. Where a Member State raises important new questions of a scientific or technical nature that have not been addressed in the opinion delivered by the Agency, the Commission may refer the application back to the Agency for further consideration. In that case, the procedures set out in paragraphs 1 and 2, shall start again upon reception of the reply of the Agency.	
Article 13(4)				
296	4. The Agency shall disseminate the documents referred to in Article 12(4), points (a) to (e), together with any deadlines laid down pursuant to paragraph 1, first subparagraph.	4. The Agency shall disseminate the documents referred to in Article 12(4), points (a) to (e), ***and, where relevant, the documents referred to in Article 12(4), points (f) to (mb),*** together	4. The Agency shall disseminate the documents referred to in Article 12(4), points (a) to (e), together with any deadlines laid down pursuant to paragraph 1, first subparagraph.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		with any deadlines laid down pursuant to paragraph 1, first subparagraph.		
Article 14				
297	Article 14 Withdrawal of a marketing authorisation application	Article 14 Withdrawal of a marketing authorisation application	Article 14 Withdrawal of a marketing authorisation application	
Article 14, first paragraph				
298	If an applicant withdraws an application for a marketing authorisation submitted to the Agency before an opinion has been given on the application, the applicant shall communicate its reasons for doing so to the Agency. The Agency shall make this information publicly available	If an applicant withdraws an application for a marketing authorisation submitted to the Agency before an opinion has been given on the application, the applicant shall communicate its reasons for doing so to the Agency. The Agency shall make this information publicly available	If an applicant withdraws an application for a marketing authorisation submitted to the Agency before an opinion has been given on the application, the applicant shall communicate its reasons for doing so to the Agency. The Agency shall make this information publicly available	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and shall publish the assessment report, if available, after deletion of all information of a commercially confidential nature.	and shall publish the assessment report, if available, after deletion of all information of a commercially confidential nature.	and shall publish the assessment report, if available, after deletion of all information of a commercially confidential nature.	
Article 15				
299	Article 15 Refusal of a centralised marketing authorisation	Article 15 Refusal of a centralised marketing authorisation	Article 15 Refusal of a centralised marketing authorisation	
Article 15(1)				
300	1. The marketing authorisation shall be refused if, after verification of the particulars and documentation submitted in accordance with Article 6, the view is taken that:	1. The marketing authorisation shall be refused if, after verification of the particulars and documentation submitted in accordance with Article 6, the view is taken that:	1. The marketing authorisation shall be refused if, after verification of the particulars and documentation submitted in accordance with Article 6, the view is taken that:	
Article 15(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
301	(a) the benefit-risk balance of the medicinal product is not favourable;	(a) the benefit-risk balance of the medicinal product is not favourable;	(a) the benefit-risk balance of the medicinal product is not favourable;	
Article 15(1), point (b)				
302	(b) that the applicant has not properly or sufficiently demonstrated the quality, safety or efficacy of the medicinal product;	(b) that the applicant has not properly or sufficiently demonstrated the quality, safety or efficacy of the medicinal product;	(b) that the applicant has not properly or sufficiently demonstrated the quality, safety or efficacy of the medicinal product;	
Article 15(1), point (c)				
303	(c) its qualitative and quantitative composition is not as declared;	(c) its qualitative and quantitative composition is not as declared;	(c) its qualitative and quantitative composition is not as declared;	
Article 15(1), point (d)				
304	(d) the environmental risk assessment is incomplete or	(d) the environmental risk assessment is incomplete or	(d) the environmental risk assessment is incomplete or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	insufficiently substantiated by the applicant or if the risks identified in the environmental risk assessment have not been sufficiently addressed by the applicant;	insufficiently substantiated by the applicant or if the risks identified in the environmental risk assessment have not been sufficiently addressed by the ***risk mitigation measures proposed by the*** applicant ***in accordance with Article 22(3) of [revised Directive 2001/83/EC]***;	insufficiently substantiated by the applicant or if the risks identified in the environmental risk assessment have not been sufficiently addressed by the applicant**, unless these deficiencies are justified by the applicant and either post-authorisation environmental risk assessment studies can be requested or the identified risks can be mitigated with appropriate risk mitigation measures**;	
Article 15(1), point (e)				
305	(e) particulars or documentation provided by the applicant in accordance with	(e) particulars or documentation provided by the applicant in accordance with	(e) particulars or documentation provided by the applicant in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 6, paragraphs 1 to 4, are incorrect;	Article 6, paragraphs 1 to 4, are incorrect;	Article 6, paragraphs 1 to 4, are incorrect;	
Article 15(1), point (f)				
306	(f) the labelling and package leaflet proposed by the applicant are not in accordance with Chapter VI of [revised Directive 2001/83/EC].	(f) the labelling and package leaflet proposed by the applicant are not in accordance with Chapter VI of [revised Directive 2001/83/EC].	(f) the labelling and package leaflet proposed by the applicant are not in accordance with Chapter VI of [revised Directive 2001/83/EC].	
Article 15(2)				
307	2. The refusal of a Union marketing authorisation shall constitute a prohibition on the placing on the market of the medicinal product concerned throughout the Union.	2. The refusal of a Union marketing authorisation shall constitute a prohibition on the placing on the market of the medicinal product concerned throughout the Union.	2. The refusal of a Union marketing authorisation shall constitute a prohibition on the placing on the market of the medicinal product concerned throughout the Union.	
Article 15(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
308	3. Information about all refusals and the reasons for them shall be made publicly available.	3. Information about all refusals and the reasons for them shall be made publicly available.	3. Information about all refusals and the reasons for them shall be made publicly available.	
Article 16				
309	Article 16 Marketing authorisations	Article 16 Marketing authorisations	Article 16 Marketing authorisations	
Article 16(1), first subparagraph				
310	1. Without prejudice to Article 1, paragraphs 8 and 9 of [revised Directive 2001/83/EC], a marketing authorisation which has been granted in accordance with this Regulation shall be valid throughout the Union. It shall confer the same rights and obligations in each of the Member	1. Without prejudice to Article 1, paragraphs 8 and 9 of [revised Directive 2001/83/EC], a marketing authorisation which has been granted in accordance with this Regulation shall be valid throughout the Union. It shall confer the same rights and obligations in each of the Member	1. Without prejudice to Article 1, paragraphs 8 and 9 of [revised Directive 2001/83/EC], a marketing authorisation which has been granted in accordance with this Regulation shall be valid throughout the Union. It shall confer the same rights and obligations in each of the Member	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	States as a marketing authorisation granted by that Member State in accordance with Article 5 of [revised Directive 2001/83/EC].	States as a marketing authorisation granted by that Member State in accordance with Article 5 of [revised Directive 2001/83/EC].	States as a marketing authorisation granted by that Member State in accordance with Article 5 of [revised Directive 2001/83/EC].	
Article 16(1), second subparagraph				
311	The Commission shall ensure that authorised medicinal products for human use are added to the Union Register of Medicinal Products and that they are given a number, which shall appear on the packaging.	The Commission shall ensure that authorised medicinal products for human use are added to the Union Register of Medicinal Products and that they are given a number, which shall appear on the packaging.	The Commission shall ensure that authorised medicinal products for human use are added to the Union Register of Medicinal Products and that they are given a number, which shall appear on the packaging.	
Article 16(2)				
312	2. Notification of marketing authorisation shall be published in the Official Journal of the European Union, quoting the date	2. Notification of marketing authorisation shall be published in the Official Journal of the European Union, quoting the date	2. Notification of marketing authorisation shall be published in the Official Journal of the European Union, quoting the date	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of marketing authorisation and the registration number in the Union Register of Medicinal Products, any International Non-proprietary Name (INN) of the active substance of the medicinal product, its pharmaceutical form, and any Anatomical Therapeutic Chemical Code (ATC).	of marketing authorisation and the registration number in the Union Register of Medicinal Products, any International Non-proprietary Name (INN) of the active substance of the medicinal product, its pharmaceutical form, and any Anatomical Therapeutic Chemical Code (ATC).	of marketing authorisation and the registration number in the Union Register of Medicinal Products, any International Non-proprietary Name (INN) of the active substance of the medicinal product, its pharmaceutical form, and any Anatomical Therapeutic Chemical Code (ATC).	
Article 16(3), first subparagraph				
313	3. The Agency shall immediately publish the assessment report on the medicinal product for human use and the reasons for its opinion in favour of granting marketing authorisation, after deletion of any information of a commercially confidential nature.	3. The Agency shall immediately publish the assessment report on the medicinal product for human use and the reasons for its opinion in favour of granting marketing authorisation, after deletion of any information of a commercially confidential nature ***following a notification to***	3. The Agency shall immediately publish the assessment report on the medicinal product for human use and the reasons for its opinion in favour of granting marketing authorisation, after deletion of any information of a commercially confidential nature. **The justification for a**	

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		relevant patient organisations. ***The Agency shall ensure that European public assessment report summaries are readable, clear and comprehensible.***	**marketing authorisation under exceptional circumstances and the justification for a conditional marketing shall be included in the assessment report.**	
Article 16(3), second subparagraph				
314	The European public assessment report (EPAR) shall include:	The European public assessment report (EPAR) shall include:	The European public assessment report (EPAR) shall include:	
Article 16(3), second subparagraph, first indent				
315	- a summary of the assessment report written in a manner that is understandable to the public. The summary shall contain in particular a section relating to the conditions of use of the medicinal product;	- a summary of the assessment report written in a manner that is understandable to the public. The summary shall contain in particular a section relating to the conditions of use of the medicinal product;	- a summary of the assessment report written in a manner that is understandable to the public. The summary shall contain in particular a section relating to the conditions of use of the medicinal product;	

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Article 16(3), second subparagraph, second indent				
316	- a summary of environmental risk assessment studies and their results as submitted by the marketing authorisation holder and the assessment of the environmental risk assessment and the information referred to in Article 22(5) of [revised Directive 2001/83/EC] by the Agency.	- ***the complete environmental risk assessment submitted to the Agency by the marketing authorisation applicant as well as*** a summary of environmental risk assessment studies and their results as submitted by the marketing authorisation holder and the assessment of the environmental risk assessment and the information referred to in Article 22(5) of [revised Directive 2001/83/EC] by the Agency.	- a summary of environmental risk assessment studies and their results as submitted by the marketing authorisation holder and the assessment of the environmental risk assessment and the information referred to in Article 22(5) of [revised Directive 2001/83/EC] by the Agency.	
Article 16(3), second subparagraph, third indent				
316a		***- for antimicrobials, all information referred to in Article***		

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		17 of and Annex I to [revised Directive 2001/83/EC] as well as any other obligations imposed on the marketing authorisation holder.		
Article 16(4), first subparagraph				
317	4. After a marketing authorisation has been granted, the marketing authorisation holder shall inform the Agency of the dates of actual marketing of the medicinal product for human use in the Member States, taking into account the various presentations authorised.	4. After a marketing authorisation has been granted, the marketing authorisation holder shall inform the Agency of the dates of actual marketing of the medicinal product for human use in the Member States, taking into account the various presentations authorised.	4. After a marketing authorisation has been granted, the marketing authorisation holder shall inform the Agency of the dates of actual marketing of the medicinal product for human use in the Member States, taking into account the various presentations authorised.	
Article 16(4), second subparagraph				

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318	The marketing authorisation holder shall notify the Agency and the competent authority of the Member State concerned of the following:	The marketing authorisation holder shall notify the Agency and the competent authority of the Member State concerned of the following:	~~The marketing authorisation holder shall notify the Agency and the competent authority of the Member State concerned of the following:~~	
Article 16(4), second subparagraph, point (a)				
319	(a) its intention to permanently cease the marketing of a medicinal product in that Member State in accordance with Article 116(1), point (a); or	(a) its intention to permanently cease the marketing of a medicinal product in that Member State in accordance with Article 116(1), point (a); or	(a) ~~its intention to permanently cease the marketing of a medicinal product in that Member State in accordance with Article 116(1), point (a); or~~**i**	
Article 16(4), second subparagraph, point (b)				
320	(b) its intention to temporarily suspend the marketing of a medicinal product in that Member State in accordance with Article 116(1), point (c); or	(b) its intention to temporarily suspend the marketing of a medicinal product in that Member State in accordance with Article 116(1), point (c); or	(b) ~~its intention to temporarily suspend the marketing of a medicinal product in that Member State in accordance with Article 116(1), point (c); or~~	

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Article 16(4), second subparagraph, point (c)				
321	(c) a potential or actual shortage in that Member State in accordance with Article 116(1), point (d); and its reasons for such action under points (a) and (b) in accordance with Article 24, as well as any other reason relating to precautionary actions with regard to quality, safety, efficacy and the environment.	(c) a potential or actual shortage in that Member State in accordance with Article 116(1), point (d); and its reasons for such action under points (a) and (b) in accordance with Article 24, as well as any other reason relating to precautionary actions with regard to quality, safety, efficacy and the environment.	(c) ~~a potential or actual shortage in that Member State in accordance with Article 116(1), point (d); and its reasons for such action under points (a) and (b) in accordance with Article 24, as well as any other reason relating to precautionary actions with regard to quality, safety, efficacy and the environment.~~	
Article 16(4), second subparagraph				
321a			**its reasons for such action under points (a) and (b) in accordance with Article 24, as well as any other reason relating to precautionary actions with**	

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			regard to quality, safety, efficacy and the environment.	
Article 16(4), third subparagraph				
322	Upon request by the Agency, particularly in the context of pharmacovigilance, the marketing authorisation holder shall provide the Agency with all data relating to the volume of sales of the medicinal product at Union level, broken down by Member State, and any data in the marketing authorisation holder's possession relating to the volume of prescriptions in the Union and its Member States.	Upon request by the Agency, particularly in the context of pharmacovigilance, the marketing authorisation holder shall provide the Agency with all data relating to the volume of sales of the medicinal product at Union level, broken down by Member State, and any data in the marketing authorisation holder's possession relating to the volume of prescriptions in the Union and its Member States.	Upon request by the Agency, particularly in the context of pharmacovigilance, the marketing authorisation holder shall provide the Agency with all data relating to the volume of sales of the medicinal product at Union level, broken down by Member State, and any data in the marketing authorisation holder's possession relating to the volume of prescriptions in the Union and its Member States.	
Article 17				

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323	Article 17 Validity and renewal of marketing authorisations	Article 17 Validity and renewal of marketing authorisations	Article 17 Validity and renewal of marketing authorisations	
Article 17(1)				
324	1. Without prejudice to paragraph 2, a marketing authorisation for a medicinal product shall be valid for an unlimited period.	1. Without prejudice to paragraph 2, a marketing authorisation for a medicinal product shall be valid for an unlimited period.	1. Without prejudice to paragraph 2, a marketing authorisation for a medicinal product shall be valid for an unlimited period.	
Article 17(2), first subparagraph				
325	2. By way of derogation from paragraph 1, the Commission may decide when granting an authorisation, on the basis of a scientific opinion by the Agency concerning the safety of the	2. By way of derogation from paragraph 1, the Commission may decide when granting an authorisation, on the basis of a scientific opinion by the Agency concerning the safety of the	2. By way of derogation from paragraph 1, the Commission may decide when granting an authorisation, on the basis of a scientific opinion by the Agency concerning the safety of the	

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	medicinal product, to limit the validity of the marketing authorisation to five years.	medicinal product, to limit the validity of the marketing authorisation to five years.	medicinal product, to limit the validity of the marketing authorisation to five years.	
Article 17(2), second subparagraph				
326	Where the validity of the marketing authorisation is limited to five years, the marketing authorisation holder shall apply to the Agency for a renewal of the marketing authorisation at least nine months before the marketing authorisation ceases to be valid.	Where the validity of the marketing authorisation is limited to five years, the marketing authorisation holder shall apply to the Agency for a renewal of the marketing authorisation at least nine months before the marketing authorisation ceases to be valid.	Where the validity of the marketing authorisation is limited to five years, the marketing authorisation holder shall apply to the Agency for a renewal of the marketing authorisation at least nine months before the marketing authorisation ceases to be valid.	
Article 17(2), third subparagraph				
327	Where a renewal application has been submitted in accordance with the second subparagraph, the marketing authorisation shall	Where a renewal application has been submitted in accordance with the second subparagraph, the marketing authorisation shall	Where a renewal application has been submitted in accordance with the second subparagraph, the marketing authorisation shall	

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	remain valid until a decision is adopted by the Commission in accordance with Article 13.	remain valid until a decision is adopted by the Commission in accordance with Article 13.	remain valid until a decision is adopted by the Commission in accordance with Article 13.	
Article 17(2), fourth subparagraph				
328	The marketing authorisation may be renewed on the basis of a re-evaluation by the Agency of the benefit-risk balance. Once renewed, the marketing authorisation shall be valid for an unlimited period.	The marketing authorisation may be renewed on the basis of a re-evaluation by the Agency of the benefit-risk balance. Once renewed, the marketing authorisation shall be valid for an unlimited period.	The marketing authorisation may be renewed on the basis of a re-evaluation by the Agency of the benefit-risk balance. Once renewed, the marketing authorisation shall be valid for an unlimited period.	
Article 18				
329	Article 18 Marketing authorisation granted in exceptional circumstances	Article 18 Marketing authorisation granted in exceptional circumstances	Article 18 Marketing authorisation granted in exceptional circumstances	
Article 18(1)				

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330	1. In exceptional circumstances where, in an application under Article 6 of [revised Directive 2001/83/EC] for a marketing authorisation of a medicinal product or a new therapeutic indication of an existing marketing authorisation under this Regulation, an applicant is unable to provide comprehensive data on the efficacy and safety of the medicinal product under normal conditions of use, the Commission may, by derogation to Article 6, grant an authorisation under Article 13, subject to specific conditions, where the following requirements are met:	1. In exceptional circumstances where, in an application under Article 6 of [revised Directive 2001/83/EC] for a marketing authorisation of a medicinal product or a new therapeutic indication, of an existing marketing authorisation under this Regulation, an applicant is unable to provide comprehensive data on the efficacy and safety of, ***and, where missing, on the environmental risk posed by,*** the medicinal product under normal conditions of use, the Commission may, by derogation to Article 6, grant an authorisation under Article 13, subject to specific conditions, where the following requirements are met:	1. In exceptional circumstances where, in an application under Article 6 of [revised Directive 2001/83/EC] for a marketing authorisation of a medicinal product or a new therapeutic indication of an existing marketing authorisation under this Regulation, an applicant is unable to provide comprehensive data on the efficacy and safety of the medicinal product under normal conditions of use, the Commission may, by derogation to Article 6, grant an authorisation under Article 13, subject to specific conditions, where the following requirements are met:	

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Article 18(1), point (a)				
331	(a) the applicant has demonstrated, in the application file, that there are objective and verifiable reasons not to be able to submit comprehensive data on the efficacy and safety of the medicinal product under normal conditions of use based on one of the grounds set out in Annex II to [revised Directive 2001/83/EC];	(a) the applicant has demonstrated, in the application file, that there are objective and verifiable reasons not to be able to submit comprehensive data on the efficacy and safety of the medicinal product under normal conditions of use based on one of the grounds set out in Annex II to [revised Directive 2001/83/EC];	(a) the applicant has demonstrated, in the application file, that there are objective and verifiable reasons not to be able to submit comprehensive data on the efficacy and safety of the medicinal product under normal conditions of use based on one of the grounds set out in Annex II to [revised Directive 2001/83/EC];	
Article 18(1), point (b)				
332	(b) except for the data referred to in point (a), the application file is complete and satisfies all the requirements of this Regulation;	(b) except for the data referred to in point (a), the application file is complete and satisfies all the requirements of this Regulation;	(b) except for the data referred to in point (a), the application file is complete and satisfies all the requirements of this Regulation;	

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Article 18(1), point (c)				
333	(c) specific conditions are included in the decision of the Commission, in particular to ensure the safety of the medicinal product as well to ensure that the marketing authorisation holder notifies to the competent authorities any incident relating to its use and takes appropriate action where necessary.	(c) specific conditions are included in the decision of the Commission, in particular to ensure the safety of the medicinal product as well to ensure that the marketing authorisation holder notifies to the competent authorities any incident relating to its use and takes appropriate action where necessary.	(c) specific conditions are included in the decision of the Commission, in particular to ensure the safety of the medicinal product as well to ensure that the marketing authorisation holder notifies to the competent authorities any incident relating to its use and takes appropriate action where necessary.	
Article 18(2), first subparagraph				
334	2. The maintenance of the authorised new therapeutic indication and the validity of the marketing authorisation granted in accordance with paragraph 1 shall be linked to the reassessment by	2. The maintenance of the authorised new therapeutic indication and the validity of the marketing authorisation granted in accordance with paragraph 1 shall be linked to the reassessment by	2. ———The maintenance of the authorised new therapeutic indication and the validity of the marketing authorisation granted in accordance with paragraph 1 shall be linked to the reassessment by	

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	the Agency of the conditions referred to in paragraph 1 after two years from the date when the new therapeutic indication was authorised or the marketing authorisation was granted, and thereafter at a risk-based frequency to be determined by the Agency and specified by the Commission in the marketing authorisation.	the Agency of the conditions referred to in paragraph 1 after two years from the date when the new therapeutic indication was authorised or the marketing authorisation was granted, and thereafter at a risk-based frequency to be determined by the Agency and specified by the Commission in the marketing authorisation.	the Agency of the conditions referred to in paragraph 1 after two years **or at an earlier time as set out in the marketing authorisation,** from the date when the new therapeutic indication was authorised or the marketing authorisation was granted, and thereafter at a risk-based frequency to be determined by the Agency and specified by the Commission in the marketing authorisation.	
Article 18(2), second subparagraph				
335	This reassessment shall be conducted on the basis of an application by the marketing authorisation holder to maintain the authorised new therapeutic	This reassessment shall be conducted on the basis of an application by the marketing authorisation holder to maintain the authorised new therapeutic	This reassessment shall be conducted on the basis of an application by the marketing authorisation holder to maintain the authorised new therapeutic	

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	indication or renew the marketing authorisation under exceptional circumstances.	indication or renew the marketing authorisation under exceptional circumstances.	indication or renew the marketing authorisation under exceptional circumstances.	
Article 18(2), second subparagraph a				
335a		***Where specific conditions referred to in paragraph 1, point (c), of this Article are not fulfilled within the timeframe given by the Agency or the marketing authorisation holder does not provide duly justified reasons for not fulfilling the conditions, the Commission may suspend, revoke or vary the marketing authorisation by means of implementing acts. Those implementing acts shall be adopted in accordance with the***		

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		examination procedure referred to in Article 173(2).		
Article 19				
336	Article 19 Conditional marketing authorisation	Article 19 Conditional marketing authorisation	Article 19 Conditional marketing authorisation	
Article 19(1), first subparagraph				
337	1. In duly justified cases, to meet an unmet medical need of patients, as referred to in Article 83(1), point (a), of [revised Directive 2001/83/EC], a conditional marketing authorisation or a new conditional therapeutic indication to an existing marketing authorisation authorised under this Regulation	1. In duly justified cases, to meet an unmet medical need of patients, as referred to in Article 83(1), point (a), of [revised Directive 2001/83/EC], a conditional marketing authorisation or a new conditional therapeutic indication to an existing marketing authorisation authorised under this Regulation	1. In duly justified cases, to meet an unmet medical need of patients~~, as referred to in Article 83(1), point (a), of [revised Directive 2001/83/EC]~~, a conditional marketing authorisation or a new conditional therapeutic indication to an existing marketing authorisation authorised under this Regulation	

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	may be granted by the Commission to a medicinal product that is likely to address the unmet medical need in accordance with Article 83(1), point (b), of [revised Directive 2001/83/EC], prior to the submission of comprehensive clinical data provided that the benefit of the immediate availability on the market of that medicinal product outweighs the risk inherent in the fact that additional data are still required.	may be granted by the Commission to a medicinal product that is likely to address the unmet medical need in accordance with Article 83(1), point (b), of [revised Directive 2001/83/EC], prior to the submission of comprehensive clinical data provided that the benefit of the immediate availability on the market of that medicinal product outweighs the risk inherent in the fact that additional data are still required.	may be granted by the Commission to a medicinal product that is likely to address the unmet medical need in accordance with Article 83(1), ~~point (b),~~ of [revised Directive 2001/83/EC], prior to the submission of comprehensive clinical data provided that the benefit of the immediate availability on the market of that medicinal product outweighs the risk inherent in the fact that additional data are still required.	
Article 19(1), second subparagraph				
338	In emergency situations, a conditional marketing authorisation or a new conditional therapeutic indication referred to	In emergency situations, a conditional marketing authorisation or a new conditional therapeutic indication referred to	In emergency situations, a conditional marketing authorisation or a new conditional therapeutic indication referred to	

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	in the first subparagraph may be granted also where comprehensive non-clinical or pharmaceutical data have not been supplied.	in the first subparagraph may be granted also where comprehensive non-clinical or pharmaceutical data have not been supplied.	in the first subparagraph may be granted also where comprehensive non-clinical or pharmaceutical data have not been supplied.	
Article 19(2)				
339	2. Conditional marketing authorisations or a new conditional therapeutic indication referred to in paragraph 1 may be granted only if the benefit-risk balance of the medicinal product is favourable and the applicant is likely to be able to provide comprehensive data.	2. Conditional marketing authorisations or a new conditional therapeutic indication referred to in paragraph 1 may be granted only if the benefit-risk balance of the medicinal product is favourable and the applicant is likely to be able to provide comprehensive data.	2. Conditional marketing authorisations or a new conditional therapeutic indication referred to in paragraph 1 may be granted only if the benefit-risk balance of the medicinal product is favourable and the applicant is likely to be able to provide comprehensive data.	
Article 19(3)				
340	3. Conditional marketing authorisations or a new conditional	3. Conditional marketing authorisations or a new conditional	3. Conditional marketing authorisations or a new conditional	

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	therapeutic indication granted pursuant to this Article shall be subject to specific obligations. Those specific obligations and, where appropriate, the time limit for compliance shall be specified in the conditions to the marketing authorisation. Those specific obligations shall be reviewed annually by the Agency for the first three years after granting the authorisation and every two years thereafter.	therapeutic indication, granted pursuant to this Article shall be subject to specific obligations. Those specific obligations, ***in particular for ongoing or new studies as referred to in paragraph 4,*** and, where appropriate, the time limit for compliance shall be specified in the conditions to the marketing authorisation. Those specific obligations shall be reviewed annually by the Agency for the first three years after granting the authorisation and every two years thereafter.	therapeutic indication granted pursuant to this Article shall be subject to specific obligations. Those specific obligations and, where appropriate, the time limit for compliance shall be specified in the conditions to the marketing authorisation. Those specific obligations shall be reviewed annually by the Agency ~~for the first three years after granting the authorisation and every two years thereafter~~.	
Article 19(4)				
341	4. As part of the specific obligations referred to in	4. As part of the specific obligations referred to in	4. As part of the specific obligations referred to in	

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	paragraph 3, the marketing authorisation holder of a conditional marketing authorisation granted pursuant to this Article shall be required to complete ongoing studies, or to conduct new studies, with a view to confirming that the benefit-risk balance is favourable.	paragraph 3, the marketing authorisation holder of a conditional marketing authorisation granted pursuant to this Article shall be required to complete ongoing studies, or to conduct new studies ***in accordance with Article 20***, with a view to confirming that the benefit-risk balance is favourable.	paragraph 3, the marketing authorisation holder of a conditional marketing authorisation granted pursuant to this Article shall be required to complete ongoing studies, or to conduct new studies, with a view to confirming that the benefit-risk balance is favourable.	
Article 19(5)				
342	5. The summary of product characteristics and the package leaflet shall clearly mention that the conditional marketing authorisation for the medicinal product has been granted subject to specific obligations as referred to in paragraph 3.	5. The summary of product characteristics and the package leaflet shall clearly mention that the conditional marketing authorisation for the medicinal product has been granted subject to specific obligations as referred to in paragraph 3.	5. The summary of product characteristics and the package leaflet shall clearly mention that the conditional marketing authorisation for the medicinal product has been granted subject to specific obligations as referred to in paragraph 3.	

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Article 19(6)				
343	6. By way of derogation from Article 17(1), an initial conditional marketing authorisation granted pursuant to this Article shall be valid for one year, on a renewable basis for the first three years after granting the authorisation and every two years thereafter.	6. By way of derogation from Article 17(1), an initial conditional marketing authorisation granted pursuant to this Article shall be valid for one year, on a renewable basis for the first three years after granting the authorisation and every two years thereafter.	6. By way of derogation from Article 17(1), an initial conditional marketing authorisation granted pursuant to this Article shall be valid for one year~~,~~ on a renewable basis ~~for the first three years after granting the authorisation and every two years thereafter.~~**.**	
Article 19(7)				
344	7. When the specific obligations referred to in paragraph 3 have been fulfilled for a conditional marketing authorisation granted pursuant to this Article, the Commission may, following an application by the	7. When the specific obligations referred to in paragraph 3 have been fulfilled for a conditional marketing authorisation granted pursuant to this Article, the Commission may, following an application by the	7. When the specific obligations referred to in paragraph 3 have been fulfilled for a conditional marketing authorisation granted pursuant to this Article, the Commission may, following an application by the	

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	marketing authorisation holder, and after having received a favourable opinion from the Agency, grant a marketing authorisation pursuant to Article 13.	marketing authorisation holder, and after having received a favourable opinion from the Agency, grant a marketing authorisation pursuant to Article 13.	marketing authorisation holder, and after having received a favourable opinion from the Agency, grant a marketing authorisation pursuant to Article 13.	
Article 19(7), first subparagraph a				
344a		***Where the specific obligations referred to in paragraph 3 are not complied with within the timeframe stipulated by the Agency or the marketing authorisation holder does not provide duly justified reasons for not complying with the obligations, the Commission may suspend, revoke or vary the marketing authorisation by means of implementing acts.***		

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		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).		
Article 19(8)				
345	8. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing the following:	8. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing the following:	8. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing the following:	
Article 19(8), point (a)				
346	(a) the categories of medicinal products to which paragraph 1 applies;	(a) the categories of medicinal products to which paragraph 1 applies;	(a) the categories of medicinal products to which paragraph 1 applies;	
Article 19(8), point (b)				

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347	(b) the procedures and requirements for granting a conditional marketing authorisation, for its renewal, and for adding a new conditional therapeutic indication to an existing marketing authorisation.	(b) the procedures and requirements for granting a conditional marketing authorisation, for its renewal, ~~and~~ for adding a new conditional therapeutic indication to an existing marketing authorisation, ***and for the withdrawal, suspension or revocation of the conditional marketing authorisation***.	(b) the procedures and requirements for granting a conditional marketing authorisation, for its renewal, and for adding a new conditional therapeutic indication to an existing marketing authorisation.	
Article 19(8a)				
347a		***8a. The Agency shall publish in the database referred to in Article 138(1), second subparagraph, point (n), the list of conditional marketing authorisations, together with the following information:***		

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Article 19(8a), point (a)				
347b		***(a) specific obligations to be complied with by the marketing authorisation holder;***		
Article 19(8a), point (b)				
347c		***(b) timelines for compliance with specific obligations;***		
Article 19(8a), point (c)				
347d		***(c) any delays by the marketing authorisation holder regarding the compliance with specific obligations and the reasons for such delays;***		
Article 19(8a), point (d)				

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347e		***(d) any actions on the conditional marketing authorisation taken in accordance with Article 56.***		
Article 20				
348	Article 20 Imposed post-authorisation studies	Article 20 Imposed post-authorisation studies	Article 20 Imposed post-authorisation studies	
Article 20(1), first subparagraph				
349	1. After the granting of a marketing authorisation, the Agency may consider that it is necessary that the marketing authorisation holder:	1. After the granting of a marketing authorisation, the Agency may consider that it is necessary that the marketing authorisation holder:	1. After the granting of a marketing authorisation, the Agency may consider that it is necessary that the marketing authorisation holder:	
Article 20(1), first subparagraph, point (a)				

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350	(a) conducts a post-authorisation safety study if there are concerns about the risks of an authorised medicinal product. If the same concerns apply to more than one medicinal product, the Agency shall, following consultation with the Pharmacovigilance Risk Assessment Committee, encourage the marketing authorisation holders concerned to conduct a joint post-authorisation safety study;	(a) conducts a post-authorisation safety study if there are concerns about the risks of an authorised medicinal product. If the same concerns apply to more than one medicinal product, the Agency shall, following consultation with the Pharmacovigilance Risk Assessment Committee, encourage the marketing authorisation holders concerned to conduct a joint post-authorisation safety study;	(a) conducts a post-authorisation safety study if there are concerns about the risks of an authorised medicinal product. If the same concerns apply to more than one medicinal product, the Agency shall, following consultation with the Pharmacovigilance Risk Assessment Committee, encourage the marketing authorisation holders concerned to conduct a joint post-authorisation safety study;	
Article 20(1), first subparagraph, point (b)				
351	(b) conducts a post-authorisation efficacy study when the understanding of the disease or the clinical methodology indicate	(b) conducts a post-authorisation efficacy study when the understanding of the disease or the clinical methodology indicate	(b) conducts a post-authorisation efficacy study when the understanding of the disease or the clinical methodology indicate	

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	that previous efficacy evaluations might have to be revised significantly. The obligation to conduct the post-authorisation efficacy study shall be based on the delegated acts adopted pursuant to Article 21 while taking into account the scientific guidance referred to in Article 123 of [revised Directive 2001/83/EC];	that previous efficacy evaluations might have to be revised significantly. The obligation to conduct the post-authorisation efficacy study shall be based on the delegated acts adopted pursuant to Article 21 while taking into account the scientific guidance referred to in Article 123 of [revised Directive 2001/83/EC];	that previous efficacy evaluations might have to be revised significantly. The obligation to conduct the post-authorisation efficacy study shall be based on the delegated acts adopted pursuant to Article 21 while taking into account the scientific guidance referred to in Article 123 of [revised Directive 2001/83/EC];	
Article 20(1), first subparagraph, point (c)				
352	(c) conducts a post-authorisation environmental risk assessment study to further investigate the risks to the environment or public health due to the release of the medicinal product in the environment, if new concerns emerge on the authorised	(c) conducts a post-authorisation environmental risk assessment study to further investigate the risks to the environment or public health due to the release of the medicinal product in the environment, if new concerns emerge on the authorised	(c) conducts a post-authorisation environmental risk assessment study ~~to further investigate~~**, collection of monitoring data or information on use, if there are concerns about** the risks to the environment or public health**, including**	

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	medicinal product, or other medicinal products containing the same active substance.	medicinal product, or other medicinal products containing the same active substance.	**antimicrobial resistance,** due to ~~the release of the medicinal product in the environment, if new concerns emerge on the~~**an** authorised medicinal product, or other medicinal products containing the same active substance~~.~~**;**	
Article 20(1), first subparagraph, point (c), second subparagraph				
352a			**If this obligation would apply to several medicinal products, the Agency shall encourage the marketing authorisation holders concerned to conduct a joint post authorisation environmental risk assessment study.**	
Article 20(1), first subparagraph, point (d)				

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352b			**(d) conducts any post-authorisation studies to improve the safe and effective use of the medicinal product, including treatment optimisation based on clinical experience.**	
Article 20(1), first subparagraph, point (ca)				
352c		***(ca) conducts a post-authorisation treatment optimisation study where the optimal usage of an authorised medicinal product has not been previously established.***		
Article 20(1), second subparagraph				
353	If this obligation would apply to several medicinal products, the Agency shall encourage the	If this obligation would apply to several medicinal products, the Agency shall encourage the	~~If this obligation would apply to several medicinal products, the Agency shall encourage the~~	

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	marketing authorisation holders concerned to conduct a joint post authorisation environmental risk assessment study.	marketing authorisation holders concerned to conduct a joint post authorisation environmental risk assessment study.	~~marketing authorisation holders concerned to conduct a joint post authorisation environmental risk assessment study.~~	
Article 20(1), third subparagraph				
354	Where the Agency considers that any of the post-authorisations studies referred to in points (a) to (c) is necessary, it shall inform the marketing authorisation holder thereof in writing, stating the grounds for its assessment and shall include the objectives and timeframe for submission and conduct of the study.	Where the Agency considers that any of the post-authorisations studies referred to in ***the first subparagraph,*** points (a) to ~~(c)~~***(ca),*** is necessary, it shall inform the marketing authorisation holder thereof in writing, stating the grounds for its assessment and shall include the objectives and timeframe for submission and conduct of the study.	Where the Agency considers that any of the post-authorisations studies referred to in points (a) to ~~(c)~~**(d)** is necessary, it shall inform the marketing authorisation holder thereof in writing, stating the grounds for its assessment and shall include the objectives and timeframe for submission and conduct of the study.	
Article 20(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
355	2. The Agency shall provide the marketing authorisation holder with an opportunity to present written observations in response to its letter within a time limit which it shall specify, if the marketing authorisation holder so requests within 30 days of receipt of the letter.	2. The Agency shall provide the marketing authorisation holder with an opportunity to present written observations in response to its letter within a time limit which it shall specify, if the marketing authorisation holder so requests within 30 days of receipt of the letter.	2. The Agency shall provide the marketing authorisation holder with an opportunity to present written observations in response to its letter within a time limit which it shall specify, if the marketing authorisation holder so requests within 30 days of receipt of the letter.	
Article 20(3)				
356	3. On the basis of the written observations the Agency shall review its opinion.	3. On the basis of the written observations the Agency shall review its opinion.	3. On the basis of the written observations the Agency shall review its opinion.	
Article 20(4)				
357	4. Where the opinion of the Agency confirms the need for any of the post-authorisation studies	4. Where the opinion of the Agency confirms the need for any of the post-authorisation studies	4. Where the opinion of the Agency confirms the need for any of the post-authorisation studies	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in paragraph 1, points (a) to (c), to be carried out, the Commission shall vary the marketing authorisation, by means of implementing acts, adopted pursuant to Article 13 to include the obligation as a condition of the marketing authorisation unless the Commission returns the opinion to the Agency for further consideration. For obligations under paragraph 1, points (a) and (b), the marketing authorisation holder shall update the risk management system accordingly.	referred to in paragraph 1, ***first subparagraph,*** points (a) to ~~(c)~~***(ca)***, to be carried out, the Commission shall vary the marketing authorisation, by means of implementing acts, adopted pursuant to Article 13 to include the obligation as a condition of the marketing authorisation unless the Commission returns the opinion to the Agency for further consideration. For obligations under paragraph 1, points (a) and (b), the marketing authorisation holder shall update the risk management system accordingly.	referred to in paragraph 1, points (a) to ~~(c)~~**(d)**, to be carried out, the Commission shall vary the marketing authorisation, by means of implementing acts, adopted pursuant to Article 13 to include the obligation as a condition of the marketing authorisation unless the Commission returns the opinion to the Agency for further consideration. For obligations under paragraph 1, points (a) and (b), the marketing authorisation holder shall update the risk management system accordingly.	
Article 21				
358	Article 21	Article 21	Article 21	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Post authorisation efficacy studies	Post authorisation efficacy studies	Post authorisation efficacy studies	
Article 21, first paragraph				
359	The Commission is empowered to adopt delegated acts in accordance with Article 175, to supplement this Regulation by determining the situations in which post-authorisation efficacy studies may be required under Article 12(4), point (g), and Article 20(1), point (b).	The Commission is empowered to adopt delegated acts in accordance with Article 175, to supplement this Regulation by determining the situations in which post-authorisation efficacy studies may be required under Article 12(4), point (g), and Article 20(1), point (b).	The Commission is empowered to adopt delegated acts in accordance with Article 175, to supplement this Regulation by determining the situations in which post-authorisation efficacy studies may be required under Article 12(4), point (g), and Article 20(1), point (b).	
Article 22				
360	Article 22 Risk management system	Article 22 Risk management system	Article 22 Risk management system	
Article 22, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
361	The marketing authorisation holder shall incorporate any condition of authorisation reflecting the elements referred to in Article 12(4), points (d) to (g), or in Article 20, or in Article 18(1) and Article 19 in their risk management system.	The marketing authorisation holder shall incorporate any condition of authorisation reflecting the elements referred to in Article 12(4), points (d) to (g), or in Article 20, or in Article 18(1) and Article 19 in their risk management system.	The marketing authorisation holder shall incorporate any condition of authorisation reflecting the elements referred to in Article 12(4), points (d) to (g), or in Article 20, or in Article 18(1) and Article 19 in their risk management system.	
Article 23				
362	Article 23 Liability of the marketing authorisation holder	Article 23 Liability of the marketing authorisation holder	Article 23 Liability of the marketing authorisation holder	
Article 23, first paragraph				
363	The granting of a marketing authorisation shall not affect the civil or criminal liability of the	The granting of a marketing authorisation shall not affect the civil or criminal liability of the	The granting of a marketing authorisation shall not affect the civil or criminal liability of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	manufacturer or of the marketing authorisation holder pursuant to the applicable national law in Member States.	manufacturer or of the marketing authorisation holder pursuant to the applicable national law in Member States.	manufacturer or of the marketing authorisation holder pursuant to the applicable national law in Member States.	
Article 24				
364	Article 24 Suspension of marketing, withdrawal from the market of a medicinal product, withdrawal of a marketing authorisation by the marketing authorisation holder	Article 24 Suspension of marketing, withdrawal from the market of a medicinal product, withdrawal of a marketing authorisation by the marketing authorisation holder	Article 24 Suspension of marketing, withdrawal from the market of a medicinal product, withdrawal of a marketing authorisation by the marketing authorisation holder	
Article 24(1), first subparagraph				
365	1. In addition to the notification made pursuant to Article 116, the marketing authorisation holder shall notify the Agency without undue delay	1. In addition to the notification made pursuant to Article 116, the marketing authorisation holder shall notify the Agency without undue delay	1. ~~In addition to the notification made pursuant to Article 116,~~ The marketing authorisation holder shall notify the Agency without undue delay	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of any action they take to suspend the marketing of a medicinal product, to withdraw a medicinal product from the market, to request the withdrawal of a marketing authorisation or not to apply for the renewal of a marketing authorisation, together with the reasons for such action.	of any action they take to suspend the marketing of a medicinal product, to withdraw a medicinal product from the market, to request the withdrawal of a marketing authorisation or not to apply for the renewal of a marketing authorisation, together with ~~*the reasons*~~***a detailed reasoning*** for such action.	of any action they take to suspend the marketing of a medicinal product, to withdraw a medicinal product from the market, to request the withdrawal of a marketing authorisation or not to apply for the renewal of a marketing authorisation, together with the reasons for such action.	
Article 24(1), second subparagraph				
366	The marketing authorisation holder shall declare if such action is based on the following grounds:	The marketing authorisation holder shall declare if such action is based on the following grounds:	The marketing authorisation holder shall declare if such action is based on the following grounds:	
Article 24(1), second subparagraph, point (a)				
367	(a) the medicinal product is harmful;	(a) the medicinal product is harmful;	(a) the medicinal product is harmful;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(1), second subparagraph, point (b)				
368	(b) it lacks therapeutic efficacy;	(b) it lacks therapeutic efficacy;	(b) it lacks therapeutic efficacy;	
Article 24(1), second subparagraph, point (c)				
369	(c) the benefit-risk balance is not favourable;	(c) the benefit-risk balance is not favourable;	(c) the benefit-risk balance is not favourable;	
Article 24(1), second subparagraph, point (d)				
370	(d) its qualitative and quantitative composition is not as declared;	(d) its qualitative and quantitative composition is not as declared;	(d) its qualitative and quantitative composition is not as declared;	
Article 24(1), second subparagraph, point (e)				
371	(e) the controls on the medicinal product or on the ingredients and the controls at an	(e) the controls on the medicinal product or on the ingredients and the controls at an	(e) the controls on the medicinal product or on the ingredients and the controls at an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 authorisation has not been fulfilled; or	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 authorisation has not been fulfilled; or	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 authorisation has not been fulfilled; or	
Article 24(1), second subparagraph, point (f)				
372	(f) a serious risk to the environment or to public health via the environment has been identified and not sufficiently addressed by the marketing authorisation holder.	(f) a serious risk to the environment or to public health via the environment has been identified and not sufficiently addressed by the marketing authorisation holder.	(f) a serious risk to the environment or to public health via the environment has been identified and not sufficiently addressed by the marketing authorisation holder.	
Article 24(1), second subparagraph, point (fa)				
372a		***(fa) commercial reasons.***		

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Article 24(1), third subparagraph				
373	Where the action referred to in the first subparagraph is to withdraw a medicinal product from the market, the marketing authorisation holder shall provide information on the impact of such withdrawal on patients who are already being treated.	Where the action referred to in the first subparagraph is to withdraw a medicinal product from the market, the marketing authorisation holder shall provide information on the impact of such withdrawal on patients who are already being treated.	Where the action referred to in the first subparagraph is to withdraw a medicinal product from the market, the marketing authorisation holder shall provide information on the impact of such withdrawal on patients who are already being treated.	
Article 24(1), fourth subparagraph				
374	The notification of the permanent withdrawal of a medicinal product from the market or of the temporary suspension of the marketing authorisation, or of the permanent withdrawal of a marketing authorisation or of the temporary disruption in supply of	The notification of the permanent withdrawal of a medicinal product from the market or of the temporary suspension of the marketing authorisation, or of the permanent withdrawal of a marketing authorisation or of the temporary disruption in supply of	~~The notification of the permanent withdrawal of a medicinal product from the market or of the temporary suspension of the marketing authorisation, or of the permanent withdrawal of a marketing authorisation or of the temporary disruption in supply of~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a medicinal product shall be made in accordance with Article 116(1).	a medicinal product shall be made in accordance with Article 116(1).	~~a medicinal product shall be made in accordance with Article 116(1).~~	
Article 24(1), fourth subparagraph a				
374a			**The marketing authorisation holder shall make the notification electronically and in the formats made available by the Agency. The Agency shall consult the Member States when drawing up the formats.**	
Article 24(2)				
375	2. The marketing authorisation holder shall make the notification pursuant to paragraph 1 if the action is taken in a third country and such action is based on any of the grounds set out in	2. The marketing authorisation holder shall make the notification pursuant to paragraph 1 if the action is taken in a third country and such action is based on any of the grounds set out in	2. The marketing authorisation holder shall make the notification pursuant to paragraph 1 if the action is taken in a third country and such action is based on any of the grounds set out in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Articles 195 or 196(1) of [revised Directive 2001/83/EC].	Articles 195 or 196(1) of [revised Directive 2001/83/EC].	~~Articles 195 or 196(1) of [revised Directive 2001/83/EC]~~**paragraph 1**.	
Article 24(3)				
376	3. In the cases referred to in paragraphs 1 and 2, the Agency shall forward the information to the competent authorities of the Member States without undue delay.	3. In the cases referred to in paragraphs 1 and 2, the Agency shall forward the information to the competent authorities of the Member States without undue delay.	3. In the cases referred to in paragraphs 1 and 2, the Agency shall forward the information to the competent authorities of the Member States without undue delay.	
Article 24(3a)				
376a		***3a. In the cases referred to in paragraph 1, second subparagraph, point (f), the Agency shall immediately inform the Commission. The Commission shall in turn inform***		

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		the relevant national and Union authorities. Where relevant, national authorities shall forward the information to drinking water and wastewater operators.		
Article 24(4)				
377	4. Where the marketing authorisation holder intends to permanently withdraw the marketing authorisation for a critical medicinal product, the marketing authorisation holder shall, prior to the notification referred to in paragraph 1, offer, on reasonable terms, to transfer the marketing authorisation to a third party that has declared its intention to place that critical medicinal product on the market, or to use	4. Where the marketing authorisation holder intends to permanently withdraw the marketing authorisation for a critical medicinal product, the marketing authorisation holder shall, prior to the notification referred to in paragraph 1, offer, on reasonable terms, to transfer the marketing authorisation to a third party that has declared its intention to place that critical medicinal product on the market, or to use	4. ~~Where the marketing authorisation holder intends to permanently withdraw the marketing authorisation for a critical medicinal product, the marketing authorisation holder shall, prior to the notification referred to in paragraph 1, offer, on reasonable terms, to transfer the marketing authorisation to a third party that has declared its intention to place that critical medicinal product on the market, or to use~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the pharmaceutical non-clinical and clinical documentation contained in the file of the medicinal product for the purposes of submitting an application in accordance with Article 14 of [revised Directive 2001/83/EC].	the pharmaceutical non-clinical and clinical documentation contained in the file of the medicinal product for the purposes of submitting an application in accordance with Article 14 of [revised Directive 2001/83/EC].	~~the pharmaceutical non-clinical and clinical documentation contained in the file of the medicinal product for the purposes of submitting an application in accordance with Article 14 of [revised Directive 2001/83/EC].~~	
Article 24(4a)				
377a		***4a. The Agency may decide to extend obligations set out in paragraph 4 in justified cases to a specific non-critical medicinal product on a case-by-case basis.***		
Article 24(4b)				
377b		***4b. The marketing authorisation holder from which the marketing authorisation has***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		been transferred to a third party shall notify the Agency of the transfer as soon as possible. The information regarding the transfer provided shall be made publicly available.		
Article 25				
378	Article 25 Duplicate marketing authorisations	Article 25 Duplicate marketing authorisations	Article 25 Duplicate marketing authorisations	
Article 25(1), first subparagraph				
379	1. Only one marketing authorisation may be granted to an applicant for a specific medicinal product.	1. Only one marketing authorisation may be granted to an applicant for a specific medicinal product.	1. Only one marketing authorisation may be granted to an applicant for a specific medicinal product.	
Article 25(1), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
380	By way of derogation from the first subparagraph, the Commission shall authorise the same applicant to submit more than one application to the Agency for that medicinal product in either of the following cases:	By way of derogation from the first subparagraph, the Commission shall authorise the same applicant to submit more than one application to the Agency for that medicinal product in either of the following cases:	By way of derogation from the first subparagraph, the Commission shall authorise the same applicant to submit more than one application to the Agency for that medicinal product in either of the following cases:	
Article 25(1), second subparagraph, point (a)				
381	(a) if one of its indications or pharmaceutical forms is protected by a patent or a supplementary protection certificate in one or more Member States;	(a) if one of its indications or pharmaceutical forms is protected by a patent or a supplementary protection certificate in one or more Member States;	(a) if one of its indications or pharmaceutical forms**, posologies, methods or routes of administration or any other way in which the medicinal product may be used** is protected by a patent or a supplementary protection certificate in one or more Member States;	
Article 25(1), second subparagraph, point (b)				

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382	(b) for reasons of co-marketing with a different undertaking not belonging to the same group as the marketing authorisation holder of the medicinal product for which a duplicate is requested.	(b) for reasons of co-marketing with a different undertaking not belonging to the same group as the marketing authorisation holder of the medicinal product for which a duplicate is requested.	(b) for reasons of co-marketing with a different undertaking not belonging to the same group as the marketing authorisation holder of the medicinal product for which a duplicate is requested.	
Article 25(1), third subparagraph				
383	As soon as the relevant patent or supplementary protection certificate referred to in point (a) expires, the marketing authorisation holder shall withdraw the initial or duplicate marketing authorisation.	As soon as the relevant patent or supplementary protection certificate referred to in point (a) expires, the marketing authorisation holder shall ***without undue delay*** withdraw the initial or duplicate marketing authorisation.	As soon as the relevant patent or supplementary protection certificate referred to in point (a) expires, the marketing authorisation holder shall withdraw the initial or duplicate marketing authorisation.	
Article 25(2)				

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384	2. As regards medicinal products for human use, Article 187(3) of [revised Directive 2001/83/EC] shall apply to medicinal products authorised under this Regulation.	2. As regards medicinal products for human use, Article 187(3) of [revised Directive 2001/83/EC] shall apply to medicinal products authorised under this Regulation.	2. As regards medicinal products for human use, Article 187(3) of [revised Directive 2001/83/EC] shall apply to medicinal products authorised under this Regulation.	
Article 25(3)				
385	3. Without prejudice to the unique Union nature of the content of the documents referred to in Article 12(4), points (a) to (k), this Regulation shall not prohibit the use of two or more commercial designs for a given medicinal product for human use covered by a single marketing authorisation.	3. Without prejudice to the unique Union nature of the content of the documents referred to in Article 12(4), points (a) to (k), this Regulation shall not prohibit the use of two or more commercial designs for a given medicinal product for human use covered by a single marketing authorisation.	3. Without prejudice to the unique Union nature of the content of the documents referred to in Article 12(4), points (a) to (k), this Regulation shall not prohibit the use of two or more commercial designs for a given medicinal product for human use covered by a single marketing authorisation.	
Article 26				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
386	Article 26 Medicinal products for compassionate use	Article 26 Medicinal products for compassionate use	Article 26 Medicinal products for compassionate use	
Article 26(1)				
387	1. By way of derogation from Article 5 of [revised Directive 2001/83/EC] Member States may make available for compassionate use a medicinal product for human use belonging to the categories referred to in Article 3, paragraphs 1 and 2. This may include new therapeutic uses of an authorised medicinal product.	1. By way of derogation from Article 5 of [revised Directive 2001/83/EC] Member States may make available for compassionate use a medicinal product for human use belonging to the categories referred to in Article 3, paragraphs 1 and 2. This may include new therapeutic uses of an authorised medicinal product.	1. ~~By way of derogation from Article 5 of [revised Directive 2001/83/EC]~~ Member States may make available for compassionate use a medicinal product for human use belonging to the categories referred to in Article 3, paragraphs 1 and 2. This may include new therapeutic uses of an authorised medicinal product.	
Article 26(2)				

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388	2. For the purposes of this Article, 'compassionate use' shall mean making a medicinal product belonging to the categories referred to in Article 3, paragraphs 1 and 2 available for compassionate reasons to a group of patients with a chronically or seriously debilitating disease or whose disease is considered to be life-threatening, and who cannot be treated satisfactorily by an authorised medicinal product. The medicinal product concerned must either be the subject of an application for a marketing authorisation in accordance with Article 6 or the submission of such application is imminent, or it must be undergoing clinical trials in the same indication.	2. For the purposes of this Article, 'compassionate use' shall mean making a medicinal product belonging to the categories referred to in Article 3, paragraphs 1 and 2 available for compassionate reasons to a ***single or*** group of patients with a chronically or seriously debilitating disease or whose disease is considered to be life-threatening***, treatment resistant, or causing psychological distress or patients in palliative care***, and who cannot be treated satisfactorily by an authorised medicinal product. The medicinal product concerned must either be the subject of an application for a marketing authorisation in accordance with Article 6 or the	2. For the purposes of this Article, 'compassionate use' shall mean making a medicinal product belonging to the categories referred to in Article 3, paragraphs 1 and 2 available for compassionate reasons to a group of patients with a chronically or seriously debilitating disease or whose disease is considered to be life-threatening, and who cannot be treated satisfactorily by an authorised medicinal product. The medicinal product concerned ~~must~~**shall** either be the subject of an application for a marketing authorisation in accordance with Article 6 or the submission of such application is imminent, or it ~~must be undergoing~~**shall undergo**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		submission of such application is imminent, or it must be undergoing clinical trials in the same indication.	clinical trials in the same indication.	
Article 26(3)				
389	3. When applying paragraph 1, the Member State shall notify the Agency.	3. When applying paragraph 1, the Member State shall notify the Agency***, which shall make the notification publicly available***.	3. When applying paragraph 1, the Member State shall notify the Agency.	
Article 26(4), first subparagraph				
390	4. When compassionate use is envisaged by a Member State, the Committee for Medicinal Products for Human Use, after consulting the manufacturer or the applicant, may adopt opinions on the conditions for use, the	4. When compassionate use is envisaged by a Member State, the Committee for Medicinal Products for Human Use, after consulting the manufacturer or the applicant, may adopt opinions on the conditions for use, the	4. When compassionate use is envisaged by a Member State, the Committee for Medicinal Products for Human Use, after consulting the manufacturer or the applicant, may adopt opinions on the conditions for use, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conditions for distribution and the patients targeted. The opinions shall be updated where necessary.	conditions for distribution and the patients targeted. The opinions shall be updated where necessary.	conditions for distribution ~~and~~**,** the patients targeted **and the conditions of monitoring**. The opinions shall be updated where necessary.	
Article 26(4), second subparagraph				
391	In the preparation of the opinion, the Committee for Medicinal Products for Human Use may request information and data from marketing authorisation holders and from developers and may engage with them in preliminary discussions. The Committee may also make use of health data generated outside of clinical studies, where available, taking into account the reliability of those data.	In the preparation of the opinion, the Committee for Medicinal Products for Human Use may request information and data from marketing authorisation holders and from developers and may engage with them in preliminary discussions. The Committee may also make use of health data generated outside of clinical studies, ***including real world data,*** where available, taking into	In the preparation of the opinion, the Committee for Medicinal Products for Human Use may request information and data from marketing authorisation holders and from developers and may engage with them in preliminary discussions. The Committee may also make use of health data generated outside of clinical studies, where available, taking into account the reliability of those data.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		account the reliability of those data.		
Article 26(4), third subparagraph				
392	The Agency may also liaise with the third country agencies for medicinal products with respect to additional information and data exchanges.	The Agency may also liaise with the third country agencies for medicinal products with respect to additional information and data exchanges.	The Agency may also liaise with the third country agencies for medicinal products with respect to additional information and data exchanges.	
Article 26(4), fourth subparagraph				
393	In the preparation of its opinion, the Committee for Medicinal Products for Human Use may consult the Member State concerned and request it to provide any available information or data that the Member State has	In the preparation of its opinion, the Committee for Medicinal Products for Human Use may consult the Member State concerned and request it to provide any available information or data that the Member State has	In the preparation of its opinion, the Committee for Medicinal Products for Human Use may consult the Member State concerned and request it to provide any available information or data that the Member State has	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in its possession relating to the medicinal product concerned.	in its possession relating to the medicinal product concerned.	in its possession relating to the medicinal product concerned.	
Article 26(5)				
394	5. Member States shall take account of any available opinion and notify the Agency of the making available of products on the basis of the opinion in their territory. Member States shall ensure that pharmacovigilance requirements are applied for those products. Article 106, paragraphs 1 and 2, as regards the recording and reporting of suspected adverse reactions and the submission of periodic safety update reports respectively, shall apply mutatis mutandis.	5. Member States shall take account of any available opinion and notify the Agency of the making available of products on the basis of the opinion in their territory. Member States shall ensure that pharmacovigilance requirements are applied for those products. Article 106, paragraphs 1 and 2, as regards the recording and reporting of suspected adverse reactions and the submission of periodic safety update reports respectively, shall apply mutatis mutandis.	5. **When applying paragraph 1,** Member States shall take account of any available opinion and notify the Agency of the making available of products on the basis of the opinion in their territory. Member States shall ensure that pharmacovigilance requirements ~~are applied for those products. Article 106, paragraphs 1 and 2,~~ as regards the recording and reporting of suspected adverse reactions and the submission of ~~periodic~~ safety ~~update~~ reports ~~respectively, shall apply mutatis~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~mutandis~~**are applied for those products**.	
Article 26(6)				
395	6. The Agency shall keep an up-to-date list of the opinions adopted in accordance with paragraph 4 and shall publish it on its website.	6. The Agency shall keep an up-to-date list of the opinions adopted in accordance with paragraph 4 and shall publish it ***in the database referred to in Article 138(1), second subparagraph, point (n),*** on its website.	6. The Agency shall keep an up-to-date list of the opinions adopted in accordance with paragraph 4 and shall publish it on its website.	
Article 26(7)				
396	7. The opinions referred to in paragraph 4 shall not affect the civil or criminal liability of the manufacturer or of the applicant for marketing authorisation.	7. The opinions referred to in paragraph 4 shall not affect the civil or criminal liability of the manufacturer or of the applicant for marketing authorisation.	7. The opinions referred to in paragraph 4 shall not affect the civil or criminal liability of the manufacturer or of the applicant for marketing authorisation.	

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Article 26(8)				
397	8. Where a compassionate use programme has been set up in accordance with paragraphs 1 and 5, the applicant shall ensure that patients taking part also have access to the new medicinal product during the period between authorisation and placing on the market.	8. Where a compassionate use programme has been set up in accordance with paragraphs 1 and 5, the applicant shall ensure that patients taking part also have access to the new medicinal product during the period between authorisation and placing on the market.	8. Where a compassionate use programme has been set up in accordance with paragraphs 1 and 5, the applicant shall ensure that patients taking part also have access to the new medicinal product ~~during the period between authorisation and placing~~**if necessary until the medicine is made available** on the market **of the Member State concerned**.	
Article 26(9)				
398	9. This Article shall be without prejudice to Regulation (EU) No 536/2014 and to Article 3 of [revised Directive 2001/83/EC].	9. This Article shall be without prejudice to Regulation (EU) No 536/2014 and to Article 3 of [revised Directive 2001/83/EC].	9. This Article shall be without prejudice to Regulation (EU) No 536/2014 and to Article 3 of [revised Directive 2001/83/EC].	

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Article 26(10)				
399	10. The Agency may adopt detailed guidelines laying down format and content of notifications referred to in paragraphs 3 and 5, and data exchange under this Article.	10. The Agency ~~*may*~~***shall*** adopt detailed guidelines laying down format and content of notifications referred to in paragraphs 3 and 5, and data exchange under this Article.	10. The Agency may adopt detailed guidelines laying down format and content of notifications referred to in paragraphs 3 and 5, and data exchange under this Article.	
Article 27				
400	Article 27 Request for opinion on scientific matters	Article 27 Request for opinion on scientific matters	Article 27 Request for opinion on scientific matters	
Article 27, first paragraph				
401	At the request of the Executive Director of the Agency or the Commission, the Committee for Medicinal Products for Human	At the request of the Executive Director of the Agency or the Commission, the Committee for Medicinal Products for Human	At the request of the Executive Director of the Agency or the Commission, the Committee for Medicinal Products for Human	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Use shall draw up an opinion on any scientific matter concerning the evaluation of medicinal products for human use. That Committee shall take due account of any requests by Member States for an opinion.	Use shall draw up an opinion on any scientific matter concerning the evaluation of medicinal products for human use. That Committee shall take due account of any requests by Member States for an opinion.	Use shall draw up an opinion on any scientific matter concerning the evaluation of medicinal products for human use. That Committee shall take due account of any requests by Member States for an opinion.	
Article 27, second paragraph				
402	The Agency shall publish the opinion after deletion of any information of a commercially confidential nature.	The Agency shall publish the opinion after deletion of any information of a commercially confidential nature.	The Agency shall publish the opinion after deletion of any information of a commercially confidential nature.	
Article 28				
403	Article 28 Regulatory decisions on marketing authorisations	Article 28 Regulatory decisions on marketing authorisations	Article 28 Regulatory decisions on marketing authorisations	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 28, first paragraph				
404	An authorisation to place a medicinal product covered by this Regulation on the market shall not be granted, refused, varied, suspended, withdrawn or revoked except through the procedures and on the grounds set out in this Regulation.	An authorisation to place a medicinal product covered by this Regulation on the market shall not be granted, refused, varied, suspended, withdrawn or revoked except through the procedures and on the grounds set out in this Regulation.	An authorisation to place a medicinal product covered by this Regulation on the market shall not be granted, refused, varied, suspended, withdrawn or revoked except through the procedures and on the grounds set out in this Regulation.	
Article 29				
405	Article 29 Regulatory protection periods	Article 29 Regulatory protection periods	Article 29 Regulatory protection periods	
Article 29, first paragraph				
406	Without prejudice to the law on the protection of industrial and commercial property, medicinal	Without prejudice to the law on the protection of industrial and commercial property, medicinal	Without prejudice to the law on the protection of industrial and commercial property, medicinal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	products for human use which have been authorised in accordance with this Regulation shall benefit from the periods of regulatory protection set out in Chapter VII of [revised Directive 2001/83/EC].	products for human use which have been authorised in accordance with this Regulation shall benefit from the periods of regulatory protection set out in Chapter VII of [revised Directive 2001/83/EC].	products for human use which have been authorised in accordance with this Regulation shall benefit from the periods of regulatory protection set out in Chapter VII of [revised Directive 2001/83/EC].	
Article 29, first paragraph a				
406a		***The applicable periods of regulatory protection shall be published and updated where appropriate by the Commission in the Union Register of medicinal products.***		
Section 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
407	Section 3 Temporary emergency marketing authorisation	Section 3 Temporary emergency marketing authorisation	Section 3 Temporary emergency marketing authorisation	
Article 30				
408	Article 30 Temporary emergency marketing authorisation	Article 30 Temporary emergency marketing authorisation	Article 30 Temporary emergency marketing authorisation	
Article 30, first paragraph				
409	During a public health emergency, the Commission may grant a temporary emergency marketing authorisation ('TEMA') for medicinal products intended for the treatment, prevention or medical diagnosis of a serious or life-threatening disease or	During a public health emergency, the Commission may grant a temporary emergency marketing authorisation ('TEMA') for medicinal products intended for the treatment, prevention or medical diagnosis of a serious or life-threatening disease or	During a public health emergency, the Commission may grant a temporary emergency marketing authorisation ('TEMA') for medicinal products intended for the treatment, prevention or medical diagnosis of a serious or life-threatening disease or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	condition which are directly related to the public health emergency, prior to the submission of the complete quality, non-clinical, clinical data and environmental data and information.	condition which are directly related to the public health emergency, prior to the submission of the complete quality, non-clinical, clinical data and environmental data and information.	condition which are directly related to the public health emergency, prior to the submission of the complete quality, non-clinical, clinical data and environmental data and information.	
Article 30, second paragraph				
410	Where medicinal products containing or consisting of genetically modified organisms in the sense of Article 2(2) of Directive 2001/18/EC are concerned, Articles 13 to 24 of that Directive shall not apply.	Where medicinal products containing or consisting of genetically modified organisms in the sense of Article 2(2) of Directive 2001/18/EC are concerned, Articles 13 to 24 of that Directive shall not apply.	Where medicinal products containing or consisting of genetically modified organisms in the sense of Article 2(2) of Directive 2001/18/EC are concerned, Articles 13 to 24 of that Directive shall not apply.	
Article 30, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
411	An application for a temporary emergency marketing authorisation shall be submitted in accordance with Articles 5 and 6.	An application for a temporary emergency marketing authorisation shall be submitted in accordance with Articles 5 and 6.	An application for a temporary emergency marketing authorisation shall be submitted in accordance with Articles 5 and 6.	
Article 31				
412	Article 31 Criteria for granting a temporary emergency marketing authorisation	Article 31 Criteria for granting a temporary emergency marketing authorisation	Article 31 Criteria for granting a temporary emergency marketing authorisation	
Article 31, first paragraph				
413	A temporary emergency marketing authorisation may be granted only after the recognition of a public health emergency at Union level in accordance with Article 23 of Regulation (EU) 2022/2371 of the	A temporary emergency marketing authorisation may be granted only after the recognition of a public health emergency at Union level in accordance with Article 23 of Regulation (EU) 2022/2371 of the	A temporary emergency marketing authorisation may be granted only after the recognition of a public health emergency at Union level in accordance with Article 23 of Regulation (EU) 2022/2371 of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council[1] and where the following requirements are met: __________ 1. Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (OJ L 314, 6.12.2022, p. 26).	European Parliament and of the Council[1] and where the following requirements are met: __________ 1. Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (OJ L 314, 6.12.2022, p. 26).	European Parliament and of the Council[1] and where the following requirements are met: __________ 1. Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (OJ L 314, 6.12.2022, p. 26).	
Article 31, first paragraph, point (a)				
414	(a) there is no other satisfactory method of treatment, prevention or diagnosis authorised or sufficiently available in the Union or, if such method is already available, the temporary emergency marketing authorisation of the medicinal	(a) there is no other satisfactory method of treatment, prevention or diagnosis authorised or sufficiently available in the Union or, if such method is already available, the temporary emergency marketing authorisation of the medicinal	(a) there is no other satisfactory method of treatment, prevention or diagnosis authorised or sufficiently available in the Union or, if such method is already available, the temporary emergency marketing authorisation of the medicinal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	product will contribute to address the public health emergency;	product will contribute to address the public health emergency;	product will contribute to address the public health emergency;	
Article 31, first paragraph, point (b)				
415	(b) based on the scientific evidence available, the Agency issues an opinion concluding that the medicinal product could be effective in treating, preventing or diagnosing the disease or condition directly related to the public health emergency, and the known and potential benefits of the product outweigh the known and potential risks of the product, taking into consideration the threat posed by the public health emergency.	(b) based on the scientific evidence available, the Agency issues an opinion concluding that the medicinal product could be effective in treating, preventing or diagnosing the disease or condition directly related to the public health emergency, and the known and potential benefits of the product outweigh the known and potential risks of the product, taking into consideration the threat posed by the public health emergency.	(b) based on the scientific evidence available, the Agency issues an opinion concluding that the medicinal product could be effective in treating, preventing or diagnosing the disease or condition directly related to the public health emergency, and the known and potential benefits of the product outweigh the known and potential risks of the product, taking into consideration the threat posed by the public health emergency.	
Article 32				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
416	Article 32 Scientific opinion	Article 32 Scientific opinion	Article 32 Scientific opinion	
Article 32(1)				
417	1. The Agency shall ensure that the scientific opinion of the Committee for Medicinal Products for Human Use is given without undue delay, taking into account, the recommendation of the Emergency Task Force referred to in Article 38(1), second subparagraph. For the purpose of issuing its opinion, the Agency may consider any relevant data on the medicinal product concerned.	1. The Agency shall ensure that the scientific opinion of the Committee for Medicinal Products for Human Use is given without undue delay, taking into account, the recommendation of the Emergency Task Force referred to in Article 38(1), second subparagraph. For the purpose of issuing its opinion, the Agency may consider any relevant data on the medicinal product concerned ***in addition to the evidence submitted in the applicant's dossier***.	1. The Agency shall ensure that the scientific opinion of the Committee for Medicinal Products for Human Use is given without undue delay, taking into account, the recommendation of the Emergency Task Force referred to in Article 38(1), second subparagraph. For the purpose of issuing its opinion, the Agency may consider any relevant data on the medicinal product concerned.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32(2), first subparagraph				
418	2. The Agency shall review any new evidence provided by the developer, the Member States or the Commission, or any other evidence that comes to its attention, in particular evidence that might influence the benefit-risk balance of the medicinal product concerned.	2. The Agency shall ***without undue delay*** review any new evidence provided by the developer, the Member States or the Commission, or any other ***additional*** evidence that comes to its attention, ***taking into account the evidence submitted by the developer***, in particular evidence that might influence the benefit-risk balance of the medicinal product concerned.	2. The Agency shall review any new evidence provided by the developer, the Member States or the Commission, or any other evidence that comes to its attention, in particular evidence that might influence the benefit-risk balance of the medicinal product concerned.	
Article 32(2), second subparagraph				
419	The Agency shall update its scientific opinion as necessary.	The Agency shall update its scientific opinion as necessary.	The Agency shall update its scientific opinion as necessary.	
Article 32(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
420	3. The Agency shall transmit without undue delay to the Commission the scientific opinion and its updates and any recommendations on the temporary emergency marketing authorisation.	3. The Agency shall transmit without undue delay to the Commission the scientific opinion and its updates and any recommendations on the temporary emergency marketing authorisation. ***The scientific opinion and information on the application for the use of the temporary emergency marketing authorisation shall be made publicly available by the Agency.***	3. The Agency shall transmit without undue delay to the Commission the scientific opinion and its updates and any recommendations on the temporary emergency marketing authorisation.	
Article 33				
421	Article 33 Commission decision for a temporary emergency marketing authorisation	Article 33 Commission decision for a temporary emergency marketing authorisation	Article 33 Commission decision for a temporary emergency marketing authorisation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 33(1)				
422	1. On the basis of the scientific opinion of the Agency or its updates referred to in Article 32, paragraphs 1 and 2, the Commission shall, by means of implementing acts, take a decision without undue delay on the temporary emergency marketing authorisation of the medicinal product subject to the specific conditions set in accordance with paragraphs 2, 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	1. On the basis of the scientific opinion of the Agency or its updates referred to in Article 32, paragraphs 1 and 2, the Commission shall, by means of implementing acts, take a decision without undue delay on the temporary emergency marketing authorisation of the medicinal product subject to the specific conditions set in accordance with paragraphs 2, 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	1. On the basis of the scientific opinion of the Agency or its updates referred to in Article 32, paragraphs 1 and 2, the Commission shall, by means of implementing acts, take a decision without undue delay on the temporary emergency marketing authorisation of the medicinal product subject to the specific conditions set in accordance with paragraphs 2, 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 33(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
423	2. On the basis of the scientific opinion of the Agency referred to in paragraph 1, the Commission shall set specific conditions with respect to the temporary emergency marketing authorisation, in particular the conditions for manufacturing, use, supply and safety monitoring and the compliance with related good manufacturing, and pharmacovigilance practices. If necessary, the conditions may specify the batches of the medicinal product concerned by the temporary emergency marketing authorisation.	2. On the basis of the scientific opinion of the Agency referred to in paragraph 1, the Commission shall set specific conditions with respect to the temporary emergency marketing authorisation, in particular the conditions for manufacturing, use, supply and safety monitoring and the compliance with related good manufacturing, and pharmacovigilance practices. If necessary, the conditions may specify the batches of the medicinal product concerned by the temporary emergency marketing authorisation***, after consultation with the applicant or marketing authorisation holder***.	2. On the basis of the scientific opinion of the Agency referred to in paragraph 1, the Commission shall set specific conditions with respect to the temporary emergency marketing authorisation, in particular the conditions for manufacturing, use, supply and safety monitoring and the compliance with related good manufacturing, and pharmacovigilance practices. If necessary, the conditions may specify the batches of the medicinal product concerned by the temporary emergency marketing authorisation.	
Article 33(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
424	3. Specific conditions may be set to require the completion of ongoing studies or to conduct new studies to ensure the safe and effective use of the medicinal product or minimise its impact on the environment. A time limit for the submission of those studies shall be set.	3. Specific conditions may be set to require the completion of ongoing studies or to conduct new studies to ensure the safe and effective use of the medicinal product or minimise its impact on the environment. A time limit for the submission of those studies shall be set.	3. Specific conditions may be set to require the completion of ongoing studies or to conduct new studies to ensure the safe and effective use of the medicinal product or minimise its impact on the environment. A time limit for the submission of those studies shall be set.	
Article 33(4)				
425	4. Those specific conditions and, where appropriate, the time limit for compliance shall be specified in the conditions to the marketing authorisation and shall be reviewed annually by the Agency.	4. Those specific conditions and, where appropriate, the time limit for compliance shall be specified in the conditions to the marketing authorisation and shall be reviewed annually by the Agency.	4. Those specific conditions and, where appropriate, the time limit for compliance shall be specified in the conditions to the marketing authorisation and shall be reviewed annually by the Agency.	
Article 34				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
426	Article 34 Validity of a temporary emergency marketing authorisation	Article 34 Validity of a temporary emergency marketing authorisation	Article 34 Validity of a temporary emergency marketing authorisation	
Article 34, first paragraph				
427	The temporary emergency marketing authorisation shall cease to be valid when the Commission terminates the recognition of a public health emergency in accordance with Article 23(2) and (4) of Regulation (EU) 2022/2371.	The temporary emergency marketing authorisation shall cease to be valid when the Commission terminates the recognition of a public health emergency in accordance with Article 23(2) and (4) of Regulation (EU) 2022/2371.	The temporary emergency marketing authorisation shall cease to be valid when the Commission terminates the recognition of a public health emergency in accordance with Article 23(2) and (4) of Regulation (EU) 2022/2371.	
Article 35				
428	Article 35 Variation, suspension or revocation of a temporary	Article 35 Variation, suspension or revocation of a temporary	Article 35 Variation, suspension or revocation of a temporary	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	emergency marketing authorisation	emergency marketing authorisation	emergency marketing authorisation	
Article 35, first paragraph				
429	The Commission may suspend, revoke or vary the temporary emergency marketing authorisation by means of implementing acts at any time in any of the following cases:	The Commission may suspend, revoke or vary the temporary emergency marketing authorisation by means of implementing acts at any time in any of the following cases:	The Commission may suspend, revoke or vary the temporary emergency marketing authorisation by means of implementing acts at any time in any of the following cases:	
Article 35, first paragraph, point (a)				
430	(a) the criteria laid down in Article 31 are no longer met;	(a) the criteria laid down in Article 31 are no longer met;	(a) the criteria laid down in Article 31 are no longer met;	
Article 35, first paragraph, point (b)				
431	(b) it is appropriate to protect public health;	(b) it is appropriate to protect public health;	(b) it is appropriate to protect public health;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35, first paragraph, point (c)				
432	(c) the marketing authorisation holder of a temporary emergency marketing authorisation has not complied with conditions and obligations set out in the temporary emergency marketing authorisation;	(c) the marketing authorisation holder of a temporary emergency marketing authorisation has not complied with conditions and obligations set out in the temporary emergency marketing authorisation;	(c) the marketing authorisation holder of a temporary emergency marketing authorisation has not complied with conditions and obligations set out in the temporary emergency marketing authorisation;	
Article 35, first paragraph, point (d)				
433	(d) the marketing authorisation holder of a temporary emergency marketing authorisation has not complied with the specific conditions set in accordance with Article 33.	(d) the marketing authorisation holder of a temporary emergency marketing authorisation has not complied with the specific conditions set in accordance with Article 33.	(d) the marketing authorisation holder of a temporary emergency marketing authorisation has not complied with the specific conditions set in accordance with Article 33.	
Article 35, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
434	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 36				
435	Article 36 Granting of a marketing authorisation or conditional marketing authorisation after a temporary emergency marketing authorisation	Article 36 Granting of a marketing authorisation or conditional marketing authorisation after a temporary emergency marketing authorisation	Article 36 Granting of a marketing authorisation or conditional marketing authorisation after a temporary emergency marketing authorisation	
Article 36, first paragraph				
436	The marketing authorisation holder of an authorisation in accordance with Article 33 may submit an application in	The marketing authorisation holder of an authorisation in accordance with Article 33 may submit an application in	**As soon as sufficient data has been generated,** the marketing authorisation holder of an authorisation in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Articles 5 and 6 in order to obtain an authorisation in accordance with Articles 13, 16 or 19.	accordance with Articles 5 and 6 in order to obtain an authorisation in accordance with Articles 13, 16 or 19 ***based on the pre-agreed deadlines established with the Agency***.	Article 33 ~~may~~**shall** submit an application in accordance with Articles 5 and 6 in order to ~~obtain~~**replace the temporary emergency marketing authorisation by** an authorisation in accordance with Articles 13, 16 or 19.	
Article 36, second paragraph				
437	For the purpose of regulatory data protection, the temporary emergency marketing authorisation and any subsequent marketing authorisation, as referred to in subparagraph 1, shall be considered as part of the same global marketing authorisation.	For the purpose of regulatory data protection, the temporary emergency marketing authorisation and any subsequent marketing authorisation, as referred to in subparagraph 1, shall be considered as part of the same global marketing authorisation.	For the purpose of regulatory data protection, the temporary emergency marketing authorisation and any subsequent marketing authorisation, as referred to in subparagraph 1, shall be considered as part of the same global marketing authorisation.	
Article 37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
438	Article 37 Transitional period	Article 37 Transitional period	Article 37 Transitional period	
Article 37, first paragraph				
439	When the temporary marketing authorisation of a medicinal product is suspended or revoked for reasons other than the safety of the medicinal product, or if that temporary emergency marketing authorisation ceases to be valid, Member States may, in exceptional circumstances, allow for a transitional period, the supply of the medicinal product to patients who are already being treated with it.	When the temporary marketing authorisation of a medicinal product is suspended or revoked for reasons other than the safety of the medicinal product, or if that temporary emergency marketing authorisation ceases to be valid, Member States may, in exceptional circumstances, allow for a transitional period, the supply of the medicinal product to patients who are already being treated with it. ***In such cases, the Member State shall inform the Agency about the application of***	When the temporary marketing authorisation of a medicinal product is suspended or revoked for reasons other than the safety of the medicinal product, or if that temporary emergency marketing authorisation ceases to be valid, Member States may, in exceptional circumstances, allow for a transitional period, the supply of the medicinal product to patients who are already being treated with it.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the transitional period. Conditions for manufacturing, use, supply and safety monitoring and the compliance with the related good manufacturing and pharmacovigilance practices shall continue to apply during that period.		
Article 38				
440	Article 38 Relation with Article 18 of Regulation (EU) 2022/123	Article 38 Relation with Article 18 of Regulation (EU) 2022/123	Article 38 Relation with Article 18 of Regulation (EU) 2022/123	
Article 38(1), first subparagraph				
441	1. For medicinal products for which a temporary emergency marketing authorisation may be considered by the Agency, Article	1. For medicinal products for which a temporary emergency marketing authorisation may be considered by the Agency, Article	1. For medicinal products for which a temporary emergency marketing authorisation may be considered by the Agency, Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	18(1) and (2) of Regulation (EU) 2022/123[1] shall apply. __________ 1. Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (OJ L 20, 31.1.2022, p. 1).	18(1) and (2) of Regulation (EU) 2022/123[1] shall apply. __________ 1. Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (OJ L 20, 31.1.2022, p. 1).	18(1) and (2) of Regulation (EU) 2022/123[1] shall apply. __________ 1. Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (OJ L 20, 31.1.2022, p. 1).	
Article 38(1), second subparagraph				
442	The Emergency Task Force shall provide a recommendation for a temporary emergency marketing authorisation to the Committee for Medicinal Products for Human Use for an opinion in accordance with Article 32. To this purpose, the Emergency Task Force set up	The Emergency Task Force shall provide a recommendation for a temporary emergency marketing authorisation to the Committee for Medicinal Products for Human Use for an opinion in accordance with Article 32. To this purpose, the Emergency Task Force set up	The Emergency Task Force shall provide a recommendation for a temporary emergency marketing authorisation to the Committee for Medicinal Products for Human Use for an opinion in accordance with Article 32. To this purpose, the Emergency Task Force set up	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to Article 15 of Regulation (EU) 2022/123 may, where appropriate, perform the activities referred to in Article 18(2) of that Regulation prior to the recognition of a public health emergency.	pursuant to Article 15 of Regulation (EU) 2022/123 may, where appropriate, perform the activities referred to in Article 18(2) of that Regulation prior to the recognition of a public health emergency.	pursuant to Article 15 of Regulation (EU) 2022/123 may, where appropriate, perform the activities referred to in Article 18(2) of that Regulation prior to the recognition of a public health emergency.	
Article 38(2)				
443	2. Where a request referred to in Article 18(3) of Regulation (EU) 2022/123 for a recommendation has been made and there is an application for a temporary emergency marketing authorisation for the medicinal product concerned, the procedure for a recommendation under Article 18(3) of Regulation (EU) 2022/123 shall be stopped and the	2. Where a request referred to in Article 18(3) of Regulation (EU) 2022/123 for a recommendation has been made and there is an application for a temporary emergency marketing authorisation for the medicinal product concerned, the procedure for a recommendation under Article 18(3) of Regulation (EU) 2022/123 shall be stopped and the	2. Where a request referred to in Article 18(3) of Regulation (EU) 2022/123 for a recommendation has been made and there is an application for a temporary emergency marketing authorisation for the medicinal product concerned, the procedure for a recommendation under Article 18(3) of Regulation (EU) 2022/123 shall be stopped and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	procedure for a temporary emergency marketing authorisation shall prevail. Any available data shall be considered under the temporary emergency marketing authorisation application.	procedure for a temporary emergency marketing authorisation shall prevail. Any available data shall be considered under the temporary emergency marketing authorisation application.	procedure for a temporary emergency marketing authorisation shall prevail. Any available data shall be considered under the temporary emergency marketing authorisation application.	
Article 39				
444	Article 39 Withdrawal of authorisations granted in accordance with Article 3(2) of [revised Directive 2001/83/EC]	Article 39 Withdrawal of authorisations granted in accordance with Article 3(2) of [revised Directive 2001/83/EC]	Article 39 ~~Withdrawal of authorisations granted in accordance with Article 3(2) of [revised Directive 2001/83/EC]~~	
Article 39, first paragraph				
445	When the Commission has granted a temporary emergency marketing authorisation in accordance with	When the Commission has granted a temporary emergency marketing authorisation in accordance with	~~When the Commission has granted a temporary emergency marketing authorisation in accordance with~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 33, Member States shall withdraw any authorisation granted in accordance with Article 3(2) of [revised Directive 2001/83/EC] for the use of medicinal products containing the same active substance for any indications that are subject to the temporary marketing authorisation.	Article 33, Member States shall withdraw any authorisation granted in accordance with Article 3(2) of [revised Directive 2001/83/EC] for the use of medicinal products containing the same active substance for any indications that are subject to the temporary marketing authorisation.	~~Article 33, Member States shall withdraw any authorisation granted in accordance with Article 3(2) of [revised Directive 2001/83/EC] for the use of medicinal products containing the same active substance for any indications that are subject to the temporary marketing authorisation.~~	
Article 39a				
445a		***Article 39a*** ***Milestone payment reward scheme***		
Article 39a(1), first subparagraph				
445b		***1. An antimicrobial shall be considered a 'priority***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		antimicrobial' if preclinical and clinical data underpin a significant clinical benefit with regard to antimicrobial resistance and it has at least one of the following characteristics:		
Article 39a(1), first subparagraph, point (a)				
445c		***(a) it represents a new class of antimicrobials;***		
Article 39a(1), first subparagraph, point (b)				
445d		***(b) its mechanism of action is distinctly different from that of any authorised antimicrobial in the Union;***		
Article 39a(1), first subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
445e		***(c) it contains an active substance not previously authorised in a medicinal product in the Union that addresses a multi-drug resistant organism and serious or life-threatening infection.***		
Article 39a(1), second subparagraph				
445f		***In the scientific assessment of the criteria referred to in the first subparagraph, and in the case of antibiotics, the Agency shall take into account the 'WHO priority pathogens list for R&D of new antibiotics', or an equivalent list established at Union level.***		
Article 39a(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
445g		***2. The Commission, in consultation with the Agency, shall award milestone payments and support to potential priority antimicrobials addressing the priority pathogens referred to in paragraph 1 of this Article. The milestone payments shall be financed through resource matching by the Commission, including within the framework of Article 12(2), point (b)(i), of Regulation (EU) 2021/695 of the European Parliament and of the Council[1a] and Regulation (EU) 2021/522 of the European Parliament and of the Council[1b].*** _____ ***1a. Regulation (EU) 2021/695 of the European Parliament and of the Council***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1). ***1b. Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (OJ L 107, 26.3.2021, p. 1).***		
Article 39a(2), second subparagraph				
445h		***The Commission shall adopt delegated acts in accordance with Article 175 to supplement this Regulation by setting the criteria for the awarding of milestone***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		payments, including payments for the completion of pre-specified development stages and criteria, taking into account the costs of the development of that stage and the anticipated costs of the next stage of development.		
Article 39a(2), third subparagraph				
445i		***The awarding of milestone payments shall be contingent on legal commitments to use the payments:***		
Article 39a(2), third subparagraph, point (a)				
445j		***(a) to further develop the priority antimicrobial;***		
Article 39a(2), third subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
445k		***(b) to apply for a marketing authorisation in accordance with this Regulation;***		
Article 39a(2), third subparagraph, point (c)				
445l		***(c) to conduct antimicrobial stewardship and access plans as referred to in Article 17(1), point (a), of [revised Directive 2001/83/EC]; and***		
Article 39a(2), third subparagraph, point (d)				
445m		***(d) where relevant, to apply for the joint procurement agreement referred to in Article 39b.***		
Article 39a(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
445n		***3. The priority antimicrobial shall also be subject to joint clinical assessment in accordance with Article 7(2), point (a), of Regulation (EU) 2021/2282.***		
Article 39a(4)				
445o		***4. A developer who benefits from milestone payments under this Article shall not be eligible to avail of a transferable exclusivity voucher in accordance with Article 40.***		
Article 39b				
445p		***Article 39b*** ***Subscription model for the joint procurement of antimicrobials***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 39b(1)				
445q		***1. The Commission and any of the Member States may engage, as contracting parties, in a joint procurement procedure conducted pursuant to Article 165(2) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[1a] with a view to the advance purchase of antimicrobials.*** _____ ***1a. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU)***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).		
Article 39b(2)				
445r		***2. A joint procurement procedure as referred to in paragraph 1 shall be preceded by a joint procurement agreement between the parties determining the practical arrangements governing the subscription model system and other procedures, including the length of the subscription contract and the possibility of parallel procurement.***		
Article 39b(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
445s		***3. The joint procurement agreement shall take the form of a multi-year subscription and include the following conditions:***		
Article 39b(3), point (a)				
445t		***(a) delinkage or partial delinkage of funding from the volume of sales of the antimicrobial;***		
Article 39b(3), point (b)				
445u		***(b) commitment to continuous and sufficient supply in pre-agreed quantities;***		
Article 39b(3), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
445v		***(c) commitment to the antimicrobial stewardship and access plans as referred to in Article 17(1), point (a), of [revised Directive 2001/83/EC];***		
Article 39b(3), point (d)				
445w		***(d) commitment to the environmental risk assessment as referred to in Article 22 of [revised Directive 2001/83/EC];***		
Article 39b(3), point (e)				
445x		***(e) submission of a global access plan to supply third countries in critical need, including through development partners or voluntarily licensing.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 39b(4)				
445y		***4. Participation in the joint procurement procedure shall be open to all Member States and third countries, including the European Free Trade Association States and Union candidate countries, as well as the Principality of Andorra, the Principality of Monaco, the Republic of San Marino and the Vatican City State, by way of derogation from Article 165(2) of Regulation (EU, Euratom) 2018/1046.***		
Article 39b(5)				
445z		***5. The Commission shall inform the European Parliament***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		about procedures concerning the joint procurement of antimicrobials and, upon request, grant access to the contracts that are concluded as a result of those procedures, subject to the adequate protection of business secrecy, commercial relations and the interests of the Union. The Commission shall communicate information to the European Parliament regarding sensitive documents in accordance with Article 9(7) of Regulation (EC) No 1049/2001.		
CHAPTER III				
446	CHAPTER III INCENTIVES FOR THE DEVELOPMENT OF	CHAPTER III INCENTIVES FOR THE DEVELOPMENT OF	CHAPTER III INCENTIVES FOR THE DEVELOPMENT OF	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	'PRIORITY ANTIMICROBIALS'	'PRIORITY ANTIMICROBIALS'	'PRIORITY ANTIMICROBIALS'	
Article 40				
447	Article 40 Granting the right to a transferable data exclusivity voucher	Article 40 Granting the right to a transferable data exclusivity voucher	Article 40 Granting the right to a transferable data exclusivity voucher	
Article 40(1)				
448	1. Following a request by the applicant when applying for a marketing authorisation, the Commission may, by means of implementing acts, grant a transferable data exclusivity voucher to a 'priority antimicrobial' referred to in paragraph 3, under the conditions referred to in paragraph 4 based on	1. Following a request by the applicant ~~*when applying*~~ for a marketing authorisation***, made before the marketing authorisation is granted***, the Commission may, by means of implementing acts, grant a transferable data exclusivity voucher to a 'priority antimicrobial' referred to in	1. Following a request by the applicant when applying for a marketing authorisation, the Commission may, by means of implementing acts, grant a transferable data exclusivity voucher to a 'priority antimicrobial' referred to in paragraph 3, under the conditions referred to in paragraph 4 based on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a scientific assessment by the Agency.	~~*paragraph 3*~~*Article 39a(1)*, under the conditions referred to in paragraph 4 *of this Article* based on a scientific assessment by the Agency.	a scientific assessment by the Agency.	
Article 40(2)				
449	2. The voucher referred to in paragraph 1 shall give the right to its holder to an additional 12 months of data protection for one authorised medicinal product.	2. The voucher referred to in paragraph 1 shall give the right to its holder to ~~an~~*a maximum of* additional 12 months of data protection for one authorised medicinal product.	2. The voucher referred to in paragraph 1 shall give the right to its holder to an additional 12 months of data protection **within the meaning of Article 80 paragraph 1 of [revised Directive 2001/83/EC]** for one authorised medicinal product.	
Article 40(2a)				
449a		*2a. The Commission shall adopt delegated acts in in*		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		accordance with Article 175 to supplement this Regulation by setting up the eligibility of pathogens for the protection periods referred to in paragraph 2 of this Article in accordance with the WHO priority pathogens list or an equivalent established at Union level, with 12 months of data protection for an authorised product ranked 'critical', 9 months of data protection for those ranked 'high' and 6 months of data protection for those ranked 'medium'.		
Article 40(3), first subparagraph				
450	3. An antimicrobial shall be considered 'priority antimicrobial' if preclinical and clinical data	*deleted*	3. An antimicrobial shall be considered 'priority antimicrobial' if **it addresses a multi-drug**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	underpin a significant clinical benefit with respect to antimicrobial resistance and it has at least one of the following characteristics:		**resistant organisms causing a severe or a life-threatening infection, and for which the** preclinical and clinical data underpin a significant clinical benefit with respect to antimicrobial resistance and it has at least one of the following characteristics:	
Article 40(3), first subparagraph, point (a)				
451	(a) it represents a new class of antimicrobials;	*deleted*	(a) ~~it represents a new class of antimicrobials;~~	
Article 40(3), first subparagraph, point (b)				
452	(b) its mechanism of action is distinctly different from that of		*(b)* its mechanism of action is distinctly different from that of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any authorised antimicrobial in the Union;	*deleted*	any authorised antimicrobial in the Union;	
Article 40(3), first subparagraph, point (c)				
453	(c) it contains an active substance not previously authorised in a medicinal product in the Union that addresses a multi-drug resistant organism and serious or life threatening infection.	*deleted*	(c) it contains ~~an~~**a new** active substance ~~not previously authorised in a medicinal product in the Union that addresses a multi-drug resistant organism and serious or life threatening infection~~**used either alone or in combination with other active substances** .	
Article 40(3), second subparagraph				
454	In the scientific assessment of the criteria referred to in the first subparagraph, and in the case of	*deleted*	In the scientific assessment of the criteria referred to in the first subparagraph, and in the case of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	antibiotics, the Agency shall take into account the 'WHO priority pathogens list for R&D of new antibiotics', or an equivalent list established at Union level.		antibiotics, the Agency shall take into account the 'WHO priority pathogens list for R&D of new antibiotics', or an equivalent list established at Union level.	
Article 40(4), first subparagraph				
455	4. To be granted the voucher by the Commission, the applicant shall:	4. To be granted the voucher by the Commission, the applicant shall:	4. To be granted the voucher by the Commission, the applicant shall:	
Article 40(4), first subparagraph, point (a)				
456	(a) demonstrate capacity to supply the priority antimicrobial in sufficient quantities for the expected needs of the Union market;	(a) demonstrate capacity ~~to~~***and ensure the*** supply ***of*** the priority antimicrobial in sufficient quantities for the expected needs of the Union market***, as defined in a contract with the Authority***;	(a) demonstrate capacity to supply the priority antimicrobial in sufficient quantities for the expected needs of the Union market;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 40(4), first subparagraph, point (b)				
457	(b) provide information on all direct financial support received for research related to the development of the priority antimicrobial.	(b) provide information on all direct financial support ***and indirect financial support in accordance with Article 57 of [revised Directive 2001/83/EC]*** received for research related to the development of the priority antimicrobial~~.~~**;**	(b) provide information on all direct financial support received for research related to the development of the priority antimicrobial.	
Article 40(4), first subparagraph, point (c)				
457a			**(c) demonstrate that the application for granting a marketing authorisation of the priority antimicrobial has been first submitted to the Agency or has been submitted no later than 90 days after the submission of the application for the first**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			marketing authorisation outside the European Union.	
Article 40(4), first subparagraph, point (ba)				
457b		***(ba) submit the stewardship and access plan as referred to Article 17(1), point (a), of and Annex I to [revised Directive 2001/83/EC];***		
Article 40(4), first subparagraph, point (bb)				
457c		***(bb) submit a global access plan to supply third countries in critical need, including through development partners or voluntary licensing.***		
Article 40(4), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
458	Within 30 days after the marketing authorisation is granted, the marketing authorisation holder shall make the information referred to in point (b) accessible to the public via a dedicated webpage and shall communicate, in a timely manner the electronic link to that webpage to the Agency.	Within 30 days after the marketing authorisation is granted, the marketing authorisation holder shall make the information referred to in point (b) accessible to the public via a dedicated webpage and shall communicate, in a timely manner the electronic link to that webpage to the Agency.	Within 30 days after the marketing authorisation is granted, the marketing authorisation holder shall make the information referred to in point (b) accessible to the public via a dedicated webpage and shall communicate, in a timely manner the electronic link to that webpage to the Agency.	
Article 40(5)				
458a			**5. Once the marketing authorisation is granted, the Agency shall inform without undue delay the MSSG, in accordance with Article 131 paragraph 2 with a view to propose a potential inclusion of the priority antimicrobial on the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Union list of critical medicinal products.	
Article 40(4a)				
458b		***4a. The priority antimicrobial shall be added to the list of antimicrobials which are to be reserved for treatment of certain infections in humans and added to the Union list as established by Commission Implementing Regulation (EU) 2022/1255[1a].*** _____ ***1a. Commission Implementing Regulation (EU) 2022/1255 of 19 July 2022 designating antimicrobials or groups of antimicrobials reserved for treatment of certain infections in humans, in accordance with Regulation (EU) 2019/6 of the European Parliament***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and of the Council (OJ L 191, 20.7.2022, p. 58).		
Article 41				
459	Article 41 Transfer and use of the voucher	Article 41 Transfer and use of the voucher	Article 41 Transfer and use of the voucher	
Article 41(1), first subparagraph				
460	1. A voucher may be used to extend the data protection for a period of 12 months of the priority antimicrobial or another medicinal product authorised in accordance with this Regulation of the same or different marketing authorisation holder.	1. A voucher may be used to extend the data protection for a period of ***6, 9 or*** 12 months of the priority antimicrobial or another medicinal product authorised in accordance with this Regulation of the same or different marketing authorisation holder.	1. A voucher may be used to ~~extend the~~**add 12 months of** data protection ~~for a period of 12 months~~**within the meaning of Article 80 paragraph 1 of [revised Directive 2001/83/EC],** of the priority antimicrobial or another medicinal product authorised in accordance with this Regulation of the same or different marketing authorisation holder.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(1), second subparagraph				
461	A voucher shall only be used once and in relation to a single centrally authorised medicinal product and only if that product is within its first four years of regulatory data protection.	A voucher shall only be used once and in relation to a single centrally authorised medicinal product and only if that product is within its first four years of regulatory data protection. ***The voucher shall not be used for a product which already benefited from the maximum regulatory data protection period as set out in Article 81 of [revised Directive 2001/83/EC].***	A voucher ~~shall only~~**can be transferred at any time before its use. A voucher may** be used once **only** and in relation to a single centrally authorised medicinal product ~~and only if that product is within its first four years of regulatory data protection.~~**.**	
Article 41(1), second subparagraph a				
461a			**In case of a medicinal product other than the priority antimicrobial concerned, the use of the voucher can take place**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			only in the fifth year of the regulatory data protection period and if the marketing authorisation holder demonstrates that the annual gross sales of that medicinal product in the Union during any of the preceding four years have not exceeded 490 million euros.	
Article 41(1a), first subparagraph				
461b			**1a. The marketing authorisation holder shall demonstrate that information about the annual gross sales referred to in para (1) is accurate and complete and that it has been audited by an independent external auditor.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(1), third subparagraph				
462	A voucher may only be used if the marketing authorisation of the priority antimicrobial for which the right was initially granted has not been withdrawn.	A voucher may only be used if the marketing authorisation of the priority antimicrobial for which the right was initially granted has not been withdrawn.	A voucher may only be used if the marketing authorisation of the priority antimicrobial for which the right was initially granted has not been withdrawn.	
Article 41(2)				
463	2. To use the voucher, its owner shall apply for a variation of the marketing authorisation concerned in accordance with Article 47 to extend the data protection.	2. To use the voucher, its owner shall apply for a variation of the marketing authorisation concerned in accordance with Article 47 to extend the data protection.	2. To use the voucher, its owner shall apply for a variation of the marketing authorisation concerned in accordance with Article 47 to extend the data protection.	
Article 41(3)				
464	3. A voucher may be transferred to another marketing	3. A voucher may be transferred to another marketing	3. A voucher may be transferred to another marketing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorisation holder and shall not be transferred further.	authorisation holder ***once*** and shall not be transferred further.	authorisation holder and shall not be transferred further.	
Article 41(3a)				
464a		***3a. The monetary value paid for the transfer of the voucher shall be directed to the Authority, which shall in yearly instalments transfer the amount to the marketing authorisation holder, in order to ensure the manufacturing capacity and supply of the priority antimicrobial. The Commission shall adopt delegated acts in accordance with Article 175 to supplement this Regulation by setting up the framework for the conditions and functioning of annual instalments.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(4)				
465	4. A marketing authorisation holder to whom a voucher is transferred shall notify the Agency of the transfer within 30 days, stating the value of the transaction between the two parties. The Agency shall make this information publicly available.	4. A marketing authorisation holder to whom a voucher is transferred shall notify the Agency of the transfer within 30 days, stating the value of the transaction between the two parties. The Agency shall make this information publicly available.	4. A marketing authorisation holder to whom a voucher is transferred shall notify the Agency of the transfer within 30 days, stating the value of the transaction between the two parties. The Agency shall make this information publicly available **on its webpage**.	
Article 42				
466	Article 42 Validity of the voucher	Article 42 Validity of the voucher	Article 42 Validity of the voucher	
Article 42(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
467	1. A voucher shall cease to be valid in the following cases:	1. A voucher shall cease to be valid in the following cases:	1. A voucher shall cease to be valid in the following cases:	
Article 42(1), point (a)				
468	(a) where the Commission adopts a decision in accordance with Article 47 to extend the data protection of the receiving medicinal product;	(a) where the Commission adopts a decision in accordance with Article 47 to extend the data protection of the receiving medicinal product;	(a) where the Commission adopts a decision in accordance with Article 47 to extend the data protection of the receiving medicinal product;	
Article 42(1), point (b)				
469	(b) where it is not used within 5 years from the date it was granted.	(b) where it is not used within ~~5~~***four*** years ~~*from the date it was granted*~~***after the conditions set out in Article 41 have been fulfilled by the seller***.	(b) where it is not used within 5 years from the date it was granted.	
Article 42(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
470	2. The Commission may revoke the voucher prior to its transfer as referred to in Article 41(3) if a request for supply, procurement or purchase of the priority antimicrobial in the Union has not been fulfilled.	2. The Commission may revoke the voucher ~~*prior to its transfer*~~ as referred to in Article 41(3) if a request for supply, procurement or purchase of the priority antimicrobial in the Union has not been fulfilled. ***To protect the buyer from damage resulting from a possible revocation of a voucher after the transfer, seller and buyer shall make contractual liability arrangements.***	2. The Commission may revoke the voucher prior to its transfer as referred to in Article 41(3) if a request for supply **by any Member State or the Commission**, procurement or purchase of the priority antimicrobial in the Union has not been fulfilled.	
Article 42(3)				
471	3. Without prejudice to patent rights, or supplementary protection certificates[1], if a priority antimicrobial is withdrawn from the Union market prior to expiry of the periods of market	3. Without prejudice to patent rights, or supplementary protection certificates[1], if a priority antimicrobial is withdrawn from the Union market prior to expiry of the periods of market	3. Without prejudice to patent rights, or supplementary protection certificates[1], if a priority antimicrobial is withdrawn from the Union market prior to expiry of the periods of market	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and data protection laid down in Articles 80 and 81 of [revised Directive 2001/83/EC], those periods shall not prevent the validation, authorisation and placing on the market of a medicinal product using the priority antimicrobial as a reference medicinal product in accordance with Chapter II, Section 2 of [revised Directive 2001/83]. __________ 1. Regulation (EC) No 469/2009 of the European Parliament and of the Council, (OJ L 152, 16.6.2009, p. 1).	and data protection laid down in Articles 80 and 81 of [revised Directive 2001/83/EC], those periods shall not prevent the validation, authorisation and placing on the market of a medicinal product using the priority antimicrobial as a reference medicinal product in accordance with Chapter II, Section 2 of [revised Directive 2001/83]. __________ 1. Regulation (EC) No 469/2009 of the European Parliament and of the Council, (OJ L 152, 16.6.2009, p. 1).	and data protection laid down in Articles 80 and 81 of [revised Directive 2001/83/EC], those periods shall not prevent the validation, authorisation and placing on the market of a medicinal product using the priority antimicrobial as a reference medicinal product in accordance with Chapter II, Section 2 of [revised Directive 2001/83]. __________ 1. Regulation (EC) No 469/2009 of the European Parliament and of the Council, (OJ L 152, 16.6.2009, p. 1).	
Article 43				
472	Article 43	Article 43	Article 43	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Duration of application of Chapter III	Duration of application of Chapter III	Duration of application of Chapter III	
Article 43, first paragraph				
473	This Chapter shall apply until [Note to OP: insert the date of 15 years after the date of entry into force of this Regulation] or until the date when the Commission has granted a total of 10 vouchers in accordance with this Chapter, whichever date is the earliest.	This Chapter shall apply ~~*until [Note to OP: insert the date of 15 years after*~~ ***immediately from ... [****the date of entry into force of this Regulation]*** and for 15 years*** or until the date when the Commission has granted a total of 10 vouchers in accordance with this Chapter, whichever date is the earliest.	This Chapter shall apply**, taking into account the outcome of the evaluation referred to in Article 170 paragraph 6,** until [Note to OP: insert the date of 15 years after the date of entry into force of this Regulation] or until the date when the Commission has granted a total of ~~10~~**5** vouchers in accordance with this Chapter, whichever date is the earliest.	
Article 43, first paragraph a				
473a		***By ... [five years from the date of entry into force of this***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Regulation], the Commission shall submit an evaluation report to the European Parliament and to the Council containing a scientific assessment measuring the progress with regard to antimicrobial research and development and the effectiveness of the incentives and rewards in this Chapter.		
CHAPTER IV				
474	CHAPTER IV POST-MARKETING AUTHORISATION MEASURES	CHAPTER IV POST-MARKETING AUTHORISATION MEASURES	CHAPTER IV POST-MARKETING AUTHORISATION MEASURES	
Article 44				
475	Article 44	Article 44	Article 44	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Urgent safety or efficacy restrictions	Urgent safety or efficacy restrictions	Urgent safety or efficacy restrictions	
Article 44(1), first subparagraph				
476	1. If, in the event of a risk to public health, the marketing authorisation holder takes urgent safety or efficacy restrictions on their own initiative, the marketing authorisation holder shall immediately inform the Agency.	1. If, in the event of a risk to public health, the marketing authorisation holder takes urgent safety or efficacy restrictions on their own initiative, the marketing authorisation holder shall immediately inform the Agency.	1. If, in the event of a risk to public health, the marketing authorisation holder takes urgent safety or efficacy restrictions on their own initiative, the marketing authorisation holder shall immediately inform the Agency **and the competent authorities of the Member States where the medicinal product is placed on the market**.	
Article 44(1), second subparagraph				
477	If the Agency has not raised objections within 24 hours	If the Agency has not raised objections within 24 hours	If the Agency has not raised objections within 24 hours	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following receipt of the information, the urgent safety or efficacy restrictions shall be deemed temporarily accepted.	following receipt of the information, the urgent safety or efficacy restrictions shall be deemed temporarily accepted.	following receipt of the information, the urgent safety or efficacy restrictions shall be deemed temporarily accepted.	
Article 44(1), third subparagraph				
478	The marketing authorisation holder shall submit the corresponding application for variation within 15 days following initiation of that restriction in accordance with Article 47.	The marketing authorisation holder shall submit the corresponding application for variation within 15 days following initiation of that restriction in accordance with Article 47.	The marketing authorisation holder shall submit the corresponding application for variation within ~~15~~**12** days following initiation of that restriction in accordance with Article 47.	
Article 44(2), first subparagraph				
479	2. In the event of a risk to public health, the Commission may vary the marketing authorisation to impose urgent	2. In the event of a risk to public health, the Commission may vary the marketing authorisation to impose urgent	2. In the event of a risk to public health, the Commission may vary the marketing authorisation to impose urgent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	safety or efficacy restrictions on the marketing authorisation holder.	safety or efficacy restrictions on the marketing authorisation holder.	safety or efficacy restrictions on the marketing authorisation holder.	
Article 44(2), second subparagraph				
480	The Commission shall take the decision to amend the marketing authorisation by means of implementing acts.	The Commission shall take the decision to amend the marketing authorisation by means of implementing acts.	The Commission shall take the decision to amend the marketing authorisation by means of implementing acts.	
Article 44(2), third subparagraph				
481	Where the Commission decision in accordance with this Article imposes restrictions with regard to the safe and effective use of the medicinal product, it may also adopt a decision addressed to the Member States pursuant to Article 57.	Where the Commission decision in accordance with this Article imposes restrictions with regard to the safe and effective use of the medicinal product, it may also adopt a decision addressed to the Member States pursuant to Article 57.	Where the Commission decision in accordance with this Article imposes restrictions with regard to the safe and effective use of the medicinal product, it may also adopt a decision addressed to the Member States pursuant to Article 57.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44(2), fourth subparagraph				
482	Where the marketing authorisation holder disagrees with the Commission decision, they may provide to the Agency written observations on the variation within 15 days of their receipt of the Commission decision. The Agency shall, based on the written observation, issue an opinion whether an amendment of the variation is required.	Where the marketing authorisation holder disagrees with the Commission decision, they may provide to the Agency written observations on the variation within 15 days of their receipt of the Commission decision. The Agency shall, based on the written observation, issue an opinion whether an amendment of the variation is required.	Where the marketing authorisation holder disagrees with the Commission decision, they may provide to the Agency written observations on the variation within ~~15~~ **12** days of their receipt of the Commission decision. The Agency shall, based on the written observation, issue an opinion whether an amendment of the variation is required.	
Article 44(2), fifth subparagraph				
483	If an amendment of the variation is required, the Commission shall take a final decision in accordance with the examination procedure referred to in Article 173(2).	If an amendment of the variation is required, the Commission shall take a final decision in accordance with the examination procedure referred to in Article 173(2).	If an amendment of the variation is required, the Commission shall take a final decision in accordance with the examination procedure referred to in Article 173(2).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44(2), sixth subparagraph				
484	If a referral under Article 55 of this Regulation or under Article 95 or 114 of [revised Directive 2001/83/EC] is launched on the same safety or efficacy concern covered by this variation, any written observation provided by the marketing authorisation holder shall be considered in that referral.	If a referral under Article 55 of this Regulation or under Article 95 or 114 of [revised Directive 2001/83/EC] is launched on the same safety or efficacy concern covered by this variation, any written observation provided by the marketing authorisation holder shall be considered in that referral.	If a referral under Article 55 of this Regulation or under Article 95 or 114 of [revised Directive 2001/83/EC] is launched on the same safety or efficacy concern covered by this variation, any written observation provided by the marketing authorisation holder shall be considered in that referral.	
Article 45				
485	Article 45 Update of a marketing authorisation related to scientific and technological developments	Article 45 Update of a marketing authorisation related to scientific and technological developments	Article 45 Update of a marketing authorisation related to scientific and technological developments	
Article 45(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
486	1. After a marketing authorisation has been granted in accordance with this Regulation, the marketing authorisation holder shall, in respect of the methods of manufacture and control provided for in Annex I, points (6) and (10), to [revised Directive 2001/83/EC], 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. The marketing authorisation holder shall apply for approval of corresponding variations in accordance with Article 47 of this Regulation.	1. After a marketing authorisation has been granted in accordance with this Regulation, the marketing authorisation holder shall, in respect of the methods of manufacture and control provided for in Annex I, points (6) and (10), to [revised Directive 2001/83/EC], 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. The marketing authorisation holder shall apply for approval of corresponding variations in accordance with Article 47 of this Regulation.	1. After a marketing authorisation has been granted in accordance with this Regulation, the marketing authorisation holder shall, in respect of the methods of manufacture and control provided for in Annex I, points (6) and (10), to [revised Directive 2001/83/EC], 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. The marketing authorisation holder shall apply for approval of corresponding variations in accordance with Article 47 of this Regulation.	
Article 45(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
487	2. The marketing authorisation holder shall without undue delay provide the Agency, the Commission and the Member States with any new information which might entail the amendment of the particulars or documentation referred to in Annex I, Articles 11, 28, 41 or 62 of [revised Directive 2001/83/EC], in Annex II to that Directive, or in Article 12(4) of this Regulation.	2. The marketing authorisation holder shall without undue delay provide the Agency, the Commission and the Member States with any new information which might entail the amendment of the particulars or documentation referred to in Annex I, Articles 11, 28, 41 or 62 of [revised Directive 2001/83/EC], in Annex II to that Directive, or in Article 12(4) of this Regulation.	2. The marketing authorisation holder shall without undue delay provide the Agency, the Commission and the Member States with any new information which might entail the amendment of the particulars or documentation referred to in Annex I, Articles 11, 28, 41 **(5)** or 62 of [revised Directive 2001/83/EC], in Annex II to that Directive, or in Article 12(4) of this Regulation.	
Article 45(2), second subparagraph				
488	The marketing authorisation holder shall without undue delay inform the Agency and the Commission of any prohibition or restriction imposed on the marketing authorisation holder or	The marketing authorisation holder shall without undue delay inform the Agency and the Commission of any prohibition or restriction imposed on the marketing authorisation holder or	The marketing authorisation holder shall without undue delay inform the Agency ~~and~~**,** the Commission **and the competent authorities of the Member States** of any prohibition or restriction	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any entity in contractual relationship with the marketing authorisation holder by the competent authorities of any country in which the medicinal product is marketed and of any other new information which might influence the evaluation of the benefits and risks of the medicinal product concerned. The information shall include both positive and negative results of clinical trials or other studies in all indications and populations, whether or not included in the marketing authorisation, as well as data on the use of the medicinal product where such use is outside the terms of the marketing authorisation.	any entity in contractual relationship with the marketing authorisation holder by the competent authorities of any country in which the medicinal product is marketed and of any other new information which might influence the evaluation of the benefits and risks of the medicinal product concerned. The information shall include both positive and negative results of clinical trials or other studies in all indications and populations, whether or not included in the marketing authorisation, as well as data on the use of the medicinal product where such use is outside the terms of the marketing authorisation.	imposed on the marketing authorisation holder or any entity in contractual relationship with the marketing authorisation holder by the competent authorities of any country in which the medicinal product is marketed and of any other new information which might influence the evaluation of the benefits and risks of the medicinal product concerned. The information shall include both positive and negative results of clinical trials or other studies in all indications and populations, whether or not included in the marketing authorisation, as well as data on the use of the medicinal product where such use is outside the terms of the marketing authorisation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45(3)				
489	3. The marketing authorisation holder shall ensure that the product information and the terms of the marketing authorisation including the summary of product characteristics, the labelling and package leaflet are kept up to date with the current scientific knowledge including the conclusions of the assessment and recommendations made public by means of the European medicines web-portal set-up in accordance with Article 104.	3. The marketing authorisation holder shall ensure that the product information and the terms of the marketing authorisation including the summary of product characteristics, the labelling and package leaflet are kept up to date with the current scientific knowledge including the conclusions of the assessment and recommendations made public by means of the European medicines web-portal set-up in accordance with Article 104.	3. The marketing authorisation holder shall ensure that ~~the product information and~~ the terms of the marketing authorisation including the summary of product characteristics, the labelling and package leaflet are kept up to date with the current scientific knowledge including the conclusions of the assessment and recommendations made public by means of the European medicines web-portal set-up in accordance with Article 104.	
Article 45(4), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
490	4. The Agency may at any time request the marketing authorisation holder to submit data demonstrating that the benefit-risk balance remains favourable. The marketing authorisation holder shall answer fully and promptly any such request. The marketing authorisation holder shall also respond fully and within the time limit set to any request of a competent authority regarding the implementation of any measures previously imposed, including risk minimisation measures.	4. The Agency may at any time request the marketing authorisation holder to submit data demonstrating that the benefit-risk balance remains favourable. The marketing authorisation holder shall answer fully and ~~promptly~~ ***within the time limit set for*** any such request. The marketing authorisation holder shall also respond fully and within the time limit set ~~to~~ any ***such*** request of a competent authority regarding the implementation of any measures previously imposed, including risk minimisation measures.	4. The Agency may at any time request the marketing authorisation holder to submit data demonstrating that the benefit-risk balance remains favourable. The marketing authorisation holder shall answer fully and promptly any such request. The marketing authorisation holder shall also respond fully and within the time limit set to any request of a competent authority regarding the implementation of any measures previously imposed, including risk minimisation measures.	
Article 45(4), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
491	The Agency may at any time ask the marketing authorisation holder to submit a copy of the pharmacovigilance system master file. The marketing authorisation holder shall submit that copy at the latest seven days after receipt of the request.	The Agency may at any time ask the marketing authorisation holder to submit a copy of the pharmacovigilance system master file. The marketing authorisation holder shall submit that copy at the latest seven days after receipt of the request.	The Agency may at any time ask the marketing authorisation holder to submit a copy of the pharmacovigilance system master file. The marketing authorisation holder shall submit that copy at the latest seven days after receipt of the request.	
Article 45(4), third subparagraph				
492	The marketing authorisation holder shall also respond fully and within the time limit set to any request of a competent authority regarding the implementation of any measures previously imposed with regard to risks to the environment or public health, including antimicrobial resistance.	The marketing authorisation holder shall also respond fully and within the time limit set to any request of a competent authority regarding the implementation of any measures previously imposed with regard to risks to the environment or public health, including antimicrobial resistance.	The marketing authorisation holder shall also respond fully and within the time limit set to any request of a competent authority regarding the implementation of any measures previously imposed with regard to risks to the environment or public health, including antimicrobial resistance.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45(4a)				
492a			**4a. The Agency, through its scientific committees, may consider additional evidence available, independently from the data submitted by the marketing authorisation applicant or marketing authorisation holder. On that basis, if the additional evidence has an impact on the benefit-risk balance of a medicinal product, the Agency may recommend that the summary of product characteristics shall be updated. In this case the marketing authorisation holder shall submit to the Agency an appropriate application for a variation, including an updated**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			summary of product characteristics."	
Article 46				
493	Article 46 Update of risk management plans	Article 46 Update of risk management plans	Article 46 Update of risk management plans	
Article 46(1), first subparagraph				
494	1. The marketing authorisation holder of a medicinal product referred to in Articles 9, and 11 of [revised Directive 2001/83/EC] shall submit to the Agency a risk management plan and a summary thereof, where the marketing authorisation for the reference medicinal product is withdrawn but the marketing authorisation for the medicinal	1. The marketing authorisation holder of a medicinal product referred to in Articles 9, and 11 of [revised Directive 2001/83/EC] shall submit to the Agency a risk management plan and a summary thereof, where the marketing authorisation for the reference medicinal product is withdrawn but the marketing authorisation for the medicinal	1. The marketing authorisation holder of a medicinal product referred to in Articles 9~~,~~ and 11 **of [revised Directive 2001/83/EC], who did not submit a risk management plan in accordance with 21** of [Revised Directive 2001/83/EC] shall submit to the Agency a risk management plan and a summary thereof, where the marketing	

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	product referred to in Articles 9 and 11 of [revised Directive 2001/83/EC] is maintained.	product referred to in Articles 9 and 11 of [revised Directive 2001/83/EC] is maintained.	authorisation for the reference medicinal product is withdrawn but the marketing authorisation for the medicinal product referred to in Articles 9 and 11 of [revised Directive 2001/83/EC] is maintained.	
Article 46(1), second subparagraph				
495	The risk management plan and the summary thereof shall be submitted to the Agency within 60 days of the withdrawal of the marketing authorisation for the reference medicinal product by means of a variation in accordance with Article 47.	The risk management plan and the summary thereof shall be submitted to the Agency within 60 days of the withdrawal of the marketing authorisation for the reference medicinal product by means of a variation in accordance with Article 47.	The risk management plan and the summary thereof shall be submitted to the Agency within 60 days of the withdrawal of the marketing authorisation for the reference medicinal product by means of a variation in accordance with Article 47.	
Article 46(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
496	2. The Agency may impose an obligation on a marketing authorisation holder for a medicinal product referred to in Articles 9, 10, 11 and 12 of [revised Directive 2001/83/EC] to submit a risk management plan and summary thereof where:	2. The Agency may impose an obligation on a marketing authorisation holder for a medicinal product referred to in Articles 9, 10, 11 and 12 of [revised Directive 2001/83/EC] to submit a risk management plan and summary thereof where:	2. The Agency may impose an obligation on a marketing authorisation holder for a medicinal product referred to in Articles 9~~, 10, 11 and 12~~ **and 11** of [revised Directive 2001/83/EC] to submit a risk management plan and summary thereof where:	
Article 46(2), point (a)				
497	(a) additional risk minimisation measures have been imposed concerning the reference medicinal product; or	(a) additional risk minimisation measures have been imposed concerning the reference medicinal product; or	(a) additional risk minimisation measures have been imposed concerning the reference medicinal product; or	
Article 46(2), point (b)				
498	(b) it is justified on pharmacovigilance grounds.	(b) it is justified on pharmacovigilance grounds.	(b) it is justified on pharmacovigilance grounds.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 46(3)				
499	3. In the case mentioned referred to in paragraph 2, point (a), the risk management plan shall be aligned with the risk management plan for the reference medicinal product.	3. In the case mentioned referred to in paragraph 2, point (a), the risk management plan shall be aligned with the risk management plan for the reference medicinal product.	3. In the case mentioned referred to in ~~paragraph~~**paragraphs 1 and** 2, point (a), the risk management plan shall be aligned with the risk management plan for the reference medicinal product.	
Article 46(4)				
500	4. The imposition of the obligation referred to in paragraph 3, shall be duly justified in writing, notified to the marketing authorisation holder and shall include the deadline for submission of the risk management plan and the	4. The imposition of the obligation referred to in paragraph 3, shall be duly justified in writing, notified to the marketing authorisation holder and shall include the deadline for submission of the risk management plan and the	4. The imposition of the obligation referred to in paragraph ~~3~~**2**, shall be duly justified in writing, notified to the marketing authorisation holder and shall include the deadline for submission of the risk management plan and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	summary by means of a variation in accordance with Article 47.	summary by means of a variation in accordance with Article 47.	summary by means of a variation in accordance with Article 47.	
Article 47				
501	Article 47 Variation of marketing authorisation	Article 47 Variation of marketing authorisation	Article 47 Variation of marketing authorisation	
Article 47(1)				
502	1. An application for variation of a centralised marketing authorisation by the marketing authorisation holder shall be made electronically in the formats made available by the Agency, unless the variation is an update by the marketing	1. An application for variation of a centralised marketing authorisation by the marketing authorisation holder shall be made electronically in the formats made available by the Agency, unless the variation is an update by the marketing authorisation holder of their information held in a database.	1. An application for variation of a centralised marketing authorisation by the marketing authorisation holder shall be made electronically in the formats made available by the Agency, unless the variation is an update by the marketing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorisation holder of their information held in a database.	***<u>The electronic format shall include a baseline sequence in relations to the Common Technical Document (CTD).</u>***	authorisation holder of their information held in a database.	
Article 47(2)				
503	2. Variations shall be classified in different categories depending on the level of risk to public health and the potential impact on the quality, safety and efficacy of the medicinal product concerned. Those categories shall range from changes to the terms of the marketing authorisation that have the highest potential impact on the quality, safety or efficacy of the medicinal product, to changes that have no or minimal impact	2. Variations shall be classified in different categories depending on the level of risk to public health and the potential impact on the quality, safety and efficacy of the medicinal product concerned. Those categories shall range from changes to the terms of the marketing authorisation that have the highest potential impact on the quality, safety or efficacy of the medicinal product, to changes that have no or minimal impact	2. Variations shall be classified in different categories depending on the level of risk to public health and the potential impact on the quality, safety and efficacy of the medicinal product concerned. Those categories shall range from changes to the terms of the marketing authorisation that have the highest potential impact on the quality, safety or efficacy of the medicinal product, to changes that have no or minimal impact	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	thereon and to administrative changes.	thereon and to administrative changes.	thereon and to administrative changes.	
Article 47(3)				
504	3. The procedures for examination of applications for variations shall be proportionate to the risk and impact involved. Those procedures shall range from procedures that allow implementation only after approval based on a complete scientific assessment to procedures that allow immediate implementation and subsequent notification by the marketing authorisation holder to the Agency. Such procedures may also include updates by the marketing authorisation holder of	3. The procedures for examination of applications for variations shall be proportionate to the risk and impact involved. Those procedures shall range from procedures that allow implementation only after approval based on a complete scientific assessment to procedures that allow immediate implementation and subsequent notification by the marketing authorisation holder to the Agency. Such procedures may also include updates by the marketing authorisation holder of	3. The procedures for examination of applications for variations shall be proportionate to the risk and impact involved. Those procedures shall range from procedures that allow implementation only after approval based on a complete scientific assessment to procedures that allow immediate implementation and subsequent notification by the marketing authorisation holder to the Agency. Such procedures may also include updates by the marketing authorisation holder of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	their information held in a database.	their information held in a database.	their information held in a database.	
Article 47(4)				
505	4. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing the following:	4. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing the following:	4. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing the following:	
Article 47(4), point (a)				
506	(a) the categories referred to in paragraph 2 in which variations shall be classified;	(a) the categories referred to in paragraph 2 in which variations shall be classified;	(a) the categories referred to in paragraph 2 in which variations shall be classified;	
Article 47(4), point (b)				
507	(b) procedures for the examination of applications for	(b) procedures for the examination of applications for	(b) procedures for the examination of applications for	

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	variations to the terms of marketing authorisations, including procedures for updates through a database;	variations to the terms of marketing authorisations, including procedures for updates through a database;	variations to the terms of marketing authorisations, including procedures for updates through a database;	
Article 47(4), point (c)				
508	(c) the conditions for submission of a single application for more than one change to the terms of the same marketing authorisation and for the same change to the terms of several marketing authorisations;	(c) the conditions for submission of a single application for more than one change to the terms of the same marketing authorisation and for the same change to the terms of several marketing authorisations;	(c) the conditions for submission of a single application for more than one change to the terms of the same marketing authorisation and for the same change to the terms of several marketing authorisations;	
Article 47(4), point (d)				
509	(d) specifying exemptions to the variation procedures where the update of information in the marketing authorisation referred to	(d) specifying exemptions to the variation procedures where the update of information in the marketing authorisation referred to	(d) specifying exemptions to the variation procedures where the update of information in the marketing authorisation referred to	

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	in Annex I may be directly implemented;	in Annex I may be directly implemented;	in Annex I **of the [revised Directive 2001/83]** may be directly implemented;	
Article 47(4), point (e)				
510	(e) the conditions and procedures for cooperation with competent authorities of third countries or international organisations on examination of applications for variations to the terms of marketing authorisation.	(e) the conditions and procedures for cooperation with competent authorities of third countries or international organisations on examination of applications for variations to the terms of marketing authorisation.	(e) the conditions and procedures for cooperation with competent authorities of third countries or international organisations on examination of applications for variations to the terms of marketing authorisation.	
Article 48				
511	Article 48 Scientific opinion on data submitted from not-for-profit	Article 48 Scientific opinion on data submitted from not-for-profit	Article 48 Scientific opinion on data submitted from ~~not-for-profit~~ entities **not engaged in an**	

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	entities for repurposing of authorised medicinal products	entities for repurposing of authorised medicinal products	**economic activity** for repurposing of authorised medicinal products	
Article 48(1), first subparagraph				
512	1. An entity not engaged in an economic activity ('not-for-profit entity') may submit to the Agency or to a competent authority of the Member State substantive non-clinical or clinical evidence for a new therapeutic indication that is expected to fulfil an unmet medical need.	1. An entity not engaged in an economic activity ('not-for-profit entity') may submit to the Agency or to a competent authority of the Member State substantive non-clinical or clinical evidence for a new therapeutic indication ~~*that is expected to fulfil an unmet medical need*~~.	1. An entity not engaged in an economic activity ~~('not-for-profit entity')~~ may submit to the Agency or to a competent authority of the Member State substantive non-clinical or clinical evidence for a new therapeutic indication ~~that is expected to fulfil an unmet medical need~~.	
Article 48(1), second subparagraph				
513	The Agency may, at the request of a Member State, the Commission, or on its own initiative and on the basis of all available evidence	The Agency may, at the request of a Member State, the Commission, or on its own initiative and on the basis of all available evidence,	The Agency may, at the request of a Member State, the Commission, or on its own initiative and on the basis of all available evidence	

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	make a scientific evaluation of the benefit-risk of the use of a medicinal product with a new therapeutic indication that concerns an unmet medical need.	***including any additional evidence that may be submitted by the marketing authorisation holders for the medicinal products concerned,*** make a scientific evaluation of the benefit-risk of the use of a medicinal product with a new therapeutic indication ~~*that concerns an unmet medical need*~~.	make a scientific evaluation of the benefit-risk of the use of a medicinal product with a new therapeutic indication ~~that concerns an unmet medical need~~**The Agency shall draw up guidance on the consultation process**.	
Article 48(1), third subparagraph				
514	The opinion of the Agency shall be made publicly available and the competent authorities of the Member States shall be informed.	The opinion of the Agency shall be made publicly available and the competent authorities of the Member States ***and the marketing authorisation holder*** shall be informed.	The opinion of the Agency shall be made publicly available and the competent authorities of the Member States shall be informed.	
Article 48(2)				

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515	2. In cases where the opinion is favourable, marketing authorisation holders of the medicinal products concerned shall submit a variation to update the product information with the new therapeutic indication.	2. In cases where the opinion is favourable, marketing authorisation holders of the medicinal products concerned shall submit a variation to update the product information with the new therapeutic indication.	2. In cases where the opinion is favourable **and the new therapeutic indication addresses an unmet medical need**, **on the request of the Agency, the** marketing authorisation holders of the medicinal products concerned shall submit a variation to update the product information with the new therapeutic indication.	
Article 48(3)				
516	3. Article 81(2), point (c) of [revised Directive 2001/83/EC] shall not apply for variations under this Article.	*deleted*	3. Article ~~81(2), point (c)~~**80(2), 2nd subparagraph and Article 84(1)** of [revised Directive 2001/83/EC] shall not apply for variations under this Article.	
Article 49				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
517	Article 49 Transfer of marketing authorisation	Article 49 Transfer of marketing authorisation	Article 49 Transfer of marketing authorisation	
Article 49(1)				
518	1. A marketing authorisation may be transferred to a new marketing authorisation holder. Such a transfer shall not be considered to be a variation. The transfer shall be subject to prior approval by the Commission, by means of implementing acts, following the submission of an application for the transfer to the Agency.	1. A marketing authorisation may be transferred to a new marketing authorisation holder. Such a transfer shall not be considered to be a variation. The transfer shall be subject to prior approval by the Commission, by means of implementing acts, following the submission of an application for the transfer to the Agency.	1. A marketing authorisation may be transferred to a new marketing authorisation holder. Such a transfer shall not be considered to be a variation. The transfer shall be subject to prior approval by the Commission, by means of implementing acts, following the submission of an application for the transfer to the Agency.	
Article 49(2)				

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519	2. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing procedures for the examination of applications to the Agency for the transfer of marketing authorisations.	2. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing procedures for the examination of applications to the Agency for the transfer of marketing authorisations.	2. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by establishing procedures for the examination of applications to the Agency for the transfer of marketing authorisations.	
Article 50				
520	Article 50 Supervisory authority	Article 50 Supervisory authority	Article 50 Supervisory authority	
Article 50(1)				
521	1. In the case of medicinal products manufactured within the Union, the supervisory authorities for manufacturing shall be the	1. In the case of medicinal products manufactured within the Union, the supervisory authorities for manufacturing shall be the	1. In the case of medicinal products manufactured within the Union, the supervisory authorities for manufacturing shall be the	

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	competent authorities of the Member State or Member States which granted the manufacturing authorisation referred to in Article 142(1) of [revised Directive 2001/83/EC] in respect of the medicinal product concerned.	competent authorities of the Member State or Member States which granted the manufacturing authorisation referred to in Article 142(1) of [revised Directive 2001/83/EC] in respect of the medicinal product concerned.	competent authorities of the Member State or Member States which granted the manufacturing authorisation referred to in Article 142(1) of [revised Directive 2001/83/EC] in respect of the medicinal product concerned.	
Article 50(2), first subparagraph				
522	2. In the case of medicinal products imported from third countries, the supervisory authorities for imports shall be the competent authorities of the Member State or Member States that granted the authorisation referred to in Article 142(3) of [revised Directive 2001/83/EC] to the importer, unless appropriate agreements have been made	2. In the case of medicinal products imported from third countries, the supervisory authorities for imports shall be the competent authorities of the Member State or Member States that granted the authorisation referred to in Article 142(3) of [revised Directive 2001/83/EC] to the importer, unless appropriate agreements have been made	2. In the case of medicinal products imported from third countries, the supervisory authorities for imports shall be the competent authorities of the Member State or Member States that granted ~~the~~ **the manufacturing** authorisation ~~referred to in Article 142(3) of [revised Directive 2001/83/EC]~~ to the ~~importer, unless appropriate~~	

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	between the Union and the exporting country to ensure that those controls are carried out in the exporting country and that the manufacturer applies standards of good manufacturing practice at least equivalent to those laid down by the Union.	between the Union and the exporting country to ensure that those controls are carried out in the exporting country and that the manufacturer applies standards of good manufacturing practice at least equivalent to those laid down by the Union.	~~agreements have been made between the Union and the exporting country to ensure that those controls are carried out in the exporting country and that the manufacturer applies standards of good manufacturing practice at least equivalent to those laid down by the Union~~**holder that performs the certification**.	
Article 50(2), second subparagraph				
523	A Member State may request assistance from another Member State or from the Agency.	A Member State may request assistance from another Member State or from the Agency.	A Member State may request assistance from another Member State or from the Agency.	
Article 50(3)				
524	3. The supervisory authority for pharmacovigilance shall be the	3. The supervisory authority for pharmacovigilance shall be the	3. The supervisory authority for pharmacovigilance shall be the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	competent authority of the Member State in which the pharmacovigilance system master file is located.	competent authority of the Member State in which the pharmacovigilance system master file is located.	competent authority of the Member State in which the pharmacovigilance system master file is located.	
Article 51				
525	Article 51 Responsibilities of the supervisory authorities	Article 51 Responsibilities of the supervisory authorities	Article 51 Responsibilities of the supervisory authorities	
Article 51(1), first subparagraph				
526	1. The supervisory authorities for manufacturing and imports shall be responsible for verifying on behalf of the Union that the marketing authorisation holder for the medicinal product or the manufacturer or importer established within the Union	1. The supervisory authorities for manufacturing and imports shall be responsible for verifying on behalf of the Union that the marketing authorisation holder for the medicinal product or the manufacturer or importer established within the Union	1. The supervisory authorities for manufacturing and imports shall be responsible for verifying on behalf of the Union that the marketing authorisation holder for the medicinal product or the manufacturer or importer established within the Union	

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	satisfies the requirements concerning manufacturing and imports laid down in Chapters XI and XV of [revised Directive 2001/83/EC].	satisfies the requirements concerning manufacturing and imports laid down in Chapters XI and XV of [revised Directive 2001/83/EC].	satisfies the requirements concerning manufacturing and imports laid down in Chapters XI and XV of [revised Directive 2001/83/EC].	
Article 51(1), second subparagraph				
527	When carrying out the verification referred to in the first subparagraph, the supervisory authorities may request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use or by an inspector of the Agency.	When carrying out the verification referred to in the first subparagraph, the supervisory authorities may request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use or by an inspector of the Agency.	When carrying out the verification referred to in the first subparagraph, the supervisory authorities may request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use or by an inspector of the Agency.	
Article 51(1), third subparagraph				

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528	The supervisory authorities for pharmacovigilance shall be responsible for verifying on behalf of the Union that the marketing authorisation holder for the medicinal product satisfies the pharmacovigilance requirements laid down in Chapters IX and XV of [revised Directive 2001/83/EC].	The supervisory authorities for pharmacovigilance shall be responsible for verifying on behalf of the Union that the marketing authorisation holder for the medicinal product satisfies the pharmacovigilance requirements laid down in Chapters IX and XV of [revised Directive 2001/83/EC].	The supervisory authorities for pharmacovigilance shall be responsible for verifying on behalf of the Union that the marketing authorisation holder for the medicinal product satisfies the pharmacovigilance requirements laid down in Chapters IX and XV of [revised Directive 2001/83/EC].	
Article 51(1), fourth subparagraph				
529	The supervisory authorities for pharmacovigilance may, if necessary, conduct pre-authorisation inspections to verify the accuracy and successful implementation of the pharmacovigilance system as it has been described by the	The supervisory authorities for pharmacovigilance may, if necessary, conduct pre-authorisation inspections to verify the accuracy and successful implementation of the pharmacovigilance system as it has been described by the	The supervisory authorities for pharmacovigilance may, if necessary, conduct pre-authorisation inspections to verify the accuracy and successful implementation of the pharmacovigilance system as it has been described by the	

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	applicant in support of their application.	applicant in support of their application.	applicant in support of their application.	
Article 51(2), first subparagraph				
530	2. Where, in accordance with Article 202 of [revised Directive 2001/83/EC], the Commission is informed of serious differences of opinion between Member States as to whether the marketing authorisation holder for the medicinal product for human use or a manufacturer or importer established within the Union satisfies the requirements referred to in paragraph 1, the Commission may, after consultation with the Member States concerned, request an inspector from the supervisory authority to undertake a new	2. Where, in accordance with Article 202 of [revised Directive 2001/83/EC], the Commission is informed of serious differences of opinion between Member States as to whether the marketing authorisation holder for the medicinal product for human use or a manufacturer or importer established within the Union satisfies the requirements referred to in paragraph 1, the Commission may, after consultation with the Member States concerned, request an inspector from the supervisory authority to undertake a new	2. Where, in accordance with Article 202 of [revised Directive 2001/83/EC], the Commission is informed of serious differences of opinion between Member States as to whether the marketing authorisation holder for the medicinal product for human use or a manufacturer or importer established within the Union satisfies the requirements referred to in paragraph 1, the Commission may, after consultation with the Member States concerned, request an inspector from the supervisory authority to undertake a new	

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	inspection of the marketing authorisation holder, the manufacturer or the importer.	inspection of the marketing authorisation holder, the manufacturer or the importer.	inspection of the marketing authorisation holder, the manufacturer or the importer.	
Article 51(2), second subparagraph				
531	The inspector in question shall be accompanied by two inspectors from Member States which are not party to the dispute or by two experts nominated by the Committee for Medicinal Products for Human Use.	The inspector in question shall be accompanied by two inspectors from Member States which are not party to the dispute or by two experts nominated by the Committee for Medicinal Products for Human Use.	The inspector in question ~~shall~~**may** be accompanied by two inspectors from Member States which are not party to the dispute or by two experts nominated by the Committee for Medicinal Products for Human Use.	
Article 51(3), first subparagraph				
532	3. Taking into account any agreements which may have been concluded between the Union and third countries in accordance with Article 50, the Commission may,	3. Taking into account any agreements which may have been concluded between the Union and third countries in accordance with Article 50, the Commission may,	3. ~~Taking into account~~**Without prejudice to** any agreements which may have been concluded between the Union and third countries in accordance with	

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	following a reasoned request from a Member State or from the Committee for Medicinal Products for Human Use, or on its own initiative, require a manufacturer established in a third country to submit to an inspection.	following a reasoned request from a Member State or from the Committee for Medicinal Products for Human Use, or on its own initiative, require a manufacturer established in a third country to submit to an inspection.	Article 50, the Commission may, following a reasoned request from a Member State or from the Committee for Medicinal Products for Human Use, or on its own initiative, require a manufacturer established in a third country to submit to an inspection.	
Article 51(3), second subparagraph				
533	The inspection shall be undertaken by inspectors from the Member States who possess the appropriate qualifications. They may request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use or by an inspector of the Agency. The report of the inspectors shall be made available	The inspection shall be undertaken by inspectors from the Member States who possess the appropriate qualifications. They may request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use or by an inspector of the Agency. The report of the inspectors shall be made available	**The inspection shall be requested to the supervisory authority referred to in Article 50 (2).** The inspection shall be undertaken by inspectors from the Member States who possess the appropriate qualifications. They may request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal	

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	electronically to the Commission, the Member States and the Agency.	electronically to the Commission, the Member States and the Agency.	Products for Human Use or by an inspector of the Agency. The report of the inspectors shall be made available electronically to the Commission, the Member States and the Agency.	
Article 52				
534	Article 52 Inspection capacity of the Agency	Article 52 Inspection capacity of the Agency	Article 52 ~~Inspection capacity of~~ **Cooperation between national competent authorities and** the Agency **for inspections in third countries**	
Article 52(1)				
535	1. When an inspection, included in the system of supervision referred to in Article	1. When an inspection, included in the system of supervision referred to in Article	1. **Without prejudice to the responsabilities of the competent authorities as defined in Article**	

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	188(1), point (a) of [revised Directive 2001/83/EC] is requested, as referred to in Article 11(2), for a site located in a third country, the supervisory authority for this site may request the Agency to participate in the inspection or to carry out the inspection.	188(1), point (a) of [revised Directive 2001/83/EC] is requested, as referred to in Article 11(2), for a site located in a third country, the supervisory authority for this site may request the Agency to participate in the inspection or to carry out the inspection.	**188 (1) of [revised Directive 2001/83/EC],** when an inspection~~,~~ ~~included in the system of supervision referred to in~~ **is needed as per** Article 188(1), point (a) of [revised Directive 2001/83/EC] ~~is~~ **or** requested, as referred to in Article 11(2), for a site located in a third country, the **national competent** ~~supervisory~~ authority ~~for this site may request the Agency to participate in the inspection or to carry out the inspection.~~**concerned may:**	
Article 52(2), first subparagraph				
536	2. The Agency, following a request in accordance with paragraph 1, may decide either of the following:	2. The Agency, following a request in accordance with paragraph 1, may decide either of the following:	2. ~~The Agency, following a request in accordance with paragraph 1, may decide either of the following:~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 52(2), first subparagraph, point (a)				
537	(a) to lend its assistance by participating in a joint inspection with the supervisory authority of the site. In that case the supervisory authority leads the inspection and the follow up thereof. After completion of the inspection, the supervisory authority grants the relevant good manufacturing practice (GMP) certificate and enters the certificate in the Union database; or	(a) to lend its assistance by participating in a joint inspection with the supervisory authority of the site ***to assess compliance with good manufacturing practice (GMP) as well as any practices relating to environmental and worker safety***. In that case the supervisory authority leads the inspection and the follow up thereof. After completion of the inspection, the supervisory authority grants the relevant ~~*good manufacturing practice (GMP)*~~***GMP*** certificate and enters the certificate in the Union database; or	(a) **request the Agency to participate in the inspection. The Agency may**~~to~~ lend its assistance by participating in a joint inspection with the ~~supervisory~~ **requesting** authority of the site. In that case the ~~supervisory~~ **requesting** authority leads the inspection and the follow up thereof. ~~After completion of the inspection, the supervisory authority grants the relevant good manufacturing practice (GMP) certificate and enters the certificate in the Union database;~~ or	
Article 52(2), first subparagraph, point (aa)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
537a			**(aa) request the Agency to facilitate the cooperation among the competent authorities when a competent authority intends to delegate the inspection to another competent authority as reffered to in Article 189 (6) of [revised Directive 2001/83/EC]; and**	
Article 52(2), first subparagraph, point (b)				
538	(b) to carry out the inspection and the follow up thereof on behalf of the supervisory authority. After completion of the inspection, the Agency grants the relevant GMP certificate and enters the certificate in the Union database referred to in Article	(b) to carry out the inspection and the follow up thereof on behalf of the supervisory authority. After completion of the inspection, the Agency grants the relevant GMP certificate and enters the certificate in the Union database referred to in Article	(b) **if no national competent authority accepts the delegation to conduct the inspection as reffered to under point (aa), request the Agency** to carry out the inspection and the follow up thereof ~~on behalf~~**. If the inspection is in the interest** of the ~~supervisory authority~~**Union**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	188(15) of [revised Directive 2001/83/EC].	188(15) of [revised Directive 2001/83/EC].	**defined in Annex III, the Agency shall accept the delegation and conduct the inspection**. After completion of the inspection, the Agency grants the relevant GMP certificate and enters the certificate in the Union database referred to in Article 188(15) of [revised Directive 2001/83/EC].	
Article 52(2), second subparagraph				
539	Where the Agency decides to carry out the inspection, the Agency may request other Member States to participate in the inspection. To any such request, the provisions on joint inspections of Article 189 of [revised Directive 2001/83/EC] shall apply. In case the Agency carries out the	Where the Agency decides to carry out the inspection, the Agency may request other Member States to participate in the inspection. To any such request, the provisions on joint inspections of Article 189 of [revised Directive 2001/83/EC] shall apply. In case the Agency carries out the	Where the Agency ~~decides to carry~~ **carries** out the inspection, the Agency may request other Member States to participate in the inspection. To any such request, the provisions on joint inspections of Article 189 of [revised Directive 2001/83/EC] shall apply. ~~In case the Agency carries out the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	inspection in form of a joint inspection, the Agency leads the inspection.	inspection in form of a joint inspection, the Agency leads the inspection.	~~inspection in form of a joint inspection, the Agency leads the inspection.~~	
Article 52(2), third subparagraph				
540	The Agency may also request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use.	The Agency may also request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use.	The Agency may also request to be accompanied by a rapporteur or expert appointed by the Committee for Medicinal Products for Human Use.	
Article 52(2), fourth subparagraph				
541	Where a follow-up inspection is required in view of a non-compliance GMP certificate issued by the Agency, the supervisory authority of the site will be in charge of its performance; the procedure of paragraph 2 shall	Where a follow-up inspection is required in view of a non-compliance GMP certificate issued by the Agency, the supervisory authority of the site will be in charge of its performance; the procedure of paragraph 2 shall	Where a follow-up inspection is required in view of a **GMP** non-compliance ~~GMP certificate~~**statement** issued by the Agency, the ~~supervisory~~**Agency shall accept a request of the competent** authority ~~of the site~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	apply if the supervisory authority for this site requests the Agency to participate in the follow up inspection or to take over the performance of the inspection.	apply if the supervisory authority for this site requests the Agency to participate in the follow up inspection or to take over the performance of the inspection.	~~will be in charge of its performance; the procedure of paragraph 2 shall apply if the supervisory authority for this site requests the Agency to participate in the~~**to perform that** follow up inspection ~~or to take over the performance of the inspection~~.	
Article 52(3)				
542	3. The Agency shall take into account the criteria set out in Annex III when taking its decision in accordance with paragraph 2.	3. The Agency shall take into account the criteria set out in Annex III when taking its decision in accordance with paragraph 2.	3. ~~The Agency shall take into account the criteria set out in Annex III when taking its decision in accordance with paragraph 2.~~	
Article 52(4), first subparagraph				
543	4. Article 188, paragraph 6, and paragraphs 8 to 17 of [revised Directive 2001/83/EC] shall apply	4. Article 188, paragraph 6, and paragraphs 8 to 17 of [revised Directive 2001/83/EC] shall apply	4. Article 188, paragraph 6, and paragraphs 8 to 17 of [revised Directive 2001/83/EC] shall apply	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the inspections referred to in paragraph 2.	to the inspections referred to in paragraph 2.	to the inspections referred to in paragraph ~~2~~**1(c) accordingly**.	
Article 52(4), second subparagraph				
544	The Agency's inspectors shall have the same powers conferred on official representatives of the competent authority pursuant to these provisions.	The Agency's inspectors shall have the same powers conferred on official representatives of the competent authority pursuant to these provisions.	~~The Agency's inspectors shall have the same powers conferred on official representatives of the competent authority pursuant to these provisions.~~	
Article 52(5)				
545	5. Following a request by a Member State, the inspectors of the Agency may provide support to such Member State when it performs inspections referred to in Article 78 of Regulation (EU) 536/2014. The Agency shall take a decision whether to carry out itself	5. Following a request by a Member State, the inspectors of the Agency may provide support to such Member State when it performs inspections referred to in Article 78 of Regulation (EU) 536/2014. The Agency shall take a decision whether to carry out itself	5. Following a request by a Member State, the inspectors of the Agency may provide support to ~~such~~**that** Member State when it performs inspections ~~referred to in Article 78 of Regulation (EU) 536/2014. The Agency shall take a decision whether to carry out itself~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	such inspection based on the criteria set out in Annex III.	such inspection based on the criteria set out in Annex III.	~~such inspection based on the criteria set out in Annex III.~~**to verify the compliance with the principles of good clinical practice.**	
Article 52(6)				
546	6. The Agency shall ensure that	6. The Agency shall ensure that	6. The Agency shall ensure that	
Article 52(6), point (a)				
547	(a) appropriate resources are made available for the performance of inspection tasks in accordance with the paragraphs 2 and 5;	(a) appropriate resources are made available for the performance of inspection tasks in accordance with the paragraphs 2 and 5;	(a) appropriate resources are made available for the performance of inspection tasks in accordance with the paragraphs ~~2 and 5~~**1 and 3**;	
Article 52(6), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
548	(b) the inspectors of the Agency possess expertise, technical knowledge, and formal qualifications equivalent to those of the national inspectors as detailed in the compilation, published by the Commission, on Union procedures on inspections and exchange of information.	(b) the inspectors of the Agency possess expertise, technical knowledge, and formal qualifications equivalent to those of the national inspectors as detailed in the compilation, published by the Commission, on Union procedures on inspections and exchange of information.	(b) the inspectors of the Agency possess expertise, technical knowledge, and formal qualifications equivalent to those of the national inspectors as detailed in the compilation, published by the Commission, on Union procedures on inspections and exchange of information.	
Article 52(6), point (c)				
549	(c) it participates as an inspectorate in the Joint Audit Programme and be subjected to periodic audits.	(c) it participates as an inspectorate in the Joint Audit Programme and be subjected to periodic audits.	(c) it **shall implement a quality system in accordance with the principles as referred to in Article 190(1)(a) of [revised Directive 2001/83/EC], to the extent applicable and** participates as an inspectorate in the Joint Audit Programme and be subjected to periodic audits.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 52(6), point (d)				
549a			**(d) the Agency shall review its inspectorate regularly to ensure that its resources are providing appropriate additional capacity to national competent authorities without undermining the national competent authority inspection resources. Where needed, the Agency should take the necessary actions for improvement.**	
Article 52(7)				
549b			**7. The cooperation between national competent authorities and the Agency for the inspections of the interest of the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Union shall be facilitated by the inspection working groups referred to in Article 142, point (k).	
Article 53				
550	Article 53 International Inspections	Article 53 International Inspections	Article 53 International Inspections	
Article 53(1)				
551	1. The Agency shall in consultation with the Commission, coordinate a structured cooperation on inspections in third countries between Member States, and as relevant the European Directorate for the Quality of Medicines and Healthcare of the Council of Europe, the World	1. The Agency shall in consultation with the Commission, coordinate a structured cooperation on inspections in third countries between Member States, and as relevant the European Directorate for the Quality of Medicines and Healthcare of the Council of Europe, the World	1. The Agency shall in consultation with the Commission **and Member States**, coordinate a structured cooperation on inspections in third countries between Member States, and as relevant the European Directorate for the Quality of Medicines and Healthcare of the Council of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Health Organisation and trusted international authorities, by means of international inspection programmes.	Health Organisation and trusted international authorities, by means of international inspection programmes.	Europe, the World Health Organisation and trusted international authorities, by means of international inspection programmes.	
Article 53(2)				
552	2. In cooperation with the Agency, the Commission may adopt detailed guidelines laying down the principles applicable to those international inspection programmes.	2. In cooperation with the Agency, the Commission ~~*may*~~***shall*** adopt detailed guidelines laying down the principles applicable to those international inspection programmes. ***The guidelines shall include rules on impartially, independence and conflict of interest of inspectors.***	2. In cooperation with the Agency **and the Member States**, the Commission may adopt detailed guidelines laying down the principles applicable to those international inspection programmes.	
Article 54				
553	Article 54	Article 54	Article 54	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Joint Audit Programme	Joint Audit Programme	Joint Audit Programme	
Article 54(1), first subparagraph				
554	1. The inspection working group referred to in Article 142, point (k), shall ensure the following:	1. The inspection working group referred to in Article 142, point (k), shall ensure the following:	1. The inspection working group referred to in Article 142, point (k), shall ensure the following:	
Article 54(1), first subparagraph, point (a)				
555	(a) establish and develop the joint audit programme ('JAP') and supervise it;	(a) establish and develop the joint audit programme ('JAP') and supervise it;	(a) establish and develop the joint audit programme ('JAP') and supervise it;	
Article 54(1), first subparagraph, point (b)				
556	(b) monitor any measure taken by the Member State pursuant and limited to paragraph 4;	(b) monitor any measure taken by the Member State pursuant and limited to paragraph 4;	(b) monitor any measure taken by the Member State **and the Agency** pursuant and limited to paragraph 4 **and in cooperation**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			with the concerned Member State or the Agency;	
Article 54(1), first subparagraph, point (c)				
557	(c) ensure cooperation with relevant international and Union level bodies to facilitate the work of the joint audit programme.	(c) ensure cooperation with relevant international and Union level bodies to facilitate the work of the joint audit programme.	(c) ensure cooperation with relevant international and Union level bodies to facilitate the work of the joint audit programme **and to facilitate the recognition of the inspections carried out by the competent authorities at an international level**.	
Article 54(1), second subparagraph				
558	For the purposes of the first subparagraph, the inspection working group may establish an operational subgroup.	For the purposes of the first subparagraph, the inspection working group may establish an operational subgroup.	For the purposes of the first subparagraph, the inspection working group may establish an operational subgroup.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 54(2)				
559	2. For the purposes of paragraph 1, point (a), each Member State shall:	2. For the purposes of paragraph 1, point (a), each Member State shall:	2. For the purposes of paragraph 1, point (a), each Member State shall:	
Article 54(2), point (a)				
560	(a) provide trained auditors;	(a) provide trained auditors;	(a) provide trained auditors;	
Article 54(2), point (b)				
561	(b) accept that the competent authority in charge of the implementation of good manufacturing and good distribution practice and related surveillance and enforcement activities applicable to medicinal products and active substances are audited, regularly and where	(b) accept that the competent authority in charge of the implementation of good manufacturing and good distribution practice and related surveillance and enforcement activities applicable to medicinal products and active substances are audited, regularly and where	(b) accept that the competent ~~authority~~**authorities** in charge of the implementation of good manufacturing and good distribution practice and related surveillance and enforcement activities applicable to medicinal products and active substances are audited, regularly and where	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appropriate, according to the joint audit programme.	appropriate, according to the joint audit programme.	appropriate, according to the joint audit programme.	
Article 54(3)				
562	3. The joint audit programme shall be considered an integral part of the quality system of the inspectorates referred to in Article 3(3) of Commission Directive (EU) 2017/1572[1] and ensure that adequate and equivalent quality standards are maintained within the Union network of national competent authorities. _____ 1. Commission Directive (EU) 2017/1572 of 15 September 2017 supplementing Directive 2001/83/EC of the European Parliament and of the Council as regards the principles and guidelines of good	3. The joint audit programme shall be considered an integral part of the quality system of the inspectorates referred to in Article 3(3) of Commission Directive (EU) 2017/1572[1] and ensure that adequate and equivalent quality standards are maintained within the Union network of national competent authorities. _____ 1. Commission Directive (EU) 2017/1572 of 15 September 2017 supplementing Directive 2001/83/EC of the European Parliament and of the Council as regards the principles and guidelines of good	3. The joint audit programme shall be considered an integral part of the quality system of the inspectorates referred to in Article 3(3) of Commission Directive (EU) 2017/1572[1] and **the inspectorate within the Agency and** ensure that adequate and equivalent quality standards are maintained within the Union network of national competent authorities. _____ 1. **[1]** Commission Directive (EU) 2017/1572 of 15 September 2017 supplementing Directive 2001/83/EC of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	manufacturing practice for medicinal products for human use (OJ L 238, 16.9.2017, p. 44).	manufacturing practice for medicinal products for human use (OJ L 238, 16.9.2017, p. 44).	the European Parliament and of the Council as regards the principles and guidelines of good manufacturing practice for medicinal products for human use (OJ L 238, 16.9.2017, p. 44).	
Article 54(4), first subparagraph				
563	4. Under the joint audit programme, the auditors shall issue an audit report after each audit. The audit report shall include, where relevant, appropriate recommendations on measures that the Member State concerned shall consider to take to ensure that its relevant quality system and its enforcement activities are consistent with Union quality standards.	4. Under the joint audit programme, the auditors shall issue an audit report after each audit. The audit report shall include, where relevant, appropriate recommendations on measures that the Member State concerned shall consider to take to ensure that its relevant quality system and its enforcement activities are consistent with Union quality standards.	4. Under the joint audit programme, the auditors shall issue an audit report after each audit. The audit report shall include, where relevant, appropriate recommendations on measures that the Member State concerned **or the Agency** shall consider to take to ensure that its relevant quality system and its enforcement activities are consistent with Union quality standards.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 54(4), second subparagraph				
564	At the request of the Member State, the Commission or the Agency may support that Member State in taking the appropriate measures pursuant to the first subparagraph.	At the request of the Member State, the Commission or the Agency may support that Member State in taking the appropriate measures pursuant to the first subparagraph.	At the request of the Member State, the Commission or the Agency may support that Member State in taking the appropriate measures pursuant to the first subparagraph.	
Article 54(5)				
565	5. For the purposes of paragraph 4, the Agency shall:	5. For the purposes of paragraph 4, the Agency shall:	5. For the purposes of paragraph 4, the Agency **in particular through its inspection working group referred to in Article 142(k),** shall:	
Article 54(5), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
566	(a) ensure the quality and consistency of the joint audit programme's audit reports;	(a) ensure the quality and consistency of the joint audit programme's audit reports;	(a) ensure **the harmonisation of the assessment during the joint audit programme's audits and** the quality and consistency of ~~the joint audit programme's~~ audit reports;	
Article 54(5), point (b)				
567	(b) establish the criteria for the provision of the joint audit programme's recommendations.	(b) establish the criteria for the provision of the joint audit programme's recommendations.	(b) establish the criteria for the provision of the joint audit programme's recommendations.	
Article 54(6)				
568	6. The compilation of Union procedures on inspections and exchange of information referred to in Article 3(1) of Directive 2017/1572 shall be updated by the Agency to cover rules applicable	6. The compilation of Union procedures on inspections and exchange of information referred to in Article 3(1) of Directive 2017/1572 shall be updated by the Agency to cover rules applicable	6. The compilation of Union procedures on inspections and exchange of information referred to in Article 3(1) of Directive 2017/1572 shall be updated by the Agency to cover rules applicable	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the functioning, structure, and tasks of the joint audit programme.	to the functioning, structure, and tasks of the joint audit programme.	to the functioning, structure, and tasks of the joint audit programme.	
Article 54(7)				
569	7. The Union shall provide the financing for activities that support the work of the joint audit programme.	7. The Union shall provide the financing for activities that support the work of the joint audit programme.	7. The Union shall provide the financing for activities that support the work of the joint audit programme.	
Article 55				
570	Article 55 Referral procedure	Article 55 Referral procedure	Article 55 Referral procedure	
Article 55(1), first subparagraph				
571	1. Where the supervisory authorities or the competent authorities of any other Member State are of the opinion that the	1. Where the supervisory authorities or the competent authorities of any other Member State are of the opinion that the	1. Where the supervisory authorities or the competent authorities of any other Member State are of the opinion that the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	manufacturer or importer established within the Union territory is no longer fulfilling the obligations laid down in Chapter XI of [revised Directive 2001/83/EC], they shall without undue delay inform the Agency and the Commission, stating their reasons in detail and indicating the course of action proposed.	manufacturer or importer established within the Union territory is no longer fulfilling the obligations laid down in Chapter XI of [revised Directive 2001/83/EC], they shall without undue delay inform the Agency and the Commission, stating their reasons in detail and indicating the course of action proposed.	manufacturer or importer established within the Union territory is no longer fulfilling the obligations laid down in Chapter XI of [revised Directive 2001/83/EC], they shall without undue delay inform the Agency and the Commission, stating their reasons in detail and indicating the course of action proposed.	
Article 55(1), second subparagraph				
572	Similarly, where a Member State or the Commission considers that one of the measures envisaged in Chapters IX, XIV and XV of [revised Directive 2001/83/EC] is to be applied in respect of the medicinal product concerned or where the Committee for	Similarly, where a Member State or the Commission considers that one of the measures envisaged in Chapters IX, XIV and XV of [revised Directive 2001/83/EC] is to be applied in respect of the medicinal product concerned or where the Committee for	Similarly, where a Member State or the Commission considers that one of the measures envisaged in Chapters IX, XIV and XV of [revised Directive 2001/83/EC] is to be applied in respect of the medicinal product concerned or where the Committee for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Medicinal Products for Human Use has delivered an opinion to that effect, they shall without undue delay inform each other, as well as the Committee for Medicinal Products of Human Use, stating their reasons in detail and indicating the course of action proposed.	Medicinal Products for Human Use has delivered an opinion to that effect, they shall without undue delay inform each other, as well as the Committee for Medicinal Products of Human Use, stating their reasons in detail and indicating the course of action proposed.	Medicinal Products for Human Use has delivered an opinion to that effect, they shall without undue delay inform each other, as well as the Committee for Medicinal Products of Human Use, stating their reasons in detail and indicating the course of action proposed.	
Article 55(2)				
573	2. In each of the situations described in paragraph 1, the Commission shall request the opinion of the Agency within a time-limit which it shall determine having regard to the urgency of the matter, in order to examine the reasons advanced. Whenever practicable, the marketing	2. In each of the situations described in paragraph 1, the Commission shall request the opinion of the Agency within a time-limit which it shall determine having regard to the urgency of the matter, in order to examine the reasons advanced. Whenever practicable, the marketing	2. In each of the situations described in paragraph 1, the Commission shall request the opinion of the Agency within a time-limit which it shall determine having regard to the urgency of the matter, in order to examine the reasons advanced. Whenever practicable, the marketing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorisation holder for placing the medicinal product for human use on the market shall be invited to provide oral or written explanations.	authorisation holder for placing the medicinal product for human use on the market shall be invited to provide oral or written explanations.	authorisation holder for placing the medicinal product for human use on the market shall be invited to provide oral or written explanations.	
Article 55(3), first subparagraph				
574	3. At any stage of the procedure laid down in this Article, following appropriate consultation of the Agency, the Commission may take temporary measures, by means of implementing acts. Those temporary measures shall be applied immediately.	3. At any stage of the procedure laid down in this Article, following appropriate consultation of the Agency, the Commission may take temporary measures, by means of implementing acts. Those temporary measures shall be applied immediately.	3. At any stage of the procedure laid down in this Article, following appropriate consultation of the Agency, the Commission may take temporary measures, by means of implementing acts. Those temporary measures shall be applied immediately.	
Article 55(3), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
575	Without undue delay, the Commission shall, by means of implementing acts, adopt a final decision concerning the measures to be taken in respect of the medicinal product concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Without undue delay, the Commission shall, by means of implementing acts, adopt a final decision concerning the measures to be taken in respect of the medicinal product concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Without undue delay, the Commission shall, by means of implementing acts, adopt a final decision concerning the measures to be taken in respect of the medicinal product concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 55(3), third subparagraph				
576	The Commission may also, pursuant to Article 57, adopt a decision addressed to the Member States.	The Commission may also, pursuant to Article 57, adopt a decision addressed to the Member States.	The Commission may also, pursuant to Article 57, adopt a decision addressed to the Member States.	
Article 55(4), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
577	4. Where urgent action is essential to protect public health or the environment, a Member State may, on its own initiative or at the Commission's request, suspend the use in its territory of a medicinal product for human use which has been authorised in accordance with this Regulation.	4. Where urgent action is essential to protect public health or the environment, a Member State may, on its own initiative or at the Commission's request, suspend the use in its territory of a medicinal product for human use which has been authorised in accordance with this Regulation.	4. Where urgent action is essential to protect public health or the environment, a Member State may, on its own initiative or at the Commission's request, suspend the use in its territory of a medicinal product for human use which has been authorised in accordance with this Regulation.	
Article 55(4), second subparagraph				
578	When it does so on its own initiative, it shall inform the Commission and the Agency of the reasons for its action at the latest on the next working day following the suspension. The Agency shall inform the other Member States without delay. The Commission shall immediately	When it does so on its own initiative, it shall inform the Commission and the Agency of the reasons for its action at the latest on the next working day following the suspension. The Agency shall inform the other Member States without delay. The Commission shall immediately	When it does so on its own initiative, it shall inform the Commission and the Agency of the reasons for its action at the latest on the next working day following the suspension. The Agency shall inform the other Member States without delay. The Commission shall immediately	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	initiate the procedure provided for in paragraphs 2 and 3.	initiate the procedure provided for in paragraphs 2 and 3.	initiate the procedure provided for in paragraphs 2 and 3.	
Article 55(5)				
579	5. In cases referred to in paragraph 4, the Member State shall ensure that healthcare professionals are rapidly informed of its action and the reasons for the action. Networks set up by professional associations may be used to this effect. The Member States shall inform the Commission and the Agency of actions taken for this purpose.	5. In cases referred to in paragraph 4, the Member State shall ensure that healthcare professionals are rapidly informed of its action and the reasons for the action. Networks set up by professional associations may be used to this effect. The Member States shall inform the Commission and the Agency of actions taken for this purpose.	5. In cases referred to in paragraph 4, the Member State shall ensure that healthcare professionals are rapidly informed of its action and the reasons for the action. Networks set up by professional associations may be used to this effect. The Member States shall inform the Commission and the Agency of actions taken for this purpose.	
Article 55(6)				
580	6. The suspensive measures referred to in paragraph 4 may be	6. The suspensive measures referred to in paragraph 4 may be	6. The suspensive measures referred to in paragraph 4 may be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	maintained in force until such time as a final decision has been adopted by the Commission in accordance with paragraph 3.	maintained in force until such time as a final decision has been adopted by the Commission in accordance with paragraph 3.	maintained in force until such time as a final decision has been adopted by the Commission in accordance with paragraph 3.	
Article 55(7)				
581	7. The Agency shall, upon request, inform any person concerned of the final decision and make the decision publicly available immediately after it has been taken.	7. The Agency shall, upon request, inform any person concerned of the final decision and make the decision publicly available immediately after it has been taken.	7. The Agency shall, upon request, inform any person concerned of the final decision and make the decision publicly available immediately after it has been taken.	
Article 55(8)				
582	8. Where the procedure is initiated as a result of the evaluation of data relating to pharmacovigilance, the opinion of the Agency, in accordance with	8. Where the procedure is initiated as a result of the evaluation of data relating to pharmacovigilance, the opinion of the Agency, in accordance with	8. Where the procedure is initiated as a result of the evaluation of data relating to pharmacovigilance, the opinion of the Agency, in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 2, shall be adopted by the Committee for Medicinal Products for Human Use on the basis of a recommendation from the Pharmacovigilance Risk Assessment Committee and Article 115(2) of [revised Directive 2001/83/EC] shall apply.	paragraph 2, shall be adopted by the Committee for Medicinal Products for Human Use on the basis of a recommendation from the Pharmacovigilance Risk Assessment Committee and Article 115(2) of [revised Directive 2001/83/EC] shall apply.	paragraph 2, shall be adopted by the Committee for Medicinal Products for Human Use on the basis of a recommendation from the Pharmacovigilance Risk Assessment Committee and Article 115(2) of [revised Directive 2001/83/EC] shall apply.	
Article 55(9)				
583	9. By way of derogation from paragraphs 1 to 7, where a procedure under Article 95 or Articles 114, 115 and 116 of [revised Directive 2001/83/EC] concerns a range of medicinal products or a therapeutic class, medicinal products that are authorised in accordance with this Regulation and that belong to that	9. By way of derogation from paragraphs 1 to 7, where a procedure under Article 95 or Articles 114, 115 and 116 of [revised Directive 2001/83/EC] concerns a range of medicinal products or a therapeutic class, medicinal products that are authorised in accordance with this Regulation and that belong to that	9. By way of derogation from paragraphs 1 to 7, where a procedure under Article 95 or Articles 114, 115 and 116 of [revised Directive 2001/83/EC] concerns a range of medicinal products or a therapeutic class, medicinal products that are authorised in accordance with this Regulation and that belong to that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	range or class shall only be included in the procedure under Article 95, or Articles 114, 115 and 116 of that Directive.	range or class shall only be included in the procedure under Article 95, or Articles 114, 115 and 116 of that Directive.	range or class shall only be included in the procedure under Article 95, or Articles 114, 115 and 116 of that Directive.	
Article 56				
584	Article 56 Action on conditional marketing authorisation	Article 56 Action on conditional marketing authorisation	Article 56 Action on conditional marketing authorisation	
Article 56, first paragraph				
585	Where the Agency concludes that a holder of a marketing authorisation granted in accordance with Article 19, including a new therapeutic indication granted referred to Article 19, failed to comply with the obligations laid down in the	Where the Agency concludes that a holder of a marketing authorisation granted in accordance with Article 19, including a new therapeutic indication granted referred to Article 19, failed to comply with the obligations laid down in the	Where the Agency concludes that a holder of a marketing authorisation granted in accordance with Article 19, including a new therapeutic indication granted referred to Article 19, failed to comply with the obligations laid down in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	marketing authorisation, the Agency shall inform the Commission accordingly.	marketing authorisation, the Agency shall inform the Commission accordingly.	marketing authorisation, the Agency shall inform the Commission accordingly.	
Article 56, second paragraph				
586	The Commission shall adopt a decision to vary, suspend or revoke that marketing authorisation in accordance with the procedure set out in Article 13.	The Commission shall adopt a decision to vary, suspend or revoke that marketing authorisation in accordance with the procedure set out in Article 13.	The Commission shall adopt a decision to vary, suspend or revoke that marketing authorisation in accordance with the procedure set out in Article 13.	
Article 56, second paragraph a				
586a		***Where the marketing authorisation holder fails to comply with the obligations in the post-authorisation studies laid down in accordance with Article 20, the Commission may adopt a decision to vary, suspend, or***		

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		revoke that marketing authorisation in accordance with the procedure laid down in Article 13.		
Article 57				
587	Article 57 Member State implementation of conditions or restrictions on a Union marketing authorisation	Article 57 Member State implementation of conditions or restrictions on a Union marketing authorisation	Article 57 Member State implementation of conditions or restrictions on a Union marketing authorisation	
Article 57, first paragraph				
588	When the Committee for Medicinal Products for Human Use in its opinion refers to recommended conditions or restrictions as provided for in Article 12(4), points (d) to (g), the Commission may adopt a decision	When the Committee for Medicinal Products for Human Use in its opinion refers to recommended conditions or restrictions as provided for in Article 12(4), points (d) to (g), the Commission may adopt a decision	When the Committee for Medicinal Products for Human Use in its opinion refers to recommended conditions or restrictions as provided for in Article 12(4), points (d) to (g), the Commission may adopt a decision	

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	addressed to the Member States, in accordance with Article 13 for the implementation of those conditions or restrictions.	addressed to the Member States, in accordance with Article 13 for the implementation of those conditions or restrictions.	addressed to the Member States, in accordance with Article 13 for the implementation of those conditions or restrictions.	
CHAPTER V				
589	CHAPTER V PRE-AUTHORISATION REGULATORY SUPPORT	CHAPTER V PRE-AUTHORISATION REGULATORY SUPPORT	CHAPTER V PRE-AUTHORISATION REGULATORY SUPPORT	
Article 58				
590	Article 58 Scientific advice	Article 58 Scientific advice	Article 58 Scientific advice	
Article 58(1), first subparagraph				
591	1. Undertakings or, as relevant, not-for-profit entities	1. Undertakings or, as relevant, not-for-profit entities	1. Undertakings or, as relevant, ~~not-for-profit~~ entities **not**	

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	may request scientific advice as referred to in Article 138(1), second subparagraph, point (p) , from the Agency.	may request scientific advice as referred to in Article 138(1), second subparagraph, point (p) , from the Agency.	**engaged in an economic activity** may request scientific advice as referred to in Article 138(1), second subparagraph, point (p) , from the Agency.	
Article 58(1), second subparagraph				
592	Such advice can also be requested for medicinal products referred to in Articles 83 and 84 of [revised Directive 2001/83/EC].	Such advice can also be requested for medicinal products referred to in Articles 83 and 84 of [revised Directive 2001/83/EC].	Such advice can also be requested for medicinal products referred to in Articles 83 and 84 of [revised Directive 2001/83/EC].	
Article 58(2)				
593	2. In the preparation of the scientific advice referred to in paragraph 1 and upon request by undertakings or, as relevant, not-for-profit entities that requested the scientific advice, the Agency	2. In the preparation of the scientific advice referred to in paragraph 1 and upon request by undertakings or, as relevant, not-for-profit entities that requested the scientific advice, the Agency	2. In the preparation of the scientific advice referred to in paragraph 1 and upon request by undertakings or, as relevant, ~~not-for-profit~~ entities **not engaged in an economic activity** that	

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	may consult experts of the Member States with clinical trial or medical device expertise or the expert panels designated in accordance with Article 106(1) of Regulation (EU) 2017/745.	may consult experts of the Member States with clinical trial or medical device expertise or the expert panels designated in accordance with Article 106(1) of Regulation (EU) 2017/745.	requested the scientific advice, the Agency may consult experts of the Member States with clinical trial or medical device expertise or the expert panels designated in accordance with Article 106(1) of Regulation (EU) 2017/745.	
Article 58(3)				
594	3. In the preparation of the scientific advice referred to in paragraph 1 and in duly justified cases, the Agency may consult authorities established in other Union legal acts as relevant for the provision of the scientific advice in question or other public bodies established in the Union, as applicable.	3. In the preparation of the scientific advice referred to in paragraph 1 ~~*and in duly justified cases,*~~ ***of this Article*** the Agency may consult authorities established in other Union legal acts as relevant for the provision of the scientific advice in question ~~*or*~~, other public bodies established in the Union, ***in particular those listed in Article 162 or other***	3. In the preparation of the scientific advice referred to in paragraph 1 and in duly justified cases, the Agency may consult authorities established in other Union legal acts as relevant for the provision of the scientific advice in question or other public bodies established in the Union, as applicable.	

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		bodies, as applicable***, or in duly justified cases public bodies established in third countries***.		
Article 58(4)				
595	4. The Agency shall include in the European public assessment report the key areas of the scientific advice once the corresponding marketing authorisation decision has been taken in relation to the medicinal product, after deletion of any information of a commercially confidential nature.	4. The Agency shall include in the European public assessment report the key areas of the scientific advice ***as well as a detailed log of the pre-submission activities of the medicinal product, including the names of the experts involved,*** once the corresponding marketing authorisation decision has been taken in relation to the medicinal product, after deletion of any information of a commercially confidential nature. ***That report shall be made publicly available.***	4. The Agency shall include in the European public assessment report the key areas of the scientific advice once the corresponding marketing authorisation decision has been taken in relation to the medicinal product, after deletion of any information of a commercially confidential nature.	

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Article 58(4a), first subparagraph				
595a		***4a. The Agency shall, to the greatest extent possible, ensure that there is a separation between those responsible for providing scientific advice to a given medicinal product developer and those subsequently responsible for the evaluation of the marketing authorisation application for the same medicinal product.***		
Article 58(4a), second subparagraph				
595b		***The Agency shall ensure that at least one of the two rapporteurs for a marketing authorisation application has not taken part in any pre-submission activities***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		concerning the medicinal product. The reasons for any exceptions shall be documented and published with the European public assessment report and recorded in the summary minutes of the meetings in accordance with Article 147(2).		
Article 59				
596	Article 59 Parallel scientific advice	Article 59 Parallel scientific advice	Article 59 Parallel scientific advice	
Article 59(1)				
597	1. Undertakings or, as relevant, not-for-profit entities established in the Union may request that the scientific advice referred to in Article 58(1) takes	1. Undertakings or, as relevant, not-for-profit entities established in the Union may request that the scientific advice referred to in Article 58(1) takes	1. Undertakings or, as relevant, ~~not-for-profit~~ entities **not engaged in an economic activity** established in the Union may request that the scientific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	place in parallel to the joint scientific consultation carried out by the Member State Coordination Group on Health Technology Assessment, in line with Article 16(5) of Regulation (EU) 2021/2282.	place in parallel to the joint scientific consultation carried out by the Member State Coordination Group on Health Technology Assessment, in line with Article 16(5) of Regulation (EU) 2021/2282.	advice referred to in Article 58(1) takes place in parallel to the joint scientific consultation carried out by the Member State Coordination Group on Health Technology Assessment, in line with Article 16(5) of Regulation (EU) 2021/2282.	
Article 59(2)				
598	2. In case of medicinal products involving a medical device, undertakings or, as relevant, not-for-profit entities may request scientific advice as referred to in Article 58(1) in parallel with the consultation of the expert panels referred to in Article 61(2) of Regulation (EU) 2017/745.	2. In case of medicinal products involving a medical device, undertakings or, as relevant, not-for-profit entities may request scientific advice as referred to in Article 58(1) in parallel with the consultation of the expert panels referred to in Article 61(2) of Regulation (EU) 2017/745.	2. In case of medicinal products involving a medical device, undertakings or, as relevant, ~~not-for-profit~~ entities **not engaged in an economic activity** may request scientific advice as referred to in Article 58(1) in parallel with the consultation of the expert panels referred to in Article 61(2) of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation (EU) 2017/745 **and Article 48 (6) of Regulation (EU) 2017/746**.	
Article 59(3)				
599	3. In the case of paragraph 2, the scientific advice, as referred to in Article 58(1), shall involve exchanges of information between the respective authorities or bodies and, where applicable, have synchronised timing, while preserving the separation of their respective remits.	3. In the case of paragraph 2, the scientific advice, as referred to in Article 58(1), shall involve exchanges of information between the respective authorities or bodies and, where applicable, have synchronised timing, while preserving the separation of their respective remits.	3. In the case of paragraph 2, the scientific advice, as referred to in Article 58(1), shall involve exchanges of information between the respective authorities or bodies and, where applicable, have synchronised timing, while preserving the separation of their respective remits.	
Article 60				
600	Article 60	Article 60	Article 60	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Enhanced scientific and regulatory support for priority medicinal products ('PRIME')	Enhanced scientific and regulatory support for priority medicinal products ('PRIME')	Enhanced scientific and regulatory support for priority medicinal products ('PRIME')	
Article 60(1)				
601	1. The Agency may offer enhanced scientific and regulatory support, including as applicable consultation with other bodies as referred to in Articles 58 and 59 and accelerated assessment mechanisms, for certain medicinal products that, based on preliminary evidence submitted by the developer fulfil the following conditions:	1. The Agency may offer enhanced scientific and regulatory support, including as applicable consultation with other bodies as referred to in Articles 58 and 59 and accelerated assessment mechanisms, for certain medicinal products that, based on preliminary evidence submitted by the developer fulfil ***at least one of*** the following conditions:	1. The Agency may offer enhanced scientific and regulatory support, including as applicable consultation with other bodies as referred to in Articles 58 and 59 and accelerated assessment mechanisms, for certain medicinal products that, based on preliminary evidence submitted by the developer fulfil **at least one of** the following conditions:	
Article 60(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
602	(a) are likely to address an unmet medical need as referred to in Article 83(1) of [revised Directive 2001/83/EC];	(a) are likely to address an unmet medical need as referred to in Article 83(1) of [revised Directive 2001/83/EC];	(a) are likely to address an unmet medical need as referred to in Article 83(1) of [revised Directive 2001/83/EC];	
Article 60(1), point (b)				
603	(b) are orphan medicinal products and are likely to address a high unmet medical need as referred to in Article 70(1);	(b) are orphan medicinal products and are likely to address a high unmet medical need as referred to in Article 70(1);	(b) ~~are orphan medicinal products and~~ are likely to ~~address a high unmet medical need as referred to in Article 70(1)~~**bring exceptional therapeutic advancement** ;	
Article 60(1), point (c)				
604	(c) are expected to be of major interest from the point of view of public health, in particular as regards therapeutic innovation, taking into account the early stage	(c) are expected to be of major interest from the point of view of public health, in particular as regards therapeutic innovation, taking into account the early stage	(c) are expected to be of major interest from the point of view of public health, in particular as regards therapeutic innovation, taking into account the early stage	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of development, or antimicrobials with any of the characteristics mentioned in Article 40(3).	of development, or antimicrobials with any of the characteristics mentioned in Article 40(3) ***or provided for in the 'WHO priority pathogens list for R&D of new antibiotics', specifically those listed as priority 1 (critical) or priority 2 (high), or taking into account as a priority any equivalent list of priority pathogens adopted at Union level***.	of development, or antimicrobials with any of the characteristics mentioned in Article 40(3).	
Article 60(1), point (d)				
604a			**(d) are likely to adress a neglected tropical disease (NTD).**	
Article 60(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
605	2. The Agency, at the request of the Commission and after consulting the EMA Emergency Task Force, may offer enhanced scientific and regulatory support to developers of a medicinal product preventing, diagnosing or treating a disease resulting from serious cross border threats to health if access to such products is considered necessary to ensure high level of Union preparedness and response to health threats.	2. The Agency, at the request of the Commission and after consulting the EMA Emergency Task Force, may offer enhanced scientific and regulatory support to developers of a medicinal product preventing, diagnosing or treating a disease resulting from serious cross border threats to health if access to such products is considered necessary to ensure high level of Union preparedness and response to health threats.	2. The Agency, at the request of the Commission and after consulting the EMA Emergency Task Force, may offer enhanced scientific and regulatory support to developers of a medicinal product preventing, diagnosing or treating a disease resulting from serious cross border threats to health if access to such products is considered necessary to ensure high level of Union preparedness and response to health threats.	
Article 60(3)				
606	3. The Agency may stop the enhanced support if it is established that the medicinal product will not address the	3. The Agency may stop the enhanced support if it is established that the medicinal product will not address the	3. The Agency may stop the enhanced support if it is established that the medicinal product will not address the identified unmet medical need **or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	identified unmet medical need to the anticipated extent.	identified unmet medical need to the anticipated extent.	**does not have the potential to enhance preparedness and response to serious cross border health threats** to the anticipated extent.	
Article 60(4)				
607	4. The compliance of a medicinal product with the criteria set out in Article 83 of [revised Directive 2001/83/EC] shall be assessed on the basis of the relevant criteria, independently of whether it has received priority medicinal product support under this Article.	4. The compliance of a medicinal product with the criteria set out in Article 83 of [revised Directive 2001/83/EC] shall be assessed on the basis of the relevant criteria, independently of whether it has received priority medicinal product support under this Article.	4. The compliance of a medicinal product with the criteria set out in Article 83 of [revised Directive 2001/83/EC] shall be assessed on the basis of the relevant criteria, independently of whether it has received priority medicinal product support under this Article.	
Article 60(4a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
607a		***4a. Where a priority medicinal product benefits from enhanced scientific and regulatory support from the Agency, the European public assessment report shall include a specific section on the Agency's pre-submission activities, and information on the key areas of the scientific advice and regulatory support provided and on the follow-up by the requester, including corresponding information and data which show that the conditions for the application of the PRIME scheme have been fulfilled.***		
Article 61				
608	Article 61	Article 61	Article 61	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Scientific recommendation on regulatory status	Scientific recommendation on regulatory status	Scientific recommendation on regulatory status	
Article 61(1), first subparagraph				
609	1. For products under development which may fall within the categories of medicinal products to be authorised by the Union listed in Annex I, a developer or a competent authority of the Member States may submit a duly substantiated request to the Agency for a scientific recommendation with a view to determining on scientific grounds whether the concerned product is potentially a 'medicinal product', including an 'advanced therapy medicinal product' as defined in Article 2 of Regulation (EC) No	1. For products under development which may fall within the categories of medicinal products to be authorised by the Union listed in Annex I, a developer or a competent authority of the Member States may submit a duly substantiated request to the Agency for a scientific recommendation with a view to determining on scientific grounds whether the concerned product is potentially a 'medicinal product', including an 'advanced therapy medicinal product' as defined in Article 2 of Regulation (EC) No	1. For products under development which may fall within the categories of medicinal products to be authorised by the Union listed in Annex I, a developer ~~or~~**,** a competent authority of the Member States **or the Commission on its own initiative** may submit a duly substantiated request to the Agency for a scientific recommendation with a view to determining on scientific grounds whether the concerned product is potentially a 'medicinal product'~~,~~ ~~including an 'advanced therapy~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1394/2007 of the European Parliament and of the Council[1]. _____ 1. Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products and amending Directive 2001/83/EC and Regulation (EC) No 726/2004 (OJ L 324, 10.12.2007, p. 121).	1394/2007 of the European Parliament and of the Council[1]. ***The Agency may rely on the relevant expertise of working parties and pools of experts when making its recommendation.*** _____ 1. Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products and amending Directive 2001/83/EC and Regulation (EC) No 726/2004 (OJ L 324, 10.12.2007, p. 121).	~~medicinal product' as defined in Article 2 of Regulation (EC) No 1394/2007 of the European Parliament and of the Council[1].~~ _____ ~~1. Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products and amending Directive 2001/83/EC and Regulation (EC) No 726/2004 (OJ L 324, 10.12.2007, p. 121).~~	
Article 61(1), second subparagraph				
610	The Agency shall deliver its recommendation within 60 days of receiving such a request, which shall be extended by an additional	The Agency shall deliver its recommendation within 60 days of receiving such a request, which shall be extended by an additional	The Agency shall deliver its recommendation within 60 days of receiving such a request, which shall be extended by an additional	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	30 days where a consultation in accordance with paragraph 2 is required.	30 days where a consultation in accordance with paragraph 2 is required.	30 days where a consultation in accordance with paragraph 2 is required.	
Article 61(2), first subparagraph				
611	2. When forming the recommendation referred to in paragraph 1, the Agency shall consult, where appropriate, relevant advisory or regulatory bodies established in other Union legal acts in related fields. In the case of products which are based on substances of human origin, the Agency shall consult the Substances of Human Origin (SoHO) Coordination Board as established in Regulation (EU) No [reference to be added after	2. When forming the recommendation referred to in paragraph 1, the Agency shall consult, where appropriate ***and where there is a doubt as to the regulatory status of a product under development***, relevant advisory or regulatory bodies established in other Union legal acts in related fields. In the case of products which are based on substances of human origin, the Agency shall ***first*** consult ***the compendium referred to in Regulation (EU) 2024/... [SoHO***	2. When forming the recommendation referred to in paragraph 1, the Agency shall consult~~, where~~ **the regulatory status advisory committee set in the Article 201a of the [revised Directive] and, as** appropriate, relevant advisory or regulatory bodies established in other Union legal acts in related fields. **In particular,** in the case of products which are based on substances of human origin, the Agency shall consult the Substances of Human Origin (SoHO) Coordination	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	adoption cf. COM(2022)338 final].	***Regulation] and where necessary, conduct joint meetings with*** the Substances of Human Origin (SoHO) Coordination Board as established in ***that*** Regulation ~~*(EU) No [reference to be added after adoption cf. COM(2022)338 final].*~~	Board as established in Regulation (EU) ~~No [reference to be added after adoption cf. COM(2022)338 final].~~**2024/1938[1].** _____ **1. [1] Regulation (EU) No [2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC (Text with EEA relevance)**	
Article 61(2), second subparagraph				
612	The advisory or regulatory bodies consulted shall reply to the consultation within 30 days of receipt of the request.	The advisory or regulatory bodies consulted shall reply to the consultation within 30 days of receipt of the request.	The advisory or regulatory bodies consulted shall reply to the consultation within 30 days of receipt of the request.	

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Article 61(2), third subparagraph				
613	The Agency shall publish summaries of the recommendations delivered in accordance with paragraph 1, after deletion of all information of a commercially confidential nature.	The Agency shall publish ~~*summaries of*~~ the recommendations delivered in accordance with paragraph 1, after deletion of all information of a commercially confidential nature.	The Agency **shall annex to its scientific recommendation the opinions received from the relevant advisory or regulatory bodies referred to in the first subparagraph and** shall publish summaries of the recommendations delivered in accordance with paragraph 1, after deletion of all information of a commercially confidential nature.	
Article 61(2), third subparagraph a				
613a		***For transparency purposes, the respective opinions and conclusions of the Agency and the relevant advisory bodies on the regulatory status of the***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		product shall be made publicly available after the consultations and, where applicable, the joint meetings have taken place.		
Article 62				
614	Article 62 Decision on regulatory status	Article 62 Decision on regulatory status	Article 62 Decision on regulatory status	
Article 62(1), first subparagraph				
615	1. In the case of duly substantiated disagreement with the Agency's recommendation, in accordance with Article 61(2), a Member State may request the Commission to decide whether the product is a product referred to in Article 61(1).	1. In the case of duly substantiated disagreement with the Agency's ***scientific*** recommendation, in accordance with Article 61(2), a Member State may request the Commission to decide whether the product is a	1. In the case of duly substantiated disagreement with the Agency's recommendation, in accordance with Article 61(2), a Member State may request the Commission to decide whether the product is a product referred to in Article 61(1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		product referred to in Article 61(1).		
Article 62(1), second subparagraph				
616	The Commission may initiate the procedure referred to in the first subparagraph on its own initiative.	The Commission may initiate the procedure referred to in the first subparagraph on its own initiative.	The Commission may initiate the procedure referred to in the first subparagraph on its own initiative.	
Article 62(2)				
617	2. The Commission may ask the Agency for clarifications or refer the recommendation back to the Agency for further consideration where a Member State's substantiated request raises new questions of a scientific or technical nature or on its own initiative.	2. The Commission may ask the Agency ***and the relevant advisory or regulatory bodies involved in the delivery of the scientific recommendation*** for clarifications or refer the recommendation back to the Agency for further consideration where a Member State's substantiated request raises new	2. The Commission ~~may ask the Agency for clarifications or refer the recommendation back to the Agency for further consideration~~**,** where a Member State~~"~~**'**s substantiated request raises new questions of a scientific or technical nature**,** or on its own initiative~~.~~**:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		questions of a scientific or technical nature or on its own initiative.		
Article 62(2), point (a)				
617a			**(a) may ask the Agency for clarifications or refer the recommendation back to the Agency for further consideration**	
Article 62(2), point (b)				
617b			**(b) shall consult the regulatory status advisory committee set out in Article 201a of the [revised Directive].**	
Article 62(3)				

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618	3. The decision of the Commission referred to in paragraph 1 shall be adopted by means of implementing acts, in accordance with the examination procedure referred to in Article 173(2), taking into account the scientific recommendation of the Agency.	3. The decision of the Commission referred to in paragraph 1 shall be adopted by means of implementing acts, in accordance with the examination procedure referred to in Article 173(2), taking into account the scientific recommendation of the Agency ***and other advisory bodies***.	3. The decision of the Commission referred to in paragraph 1 shall be adopted by means of implementing acts, in accordance with the examination procedure referred to in Article 173(2), taking into account the scientific recommendation of the Agency.	
CHAPTER VI				
619	CHAPTER VI ORPHAN MEDICINAL PRODUCTS	CHAPTER VI ORPHAN MEDICINAL PRODUCTS	CHAPTER VI ORPHAN MEDICINAL PRODUCTS	
Article 63				
620	Article 63	Article 63	Article 63	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Criteria for orphan designation	Criteria for orphan designation	Criteria for orphan designation	
Article 63(1)				
621	1. A medicinal product that is intended for the diagnosis, prevention or treatment of a life-threatening or chronically debilitating condition shall be designated as an orphan medicinal product where the orphan medicine sponsor can demonstrate that the following requirements are met:	1. A medicinal product that is intended for the diagnosis, prevention or treatment of a life-threatening or chronically debilitating condition shall be designated as an orphan medicinal product where the orphan medicine sponsor can demonstrate that the following requirements are met:	1. A medicinal product that is intended for the diagnosis, prevention or treatment of a life-threatening or chronically **or severely** debilitating condition shall be ~~designated as~~ **granted** an orphan **designation where the orphan** medicinal product ~~where the orphan medicine~~ sponsor can demonstrate that the following requirements are met:	
Article 63(1), point (a)				
622	(a) the condition affects not more than five in 10 000 persons in the Union when the application	(a) the condition affects not more than five in 10 000 persons in the Union when the application	(a) the condition affects not more than five in 10 000 persons in the Union when the application	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for an orphan designation is submitted;	for an orphan designation is submitted;	for an orphan designation is submitted **and**;	
Article 63(1), point (b)				
623	(b) there exists no satisfactory method of diagnosis, prevention or treatment of the condition in question that has been authorised in the Union or, where such method exists, that the medicinal product would be of significant benefit to those affected by that condition.	(b) there exists no satisfactory method of diagnosis, prevention or treatment of the condition in question that has been authorised in the Union or, where such method exists, that the medicinal product would be of significant benefit to those affected by that condition.	(b) there exists no satisfactory method of diagnosis, prevention or treatment of the condition in question that has been authorised in the Union or, where such method exists, that the medicinal product would be of significant benefit to those affected by that condition.	
Article 63(2)				
624	2. By way of derogation from paragraph 1, point (a), and on the basis of a recommendation from the Agency, when the	*deleted*	2. ~~By way of derogation from paragraph 1, point (a), and on the basis of a recommendation from the Agency,~~ When the	

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	requirements specified in paragraph 1, point (a), are not appropriate due to the specific characteristics of certain conditions or any other scientific reasons, the Commission is empowered to adopt delegated acts in accordance with Article 175 in order to supplement paragraph 1, point (a), by setting specific criteria for certain conditions.		requirements specified in paragraph 1, point (a), are not appropriate **to identify an orphan condition within the scope of rarity in paragraph 1 point (a)** due to the specific characteristics of certain conditions or any other scientific reasons, the Commission is empowered**, on the basis of a recommendation from the Agency,** to adopt delegated acts in accordance with Article 175 in order to supplement paragraph 1, point (a), by setting specific criteria for certain conditions.	
Article 63(3)				
625	3. The Commission shall adopt the necessary provisions for implementing this Article by	3. The Commission shall adopt the necessary provisions for implementing this Article by	3. The Commission shall adopt the necessary provisions for implementing this Article by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	means of implementing acts in accordance with the procedure laid down in Article 173(2) in order to further specify the requirements referred to in paragraph 1.	means of implementing acts in accordance with the procedure laid down in Article 173(2) in order to further specify the requirements referred to in paragraph 1.	means of implementing acts in accordance with the procedure laid down in Article 173(2) in order to further specify the requirements referred to in paragraph 1.	
Article 64				
626	Article 64 Granting an orphan designation	Article 64 Granting an orphan designation	Article 64 Granting an orphan designation	
Article 64(1)				
627	1. The orphan medicine sponsor shall submit an application for the designation of the orphan medicinal product to the Agency at any stage of the development of the medicinal product before the application for	1. The orphan medicine sponsor shall submit an application for the designation of the orphan medicinal product to the Agency at any stage of the development of the medicinal product before the application for	1. The orphan ~~medicine~~**medicinal product** sponsor shall submit an application for **granting an orphan** ~~the~~ designation of the ~~orphan~~ medicinal product to the Agency at any stage of the development of the medicinal	

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	marketing authorisation referred to in Articles 5 and 6 is submitted.	marketing authorisation referred to in Articles 5 and 6 is submitted.	product before the application for marketing authorisation referred to in Articles 5 and 6 is submitted.	
Article 64(2), first subparagraph				
628	2. The application of the orphan medicine sponsor shall be accompanied by the following particulars and documentation:	2. The application of the orphan medicine sponsor shall be accompanied by the following particulars and documentation:	2. The application ~~of the~~ **for granting an** orphan ~~medicine sponsor~~**designation** shall be accompanied by the following particulars and documentation:	
Article 64(2), first subparagraph, point (a)				
629	(a) name or corporate name and permanent address of the orphan medicine sponsor;	(a) name or corporate name and permanent address of the orphan medicine sponsor;	(a) name or corporate name and permanent address of the orphan **medicinal product** ~~medicine~~ sponsor;	
Article 64(2), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
630	(b) active substances of the medicinal product;	(b) active substances of the medicinal product;	(b) active substances of the medicinal product;	
Article 64(2), first subparagraph, point (c)				
631	(c) proposed condition for which it is intended or the proposed therapeutic indication;	(c) proposed condition for which it is intended or the proposed therapeutic indication;	(c) proposed condition for which it is intended or the proposed therapeutic indication;	
Article 64(2), first subparagraph, point (d)				
632	(d) justification that the criteria laid down in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) are fulfilled and a description of the stage of development, including the expected therapeutic indication.	(d) justification that the criteria laid down in Article 63(1) ~~or in the relevant delegated acts adopted in accordance with Article 63(2)~~ are fulfilled and a description of the stage of development, including the expected therapeutic indication.	(d) justification that the criteria laid down in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) are fulfilled and a description of the stage of development, including the expected therapeutic indication.	
Article 64(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
633	The orphan medicine sponsor shall be responsible for the accuracy of the particulars and documentation.	The orphan medicine sponsor shall be responsible for the accuracy of the particulars and documentation.	The orphan ~~medicine~~**medicinal product** sponsor shall be responsible for the accuracy of the particulars and documentation.	
Article 64(3)				
634	3. The Agency shall, in consultation with the Member States, the Commission and interested parties, draw up detailed guidelines on the required procedure, format and content of applications for designation and for the transfer of the orphan designation pursuant to Article 65.	3. The Agency shall, in consultation with the Member States, the Commission and interested parties, draw up detailed guidelines on the required procedure, format and content of applications for designation and for the transfer of the orphan designation pursuant to Article 65.	3. The Agency shall, in consultation with the Member States, the Commission and interested parties, draw up detailed guidelines on the required procedure, format and content of applications for designation and for the transfer of the orphan designation pursuant to Article 65.	
Article 64(4), first subparagraph				
635	4. The Agency shall adopt a decision granting or refusing the	4. The Agency shall adopt a decision granting or refusing the	4. The Agency shall adopt a decision granting or refusing the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	orphan designation based on the criteria referred to in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) within 90 days of the receipt of a valid application. The application is considered valid if it includes all the particulars and documentation referred to in paragraph 2.	orphan designation based on the criteria referred to in Article 63(1) ~~*or in the relevant delegated acts adopted in accordance with Article 63(2)*~~ within 90 days of the receipt of a valid application. The application is considered valid if it includes all the particulars and documentation referred to in paragraph 2.	orphan designation based on the criteria referred to in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) within 90 days of the receipt of a valid application. The **Agency shall verify the validity of the application. The** application is considered valid if it includes all the particulars and documentation referred to in paragraph 2.	
Article 64(4), first subparagraph a				
635a			**When establishing whether the orphan designation criteria are met, the Agency may ask the orphan medicinal product sponsor to submit additional particulars and documents, in which case the time-limit of 90**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			days shall be suspended until the supplementary information requested has been provided.	
Article 64(4), second subparagraph				
636	For the purpose of establishing whether the orphan designation criteria are fulfilled, the Agency may consult the Committee for Medicinal Products for Human Use or one of its working parties referred to in Article 150(2), first subparagraph. The outcome of such consultations shall be annexed to the decision, as part of the scientific conclusions of the Agency which justify the decision.	For the purpose of establishing whether the orphan designation criteria are fulfilled, the Agency may consult the Committee for Medicinal Products for Human Use or one of its working parties referred to in Article 150(2), first subparagraph. The outcome of such consultations shall be annexed to the decision, as part of the scientific conclusions of the Agency which justify the decision.	For the purpose of establishing whether the orphan designation criteria are fulfilled, the Agency ~~may~~ **shall** consult the Committee for Medicinal Products for Human Use ~~or one of its~~ **. The Committee for Medicinal Products for Human Use shall ensure the appropriate involvement of the relevant scientific expertise through the** working parties referred to in Article ~~150(2), first subparagraph~~**150 or may delegate this task to one of those working parties**. The outcome of such	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			consultations**, including information on the involvement of relevant scientific expertise,** shall be annexed to the decision, as part of the scientific conclusions of the Agency which justify the decision.	
Article 64(4), third subparagraph				
637	The decision together with the Annexes referred to in this paragraph shall be notified to the applicant.	The decision together with the Annexes referred to in this paragraph shall be notified to the applicant.	The decision together with the Annexes referred to in this paragraph shall be notified to the applicant.	
Article 64(4), third subparagraph a				
637a			**By way of derogation from the second subparagraph, the Committee for Medicinal Products for Human Use shall**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			establish scientific principles to determine the situations where consultation is not required.	
Article 64(4a), first subparagraph				
637b			**4a. When the scientific conclusions referred to in paragraph 4 state that the application does not satisfy the criteria set out in Article 63(1), the scientific conclusions shall be transmitted without delay by the Agency to the orphan medicinal product sponsor before the adoption of the decision referred to in paragraph 4. Within 15 days following receipt of the scientific conclusions, the orphan medicinal product sponsor may submit to the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Agency a written justified request for a re-examination of the scientific conclusions. Within 30 days following receipt of such request, the Agency shall confirm or revise the scientific conclusions, and provide in all cases a statement on the conclusions of the re-examination, and adopt the decision referred to in paragraph 4. For the purpose of this paragraph, the Agency shall consult the Committee for Human Medicinal Products.	
Article 64(4a), second subparagraph				
637c			**If the orphan medicinal product sponsor does not submit a written justified request for re-**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			examination within 15 days following the receipt of scientific conclusions, they shall become definitive.	
Article 64(4a), third subparagraph				
637d			**The deadline for the adoption of the decision referred to in paragraph 4 shall be extended by 45 days to take account of the re-examination.**	
Article 64(5)				
638	5. Decisions of the Agency on granting or refusing the orphan designation shall be made public after deletion of any information of a commercially confidential nature.	5. Decisions of the Agency on granting or refusing the orphan designation shall be made public after deletion of any information of a commercially confidential nature.	5. Decisions of the Agency on granting or refusing the orphan designation shall be made public after deletion of any information of a commercially confidential nature.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 65				
639	Article 65 Transfer of orphan designation	Article 65 Transfer of orphan designation	Article 65 Transfer of orphan designation	
Article 65(1)				
640	1. The orphan designation may be transferred from a current orphan medicine sponsor to a new orphan medicine sponsor. The transfer shall be subject to prior approval by the Agency, following the submission of an application for the transfer to the Agency.	1. The orphan designation may be transferred from a current orphan medicine sponsor to a new orphan medicine sponsor. The transfer shall be subject to prior approval by the Agency, following the submission of an application for the transfer to the Agency.	1. The orphan designation may be transferred from a current orphan **medicinal product** ~~medicine~~ sponsor to a new orphan **medicinal product** ~~medicine~~ sponsor. The transfer shall be subject to prior approval by the Agency, following the submission of an application for the transfer to the Agency.	
Article 65(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
641	2. The application of the current orphan medicine sponsor shall be accompanied by the following particulars and documentation:	2. The application of the current orphan medicine sponsor shall be accompanied by the following particulars and documentation:	2. The application of the current orphan **medicinal product** ~~medicine~~ sponsor shall be accompanied by the following particulars and documentation:	
Article 65(2), point (a)				
642	(a) name or corporate name and permanent address of the current and new orphan medicine sponsor;	(a) name or corporate name and permanent address of the current and new orphan medicine sponsor;	(a) name or corporate name and permanent address of the current and new orphan medicine sponsor;	
Article 65(2), point (b)				
643	(b) decision on granting an orphan designation as referred to in Article 64(4);	(b) decision on granting an orphan designation as referred to in Article 64(4);	(b) decision on granting an orphan designation as referred to in Article 64(4);	
Article 65(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
644	(c) designation number as referred to in Article 67(3), point (e).	(c) designation number as referred to in Article 67(3), point (e).	(c) designation number as referred to in Article 67(3), point (e).	
Article 65(2), point (ca)				
644a		***(ca) reasons for the transfer of the orphan designation.***		
Article 65(3)				
645	3. The Agency shall adopt a decision granting or refusing the transfer of the orphan designation within 30 days of the receipt of a valid application by the current orphan medicine sponsor. The application is considered valid if it includes all the particulars and documentation referred to in paragraph 2. The Agency shall	3. The Agency shall adopt a decision granting or refusing the transfer of the orphan designation within 30 days of the receipt of a valid application by the current orphan medicine sponsor. The application is considered valid if it includes all the particulars and documentation referred to in paragraph 2. The Agency shall	3. The Agency shall adopt a decision granting or refusing the transfer of the orphan designation within 30 days of the receipt of a valid application by the current orphan **medicinal product** ~~medicine~~ sponsor. The application is considered valid if it includes all the particulars and documentation referred to in paragraph 2. The	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	address its decision to the current and new orphan medicine sponsor.	address its decision to the current and new orphan medicine sponsor.	Agency shall address its decision to the current and new orphan **medicinal product** ~~medicine~~ sponsor.	
Article 66				
646	Article 66 Validity of orphan designation	Article 66 Validity of orphan designation	Article 66 Validity of orphan designation	
Article 66(1)				
647	1. An orphan designation shall be valid for seven years. During this period, the orphan medicine sponsor shall be eligible for incentives referred to in Article 68.	1. An orphan designation shall be valid for seven years. During this period, the orphan medicine sponsor shall be eligible for incentives referred to in Article 68.	1. An orphan designation shall be valid for seven years. During this period, the orphan **medicinal product** ~~medicine~~ sponsor shall be eligible for incentives referred to in Article 68.	
Article 66(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
648	2. By way of derogation from paragraph 1, on the basis of a justified request of the orphan medicine sponsor, the Agency may extend the validity, where the orphan medicine sponsor can provide evidence that the relevant studies supporting the use of the designated orphan medicinal product in the applied conditions are ongoing and promising with regard to the filing of a future application. Such an extension shall be limited in time, taking into account the expected remaining time needed to file an application for marketing authorisation.	2. By way of derogation from paragraph 1, on the basis of a justified request of the orphan medicine sponsor, the Agency may extend the validity, where the orphan medicine sponsor can provide evidence that the relevant studies supporting the use of the designated orphan medicinal product in the applied conditions are ongoing and promising with regard to the filing of a future application. Such an extension shall be limited in time, taking into account the expected remaining time needed to file an application for marketing authorisation.	2. By way of derogation from paragraph 1, on the basis of a justified request of the orphan ~~medicine~~**medicinal product** sponsor, the Agency may extend the validity, where the orphan ~~medicine~~**medicinal product** sponsor can provide evidence that the relevant studies supporting the use of the designated orphan medicinal product in the applied conditions are ongoing and promising with regard to the filing of a future application. **The Agency, shall consult, where necessary, the Committee for Medicinal Products for Human Use and the outcome of the consultation shall be annexed to the decision.** Such an extension shall be limited in time, taking into	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			account the expected remaining time needed to file an application for marketing authorisation.	
Article 66(3)				
649	3. By way of derogation from paragraph 1, where an orphan designation is valid at the time when a marketing authorisation for an orphan medicinal product has been submitted in accordance with Article 5, the orphan designation shall remain valid until a decision is adopted by the Commission in accordance with Article 13(2).	3. By way of derogation from paragraph 1, where an orphan designation is valid at the time when a marketing authorisation for an orphan medicinal product has been submitted in accordance with Article 5, the orphan designation shall remain valid until a decision is adopted by the Commission in accordance with Article 13(2).	3. By way of derogation from paragraph 1, where an orphan designation is valid at the time when a marketing authorisation for an orphan medicinal product has been submitted in accordance with Article 5, the orphan designation shall remain valid until a decision is adopted by the Commission in accordance with Article 13(2).	
Article 66(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
650	4. An orphan designation ceases to be valid once an orphan medicine sponsor has obtained a marketing authorisation for the relevant medicinal product in accordance with Article 13(2).	4. An orphan designation ceases to be valid once an orphan medicine sponsor has obtained a marketing authorisation for the relevant medicinal product in accordance with Article 13(2).	4. An orphan designation ceases to be valid once an orphan **medicinal product** ~~medicine~~ sponsor has obtained a marketing authorisation for **a therapeutic indication covered under the orphan designation** ~~the relevant medicinal product~~ in accordance with Article 13(2).	
Article 66(5)				
651	5. At any time, an orphan designation may be withdrawn at the request of the orphan medicine sponsor.	5. At any time, an orphan designation may be withdrawn at the request of the orphan medicine sponsor. ***The orphan medicine sponsor may provide a reasoned justification for the withdrawal request, which shall be made publicly available.***	5. At any time, an orphan designation may be withdrawn at the request of the orphan ~~medicine~~**medicinal product** sponsor. **The orphan medicinal product sponsor shall provide the Agency with the reasons for such action.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 67				
652	Article 67 Register of designated orphan medicinal products	Article 67 Register of designated orphan medicinal products	Article 67 Register of designated orphan medicinal products	
Article 67(1)				
653	1. The register of designated orphan medicinal products shall list all designated orphan medicinal products. It shall be set up and managed by the Agency and be publicly available.	1. The register of designated orphan medicinal products shall list all designated orphan medicinal products. It shall be set up and managed by the Agency and be publicly available.	1. The register of designated orphan medicinal products shall list all designated orphan medicinal products. It shall be set up and managed by the Agency and be publicly available.	
Article 67(2)				
654	2. Where an orphan designation ceases to be valid or is withdrawn pursuant to Article 66, the Agency shall make an entry in	2. Where an orphan designation ceases to be valid or is withdrawn pursuant to Article 66, the Agency shall make an entry in	2. Where an orphan designation ceases to be valid or is withdrawn pursuant to Article 66, the Agency shall make an entry in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the register of designated orphan medicinal products.	the register of designated orphan medicinal products.	the register of designated orphan medicinal products.	
Article 67(3)				
655	3. The information on the designated orphan medicinal product entered in the register of designated orphan medicinal products shall include at least the following:	3. The information on the designated orphan medicinal product entered in the register of designated orphan medicinal products shall include at least the following:	3. The information on the designated orphan medicinal product entered in the register of designated orphan medicinal products shall include at least the following:	
Article 67(3), point (a)				
656	(a) the information on the active substance;	(a) the information on the active substance;	(a) the information on the active substance;	
Article 67(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
657	(b) the name and address of the orphan medicine sponsor;	(b) the name and address of the orphan medicine sponsor;	(b) the name and address of the orphan ~~medicine~~**medicinal product** sponsor;	
Article 67(3), point (c)				
658	(c) the condition for which it is intended or the proposed therapeutic indication;	(c) the condition for which it is intended or the proposed therapeutic indication;	(c) the condition for which it is intended or the proposed therapeutic indication;	
Article 67(3), point (d)				
659	(d) the designation date;	(d) the designation date;	(d) the designation date;	
Article 67(3), point (e)				
660	(e) the designation number;	(e) the designation number;	(e) the designation number;	
Article 67(3), point (f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
661	(f) the decision on granting the orphan designation.	(f) the decision on granting the orphan designation.	(f) the decision on granting the orphan designation~~.~~**;**	
Article 67(3), point (g)				
661a			**(g) the decision on transfer of the orphan designation.**	
Article 67(3), point (fa)				
661b		***(fa) where applicable, any request made in accordance with Article 66(2) and any decisions taken in that respect.***		
Article 67(4)				
662	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 175 in order to amend the information to	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 175 in order to amend the information to	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 175 in order to amend the information to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be included in the register of designated orphan medicinal products referred to in paragraph 3 to ensure appropriate information of the users of that register.	be included in the register of designated orphan medicinal products referred to in paragraph 3 to ensure appropriate information of the users of that register.	be included in the register of designated orphan medicinal products referred to in paragraph 3 to ensure appropriate information of the users of that register.	
Article 68				
663	Article 68 Protocol assistance and research support for orphan medicinal products	Article 68 Protocol assistance and research support for orphan medicinal products	Article 68 Protocol assistance and research support for orphan medicinal products	
Article 68(1)				
664	1. The orphan medicine sponsor may, prior to the submission of an application for marketing authorisation, request	1. The orphan medicine sponsor ~~*may*~~***shall***, prior to the submission of an application for marketing authorisation, request	1. The orphan ~~medicine~~**medicinal product** sponsor may, prior to the submission of an application for marketing authorisation, request	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	advice from the Agency on the following:	advice from the Agency on the following:	advice from the Agency on the following:	
Article 68(1), point (a)				
665	(a) the conduct of the various tests and trials necessary to demonstrate the quality, safety and efficacy of the medicinal product, as referred to Article 138(1), second subparagraph, point (p);	(a) the conduct of the various tests and trials necessary to demonstrate the quality, safety ~~and~~, efficacy ***and environmental impact*** of the medicinal product, as referred to Article 138(1), second subparagraph, point (p);	(a) the conduct of the various tests and trials necessary to demonstrate the quality, safety and efficacy of the medicinal product, as referred to Article 138(1), second subparagraph, point (p);	
Article 68(1), point (b)				
666	(b) the demonstration of significant benefit within the scope of the designated orphan indication;	(b) the demonstration of significant benefit within the scope of the designated orphan indication;	(b) the demonstration of significant benefit within the scope of the ~~designated~~ orphan ~~indication~~**condition as set out in Article 63(1)**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 68(1), point (c)				
667	(c) the demonstration of similarity to or clinical superiority over other medicinal products, which have market exclusivity for the same indication.	(c) the demonstration of similarity to or clinical superiority over other medicinal products, which have market exclusivity for the same indication.	(c) the demonstration of similarity to or clinical superiority over other medicinal products, which have market exclusivity for the same indication.	
Article 68(2)				
668	2. Medicinal products designated as orphan medicinal products under the provisions of this Regulation shall be eligible for incentives made available by the Union and by the Member States to support research into, and the development and availability of, orphan medicinal products and in particular aid for research for small- and medium-sized	2. Medicinal products designated as orphan medicinal products under the provisions of this Regulation shall be eligible for incentives made available by the Union and by the Member States to support research into, and the development and availability of, orphan medicinal products and in particular aid for research for small- and medium-sized	2. Medicinal products designated as orphan medicinal products under the provisions of this Regulation shall be eligible for incentives made available by the Union and by the Member States to support research into, and the development and availability of, orphan medicinal products and in particular aid for research for small- and medium-sized	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	undertakings provided for in framework programmes for research and technological development.	undertakings ***and entities not engaged in economic activity*** provided for in framework programmes for research and technological development.	undertakings **and entities not engaged in economic activities,** provided for in framework programmes for research and technological development.	
Article 69				
669	Article 69 Orphan marketing authorisation	Article 69 Orphan marketing authorisation	Article 69 Orphan marketing authorisation	
Article 69(1)				
670	1. Applications for an orphan marketing authorisation shall be submitted in accordance with Articles 5 and 6 and the related marketing authorisation shall be obtained in accordance with Articles 13(2).	1. Applications for an orphan marketing authorisation shall be submitted in accordance with Articles 5 and 6 and the related marketing authorisation shall be obtained in accordance with Articles 13(2).	1. Applications for an orphan marketing authorisation shall be submitted in accordance with Articles 5 and 6 and the related marketing authorisation shall be obtained in accordance with Articles 13(2).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 69(2), first subparagraph				
671	2. In addition, the applicant shall demonstrate that the medicinal product has been granted an orphan designation and that the criteria set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) are fulfilled for the therapeutic indication sought.	2. In addition, the applicant shall demonstrate that the medicinal product has been granted an orphan designation and that the criteria set out in Article 63(1) ~~*or in the relevant delegated acts adopted in accordance with Article 63(2)*~~ are fulfilled for the therapeutic indication sought.	2. In addition, the applicant shall demonstrate that the medicinal product has been granted an orphan designation and that the criteria set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) are fulfilled for the therapeutic indication sought.	
Article 69(2), second subparagraph				
672	Where appropriate, the applicant shall provide relevant evidence to demonstrate that the medicinal product addresses a high unmet medical need as specified in Article 70(1).	Where appropriate, the applicant shall provide relevant evidence to demonstrate that the medicinal product addresses a high unmet medical need as specified in Article 70(1).	~~Where appropriate, the applicant shall provide relevant evidence to demonstrate that the medicinal product addresses a high unmet medical need as specified in Article 70(1).~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 69(3), first subparagraph				
673	3. The Committee for Medicinal Products for Human Use shall assess whether the medicinal product fulfils the requirements set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2). In the situation referred in paragraph 2, subparagraph 2, that Committee shall also assess whether the medicinal product addresses a high unmet medical need as specified in Article 70(1).	3. The Committee for Medicinal Products for Human Use shall assess whether the medicinal product fulfils the requirements set out in Article 63(1) ~~*or in the relevant delegated acts adopted in accordance with Article 63(2)*~~. In the situation referred in paragraph 2, subparagraph 2, that Committee shall also assess whether the medicinal product addresses a high unmet medical need as specified in Article 70(1).	3. The Committee for Medicinal Products for Human Use shall assess whether the medicinal product fulfils the requirements set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2). ~~In the situation referred in paragraph 2, subparagraph 2, that~~**The** Committee ~~shall also assess whether the~~**for** Medicinal ~~product addresses a high unmet medical need as specified in Article 70(1)~~**Products for Human Use shall ensure the appropriate involvement of scientific expertise regarding orphan medicines**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 69(3), second subparagraph				
674	Such assessment shall be subject to the same timelines as the application for the marketing authorisation itself and detailed conclusions of such assessment shall be part of the scientific opinion of the Committee for Medicinal Products for Human Use in accordance with Article 12(1).	Such assessment shall be subject to the same timelines as the application for the marketing authorisation itself and detailed conclusions of such assessment shall be part of the scientific opinion of the Committee for Medicinal Products for Human Use in accordance with Article 12(1).	Such assessment shall be subject to the same timelines as the application for the marketing authorisation itself and detailed conclusions of such assessment shall be part of the scientific opinion of the Committee for Medicinal Products for Human Use in accordance with Article 12(1).	
Article 69(3), third subparagraph				
675	The assessment and its conclusions shall be part of the opinion referred to in Article 12(1) and, where relevant, the opinion referred to in Article 12(3).	The assessment and its conclusions shall be part of the opinion referred to in Article 12(1) and, where relevant, the opinion referred to in Article 12(3).	The assessment and its conclusions shall be part of the opinion referred to in Article 12(1) and, where relevant, the opinion referred to in Article 12(3).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 69(4)				
676	4. The orphan marketing authorisation shall cover only those therapeutic indications, which fulfil the requirements set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) at the time when the orphan marketing authorisation is granted.	4. The orphan marketing authorisation shall cover only those therapeutic indications, which fulfil the requirements set out in Article 63(1) ~~*or in the relevant delegated acts adopted in accordance with Article 63(2)*~~ at the time when the orphan marketing authorisation is granted.	4. The orphan marketing authorisation shall cover only those therapeutic indications, which fulfil the requirements set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2) at the time when the orphan marketing authorisation is granted.	
Article 69(5)				
677	5. If after the submission of an application for the orphan marketing authorisation and prior to the opinion of the Committee for Medicinal Products for Human Use the orphan designation is withdrawn in accordance with	5. If after the submission of an application for the orphan marketing authorisation and prior to the opinion of the Committee for Medicinal Products for Human Use the orphan designation is withdrawn in accordance with	5. If after the submission of an application for the orphan marketing authorisation and prior to the opinion of the Committee for Medicinal Products for Human Use the orphan designation is withdrawn in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 66(5), the application for the orphan marketing authorisation shall be treated as the application for a marketing authorisation in accordance with Article 6.	Article 66(5), the application for the orphan marketing authorisation shall be treated as the application for a marketing authorisation in accordance with Article 6.	Article 66(5), the application for the orphan marketing authorisation shall be treated as the application for a marketing authorisation in accordance with Article 6.	
Article 69(6)				
678	6. An applicant may submit an application for a separate marketing authorisation for other indications which do not fulfil the requirements set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2).	6. An applicant may submit an application for a separate marketing authorisation for other indications which do not fulfil the requirements set out in Article 63(1) ~~*or in the relevant delegated acts adopted in accordance with Article 63(2)*~~.	6. An applicant may submit an application for a separate marketing authorisation for other indications which do not fulfil the requirements set out in Article 63(1) or in the relevant delegated acts adopted in accordance with Article 63(2).	
Article 70				
679	Article 70	Article 70	Article 70	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Orphan medicinal products addressing a high unmet medical need	Orphan medicinal products addressing a high unmet medical need	~~Orphan medicinal products addressing a high unmet medical need~~	
Article 70(1)				
680	1. An orphan medicinal product shall be considered as addressing a high unmet medical need where it fulfils the following requirements:	1. An orphan medicinal product shall be considered as addressing a high unmet medical need where it fulfils the following requirements:	1. ~~An orphan medicinal product shall be considered as addressing a high unmet medical need where it fulfils the following requirements:~~	
Article 70(1), point (a)				
681	(a) there is no medicinal product authorised in the Union for such condition orwhere, despite medicinal products being authorised for such condition in the Union, the applicant demonstrates that the orphan	(a) there is no medicinal product authorised in the Union for such condition***; or*** ~~***orwhere, despite medicinal products being authorised for such condition in the Union, the applicant demonstrates that the orphan***~~	(a) ~~there is no medicinal product authorised in the Union for such condition orwhere, despite medicinal products being authorised for such condition in the Union, the applicant demonstrates that the orphan~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal product, in addition to having a significant benefit, will bring exceptional therapeutic advancement;	~~*medicinal product, in addition to having a significant benefit, will bring exceptional therapeutic advancement;*~~	~~medicinal product, in addition to having a significant benefit, will bring exceptional therapeutic advancement;~~	
Article 70(1), point (b)				
682	(b) the use of the orphan medicinal product results in a meaningful reduction in disease morbidity or mortality for the relevant patient population.	(b) ***where a medicinal product is authorised for such condition, in addition to having a significant benefit, it will bring exceptional therapeutic advancement and*** the use of the orphan medicinal product results in a meaningful reduction in disease morbidity or mortality for the relevant patient population.	(b) ~~the use of the orphan medicinal product results in a meaningful reduction in disease morbidity or mortality for the relevant patient population.~~	
Article 70(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
683	2. A medicinal product for which an application has been submitted in accordance with Article 13 of [revised Directive 2001/83/EC] shall not be considered as addressing a high unmet medical need.	2. A medicinal product for which an application has been submitted in accordance with Article 13 of [revised Directive 2001/83/EC] shall not be considered as addressing a high unmet medical need.	2. ~~A medicinal product for which an application has been submitted in accordance with Article 13 of [revised Directive 2001/83/EC] shall not be considered as addressing a high unmet medical need.~~	
Article 70(3)				
684	3. Where the Agency adopts scientific guidelines for the application of this Article, it shall consult the Commission and the authorities or bodies referred to in Article 162.	3. Where the Agency adopts scientific guidelines for the application of this Article, it shall consult the Commission ~~*and*~~, the authorities or bodies ***and other relevant stakeholders*** referred to in Article 162.	3. ~~Where the Agency adopts scientific guidelines for the application of this Article, it shall consult the Commission and the authorities or bodies referred to in Article 162.~~	
Article 71				
685	Article 71	Article 71	Article 71	

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	Market exclusivity	Market exclusivity	Market exclusivity	
Article 71(1)				
686	1. Where an orphan marketing authorisation is granted and without prejudice to intellectual property law, the Union and the Member States shall not grant a marketing authorisation or extend an existing marketing authorisation, for the same therapeutic indication, in respect of a similar medicinal product for the duration of market exclusivity set out in paragraph 2.	1. Where an orphan marketing authorisation is granted and without prejudice to intellectual property law, the Union and the Member States shall not grant a marketing authorisation or extend an existing marketing authorisation, for the same therapeutic indication, in respect of a similar medicinal product for the duration of market exclusivity set out in paragraph 2.	1. Where an orphan marketing authorisation is granted and without prejudice to intellectual property law, the Union and the Member States shall not grant a marketing authorisation or extend an existing marketing authorisation, for the same therapeutic indication, in respect of a similar medicinal product for the duration of market exclusivity set out in paragraph 2.	
Article 71(2)				
687	2. The duration of market exclusivity shall be as follows:	2. The duration of market exclusivity shall be as follows:	2. The duration of market exclusivity shall be as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71(2), point (a)				
688	(a) nine years for orphan medicinal products other than those referred to in points (b) and (c);	(a) nine years for orphan medicinal products other than those referred to in points (b) and (c);	(a) ~~nine~~ **ten** years for orphan medicinal products other than those referred to in ~~points (b) and (c);~~**point (c);**	
Article 71(2), point (b)				
689	(b) ten years for orphan medicinal products addressing a high unmet medical need as referred to in Article 70;	(b) ~~ten~~***eleven*** years for orphan medicinal products addressing a high unmet medical need as referred to in Article 70;	(b) ~~ten years for orphan medicinal products addressing a high unmet medical need as referred to in Article 70;~~	
Article 71(2), point (c)				
690	(c) five years for orphan medicinal products which have been authorised in accordance with Article 13 of [revised Directive 2001/83/EC].	(c) ~~five~~***four*** years for orphan medicinal products which have been authorised in accordance with Article 13 of [revised Directive 2001/83/EC].	(c) five years for orphan medicinal products which have been authorised in accordance with Article 13 of [revised Directive 2001/83/EC].	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71(3)				
691	3. Where a marketing authorisation holder holds more than one orphan marketing authorisations for the same active substance, those authorisations shall not benefit from separate market exclusivity periods. The duration of the market exclusivity shall start from the date when the first orphan marketing authorisation was granted in the Union.	3. Where a marketing authorisation holder holds more than one orphan marketing authorisations for the same active substance, those authorisations shall not benefit from separate market exclusivity periods. The duration of the market exclusivity shall start from the date when the first orphan marketing authorisation was granted in the Union.	3. Where a marketing authorisation holder holds more than one orphan marketing authorisations for the same active substance, those authorisations shall not benefit from separate market exclusivity periods. The duration of the market exclusivity shall start from the date when the first orphan marketing authorisation was granted in the Union.	
Article 71(4)				
692	4. By way of derogation from paragraph 1, and without prejudice to intellectual property law, the marketing authorisation	4. By way of derogation from paragraph 1, and without prejudice to intellectual property law, the marketing authorisation	4. By way of derogation from paragraph 1, and without prejudice to intellectual property law, the marketing authorisation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	may be granted, for the same therapeutic indication, to a similar medicinal product if:	may be granted, for the same therapeutic indication, to a similar medicinal product if:	may be granted, for the same therapeutic indication, to a similar medicinal product if:	
Article 71(4), point (a)				
693	(a) the marketing authorisation holder for the original orphan medicinal product has given consent to the second applicant, or	(a) the marketing authorisation holder for the original orphan medicinal product has given consent to the second applicant, or	(a) the marketing authorisation holder for the original orphan medicinal product has given consent to the second applicant, or	
Article 71(4), point (b)				
694	(b) the marketing authorisation holder for the original orphan medicinal product is unable to supply sufficient quantities of the medicinal product, or	(b) the marketing authorisation holder for the original orphan medicinal product is unable to supply sufficient quantities of the medicinal product, or	(b) the marketing authorisation holder for the original orphan medicinal product is unable to supply sufficient quantities of the medicinal product, or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71(4), point (c)				
695	(c) the second applicant can establish in the application that the second medicinal product, although similar to the orphan medicinal product already authorised, is safer, more effective or otherwise clinically superior.	(c) the second applicant can establish in the application that the second medicinal product, although similar to the orphan medicinal product already authorised, is safer, more effective or otherwise clinically superior.	(c) the second applicant can establish in the application that the second medicinal product, although similar to the orphan medicinal product already authorised, is safer, more effective or otherwise clinically superior.	
Article 71(5)				
696	5. The submission, validation and assessment of the application for the marketing authorisation and granting the marketing authorisation for a generic or biosimilar product to the reference medicinal product for which market exclusivity has expired, shall not be prevented by	5. The submission, validation and assessment of the application for the marketing authorisation and granting the marketing authorisation for a generic or biosimilar product to the reference medicinal product ~~*for which market exclusivity has expired*~~, shall not be prevented by	5. The submission, validation and assessment of the application for the marketing authorisation and granting the marketing authorisation for a generic or biosimilar product to the reference medicinal product for which market exclusivity has expired, shall not be prevented by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the market exclusivity of a similar product to the reference medicinal product.	the market exclusivity of a similar product to the reference medicinal product.	the market exclusivity of a similar product to the reference medicinal product.	
Article 71(6)				
697	6. The market exclusivity of the orphan medicinal product shall not prevent the submission, validation and assessment of an application for a marketing authorisation for a similar medicinal product, including generics and biosimilars, where the remainder of the duration of the market exclusivity is less than two years.	6. The market exclusivity of the orphan medicinal product shall not prevent the submission, validation ~~*and*~~, assessment of an application for***, or the granting of,*** a marketing authorisation for a similar medicinal product, including generics and biosimilars, where the remainder of the duration of the ***initial*** market exclusivity is less than two years.	6. The market exclusivity of the orphan medicinal product shall not prevent the submission, validation and assessment of an application for **or granting a marketing authorisation including to extend an existing**~~a~~ marketing authorisation for **a new therapeutic indication of** a similar medicinal product, including generics and biosimilars, where the remainder of the duration of the market exclusivity is less than two years.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71(7)				
698	7. Where the Agency adopts scientific guidelines for the application of paragraphs 1 and 4, it shall consult the Commission.	7. Where the Agency adopts scientific guidelines for the application of paragraphs 1 and 4, it shall consult the Commission.	7. Where the Agency adopts scientific guidelines for the application of paragraphs 1 and 4, it shall consult the Commission.	
Article 72				
699	Article 72 Prolongation of market exclusivity	Article 72 Prolongation of market exclusivity	Article 72 Prolongation of market exclusivity	
Article 72(1), first subparagraph				
700	1. The periods of market exclusivity referred to in Article 71, paragraph 2, points (a) and (b), shall be prolonged by 12 months, where the orphan marketing authorisation holder can demonstrate that the conditions	*deleted*	1. ~~The periods of market exclusivity referred to in Article 71, paragraph 2, points (a) and (b), shall be prolonged by 12 months, where the orphan marketing authorisation holder can demonstrate that the conditions~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in Article 81(2), point (a), and Article 82(1) [of revised Directive 2001/83/EC] are fulfilled.		~~referred to in Article 81(2), point (a), and Article 82(1) [of revised Directive 2001/83/EC] are fulfilled.~~	
Article 72(1), second subparagraph				
701	The procedures set out in Articles 82(2) to (5) [of revised Directive 2001/83/EC] shall accordingly apply to the prolongation of market exclusivity.	*deleted*	~~The procedures set out in Articles 82(2) to (5) [of revised Directive 2001/83/EC] shall accordingly apply to the prolongation of market exclusivity.~~	
Article 72(2), first subparagraph				
702	2. The period of market exclusivity shall be prolonged by an additional 12 months for orphan medicinal products referred to in Article 71(2), points (a) and (b), if at least two years	2. The period of market exclusivity shall be prolonged by an additional 12 months for orphan medicinal products referred to in Article 71(2), points (a) and (b), if at least two years	2. The period of market exclusivity shall be prolonged by an additional 12 months for orphan medicinal products referred to in Article 71(2), ~~points (a) and (b)~~**point (a)**, if at least two	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	before the end of the exclusivity period, the orphan marketing authorisation holder obtains a marketing authorisation for one or more new therapeutic indications for a different orphan condition.	before the end of the exclusivity period, the orphan marketing authorisation holder obtains a marketing authorisation for one or more new therapeutic indications for a different orphan condition.	years before the end of the exclusivity period, the orphan marketing authorisation holder obtains a marketing authorisation for one or more new therapeutic indications for a different orphan condition.	
Article 72(2), second subparagraph				
703	Such a prolongation may be granted twice, if the new therapeutic indications are each time for different orphan conditions.	Such a prolongation may be granted twice, if the new therapeutic indications are each time for different orphan conditions.	Such a prolongation may be granted twice, if the new therapeutic indications are each time for different orphan conditions.	
Article 72(3)				
704	3. The orphan medicinal products which benefit from the prolongation of market exclusivity	3. The orphan medicinal products which benefit from the prolongation of market exclusivity	3. The orphan medicinal products which benefit from the prolongation of market exclusivity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in the paragraph 2 shall not benefit from the additional period of data protection referred to in Article 81(2), point (d), of [revised Directive 2001/83/EC].	referred to in the paragraph 2 shall not benefit from the additional period of data protection referred to in Article 81(2), point (d), of [revised Directive 2001/83/EC].	referred to in the paragraph 2 shall not benefit from the additional period of ~~data~~ **market** protection referred to in Article ~~81(2), point (d),~~ **80(2)**of [revised Directive 2001/83/EC].	
Article 72(4)				
705	4. Article 71(3) equally applies to the prolongations of market exclusivity referred to in paragraphs 1 and 2.	4. Article 71(3) equally applies to the prolongations of market exclusivity referred to in paragraphs 1 and 2.	4. Article 71(3) equally applies to the prolongations of market exclusivity referred to in ~~paragraphs 1 and 2~~**paragraph2**.	
Article 73				
706	Article 73 Union financial contribution related to orphan medicinal products	Article 73 Union financial contribution related to orphan medicinal products	Article 73 Union financial contribution related to orphan medicinal products	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 73, first paragraph				
707	The working arrangements referred to in Article 8 of [new fee Regulation][1] shall set out total or partial reductions for the applicable fees and charges payable to the European Medicines Agency as laid down in [new fee Regulation]. Such reductions shall be covered by the Union contribution provided for in Article 154(3), point (a) of this Regulation. __________ 1. Regulation [XXX] of the European Parliament and of the Council on fees and charges payable to the European Medicines Agency, amending Regulation (EU) 2017/745 of the European Parliament and of the Council and	The working arrangements referred to in Article 8 of [new fee Regulation][1] shall set out total or partial reductions for the applicable fees and charges payable to the European Medicines Agency as laid down in [new fee Regulation]. Such reductions shall be covered by the Union contribution provided for in Article 154(3), point (a) of this Regulation. __________ 1. Regulation [XXX] of the European Parliament and of the Council on fees and charges payable to the European Medicines Agency, amending Regulation (EU) 2017/745 of the European Parliament and of the Council and	The working arrangements referred to in Article 8 of [new fee Regulation][1] shall set out total or partial reductions for the applicable fees and charges payable to the European Medicines Agency as laid down in [new fee Regulation]. Such reductions shall be covered by the Union contribution provided for in Article 154(3), point (a) of this Regulation. __________ 1. Regulation [XXX] of the European Parliament and of the Council on fees and charges payable to the European Medicines Agency, amending Regulation (EU) 2017/745 of the European Parliament and of the Council and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	repealing Council Regulation (EC) No 297/95 and Regulation (EU) 658/2014 of the European Parliament and of the Council [OJ L X, XX.XX.XXXX, p. X].	repealing Council Regulation (EC) No 297/95 and Regulation (EU) 658/2014 of the European Parliament and of the Council [OJ L X, XX.XX.XXXX, p. X].	repealing Council Regulation (EC) No 297/95 and Regulation (EU) 658/2014 of the European Parliament and of the Council [OJ L X, XX.XX.XXXX, p. X].	
Article 73a				
707a		***Article 73a*** ***Joint procurement of centrally authorised medicinal products***		
Article 73a(1)				
707b		***1. Upon request from the Member States, the Commission shall facilitate joint procurement of centrally authorised medicinal products at Union level on Member States' behalf.***		
Article 73a(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
707c		***2. The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by further defining the conditions and procedures for joint procurement of centrally authorised medicinal products.***		
Article 73b				
707d		***Article 73b*** ***Union Framework for Rare Diseases***		
Article 73b, first paragraph				
707e		***By ... [24 months from the date of entry into force of this Regulation], the Commission***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		shall, following a consultation with the Member States, patient organisations and other relevant stakeholders, propose a needs-driven and goals-based Union Framework for Rare Diseases with a view to better framing and coordinating Union policies and programmes, and supporting Member States in the elaboration of national strategies to better meet the unmet needs of people living with rare diseases, and their carers.		
CHAPTER VII				
708	CHAPTER VII PAEDIATRIC MEDICINAL PRODUCTS	CHAPTER VII PAEDIATRIC MEDICINAL PRODUCTS	CHAPTER VII PAEDIATRIC MEDICINAL PRODUCTS	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 74				
709	Article 74 Paediatric investigation plan	Article 74 Paediatric investigation plan	Article 74 Paediatric investigation plan	
Article 74(1)				
710	1. A paediatric investigation plan shall specify the timing and all the measures proposed to assess the quality, safety and efficacy of the medicinal product in all subsets of the paediatric population that may be concerned. In addition, it shall describe any measures to adapt the pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product so as to make its use more acceptable,	1. A paediatric investigation plan shall specify the timing and all the measures proposed to assess the quality, safety and efficacy of the medicinal product in all subsets of the paediatric population that may be concerned. In addition, it shall describe any measures to adapt the pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product so as to make its use more acceptable,	1. A paediatric investigation plan shall specify the timing and all the measures proposed to assess the quality, safety and efficacy of the medicinal product in all subsets of the paediatric population that may be concerned. In addition, it shall describe any measures to adapt the pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product so as to make its use more acceptable,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	easier, safer or more effective for different subsets of the paediatric population.	easier, safer or more effective for different subsets of the paediatric population.	easier, safer or more effective for different subsets of the paediatric population.	
Article 74(2), first subparagraph				
711	2. By derogation from paragraph 1, in the following cases an applicant may submit only an initial paediatric investigation plan as referred to in the second subparagraph:	2. By derogation from paragraph 1, in the following cases an applicant may submit only an initial paediatric investigation plan as referred to in the second subparagraph:	2. By derogation from paragraph 1, in the following cases an applicant may submit only an initial paediatric investigation plan as referred to in the second subparagraph:	
Article 74(2), first subparagraph, point (a)				
712	(a) when the active substance concerned is not yet authorised in any medicinal product in the EU and is intended to treat a novel paediatric condition;	(a) when the active substance concerned is not yet authorised in any medicinal product in the EU and is intended to treat a novel paediatric condition;	(a) when the active substance concerned is not yet authorised in any medicinal product in the EU and is intended to **diagnose, prevent or** treat a novel paediatric condition **or diagnose, prevent or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			treat an existing paediatric condition via a novel mechanism of action; **or;**	
Article 74(2), first subparagraph, point (b)				
713	(b) following the acceptance by the Agency of a justified request from an applicant in accordance with paragraph 3.	(b) following the acceptance by the Agency of a ***duly*** justified request from an applicant in accordance with paragraph 3.	(b) following the acceptance by the Agency of a justified request from an applicant in accordance with paragraph 3.	
Article 74(2), second subparagraph				
714	An initial paediatric investigation plan shall contain only the details and the timing of the measures proposed to assess the quality, safety and efficacy of the medicinal product in all subsets of the paediatric population that may be concerned, that are known at	An initial paediatric investigation plan shall contain only the details and the timing of the measures proposed to assess the quality, safety and efficacy of the medicinal product in all subsets of the paediatric population that may be concerned, that are known at	An initial paediatric investigation plan shall contain only the details and the timing of the measures proposed to assess the quality, safety and efficacy of the medicinal product in all subsets of the paediatric population that may be concerned, that are known at	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the moment of the submission of the request for agreement mentioned in Article 76(1).	the moment of the submission of the request for agreement mentioned in Article 76(1).	the moment of the submission of the request for agreement mentioned in Article 76(1).	
Article 74(2), third subparagraph				
715	This initial paediatric investigation plan shall also provide a precise timing of when updated versions of the paediatric investigation plan are to be submitted and when a final paediatric investigation plan complying with all the particulars described in paragraph 1, is expected to be submitted to the Agency.	This initial paediatric investigation plan shall also provide a precise timing of when updated versions of the paediatric investigation plan are to be submitted and when a final paediatric investigation plan complying with all the particulars described in paragraph 1, is expected to be submitted to the Agency.	This initial paediatric investigation plan shall also provide a precise timing of when updated versions of the paediatric investigation plan are to be submitted and when a final paediatric investigation plan complying with all the particulars described in paragraph 1, is expected to be submitted to the Agency.	
Article 74(3)				
716	3. When it is not possible, on the basis of scientifically justified	3. When it is not possible, on the basis of scientifically justified	3. When it is not possible, on the basis of scientifically justified	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reasons, to have a complete paediatric development plan in accordance with the timing given in Article 76(1) an applicant may submit a justified request to the Agency to utilise the procedure mentioned in paragraph 2. The Agency has 20 days to accept or refuse the request and shall immediately inform the applicant and state the reasons for refusal.	reasons, to have a complete paediatric development plan in accordance with the timing given in Article 76(1) an applicant may submit a ***duly*** justified request to the Agency to utilise the procedure mentioned in paragraph 2. The Agency has 20 days to accept or refuse the request and shall immediately inform the applicant and state the reasons for refusal.	reasons, to have a complete paediatric ~~development~~ **investigation** plan in accordance with the timing given in Article 76(1) an applicant may submit a justified request to the Agency to utilise the procedure mentioned in paragraph 2. The Agency has 20 days to accept or refuse the request and shall immediately inform the applicant and state the reasons for refusal.	
Article 74(4)				
717	4. On the basis of the experience acquired as a result of the operation of this Article or of scientific knowledge, the Commission is empowered to adopt delegated acts in accordance	4. On the basis of the experience acquired as a result of the operation of this Article or of scientific knowledge, the Commission is empowered to adopt delegated acts in accordance	4. On the basis of the experience acquired as a result of the operation of this Article or of scientific knowledge, the Commission is empowered to adopt delegated acts in accordance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with Article 175 to amend the grounds for granting the possibility to utilise the adapted procedure foreseen in paragraph 2.	with Article 175 to amend the grounds for granting the possibility to utilise the adapted procedure foreseen in paragraph 2.	with Article 175 to amend the grounds for granting the possibility to utilise the adapted procedure foreseen in paragraph 2.	
Article 75				
718	Article 75 Waivers	Article 75 Waivers	Article 75 Waivers	
Article 75(1)				
719	1. In accordance with the procedure set out in Article 78, the Agency may decide that the production of the information referred to in, Article 6(5), point (a), of [revised Directive 2001/83], shall be waived for products or for classes of medicinal products, if	1. In accordance with the procedure set out in Article 78, the Agency may decide that the production of the information referred to in, Article 6(5), point (a), of [revised Directive 2001/83], shall be waived for products or for classes of medicinal products, if	1. In accordance with the procedure set out in Article 78, the Agency may decide that the production of the information referred to in, Article 6(5), point (a), of [revised Directive 2001/83], shall be waived for products or for classes of medicinal products, if	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	there is evidence showing any of the following:	there is evidence showing any of the following:	there is evidence showing any of the following:	
Article 75(1), point (a)				
720	(a) that the specific medicinal product or class of medicinal products is likely to be ineffective or unsafe in part or all of the paediatric population;	(a) that the specific medicinal product or class of medicinal products is likely to be ineffective or unsafe in part or all of the paediatric population;	(a) that the specific medicinal product or class of medicinal products is likely to be ineffective or unsafe in part or all of the paediatric population;	
Article 75(1), point (b)				
721	(b) that the disease or condition for which the specific medicinal product or class is intended occurs only in adult populations, unless when the product is directed at a molecular target that on the basis of existing scientific data, is responsible for a	(b) that the disease or condition for which the specific medicinal product or class is intended occurs only in adult populations, unless when the product is directed at a molecular target ~~*that*~~***or due to its mechanism of action*** on the basis of existing	(b) that the disease or condition for which the specific medicinal product or class is intended occurs only in adult populations, ~~unless~~ **except** when the product **displays a mechanism of action, including where its action** is directed at a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	different disease or condition in the same therapeutic area in children than the one for which the specific medicinal product or class of medicinal products is intended for in the adult population;	scientific data, is responsible for a different disease or condition in the same therapeutic area in children than the one for which the specific medicinal product or class of medicinal products is intended for in the adult population;	**specific** molecular target **or biological pathway,** that on the basis of existing scientific data, is ~~responsible~~ **relevant** for a different disease or condition in the same therapeutic area in children than the one for which the specific medicinal product or class of medicinal products is intended for in the adult population;	
Article 75(1), point (c)				
722	(c) that the specific medicinal product is likely to not represent a significant therapeutic benefit over existing treatments for paediatric patients.	(c) that the specific medicinal product is likely to not represent a significant therapeutic benefit over existing treatments for paediatric patients.	(c) that the specific medicinal product is likely to not represent a significant therapeutic benefit over existing **methods of diagnosis, prevention or** treatments for paediatric patients**, except when the product displays a mechanism of action, including**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			where its action is directed at a specific molecular target or biological pathway, that on the basis of existing scientific data, is relevant for a different disease or condition in the same therapeutic area in children than the one for which the specific medicinal product or class of medicinal products is intended for in the adult population.	
Article 75(2)				
723	2. The waiver provided for in paragraph 1 may be issued with reference either to one or more specified subsets of the paediatric population, or to one or more	2. The waiver provided for in paragraph 1 may be issued with reference either to one or more specified subsets of the paediatric population, or to one or more	2. The waiver provided for in paragraph 1 may be issued with reference either to one or more specified subsets of the paediatric population, or to one or more	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	specified therapeutic indications, or to a combination of both.	specified therapeutic indications, or to a combination of both.	specified therapeutic indications, or to a combination of both.	
Article 75(3)				
724	3. On the basis of the experience acquired as a result of the operation of this Article or of scientific knowledge the Commission is empowered to adopt delegated acts in accordance with Article 175 to amend the grounds for granting a waiver detailed in paragraph 1.	*deleted*	*3.* On the basis of the experience acquired as a result of the operation of this Article or of scientific knowledge the Commission is empowered to adopt delegated acts in accordance with Article 175 to amend the grounds for granting a waiver detailed in paragraph 1.	
Article 75(3a)				
724a		***3a. The Agency shall, after consultation with the Commission and relevant interested parties,***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		draw up guidelines for the application of this Article.		
Article 76				
725	Article 76 Validation of a paediatric investigation plan or of a waiver	Article 76 Validation of a paediatric investigation plan or of a waiver	Article 76 Validation of a paediatric investigation plan or of a waiver	
Article 76(1)				
726	1. A paediatric investigation plan or an application for waiver shall be submitted to the Agency with a request for agreement, except in duly justified cases, before the initiation of safety and efficacy clinical studies so as to ensure that a decision on use in the paediatric population of the medicinal product concerned can	1. A paediatric investigation plan or an application for waiver shall be submitted to the Agency with a request for agreement, except in duly justified cases, before the initiation of safety and efficacy clinical studies so as to ensure that a decision on use in the paediatric population of the medicinal product concerned can	1. A paediatric investigation plan or an application for waiver shall be submitted to the Agency with a request for agreement, except in duly justified cases, before the initiation of safety and efficacy clinical studies so as to ensure that a decision on use in the paediatric population of the medicinal product concerned can	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be given at the time of the marketing authorisation or other application concerned.	be given at the time of the marketing authorisation or other application concerned.	be given at the time of the marketing authorisation or other application concerned.	
Article 76(2)				
727	2. Within 30 days following receipt of the request referred to in paragraph 1, the Agency shall verify the validity of the request and communicate the result to the applicant.	2. Within 30 days following receipt of the request referred to in paragraph 1, the Agency shall verify the validity of the request and communicate the result to the applicant.	2. Within 30 days following receipt of the request referred to in paragraph 1, the Agency shall verify the validity of the request and communicate the result to the applicant.	
Article 76(3)				
728	3. Whenever appropriate, the Agency may ask the applicant to submit additional particulars and documents, in which case the time-limit of 30 days shall be suspended until the supplementary	3. Whenever appropriate, the Agency may ask the applicant to submit additional particulars and documents, in which case the time-limit of 30 days shall be suspended until the supplementary	3. Whenever appropriate, the Agency may ask the applicant to submit additional particulars and documents, in which case the time-limit of 30 days shall be suspended until the supplementary	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information requested has been provided.	information requested has been provided.	information requested has been provided.	
Article 76(4)				
729	4. In consultation with the Commission and with interested parties, the Agency shall draw up and publish guidelines for the practical application of this Article.	4. In consultation with the Commission and with interested parties, the Agency shall draw up and publish guidelines for the practical application of this Article.	4. In consultation with the Commission**, the competent authorities of the Member States** and with interested parties, the Agency shall draw up and publish guidelines for the practical application of this Article.	
Article 77				
730	Article 77 Agreement on a paediatric investigation plan	Article 77 Agreement on a paediatric investigation plan	Article 77 Agreement on a paediatric investigation plan	
Article 77(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
731	1. After the validation of the proposed paediatric investigation plan referred to in Article 74(1).which is valid in accordance with the provisions of Article 76(2), the Agency shall adopt within 90 days a decision as to whether or not the proposed studies will ensure the generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies proposed. When adopting its decision, the Agency shall consider whether or not the measures proposed to adapt the	1. After the validation of the proposed paediatric investigation plan referred to in Article 74(1).which is valid in accordance with the provisions of Article 76(2), the Agency shall adopt within 90 days a decision as to whether or not the proposed studies will ensure the generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies proposed. When adopting its decision, the Agency shall consider whether or not the measures proposed to adapt the	1. After the validation of the proposed paediatric investigation plan referred to in Article 74(1)~~.which is valid~~ in accordance with the provisions of Article 76(2), the Agency shall adopt within 90 days a decision as to whether or not the proposed studies will ensure the generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies proposed. When adopting its decision, the Agency shall consider whether or not the measures proposed to adapt the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product for use in different subsets of the paediatric population are appropriate.	pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product for use in different subsets of the paediatric population are appropriate.	pharmaceutical form, the strength, the route of administration and the eventual administration device of the medicinal product for use in different subsets of the paediatric population are appropriate.	
Article 77(2)				
732	2. After the validation of the proposed initial paediatric investigation plan prepared in accordance with the adapted procedure referred to in Article 74(2) first subparagraph, which is valid in accordance with the provisions of Article 76(2), the Agency shall adopt a decision within 70 days as to whether or not the paediatric investigation plan is expected to ensure the	2. After the validation of the proposed initial paediatric investigation plan prepared in accordance with the adapted procedure referred to in Article 74(2) first subparagraph, which is valid in accordance with the provisions of Article 76(2), the Agency shall adopt a decision within 70 days as to whether or not the paediatric investigation plan is expected to ensure the	2. After the validation of the proposed initial paediatric investigation plan prepared in accordance with the adapted procedure referred to in Article 74(2) first subparagraph, which is valid in accordance with the provisions of Article 76(2), the Agency shall adopt a decision within 70 days as to whether or not the paediatric investigation plan is expected to ensure the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies envisaged.	generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies envisaged.	generation of the necessary data determining the conditions in which the medicinal product may be used to treat the paediatric population or subsets thereof, and as to whether or not the expected therapeutic benefits, where appropriate also over existing treatments, justify the studies envisaged.	
Article 77(3), first subparagraph				
733	3. After receiving an updated version of the paediatric investigation plan referred to in Article 74(2), third subparagraph, the Agency shall review it within 30 days.	3. After receiving an updated version of the paediatric investigation plan referred to in Article 74(2), third subparagraph, the Agency shall review it within 30 days.	3. After receiving an updated version of the paediatric investigation plan referred to in Article 74(2), third subparagraph, the Agency shall review it within 30 days.	
Article 77(3), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
734	After the timeframe laid down in the first subparagraph, without any request from the Agency in accordance with paragraph 5, the updated version of the paediatric investigation plan shall be considered as agreed.	After the timeframe laid down in the first subparagraph, without any request from the Agency in accordance with paragraph 5, the updated version of the paediatric investigation plan shall be considered as agreed.	After the timeframe laid down in the first subparagraph, without any request from the Agency in accordance with paragraph 5, the updated version of the paediatric investigation plan shall be considered as agreed.	
Article 77(4)				
735	4. When the final paediatric investigation plan referred to in Article 74(2), third subparagraph, is received, the Agency shall adopt within 60 days a decision on the paediatric investigation plan considering all the updated reviews eventually conducted and of the initial decision in accordance with paragraphs 2 and 3.	4. When the final paediatric investigation plan referred to in Article 74(2), third subparagraph, is received, the Agency shall adopt within 60 days a decision on the paediatric investigation plan considering all the updated reviews eventually conducted and of the initial decision in accordance with paragraphs 2 and 3.	4. When the final paediatric investigation plan referred to in Article 74(2), third subparagraph, is received, the Agency shall adopt within 60 days a decision on the paediatric investigation plan considering all the updated reviews eventually conducted and of the initial decision in accordance with paragraphs 2 and 3.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 77(5)				
736	5. Within time periods referred to in paragraphs 1, 2, 3 or 4 the Agency may request the applicant to propose modifications to the plan or ask for additional information, in which case the time-limits referred to in paragraphs 1, 2, 3 and 4 shall be extended for a maximum of the same number of days. These time-limits shall be suspended until the supplementary information requested has been provided.	5. Within time periods referred to in paragraphs 1, 2, 3 or 4 the Agency may request the applicant to propose modifications to the plan or ask for additional information, in which case the time-limits referred to in paragraphs 1, 2, 3 and 4 shall be extended for a maximum of the same number of days. These time-limits shall be suspended until the supplementary information requested has been provided.	5. Within time periods referred to in paragraphs 1, 2, 3 or 4 the Agency may request the applicant to propose modifications to the plan or ask for additional information, in which case the time-limits referred to in paragraphs 1, 2, 3 and 4 shall be extended for a maximum of the same number of days. These time-limits shall be suspended until the supplementary information requested has been provided.	
Article 77(6)				
737	6. The procedure laid down in Article 87 shall apply for the	6. The procedure laid down in Article 87 shall apply for the	6. The procedure laid down in Article 87 shall apply for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	adoption of decisions by the Agency.	adoption of decisions by the Agency.	adoption of decisions by the Agency.	
Article 78				
738	Article 78 Granting of a waiver	Article 78 Granting of a waiver	Article 78 Granting of a waiver	
Article 78(1)				
739	1. An applicant may, on the grounds set out in Article 75(1), apply to the Agency for a product-specific waiver.	1. An applicant may, on the grounds set out in Article 75(1), apply to the Agency for a product-specific waiver.	1. An applicant may, on the grounds set out in Article 75(1), apply to the Agency for a product-specific waiver.	
Article 78(2), first subparagraph				
740	2. Following the receipt of a valid application in accordance with the provisions of Article 76(2), the Agency shall within 90	2. Following the receipt of a valid application in accordance with the provisions of Article 76(2), the Agency shall within 90	2. Following the receipt of a valid application in accordance with the provisions of Article 76(2), the Agency shall within 90	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	days adopt a decision as to whether or not a product-specific waiver shall be granted.	days adopt a decision as to whether or not a product-specific waiver shall be granted.	days adopt a decision as to whether or not a product-specific waiver shall be granted.	
Article 78(2), second subparagraph				
741	Whenever appropriate, the Agency may request the applicant to supplement the particulars and documents submitted. Where the Agency avails itself of this option, the 90-day time-limit shall be suspended until such time as the supplementary information requested has been provided.	Whenever appropriate, the Agency may request the applicant to supplement the particulars and documents submitted. Where the Agency avails itself of this option, the 90-day time-limit shall be suspended until such time as the supplementary information requested has been provided.	Whenever appropriate, the Agency may request the applicant to supplement the particulars and documents submitted. Where the Agency avails itself of this option, the 90-day time-limit shall be suspended until such time as the supplementary information requested has been provided.	
Article 78(3)				
742	3. When appropriate, the Agency may of its own motion adopt decisions, on the basis of the	3. When appropriate, the Agency may of its own motion adopt decisions, on the basis of the	3. When appropriate, the Agency may of its own motion adopt decisions, on the basis of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	grounds set out in Article 75(1), to the effect that a class or a product-specific waiver, as referred to in Article 75(2), should be granted.	grounds set out in Article 75(1), to the effect that a class or a product-specific waiver, as referred to in Article 75(2), should be granted.	grounds set out in Article 75(1), to the effect that a class or a product-specific waiver, as referred to in Article 75(2), should be granted.	
Article 78(4)				
743	4. The Agency may, at any time adopt a decision reviewing an already granted waiver.	4. The Agency may, at any time adopt a decision reviewing an already granted waiver.	4. The Agency may, at any time adopt a decision reviewing an already granted waiver.	
Article 78(5)				
744	5. If a particular product-specific or class waiver is revoked, the requirement set out in Article 6(5) of [revised Directive 2001/83/EC] shall not apply for 36 months from the date of its removal from the list of waivers.	5. If a particular product-specific or class waiver is revoked, the requirement set out in Article 6(5) of [revised Directive 2001/83/EC] shall not apply for 36 months from the date of its removal from the list of waivers.	5. If a particular product-specific or class waiver is revoked, the requirement set out in Article 6(5) of [revised Directive 2001/83/EC] shall not apply for 36 months from the date of its removal from the list of waivers.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 78(6)				
745	6. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	6. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	6. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	
Article 78(7)				
746	7. In consultation with the Commission and with interested parties, the Agency shall draw up and publish guidelines for the practical application of this Article.	7. In consultation with the Commission and with interested parties, the Agency shall draw up and publish guidelines for the practical application of this Article.	7. In consultation with the Commission**, the competent authorities of the Member States,** and with interested parties, the Agency shall draw up and publish guidelines for the practical application of this Article.	
Article 79				
747	Article 79	Article 79	Article 79	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	List of waivers	List of waivers	List of waivers	
Article 79, first paragraph				
748	The Agency shall maintain a list of all waivers granted. The list shall be updated regularly and made available to the public.	The Agency shall maintain a list of all waivers granted. The list shall be updated regularly and made available to the public.	The Agency shall maintain a list of all waivers granted. The list shall be updated regularly and made available to the public.	
Article 80				
749	Article 80 Waivers granted following a negative decision on a paediatric investigation plan	Article 80 Waivers granted following a negative decision on a paediatric investigation plan	Article 80 Waivers granted following a negative decision on a paediatric investigation plan	
Article 80, first paragraph				
750	If, having considered a paediatric investigation plan, the Agency	If, having considered a paediatric investigation plan, the Agency	If, having considered a paediatric investigation plan, the Agency	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	concludes that Article 75(1), points (a), (b) or (c), applies to the medicinal product concerned, it shall adopt negative a decision under Article 77, paragraphs 1, 2 or 4.	concludes that Article 75(1), points (a), (b) or (c), applies to the medicinal product concerned, it shall adopt negative a decision under Article 77, paragraphs 1, 2 or 4.	concludes that Article 75(1), points (a), (b) or (c), applies to the medicinal product concerned, it shall adopt **a** negative ~~a~~ decision under Article 77, paragraphs 1, 2 or 4.	
Article 80, second paragraph				
751	In such cases, the Agency shall adopt a decision in favour of a waiver under Article 78(3). The two decisions shall be adopted at the same time by the Agency.	In such cases, the Agency shall adopt a decision in favour of a waiver under Article 78(3). The two decisions shall be adopted at the same time by the Agency.	In such cases, the Agency shall adopt a decision in favour of a waiver under Article 78(3). The two decisions shall be adopted at the same time by the Agency.	
Article 80, third paragraph				
752	The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 81				
753	Article 81 Deferrals	Article 81 Deferrals	Article 81 Deferrals	
Article 81(1), first subparagraph				
754	1. At the same time as the application for a paediatric investigation plan is submitted under Article 76(1) or during the assessment for a paediatric investigation plan, the applicant may also make a request for deferral of the initiation or completion of some or all of the measures set out in that plan. Such deferral shall be justified on scientific and technical grounds or	1. At the same time as the application for a paediatric investigation plan is submitted under Article 76(1) or during the assessment for a paediatric investigation plan, the applicant may also make a request for deferral of the initiation or completion of some or all of the measures set out in that plan. Such deferral shall be justified on scientific and technical grounds or	1. At the same time as the application for a paediatric investigation plan is submitted under Article 76(1) or during the assessment for a paediatric investigation plan, the applicant may also make a request for deferral of the initiation or completion of some or all of the measures set out in that plan. Such deferral shall be justified on scientific ~~and~~ **or** technical	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on grounds related to public health.	on grounds related to public health.	grounds or on grounds related to public health.	
Article 81(1), second subparagraph				
755	In any event, a deferral shall be granted when it is appropriate to conduct studies in adults prior to initiating studies in the paediatric population or when studies in the paediatric population will take longer to conduct than studies in adults.	In any event, a deferral shall be granted when it is appropriate to conduct studies in adults prior to initiating studies in the paediatric population or when studies in the paediatric population will take longer to conduct than studies in adults.	In any event, a deferral shall be granted when it is appropriate to conduct studies in adults prior to initiating studies in the paediatric population or when studies in the paediatric population will take longer to conduct than studies in adults.	
Article 81(2), first subparagraph				
756	2. The Agency shall adopt a decision on the request referred to in paragraph 1 and inform the applicant thereof. The Agency shall adopt such decision at the	2. The Agency shall adopt a decision on the request referred to in paragraph 1 and inform the applicant thereof. The Agency shall adopt such decision at the	2. The Agency shall adopt a decision on the request referred to in paragraph 1 and inform the applicant thereof. The Agency shall adopt such decision at the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	same time as the adoption of the positive decision under Article 77, paragraphs 1 or 2.	same time as the adoption of the positive decision under Article 77, paragraphs 1 or 2.	same time as the adoption of the positive decision under Article 77, paragraphs 1 or 2.	
Article 81(2), second subparagraph				
757	A decision in favour of a deferral shall specify the time-limits for initiating or completing the measures concerned.	A decision in favour of a deferral shall specify the time-limits for initiating or completing the measures concerned.	A decision in favour of a deferral shall specify the time-limits for initiating or completing the measures concerned.	
Article 81(3)				
758	3. The length of the deferral shall be specified in a decision of the Agency and shall not exceed five years.	3. The length of the deferral shall be specified in a decision of the Agency and shall ***be substantiated by scientific and technical grounds or by considerations pertaining to public health and*** not exceed five years.	3. The length of the deferral shall be specified in a decision of the Agency and shall not exceed five years.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 81(4)				
759	4. On the basis of the experience acquired as a result of the operation of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 175 to amend the grounds for granting a deferral referred to in paragraph 1.	4. On the basis of the experience acquired as a result of the operation of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 175 to amend the grounds for granting a deferral referred to in paragraph 1.	4. On the basis of the experience acquired as a result of the operation of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 175 to amend the grounds for granting a deferral referred to in paragraph 1.	
Article 82				
760	Article 82 Prolongation of deferrals	Article 82 Prolongation of deferrals	Article 82 Prolongation of deferrals	
Article 82(1), first subparagraph				
761	1. In duly justified cases, a request for a prolongation of the deferral, may be submitted, at least	1. In duly justified cases, a request for a prolongation of the deferral, may be submitted, at least	1. In duly justified cases, a request for a prolongation of the deferral, may be submitted, at least	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	6 months before the expiry of the deferral period. A prolongation of the derogation shall not exceed the duration of the deferral period given under Article 81(3).	6 months before the expiry of the deferral period. A prolongation of the derogation shall not exceed the duration of the deferral period given under Article 81(3).	6 months before the expiry of the deferral period. A prolongation of the ~~derogation~~ **deferral** shall not exceed the duration of the deferral period given under Article 81(3).	
Article 82(1), second subparagraph				
762	The Agency shall decide on the prolongation within 60 days.	The Agency shall decide on the prolongation within 60 days.	The Agency shall decide on the prolongation within 60 days.	
Article 82(2)				
763	2. Whenever appropriate, the Agency may ask the applicant to submit additional particulars and documents, in which case the time-limit of 60 days shall be suspended until the supplementary information requested has been provided.	2. Whenever appropriate, the Agency may ask the applicant to submit additional particulars and documents, in which case the time-limit of 60 days shall be suspended until the supplementary information requested has been provided.	2. Whenever appropriate, the Agency may ask the applicant to submit**, within the deadline set by the Agency,** additional particulars and documents, in which case the time-limit of 60 days shall be suspended until the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			supplementary information requested has been provided.	
Article 82(3)				
764	3. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	3. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	3. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	
Article 83				
765	Article 83 Waivers during a public health emergency	Article 83 Waivers during a public health emergency	Article 83 Waivers during a public health emergency	
Article 83(1)				
766	1. The decision by the Agency referred to in Article 6(5), point (e) of [revised Directive	1. The decision by the Agency referred to in Article 6(5), point (e) of [revised Directive	1. The decision by the Agency referred to in Article 6(5), point (e) of [revised Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2001/83/EC] shall concern only medicinal products intended for the treatment, prevention or medical diagnosis of a serious or life-threatening disease or condition which are directly related to the public health emergency.	2001/83/EC] shall concern only medicinal products intended for the treatment, prevention or medical diagnosis of a serious or life-threatening disease or condition which are directly related to the public health emergency.	2001/83/EC] shall concern only medicinal products intended for the treatment, prevention or medical diagnosis of a serious or life-threatening disease or condition which are directly related to the public health emergency.	
Article 83(2)				
767	2. The decision mentioned under paragraph 1 shall include the grounds for providing such derogation and its duration.	2. The decision mentioned under paragraph 1 shall include the grounds for providing such derogation and its duration.	2. The decision mentioned under paragraph 1 shall include the grounds for providing such derogation and its duration.	
Article 83(3)				
768	3. At the latest at the date of expiry of the derogation referred to in paragraph 2, the applicant	3. At the latest at the date of expiry of the derogation referred to in paragraph 2, the applicant	3. At the latest at the date of expiry of the derogation referred to in paragraph 2, the applicant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall submit to the Agency a paediatric investigation plan or an application for a waiver with a request for agreement in accordance with the provisions of Article 76(1).	shall submit to the Agency a paediatric investigation plan or an application for a waiver with a request for agreement in accordance with the provisions of Article 76(1).	shall submit to the Agency a paediatric investigation plan or an application for a waiver with a request for agreement in accordance with the provisions of Article 76(1).	
Article 84				
769	Article 84 Modification of a paediatric investigation plan	Article 84 Modification of a paediatric investigation plan	Article 84 Modification of a paediatric investigation plan	
Article 84(1)				
770	1. If, following the decision agreeing the paediatric investigation plan, the applicant encounters such difficulties with its implementation as to render the plan unworkable or no longer	1. If, following the decision agreeing the paediatric investigation plan, the applicant encounters such difficulties with its implementation as to render the plan unworkable or no longer	1. If, following the decision agreeing the paediatric investigation plan, the applicant encounters such difficulties with its implementation as to render the plan unworkable or no longer	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appropriate, the applicant may propose changes or request the Agency to issue a deferral in accordance with Article 81 or a waiver in accordance with Article 75. The Agency shall adopt within 90 days a decision on the basis of the procedure laid down in Article 87. When appropriate, the Agency may request the applicant to supplement the particulars and documents submitted. Where the Agency avails itself of this option, the time-limit shall be suspended until such time as the supplementary information requested has been provided.	appropriate, the applicant may propose changes or request the Agency to issue a deferral in accordance with Article 81 or a waiver in accordance with Article 75. The Agency shall adopt within 90 days a decision on the basis of the procedure laid down in Article 87. When appropriate, the Agency may request the applicant to supplement the particulars and documents submitted. Where the Agency avails itself of this option, the time-limit shall be suspended until such time as the supplementary information requested has been provided.	appropriate, the applicant may propose changes or request the Agency to issue a deferral in accordance with Article 81 or a waiver in accordance with Article 75. The Agency shall adopt within 90 days a decision on the basis of the procedure laid down in Article 87. When appropriate, the Agency may request the applicant to supplement the particulars and documents submitted. Where the Agency avails itself of this option, the time-limit shall be suspended until such time as the supplementary information requested has been provided.	
Article 84(1a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
770a		***<u>1a. The procedure provided for in paragraph 1 of this Article shall also apply when the applicant updates the elements of an initial paediatric investigation plan submitted in accordance with Article 74(2).</u>***		
Article 84(2), first subparagraph				
771	2. If, following the decision agreeing the paediatric investigation plan referred to in Article 77, paragraphs 1, 2 and 4, or on the basis of the updated paediatric investigation plan received in accordance with Article 77(3), the Agency, on the base of new scientific information available, considers that the agreed plan or any of its elements are no	2. If, following the decision agreeing the paediatric investigation plan referred to in Article 77, paragraphs 1, 2 and 4, or on the basis of the updated paediatric investigation plan received in accordance with Article 77(3), the Agency, on the base of new scientific information available, considers that the agreed plan or any of its elements are no	2. If, following the decision agreeing the paediatric investigation plan referred to in Article 77, paragraphs 1, 2 and 4, or on the basis of the updated paediatric investigation plan received in accordance with Article 77(3), the Agency, on the base of new scientific information available, considers that the agreed plan or any of its elements are no	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	longer appropriate, it shall request the applicant to propose changes to the paediatric investigation plan.	longer appropriate, it shall request, ***based on detailed scientific grounds, that*** the applicant ~~to~~ propose changes to the paediatric investigation plan.	longer appropriate, it shall request the applicant to propose changes to the paediatric investigation plan.	
Article 84(2), second subparagraph				
772	The applicant shall submit the changes requested within 60 days.	The applicant shall submit the changes requested within 60 days.	The applicant shall submit the changes requested within 60 days.	
Article 84(2), third subparagraph				
773	Within 30 days, the Agency shall review these changes and adopt a decision on their refusal or acceptance.	Within 30 days, the Agency shall review these changes and adopt a decision on their refusal or acceptance.	Within 30 days, the Agency shall review these changes and adopt a decision on their refusal or acceptance.	
Article 84(2a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
773a		***2a. Within the timelines for adoption of a decision provided for in Articles 77, 78, 80, 81, 82 and 84, the Agency shall transmit its scientific conclusions to the applicant.***		
Article 84(2b), first subparagraph				
773b		***2b. Where marketing authorisation applicants or marketing authorisation holders disagree with the scientific conclusions, they may respond within 20 days of receipt of those conclusions by providing detailed grounds and evidence for re-examination.***		
Article 84(2b), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
773c		***The Agency shall assess the request for re-examination and may request more information from the marketing authorisation applicant or marketing authorisation holder in this process.***		
Article 84(2b), third subparagraph				
773d		***Within 30 days of receipt of a request for re-examination, the Agency shall confirm its scientific conclusions or commence a re-examination where deemed justified.***		
Article 84(3)				
774	3. Within the time period referred to in paragraph 2, third	3. Within the time period referred to in paragraph 2, third	3. Within the time period referred to in paragraph 2, third	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subparagraph, the Agency may request the applicant for additional modifications to the submitted changes or to submit additional information, in those cases the time-limits referred to in paragraph 2, third subparagraph, shall be extended by another 30 days. This time-limit shall be suspended until the supplementary information requested or the additional modifications have been provided.	subparagraph, the Agency may request the applicant for additional modifications to the submitted changes or to submit additional information, in those cases the time-limits referred to in paragraph 2, third subparagraph, shall be extended by another 30 days. This time-limit shall be suspended until the supplementary information requested or the additional modifications have been provided.	subparagraph, the Agency may request the applicant for additional modifications to the submitted changes or to submit additional information, in those cases the time-limits referred to in paragraph 2, third subparagraph, shall be extended by another 30 days. This time-limit shall be suspended until the supplementary information requested or the additional modifications have been provided.	
Article 84(4)				
775	4. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	4. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	4. The procedure laid down in Article 87 shall apply for the adoption of decisions by the Agency.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 85				
776	Article 85 Detailed arrangements for applications in relation to paediatric investigation plans, waivers and deferrals	Article 85 Detailed arrangements for applications in relation to paediatric investigation plans, waivers and deferrals	Article 85 Detailed arrangements for applications in relation to paediatric investigation plans, waivers and deferrals	
Article 85(1)				
777	1. In consultation with the Member States, the Commission and interested parties, the Agency shall draw up the detailed arrangements concerning the format and content which applications for agreement or modification of a paediatric investigation plan, and requests for waivers or deferrals are to follow in order to be considered valid and	1. In consultation with the Member States, the Commission and interested parties, the Agency shall draw up the detailed arrangements concerning the format and content which applications for agreement or modification of a paediatric investigation plan, and requests for waivers or deferrals are to follow in order to be considered valid and	1. In consultation with the Member States, the Commission and interested parties, the Agency shall draw up the detailed arrangements concerning the format and content which applications for agreement or modification of a paediatric investigation plan, and requests for waivers or deferrals are to follow in order to be considered valid and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	concerning the operation of the compliance check referred to in Articles 48, 49(2), 86 and 90(2) of [revised Directive 2001/83/EC].	concerning the operation of the compliance check referred to in Articles 48, 49(2), 86 and 90(2) of [revised Directive 2001/83/EC].	concerning the operation of the compliance check referred to in Articles 48, 49(2)~~, 86 and 90(2)~~ of [revised Directive 2001/83/EC]**, and Articles 86 and 90(2)**.	
Article 85(2)				
778	2. The detailed arrangement concerning the format and content of applications for agreement of a paediatric investigation plan mentioned in paragraph 1 shall:	2. The detailed arrangement concerning the format and content of applications for agreement of a paediatric investigation plan mentioned in paragraph 1 shall:	2. The detailed arrangement concerning the format and content of applications for agreement of a paediatric investigation plan mentioned in paragraph 1 shall:	
Article 85(2), point (a)				
779	(a) specify which information should be included in an application for agreement or modification of a paediatric investigation plan or requests for a	(a) specify which information should be included in an application for agreement or modification of a paediatric investigation plan or requests for a	(a) specify which information should be included in an application for agreement or modification of a paediatric investigation plan or requests for a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	waiver in the cases referred to in Article 75(1);	waiver in the cases referred to in Article 75(1);	waiver in the cases referred to in Article 75(1);	
Article 85(2), point (b)				
780	(b) be adapted to take into account the specificities of:	(b) be adapted to take into account the specificities of:	(b) be adapted to take into account the specificities of:	
Article 85(2), point (b)(i)				
781	(i) adapted procedure for paediatric investigation plans as referred to in Article 74(2);	(i) adapted procedure for paediatric investigation plans as referred to in Article 74(2);	(i) adapted procedure for paediatric investigation plans as referred to in Article 74(2);	
Article 85(2), point (b)(ii)				
782	(ii) products intended to be developed only for use in children;	(ii) products intended to be developed only for use in children;	(ii) products intended to be developed only for use in children;	
Article 85(2), point (b)(iii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
783	(iii) products intended to be submitted under the procedure referred to in Article 92.	(iii) products intended to be submitted under the procedure referred to in Article 92.	(iii) products intended to be submitted under the procedure referred to in Article 92.	
Article 86				
784	Article 86 Compliance with the paediatric investigation plan	Article 86 Compliance with the paediatric investigation plan	Article 86 Compliance with the paediatric investigation plan	
Article 86, first paragraph				
785	Where the application is submitted in accordance with the procedures set out in in this Regulation, the Committee for Medicinal Products for Human Use shall verify whether an application for marketing authorisation or variation complies with the	Where the application is submitted in accordance with the procedures set out in in this Regulation, the Committee for Medicinal Products for Human Use shall verify whether an application for marketing authorisation or variation complies with the	Where the application **for marketing authorisation or variation** is submitted in accordance with the procedures set out in in this Regulation, the Committee for Medicinal Products for Human Use shall verify whether ~~an~~**the** application ~~for~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements laid down in Article 6(5) of [revised Directive 2001/83/EC].	requirements laid down in Article 6(5) of [revised Directive 2001/83/EC].	~~marketing authorisation or variation~~ complies with the requirements laid down in Article 6(5) of [revised Directive 2001/83/EC].	
Article 87				
786	Article 87 Procedure for adopting a decision in relation to paediatric investigation plans, a waiver or a deferral	Article 87 Procedure for adopting a decision in relation to paediatric investigation plans, a waiver or a deferral	Article 87 Procedure for adopting a decision in relation to paediatric investigation plans, a waiver or a deferral	
Article 87(1)				
787	1. Decisions referred to in Articles 77, 78, 80, 81, 82 and 84 adopted by the Agency shall be supported by scientific	1. Decisions referred to in Articles 77, 78, 80, 81, 82 and 84 adopted by the Agency shall be supported by scientific	1. Decisions referred to in Articles 77, 78, 80, 81, 82 and 84 adopted by the Agency shall be supported by scientific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conclusions which shall be annexed to the decision.	conclusions which shall be annexed to the decision.	conclusions which shall be annexed to the decision.	
Article 87(2)				
788	2. Where the Agency considers it necessary, it may consult the Committee for Medicinal Products for Human Use or the appropriate working parties when preparing the above mentioned scientific conclusions. The outcome of such consultations shall be annexed to the decision.	2. Where the Agency considers it necessary, it may consult the Committee for Medicinal Products for Human Use or the appropriate working parties when preparing the above mentioned scientific conclusions. The outcome of such consultations shall be annexed to the decision.	2. ~~Where~~ The Agency ~~considers it necessary, it may~~ **shall** consult the Committee for Medicinal Products for Human Use~~ or the appropriate working parties~~ when preparing the above mentioned scientific conclusions**. The Committee for Medicinal Products for Human Use shall ensure, as necessary, the appropriate involvement of the relevant scientific expertise through at least one the working parties established under Article 150 or may delegate this task to one of those working parties**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			The outcome of such consultations shall be annexed to the decision.	
Article 87(2a)				
788a			**2a. By derogation from paragraph 2, the Committee for Medicinal Products fot Human Use shall establish scientific principles to determine the situations when consultation is not required.**	
Article 87(2b), first subparagraph				
788b			**2b. The scientific conclusions mentioned in paragraph 1 shall be transmitted without delay by the Agency to the applicant before the adoption of the decisions**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Articles 77, 78, 80, 81, 82 and 84. Within 10 days following receipt of scientific conclusions, the applicant may submit to the Agency a written justified request for their re-examination. Within 20 days following receipt of a request for re-examination, the Agency shall revise the scientifc conclusions or confirm them and provide in all cases a statement on the conclusions of the re-examination and adopt a decision referred to in the first sentence. For the purpose of this paragraph, the Agency shall consult the Committee for Human Medicinal Products.	
Article 87(2b), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
788c			**If the applicant does not submit a written justified request for re-examination within 10 days following the receipt of scientific conclusions, they shall become definitive.**	
Article 87(3)				
789	3. Decisions of the Agency shall be made public after deletion of any information of a commercially confidential nature.	3. Decisions of the Agency shall be made public after deletion of any information of a commercially confidential nature.	3. Decisions of the Agency shall be made public after deletion of any information of a commercially confidential nature.	
Article 88				
790	Article 88 Discontinuation of a paediatric investigation plan	Article 88 Discontinuation of a paediatric investigation plan	Article 88 Discontinuation of a paediatric investigation plan	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 88, first paragraph				
791	Where a paediatric investigation plan, agreed in accordance with the provisions of Article 77, paragraphs 1, 2 and 4, is discontinued, the applicant shall notify the Agency of its intention to discontinue the conduct of the paediatric investigation plan and provide the reasons for such discontinuation no less than six months before the discontinuation.	Where a paediatric investigation plan, agreed in accordance with the provisions of Article 77, paragraphs 1, 2 and 4, is discontinued, the applicant shall notify the Agency of its intention to discontinue the conduct of the paediatric investigation plan and provide the reasons for such discontinuation no less than six months before the discontinuation ***or as soon as possible***.	Where a paediatric investigation plan, agreed in accordance with the provisions of Article 77, paragraphs 1, 2 and 4, is discontinued, the applicant shall notify the Agency of its intention to discontinue the conduct of the paediatric investigation plan and provide the reasons for such discontinuation no less than six months before the discontinuation.	
Article 88, second paragraph				
792	The Agency shall publish this information.	The Agency shall publish this information.	The Agency shall publish this information **after removing personal or commercially sensitive information**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 89				
793	Article 89 Scientific advice for paediatric developments	Article 89 Scientific advice for paediatric developments	Article 89 Scientific advice for paediatric developments	
Article 89, first paragraph				
794	Any legal or natural person developing a medicinal product intended for paediatric use or intended for in utero treatment may, prior to the submission of a paediatric investigation plan and during its implementation, request advice from the Agency on the design and conduct of the various tests and studies necessary to demonstrate the quality, safety and efficacy of the medicinal product in the paediatric population in	Any legal or natural person developing a medicinal product intended for paediatric use or intended for in utero treatment may, prior to the submission of a paediatric investigation plan and during its implementation, request advice from the Agency on the design and conduct of the various tests and studies necessary to demonstrate the quality, safety and efficacy of the medicinal product in the paediatric population in	Any legal or natural person developing a medicinal product intended for paediatric use or intended for in utero treatment may, prior to the submission of a paediatric investigation plan and during its implementation, request advice from the Agency on the design and conduct of the various tests and studies necessary to demonstrate the quality, safety and efficacy of the medicinal product in the paediatric population in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 138(1), point (za).	accordance with Article 138(1), point (za).	accordance with Article 138(1), point (za).	
Article 89, second paragraph				
795	The Agency shall provide advice under this Article free of charge.	The Agency shall provide advice under this Article free of charge.	The Agency shall provide advice under this Article free of charge.	
Article 90				
796	Article 90 Data deriving from a paediatric investigation plan	Article 90 Data deriving from a paediatric investigation plan	Article 90 Data deriving from a paediatric investigation plan	
Article 90(1)				
797	1. Where a marketing authorisation or a variation of a marketing authorisation, is granted	1. Where a marketing authorisation or a variation of a marketing authorisation, is granted	1. Where a marketing authorisation or a variation of a marketing authorisation, is granted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in accordance with this Regulation:	in accordance with this Regulation:	in accordance with this Regulation:	
Article 90(1), point (a)				
798	(a) the results of all clinical studies conducted in compliance with an agreed paediatric investigation plan as referred to in Articles 6(5), point (a), of [revised Directive 2001/83/EC] shall be included in the summary of product characteristics and, if appropriate, in the package leaflet; or	(a) the results of all clinical studies conducted in compliance with an agreed paediatric investigation plan as referred to in Articles 6(5), point (a), of [revised Directive 2001/83/EC] shall be included in the summary of product characteristics and, if appropriate, in the package leaflet; or	(a) the results of all ~~clinical~~ studies conducted in compliance with an agreed paediatric investigation plan as referred to in Articles 6(5), point (a), of [revised Directive 2001/83/EC] shall be included in the summary of product characteristics and, if appropriate, in the package leaflet; or	
Article 90(1), point (b)				
799	(b) any agreed waiver as referred to in Articles 6(5), points (b) and (c) of [revised Directive	(b) any agreed waiver as referred to in Articles 6(5), points (b) and (c) of [revised Directive	(b) any agreed waiver as referred to in Articles 6(5), points (b) and (c) of [revised Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2001/83/EC], shall be recorded in the summary of product characteristics and, if appropriate, in the package leaflet of the medicinal product concerned.	2001/83/EC], shall be recorded in the summary of product characteristics and, if appropriate, in the package leaflet of the medicinal product concerned.	2001/83/EC], shall be recorded in the summary of product characteristics and, if appropriate, in the package leaflet of the medicinal product concerned.	
Article 90(2)				
800	2. If the application complies with all the measures contained in the agreed completed paediatric investigation plan and if the summary of product characteristics reflects the results of studies conducted in compliance with that agreed paediatric investigation plan, the Commission shall include within the marketing authorisation a statement indicating compliance of the application with the agreed	2. If the application complies with all the measures contained in the agreed completed paediatric investigation plan and if the summary of product characteristics reflects the results of studies conducted in compliance with that agreed paediatric investigation plan, the Commission shall include within the marketing authorisation a statement indicating compliance of the application with the agreed	2. If the application complies with all the measures contained in the agreed completed paediatric investigation plan and if the summary of product characteristics reflects the results of studies conducted in compliance with that agreed paediatric investigation plan, the Commission shall include within the marketing authorisation a statement indicating compliance of the application with the agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	completed paediatric investigation plan.	completed paediatric investigation plan.	completed paediatric investigation plan.	
Article 91				
801	Article 91 Variation of marketing authorisations on the basis of paediatric studies	Article 91 Variation of marketing authorisations on the basis of paediatric studies	Article 91 Variation of marketing authorisations on the basis of paediatric studies	
Article 91(1)				
802	1. Any clinical study which involves the use in the paediatric population of a medicinal product covered by a marketing authorisation and is sponsored by the marketing authorisation holder, whether or not it is conducted in compliance with an agreed paediatric investigation plan, shall	1. Any clinical study which involves the use in the paediatric population of a medicinal product covered by a marketing authorisation and is sponsored by the marketing authorisation holder, whether or not it is conducted in compliance with an agreed paediatric investigation plan, shall	1. Any clinical study which involves the use in the paediatric population of a medicinal product covered by a marketing authorisation and is sponsored by the marketing authorisation holder, whether or not it is conducted in compliance with an agreed paediatric investigation plan, shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be submitted to the Agency or to the Member States which have previously authorised the medicinal product concerned within six months of completion of the studies concerned.	be submitted to the Agency or to the Member States which have previously authorised the medicinal product concerned within six months of completion of the studies concerned.	be submitted to the Agency or to the Member States **in** which ~~have previously authorised~~ the medicinal product ~~concerned~~ **is authorised** within six months of completion of the studies concerned.	
Article 91(2)				
803	2. Paragraph 1 shall apply independent of whether or not the marketing authorisation holder intends to apply for a marketing authorisation of a paediatric indication.	2. Paragraph 1 shall apply independent of whether or not the marketing authorisation holder intends to apply for a marketing authorisation of a paediatric indication.	2. Paragraph 1 shall apply independent of whether or not the marketing authorisation holder intends to apply for a marketing authorisation of a paediatric indication.	
Article 91(3)				
804	3. When products are authorised in accordance with the	3. When products are authorised in accordance with the	3. When products are authorised in accordance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provisions of this Regulation, the Commission may update the summary of product characteristics and package leaflet, and may vary the marketing authorisation accordingly.	provisions of this Regulation, the Commission may update the summary of product characteristics and package leaflet, and may vary the marketing authorisation accordingly***, including regarding information on dosage accuracy***.	provisions of this Regulation, the Commission may update the summary of product characteristics and package leaflet, and may vary the marketing authorisation accordingly.	
Article 92				
805	Article 92 Paediatric use marketing authorisation	Article 92 Paediatric use marketing authorisation	Article 92 Paediatric use marketing authorisation	
Article 92(1)				
806	1. An application for a paediatric use marketing authorisation shall be submitted in accordance with Articles 5 and 6	1. An application for a paediatric use marketing authorisation shall be submitted in accordance with Articles 5 and 6	1. An application for a paediatric use marketing authorisation shall be submitted in accordance with Articles 5 and 6	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and shall be accompanied by the particulars and documents necessary to establish quality, safety and efficacy in the paediatric population, including any specific data needed to support an appropriate formulation, pharmaceutical form, strength, route of administration and eventual administration device for the product, in accordance with an agreed paediatric investigation plan. The application shall also include the decision of the Agency agreeing the paediatric investigation plan concerned.	and shall be accompanied by the particulars and documents necessary to establish quality, safety and efficacy in the paediatric population, including any specific data needed to support an appropriate formulation, pharmaceutical form, strength, route of administration and eventual administration device for the product, in accordance with an agreed paediatric investigation plan. The application shall also include the decision of the Agency agreeing the paediatric investigation plan concerned.	and shall be accompanied by the particulars and documents necessary to establish quality, safety and efficacy in the paediatric population, including any specific data needed to support an appropriate formulation, pharmaceutical form, strength, route of administration and eventual administration device for the product, in accordance with an agreed paediatric investigation plan. The application shall also include the decision of the Agency agreeing the paediatric investigation plan concerned.	
Article 92(2)				
807	2. Where a medicinal product is or has been authorised	2. Where a medicinal product is or has been authorised	2. Where a medicinal product is or has been authorised	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in a Member State or in the Union, data contained in the dossier on that product may, where appropriate, be referred to, in accordance with Article 29 or Article 9 of [revised Directive 2001/83/EC], in an application for a paediatric use marketing authorisation.	in a Member State or in the Union, data contained in the dossier on that product may, where appropriate, be referred to, in accordance with Article 29 or Article 9 of [revised Directive 2001/83/EC], in an application for a paediatric use marketing authorisation.	in a Member State or in the Union, data contained in the dossier on that product may, where appropriate, be referred to, in accordance with Article 29 or Article 9 of [revised Directive 2001/83/EC], in an application for a paediatric use marketing authorisation.	
Article 92(3)				
808	3. The medicinal product in respect of which a paediatric use marketing authorisation is granted may retain the name of any medicinal product which contains the same active substance and in respect of which the same marketing authorisation holder has	3. The medicinal product in respect of which a paediatric use marketing authorisation is granted may retain the name of any medicinal product which contains the same active substance and in respect of which the same marketing authorisation holder has	3. The medicinal product in respect of which a paediatric use marketing authorisation is granted may retain the name of any medicinal product which contains the same active substance and in respect of which the same marketing authorisation holder has	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	been granted authorisation for use in adults.	been granted authorisation for use in adults.	been granted authorisation for use in adults.	
Article 92(4)				
809	4. Submission of an application for a paediatric use marketing authorisation shall in no way preclude the right to apply for a marketing authorisation for other therapeutic indications.	4. Submission of an application for a paediatric use marketing authorisation shall in no way preclude the right to apply for a marketing authorisation for other therapeutic indications.	4. Submission of an application for a paediatric use marketing authorisation shall in no way preclude the right to apply for a marketing authorisation for other therapeutic indications.	
Article 93				
810	Article 93 Rewards for products authorised under the paediatric use marketing authorisation procedure	Article 93 Rewards for products authorised under the paediatric use marketing authorisation procedure	Article 93 Rewards for products authorised under the paediatric use marketing authorisation procedure	
Article 93, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
811	Where a paediatric use marketing authorisation referred to in Article 92 is granted and includes the results of all studies conducted in compliance with an agreed paediatric investigation plan, the product shall benefit from independent data and marketing protection periods referred to in Articles 80 and 81 of [revised Directive 2001/83/EC].	Where a paediatric use marketing authorisation referred to in Article 92 is granted and includes the results of all studies conducted in compliance with an agreed paediatric investigation plan, the product shall benefit from independent data and marketing protection periods referred to in Articles 80 and 81 of [revised Directive 2001/83/EC].	Where a paediatric use marketing authorisation referred to in Article 92 is granted and includes the results of all studies conducted in compliance with an agreed paediatric investigation plan, the product shall benefit from independent data and marketing protection periods referred to in Articles 80 and 81 of [revised Directive 2001/83/EC].	
Article 94				
812	Article 94 Paediatric clinical trials	Article 94 Paediatric clinical trials	Article 94 Paediatric clinical trials	
Article 94(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
813	1. The EU database created by Article 81 of Regulation (EU) No 536/2014 shall include clinical trials carried out in third countries which are:	1. The EU database created by Article 81 of Regulation (EU) No 536/2014 shall include clinical trials carried out in third countries which are:	1. The EU database created by Article 81 of Regulation (EU) No 536/2014 shall include clinical trials carried out in third countries which are:	
Article 94(1), point (a)				
814	(a) contained in an agreed paediatric investigation plan;	(a) contained in an agreed paediatric investigation plan;	(a) contained in an agreed paediatric investigation plan;	
Article 94(1), point (b)				
815	(b) submitted following the provisions of Article 91.	(b) submitted following the provisions of Article 91.	(b) submitted following the provisions of Article 91.	
Article 94(2), first subparagraph				
816	2. For the clinical trials mentioned in paragraph 1 which are conducted in third countries,	2. For the clinical trials mentioned in paragraph 1 which are conducted in third countries,	2. For the clinical trials mentioned in paragraph 1 which are conducted in third countries,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the description of the following elements shall be entered into the EU database prior to the start of the trial by the clinical trial sponsor, the addressee of the Agency's decision on a paediatric investigation plan referred to in Article 77, or by the marketing authorisation holder as appropriate:	the description of the following elements shall be entered into the EU database prior to the start of the trial by the clinical trial sponsor, the addressee of the Agency's decision on a paediatric investigation plan referred to in Article 77, or by the marketing authorisation holder as appropriate:	the description of the following elements shall be entered into the EU database prior to the start of the trial by the clinical trial sponsor, the addressee of the Agency's decision on a paediatric investigation plan referred to in Article 77, or by the marketing authorisation holder as appropriate:	
Article 94(2), first subparagraph, point (a)				
817	(a) the clinical trial protocol;	(a) the clinical trial protocol;	(a) the clinical trial protocol;	
Article 94(2), first subparagraph, point (b)				
818	(b) the investigational medicinal products used;	(b) the investigational medicinal products used;	(b) the investigational medicinal products used;	
Article 94(2), first subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
819	(c) the therapeutic indications covered;	(c) the therapeutic indications covered;	(c) the therapeutic indications covered;	
Article 94(2), first subparagraph, point (d)				
820	(d) details of the trial population.	(d) details of the trial population.	(d) details of the trial population.	
Article 94(2), second subparagraph				
821	Irrespective of the outcome of a clinical trial within 6 months from the end of the trial the clinical trial sponsor, the addressee of the Agency's decision on a paediatric investigation plan or the marketing authorisation holder as appropriate, shall submit to the EU database a summary of the results of the trial shall be uploaded in the database.	Irrespective of the outcome of a clinical trial within 6 months from the end of the trial the clinical trial sponsor, the addressee of the Agency's decision on a paediatric investigation plan or the marketing authorisation holder as appropriate, shall submit to the EU database a summary of the results of the trial shall be uploaded in the database.	Irrespective of the outcome of a clinical trial within 6 months from the end of the trial the clinical trial sponsor, the addressee of the Agency's decision on a paediatric investigation plan or the marketing authorisation holder as appropriate, shall submit to the EU database a summary of the results of the trial **which** shall be uploaded in the database.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 94(2), third subparagraph				
822	If for justified scientific reasons it is not possible to submit the summary of the result of the trial within 6 months it shall be submitted to the EU database at the latest within twelve months after the trial has ended. The justification for the delay needs also to be submitted in the EU database.	If for justified scientific reasons it is not possible to submit the summary of the result of the trial within 6 months it shall be submitted to the EU database at the latest within twelve months after the trial has ended. The justification for the delay needs also to be submitted in the EU database.	If for justified scientific reasons it is not possible to submit the summary of the result of the trial within 6 months it shall be submitted to the EU database at the latest within twelve months after the trial has ended. The justification for the delay needs also to be submitted in the EU database.	
Article 94(3)				
823	3. In consultation with the Commission, Member States and interested parties, the Agency shall draw up guidance on the nature of the information referred to in paragraph 2.	3. In consultation with the Commission, Member States and interested parties, the Agency shall draw up guidance on the nature of the information referred to in paragraph 2.	3. In consultation with the Commission, Member States and interested parties, the Agency shall draw up guidance on the nature of the information referred to in paragraph 2.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 94(4)				
824	4. On the basis of the experience acquired as a result of the operation of this Article, the Commission may adopt implementing acts in accordance with the examination procedure referred to in Article 173(2) to amend the details concerning clinical trials conducted in third countries to be submitted to the EU database and referred to in paragraph 2.	4. On the basis of the experience acquired as a result of the operation of this Article, the Commission may adopt implementing acts in accordance with the examination procedure referred to in Article 173(2) to amend the details concerning clinical trials conducted in third countries to be submitted to the EU database and referred to in paragraph 2.	4. On the basis of the experience acquired as a result of the operation of this Article, the Commission may adopt implementing acts in accordance with the examination procedure referred to in Article 173(2) to amend the details concerning clinical trials conducted in third countries to be submitted to the EU database and referred to in paragraph 2.	
Article 95				
825	Article 95 European network	Article 95 European network	Article 95 European network	
Article 95(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
826	1. The Agency shall develop a European network of patient representatives, academics, medicines developers, investigators and centres with expertise in the performance of studies in the paediatric population.	1. The Agency shall develop a European network of patient representatives, academics, medicines developers, investigators and centres with expertise in the performance of studies in the paediatric population.	1. The Agency shall develop a European network of patient representatives, academics, medicines developers, investigators and centres with expertise in the performance of studies in the paediatric population.	
Article 95(2)				
827	2. The objectives of the European network shall be, inter alia, to discuss priorities in the clinical development of medicines for children, in particular in areas of unmet medical need, to coordinate studies relating to paediatric medicinal products, to build up the necessary scientific and administrative competences at	2. The objectives of the European network shall be, inter alia, to discuss priorities in the clinical development of medicines for children, in particular in areas of unmet medical need, to coordinate studies relating to paediatric medicinal products, to build up the necessary scientific and administrative competences at	2. The objectives of the European network shall be, inter alia, to discuss priorities in the clinical development of medicines for children, in particular in areas of unmet medical need, to coordinate studies relating to paediatric medicinal products, to build up the necessary scientific and administrative competences at	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European level, and to avoid unnecessary duplication of studies and testing in the paediatric population.	European level, and to avoid unnecessary duplication of studies and testing in the paediatric population.	European level, and to avoid unnecessary duplication of studies and testing in the paediatric population.	
Article 96				
828	Article 96 Incentives for research in medicinal products for children	Article 96 Incentives for research in medicinal products for children	Article 96 Incentives for research in medicinal products for children	
Article 96, first paragraph				
829	Paediatric medicinal products shall be eligible for incentives made available by the Union and by the Member States to support research into, and the development and availability of, paediatric medicinal products.	Paediatric medicinal products shall be eligible for incentives made available by the Union and by the Member States to support research into, and the development and availability of, paediatric medicinal products.	Paediatric medicinal products shall be eligible for incentives made available by the Union and by the Member States to support research into, and the development and availability of, paediatric medicinal products.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 97				
830	Article 97 Fees and Union contribution for paediatric activities	Article 97 Fees and Union contribution for paediatric activities	Article 97 Fees and Union contribution for paediatric activities	
Article 97(1)				
831	1. Where an application for a paediatric use marketing authorisation is submitted in accordance with the procedure laid down in Article 92, the amount of the reduced fees for the examination of the application and the maintenance of the marketing authorisation shall be fixed in accordance with Article 6 of [new fee Regulation[1]]. _________	1. Where an application for a paediatric use marketing authorisation is submitted in accordance with the procedure laid down in Article 92, the amount of the reduced fees for the examination of the application and the maintenance of the marketing authorisation shall be fixed in accordance with Article 6 of [new fee Regulation[1]]. _________	1. Where an application for a paediatric use marketing authorisation is submitted in accordance with the procedure laid down in Article 92, the amount of the reduced fees for the examination of the application and the maintenance of the marketing authorisation shall be fixed in accordance with Article 6 of [new fee Regulation[1]]. _________	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation [XXX] of the European Parliament and of the Council on fees and charges payable to the European Medicines Agency, amending Regulation (EU) 2017/745 of the European Parliament and of the Council and repealing Council Regulation (EC) No 297/95 and Regulation (EU) 658/2014 of the European Parliament and of the Council [OJ L X, XX.XX.XXXX, p. X].	1. Regulation [XXX] of the European Parliament and of the Council on fees and charges payable to the European Medicines Agency, amending Regulation (EU) 2017/745 of the European Parliament and of the Council and repealing Council Regulation (EC) No 297/95 and Regulation (EU) 658/2014 of the European Parliament and of the Council [OJ L X, XX.XX.XXXX, p. X].	1. Regulation ~~[XXX]~~**(EU) 2024/568** of the European Parliament and of the Council **of 7 February 2024** on fees and charges payable to the European Medicines Agency, amending ~~Regulation~~**Regulations** (EU) 2017/745 **and (EU) 2022/123** of the European Parliament and of the Council and repealing ~~Council Regulation (EC) No 297/95 and~~ Regulation (EU) ~~658/2014~~**No 658/2014** of the European Parliament and of the Council **and Council Regulation (EC) No 297/95 [OJ L 568, 14.02.2024, p. xx**~~[OJ L X, XX.XX.XXXX, p. X]~~.	
Article 97(2)				
832	2. Assessments of the following by the Agency shall be free of charge:	2. Assessments of the following by the Agency shall be free of charge:	2. Assessments of the following by the Agency shall be free of charge:	
Article 97(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
833	(a) applications for waivers;	(a) applications for waivers;	(a) applications for waivers;	
Article 97(2), point (b)				
834	(b) applications for deferrals;	(b) applications for deferrals;	(b) applications for deferrals;	
Article 97(2), point (c)				
835	(c) applications for paediatric investigation plans;	(c) applications for paediatric investigation plans;	(c) applications for paediatric investigation plans;	
Article 97(2), point (d)				
836	(d) compliance with the agreed paediatric investigation plan.	(d) compliance with the agreed paediatric investigation plan.	(d) compliance with the agreed paediatric investigation plan.	
Article 97(3)				
837	3. The Union contribution provided for in Article 154 shall	3. The Union contribution provided for in Article 154 shall	3. The Union contribution provided for in Article 154 shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cover the work of the Agency, including the assessment of paediatric investigation plans, scientific advice and any fee waivers provided for in this Chapter, and shall support the Agency's activities under Articles 94 and 95.	cover the work of the Agency, including the assessment of paediatric investigation plans, scientific advice and any fee waivers provided for in this Chapter, and shall support the Agency's activities under Articles 94 and 95.	cover the work of the Agency, including the assessment of paediatric investigation plans, scientific advice and any fee waivers provided for in this Chapter, and shall support the Agency's activities under Articles 94 and 95.	
Article 98				
838	Article 98 Yearly reporting	Article 98 Yearly reporting	Article 98 Yearly reporting **on paediatric activities**	
Article 98, first paragraph				
839	At least on an annual basis, the Agency shall make public:	At least on an annual basis, the Agency shall make public:	At least on an annual basis, the Agency shall make public:	
Article 98, first paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
840	(a) a list of the companies and of the products that have benefited from any of the rewards and incentives in this Regulation;	(a) a list of the companies and of the products that have benefited from any of the rewards and incentives in this Regulation;	(a) a list of the ~~companies~~ **entities** and of the products that have benefited from any of the rewards and incentives in this **Chapter of the** Regulation;	
Article 98, first paragraph, point (b)				
841	(b) the companies that have failed to comply with any of the obligations in this Regulation;	(b) the companies that have failed to comply with any of the obligations in this Regulation;	(b) the ~~companies~~ **entities** that have failed to comply with any of the obligations in this **Chapter of the** Regulation;	
Article 98, first paragraph, point (c)				
842	(c) the number of paediatric investigation plans agreed in accordance with Article 74;	(c) the number of paediatric investigation plans agreed in accordance with Article 74;	(c) the number of paediatric investigation plans agreed in accordance with Article 74;	
Article 98, first paragraph, point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
843	(d) the number of waivers agreed, providing also a summary of their reasons;	(d) the number of waivers agreed, providing also a summary of their reasons;	(d) the number of waivers agreed, providing also a summary of their reasons;	
Article 98, first paragraph, point (e)				
844	(e) a list of deferrals agreed;	(e) a list of deferrals agreed;	(e) a list of deferrals agreed;	
Article 98, first paragraph, point (f)				
845	(f) the number of paediatric investigation plans completed;	(f) the number of paediatric investigation plans completed;	(f) the number of paediatric investigation plans completed;	
Article 98, first paragraph, point (g)				
846	(g) the renewals of the deferrals beyond five years and the detailed reasons provided as mentioned in Article 82;	(g) the renewals of the deferrals beyond five years and the detailed reasons provided as mentioned in Article 82;	(g) the ~~renewals~~ **prolongations** of the deferrals beyond five years and the detailed reasons provided as mentioned in Article 82;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 98, first paragraph, point (h)				
847	(h) the scientific advice provided for the development of medicinal products addressed to children.	(h) the scientific advice provided for the development of medicinal products addressed to children.	(h) the scientific advice provided for the development of medicinal products addressed to children**, requested in accordance with Article 89**.	
CHAPTER VIII				
848	CHAPTER VIII PHARMACOVIGILANCE	CHAPTER VIII PHARMACOVIGILANCE	CHAPTER VIII PHARMACOVIGILANCE	
Article 99				
849	Article 99 Pharmacovigilance	Article 99 Pharmacovigilance	Article 99 Pharmacovigilance	
Article 99(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
850	1. The obligations of marketing authorisation holders laid down in Articles 99 and 100(1) of [revised Directive 2001/83/EC] shall apply to marketing authorisation holders for medicinal products for human use authorised in accordance with this Regulation.	1. The obligations of marketing authorisation holders laid down in Articles 99 and 100(1) of [revised Directive 2001/83/EC] shall apply to marketing authorisation holders for medicinal products for human use authorised in accordance with this Regulation.	1. The obligations of marketing authorisation holders laid down in Articles 99 and 100(1) of [revised Directive 2001/83/EC] shall apply to marketing authorisation holders for medicinal products for human use authorised in accordance with this Regulation.	
Article 99(2), first subparagraph				
851	2. The Agency may impose an obligation on a holder of a centralised marketing authorisation to operate a risk management system, as referred to in Article 99(4), point (c) of [revised Directive 2001/83/EC], if there are concerns about the risks affecting the benefit-risk balance	2. The Agency may impose an obligation on a holder of a centralised marketing authorisation to operate a risk management system, as referred to in Article 99(4), point (c) of [revised Directive 2001/83/EC], if there are concerns about the risks affecting the benefit-risk balance	2. The Agency may impose an obligation on a holder of a centralised marketing authorisation to operate a risk management system, as referred to in Article 99(4), point (c) of [revised Directive 2001/83/EC], if there are concerns about the risks affecting the benefit-risk balance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of an authorised medicinal product. In that context, the Agency shall also oblige the marketing authorisation holder to submit a risk management plan for the risk-management system that they intend to introduce for the medicinal product concerned.	of an authorised medicinal product. In that context, the Agency shall also oblige the marketing authorisation holder to submit a risk management plan for the risk-management system that they intend to introduce for the medicinal product concerned.	of an authorised medicinal product. In that context, the Agency shall also oblige the marketing authorisation holder to submit a risk management plan for the risk-management system that they intend to introduce for the medicinal product concerned.	
Article 99(2), second subparagraph				
852	The obligation referred to in paragraph 2 shall be duly justified, notified in writing, and shall include the timeframe for submission of the risk-management plan.	The obligation referred to in paragraph 2 shall be duly justified, notified in writing, and shall include the timeframe for submission of the risk-management plan.	The obligation ~~referred to in paragraph 2~~ shall be duly justified, notified in writing, and shall include the timeframe for submission of the risk-management plan.	
Article 99(3), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
853	3. The Agency shall provide the marketing authorisation holder with an opportunity to submit written observations in response to the imposition of the obligation within a time limit which it shall specify, if the marketing authorisation holder so requests within 30 days of receipt of the written notification of the obligation.	3. The Agency shall provide the marketing authorisation holder with an opportunity to submit written observations in response to the imposition of the obligation within a time limit which it shall specify, if the marketing authorisation holder so requests within 30 days of receipt of the written notification of the obligation.	3. The Agency shall provide the marketing authorisation holder with an opportunity to submit written observations in response to the imposition of the obligation **referred to in paragraph 2** within a time limit which it shall specify, if the marketing authorisation holder so requests within 30 days of receipt of the written notification of the obligation.	
Article 99(3), second subparagraph				
854	On the basis of the written observations submitted by the marketing authorisation holder, the Agency shall review its opinion.	On the basis of the written observations submitted by the marketing authorisation holder, the Agency shall review its opinion.	On the basis of the written observations submitted by the marketing authorisation holder, the Agency shall review its opinion.	
Article 99(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
855	4. Where the opinion of the Agency confirms the obligation and unless the Commission returns the opinion to the Agency for further consideration, the marketing authorisation shall be varied accordingly by the Commission in accordance with the procedure set out in Article 13, to:	4. Where the opinion of the Agency confirms the obligation and unless the Commission returns the opinion to the Agency for further consideration, the marketing authorisation shall be varied accordingly by the Commission in accordance with the procedure set out in Article 13, to:	4. Where the opinion of the Agency confirms the obligation **referred to in paragraph 2** and unless the Commission returns the opinion to the Agency for further consideration, the marketing authorisation shall be varied accordingly by the Commission in accordance with the procedure set out in Article 13, to:	
Article 99(4), point (a)				
856	(a) include the obligation as a condition of the marketing authorisation and the risk management system shall be updated accordingly.	(a) include the obligation as a condition of the marketing authorisation and the risk management system shall be updated accordingly.	(a) include the obligation as a condition of the marketing authorisation and the risk management system shall be updated accordingly.	
Article 99(4), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
857	(b) include the measures to be taken as part of the risk management system as conditions of the marketing authorisation referred to in Article 12(4), point (e).	(b) include the measures to be taken as part of the risk management system as conditions of the marketing authorisation referred to in Article 12(4), point (e).	(b) include the measures to be taken as part of the risk management system as conditions of the marketing authorisation referred to in Article 12(4), point (e).	
Article 100				
858	Article 100 Safety announcements	Article 100 Safety announcements	Article 100 Safety announcements	
Article 100, first paragraph				
859	The obligations of marketing authorisation holders laid down in Article 104(1) of [revised Directive 2001/83/EC], and the obligations of the Member States, the Agency and the Commission	The obligations of marketing authorisation holders laid down in Article 104(1) of [revised Directive 2001/83/EC], and the obligations of the Member States, the Agency and the Commission	The obligations of marketing authorisation holders laid down in Article ~~104(1)~~ **104, paragraphs 1 and 2** of [revised Directive 2001/83/EC], and the obligations of the Member States, the Agency	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	laid down in paragraphs 2, 3 and 4 of that Article shall apply to the safety announcements referred to in Article 138(1), point (f), of this Regulation concerning medicinal products for human use authorised in accordance with this Regulation.	laid down in paragraphs 2, 3 and 4 of that Article shall apply to the safety announcements referred to in Article 138(1), point (f), of this Regulation concerning medicinal products for human use authorised in accordance with this Regulation.	and the Commission laid down in paragraphs ~~2,~~ 3 and 4 of that Article shall apply to the safety announcements referred to in Article 138(1), point (f), of this Regulation concerning medicinal products for human use authorised in accordance with this Regulation.	
Article 101				
860	Article 101 Eudravigilance database	Article 101 Eudravigilance database	Article 101 Eudravigilance database	
Article 101(1), first subparagraph				
861	1. The Agency shall, in collaboration with the Member States and the Commission, set up and maintain a database and data	1. The Agency shall, in collaboration with the Member States and the Commission, set up and maintain a database and data	1. The Agency shall, in collaboration with the Member States and the Commission, set up and maintain a database and data	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	processing network ('Eudravigilance database') to collate pharmacovigilance information regarding medicinal products authorised in the Union and to allow competent authorities to access that information simultaneously and to share it.	processing network ('Eudravigilance database') to collate pharmacovigilance information regarding medicinal products authorised in the Union and to allow competent authorities to access that information simultaneously and to share it.	processing network ('Eudravigilance database') to collate pharmacovigilance information regarding medicinal products authorised in the Union and to allow competent authorities to access that information simultaneously and to share it.	
Article 101(1), second subparagraph				
862	In justified cases, the Eudravigilance database may include pharmacovigilance information with regard to medicinal products used under compassionate use referred to in Article 26 or early access schemes.	In justified cases, the Eudravigilance database may include pharmacovigilance information with regard to medicinal products used under compassionate use referred to in Article 26 or early access schemes.	~~In justified cases,~~ The Eudravigilance database ~~may~~ **shall** include pharmacovigilance information with regard to medicinal products used under compassionate use referred to in Article 26 or early access schemes.	
Article 101(1), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
863	The Eudravigilance database shall contain information on suspected adverse reactions in human beings arising from use of the medicinal product within the terms of the marketing authorisation as well as from uses outside the terms of the marketing authorisation, and on those occurring in the course of post-authorisation studies with the medicinal product or associated with occupational exposure.	The Eudravigilance database shall contain information on suspected adverse reactions in human beings arising from use of the medicinal product within the terms of the marketing authorisation as well as from uses outside the terms of the marketing authorisation, ***including errors in relation to medication,*** and on those occurring in the course of post-authorisation studies with the medicinal product or associated with occupational exposure.	The Eudravigilance database shall contain information on suspected adverse reactions in human beings arising from use of the medicinal product within the terms of the marketing authorisation as well as from uses outside the terms of the marketing authorisation, and on those occurring in the course of post-authorisation studies with the medicinal product or associated with occupational exposure.	
Article 101(2), first subparagraph				
864	2. The Agency shall, in collaboration with the Member States and the Commission, draw up the functional specifications for	2. The Agency shall, in collaboration with the Member States and the Commission, draw up the functional specifications for	2. The Agency shall, in collaboration with the Member States and the Commission, draw up the functional specifications for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Eudravigilance database, together with a timeframe for their implementation.	the Eudravigilance database, together with a timeframe for their implementation.	the Eudravigilance database, together with a timeframe for their implementation.	
Article 101(2), second subparagraph				
865	The Agency shall prepare an annual report on the Eudravigilance database and send it to the European Parliament, the Council and the Commission.	The Agency shall prepare an annual report on the Eudravigilance database and send it to the European Parliament, the Council and the Commission.	The Agency shall prepare an annual report on the Eudravigilance database and send it to the European Parliament, the Council and the Commission.	
Article 101(2), third subparagraph				
866	Any substantial change to the Eudravigilance database and the functional specifications shall take into account the recommendations of the Pharmacovigilance Risk Assessment Committee.	Any substantial change to the Eudravigilance database and the functional specifications shall take into account the recommendations of the Pharmacovigilance Risk Assessment Committee.	Any substantial change to the Eudravigilance database and the functional specifications shall take into account the recommendations of the Pharmacovigilance Risk Assessment Committee.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 101(2), fourth subparagraph				
867	The Eudravigilance database shall be fully accessible to the competent authorities of the Member States and to the Agency and the Commission. It shall also be accessible to marketing authorisation holders to the extent necessary for them to comply with their pharmacovigilance obligations.	The Eudravigilance database shall be fully accessible to the competent authorities of the Member States and to the Agency and the Commission. It shall also be accessible to marketing authorisation holders to the extent necessary for them to comply with their pharmacovigilance obligations.	The Eudravigilance database shall be fully accessible to the competent authorities of the Member States and to the Agency and the Commission. It shall also be accessible to marketing authorisation holders **and marketing authorisation applicants** to the extent necessary for them to comply with their pharmacovigilance obligations.	
Article 101(2), fifth subparagraph				
868	The Agency shall ensure that healthcare professionals and the public have appropriate levels of access to the Eudravigilance database, and that personal data is	The Agency shall ensure that healthcare professionals and the public have appropriate levels of access to the Eudravigilance database, and that personal data is	The Agency shall ensure that healthcare professionals and the public have appropriate levels of access to the Eudravigilance database, and that personal data is	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	protected. The Agency shall work together with all stakeholders, including research institutions, healthcare professionals, and patient and consumer organisations, in order to define the 'appropriate level of access' for healthcare professionals and the public to the Eudravigilance database.	protected ***in line with Union data protection and privacy law***. The Agency shall work together with all stakeholders, including research institutions, healthcare professionals, and patient and consumer organisations, in order to define the 'appropriate level of access' for healthcare professionals and the public to the Eudravigilance database.	protected. The Agency shall work together with all stakeholders, including research institutions, healthcare professionals, and patient and consumer organisations, in order to define the 'appropriate level of access' for healthcare professionals and the public to the Eudravigilance database.	
Article 101(2), sixth subparagraph				
869	The data held on the Eudravigilance database shall be made publicly available in an aggregated format together with an explanation of how to interpret the data.	The data held on the Eudravigilance database shall be made publicly available in an aggregated ***and anonymised*** format together with an explanation of how to interpret the data.	The data held on the Eudravigilance database shall be made publicly available in an aggregated format together with an explanation of how to interpret the data.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 101(3)				
870	3. The Agency shall, in collaboration either with the marketing authorisation holder or with the Member State that submitted an individual suspected adverse reaction report to the Eudravigilance database, be responsible for operating procedures that ensure the quality and integrity of the information collected in the Eudravigilance database.	3. The Agency shall, in collaboration either with the marketing authorisation holder or with the Member State that submitted an individual suspected adverse reaction report to the Eudravigilance database, be responsible for operating procedures that ensure the quality and integrity of the information collected in the Eudravigilance database.	3. The Agency shall, in collaboration either with the marketing authorisation holder or with the Member State that submitted an individual suspected adverse reaction report to the Eudravigilance database, be responsible for operating procedures that ensure the quality and integrity of the information collected in the Eudravigilance database.	
Article 101(3a)				
870a		***3a. The periodic safety update reports shall, in addition, be made publicly available in the web-portal referred to in Article***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		138(1), second subparagraph, point (n).		
Article 101(4)				
871	4. Individual suspected adverse reaction reports and follow-ups submitted to the Eudravigilance database by marketing authorisation holders shall be transmitted electronically upon receipt to the competent authority of the Member State where the reaction occurred.	4. Individual suspected adverse reaction reports and follow-ups submitted to the Eudravigilance database by marketing authorisation holders shall be transmitted electronically upon receipt to the competent authority of the Member State where the reaction occurred.	4. Individual suspected adverse reaction reports and follow-ups submitted to the Eudravigilance database by marketing authorisation holders**, marketing authorisation applicants or undertakings supplying medicinal products used in accordance with Article 3, paragraphs 1 or 2 of [revised Directive 2001/83/EC]** shall be transmitted electronically upon receipt to the competent authority of the Member State where the reaction occurred.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 102				
872	Article 102 Forms for reporting suspected adverse reactions	Article 102 Forms for reporting suspected adverse reactions	Article 102 Forms for reporting suspected adverse reactions	
Article 102, first paragraph				
873	The Agency shall, in collaboration with the Member States, develop standard web-based structured forms for the reporting of suspected adverse reactions by healthcare professionals and patients in accordance with the provisions referred to in Article 106 of [revised Directive 2001/83/EC].	The Agency shall, in collaboration with the Member States, develop standard web-based structured forms for the reporting of suspected adverse reactions by healthcare professionals and patients in accordance with the provisions referred to in Article 106 of [revised Directive 2001/83/EC].	The Agency shall, in collaboration with the Member States, develop standard web-based structured forms for the reporting of suspected adverse reactions by healthcare professionals and patients in accordance with the provisions referred to in Article 106 of [revised Directive 2001/83/EC].	
Article 103				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
874	Article 103 Periodic safety update reports repository	Article 103 Periodic safety update reports repository	Article 103 Periodic safety update reports repository	
Article 103, first paragraph				
875	The Agency shall, in collaboration with the competent authorities of the Member States and the Commission, set up and maintain a repository for periodic safety update reports (‘repository’) and the corresponding assessment reports regarding medicinal products authorised in the Union so that they are fully and permanently accessible to the Commission, the competent authorities of the Member States, the Pharmacovigilance Risk	The Agency shall, in collaboration with the competent authorities of the Member States and the Commission, set up and maintain a repository for periodic safety update reports (‘repository’) and the corresponding assessment reports regarding medicinal products authorised in the Union so that they are fully and permanently accessible to the Commission, the competent authorities of the Member States, the Pharmacovigilance Risk	The Agency shall, in collaboration with the competent authorities of the Member States and the Commission, set up and maintain a repository for periodic safety update reports (‘repository’) and the corresponding assessment reports regarding medicinal products authorised in the Union so that they are fully and permanently accessible to the Commission, the competent authorities of the Member States, the Pharmacovigilance Risk	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Assessment Committee, the Committee for Medicinal Products for Human Use and the coordination group referred to in Article 37 of [revised Directive 2001/83/EC] ('coordination group').	Assessment Committee, the Committee for Medicinal Products for Human Use and the coordination group referred to in Article 37 of [revised Directive 2001/83/EC] ('coordination group').	Assessment Committee, the Committee for Medicinal Products for Human Use and the coordination group referred to in Article 37 of [revised Directive 2001/83/EC] ('coordination group').	
Article 103, second paragraph				
876	The Agency shall, in collaboration with the competent authorities of the Member States and the Commission, and after consultation with the Pharmacovigilance Risk Assessment Committee, draw up the functional specifications for the repository.	The Agency shall, in collaboration with the competent authorities of the Member States and the Commission, and after consultation with the Pharmacovigilance Risk Assessment Committee, draw up the functional specifications for the repository.	The Agency shall, in collaboration with the competent authorities of the Member States and the Commission, and after consultation with the Pharmacovigilance Risk Assessment Committee, draw up the functional specifications for the repository.	
Article 103, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
877	Any substantial change to the repository and the functional specifications shall always take into account the recommendations of the Pharmacovigilance Risk Assessment Committee.	Any substantial change to the repository and the functional specifications shall always take into account the recommendations of the Pharmacovigilance Risk Assessment Committee.	Any substantial change to the repository and the functional specifications shall always take into account the recommendations of the Pharmacovigilance Risk Assessment Committee.	
Article 104				
878	Article 104 European medicines web-portal and register of studies for environmental risk assessment	Article 104 European medicines web-portal and register of studies for environmental risk assessment	Article 104 European medicines web-portal ~~and register of studies for environmental risk assessment~~	
Article 104(1), first subparagraph				
879	1. The Agency shall, in collaboration with the Member States and the Commission, set up and maintain a European	1. The Agency shall, in collaboration with the Member States and the Commission, set up and maintain a European	1. The Agency shall, in collaboration with the Member States and the Commission, set up and maintain a European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicines web-portal for the dissemination of information on medicinal products authorised or to be authorised in the Union. By means of that portal, the Agency shall make public the following:	medicines web-portal for the dissemination of information on medicinal products authorised or to be authorised in the Union. ***The dedicated web-portal shall be set up in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council[1a].*** By means of that portal, the Agency shall make public the following: _____ ***1a. Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).***	medicines web-portal for the dissemination of information on medicinal products authorised or to be authorised in the Union. By means of that portal, the Agency shall make public the following:	
Article 104(1), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
880	(a) the names of members of the Committees referred to in Article 142, points (d) and (e), and the members of the coordination group, together with their professional qualifications and with the declarations referred to in Article 147(2);	(a) the names of members of the Committees referred to in Article 142, points (d) and (e), and the members of the coordination group, together with their professional qualifications and with the declarations referred to in Article 147(2);	(a) the names of members of the Committees referred to in Article 142, points (d) and (e), and the members of the coordination group, together with their professional qualifications and with the declarations referred to in Article 147(2);	
Article 104(1), first subparagraph, point (b)				
881	(b) agendas and minutes from each meeting of the Committees referred to in Article 142, points (d) and (e), and of the coordination group as regards pharmacovigilance activities;	(b) agendas and minutes from each meeting of the Committees referred to in Article 142, points (d) and (e), and of the coordination group as regards pharmacovigilance activities;	(b) agendas and minutes from each meeting of the Committees referred to in Article 142, points (d) and (e), and of the coordination group as regards pharmacovigilance activities;	
Article 104(1), first subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
882	(c) a summary of the risk management plans for medicinal products authorised in accordance with this Regulation;	(c) ~~*a summary of*~~ the risk management plans for medicinal products authorised in accordance with this Regulation ***and the accompanying summaries of the risk management plans***;	(c) a summary of the risk management plans **including a description of any additional risk minimisation measures** for medicinal products authorised in accordance with this Regulation;	
Article 104(1), first subparagraph, point (d)				
883	(d) a list of the locations in the Union where pharmacovigilance system master files are kept and contact information for pharmacovigilance enquiries, for all medicinal products authorised in the Union;	(d) a list of the locations in the Union where pharmacovigilance system master files are kept and contact information for pharmacovigilance enquiries, for all medicinal products authorised in the Union;	(d) ~~a list of the locations in the Union where pharmacovigilance system master files are kept and contact information for pharmacovigilance enquiries, for all medicinal products authorised in the Union;~~	
Article 104(1), first subparagraph, point (e)				
884	(e) information about how to report to competent authorities of	(e) information about how to report to competent authorities of	(e) information about how to report to competent authorities of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Member States suspected adverse reactions to medicinal products and the standard structured forms referred to in Article 102 for their web-based reporting by patients and healthcare professionals, including links to national websites;	the Member States suspected adverse reactions to medicinal products and the standard structured forms referred to in Article 102 for their web-based reporting by patients and healthcare professionals, including links to national websites;	the Member States suspected adverse reactions to medicinal products and the standard structured forms referred to in Article 102 for their web-based reporting by patients and healthcare professionals, including links to national websites;	
Article 104(1), first subparagraph, point (f)				
885	(f) Union reference dates and frequency of submission of periodic safety update reports established in accordance with Article 108 of [revised Directive 2001/83/EC];	(f) Union reference dates and frequency of submission of periodic safety update reports established in accordance with Article 108 of [revised Directive 2001/83/EC];	(f) Union reference dates and frequency of submission of periodic safety update reports established in accordance with Article 108 of [revised Directive 2001/83/EC];	
Article 104(1), first subparagraph, point (g)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
886	(g) protocols and public abstracts of results of the post-authorisation safety studies referred to in Articles 108 and 120 of [revised Directive 2001/83/EC];	(g) protocols and public abstracts of results of the post-authorisation safety studies referred to in Articles 108 and 120 of [revised Directive 2001/83/EC];	(g) protocols and public abstracts of results of the post-authorisation safety studies referred to in Articles ~~108~~ **118** and 120 of [revised Directive 2001/83/EC];	
Article 104(1), first subparagraph, point (h)				
887	(h) the initiation of the procedure provided for in Article 41(2), and Articles 114, 115 and 116 of [revised Directive 2001/83/EC], the active substances or medicinal products concerned and the issue being addressed, any public hearings pursuant to that procedure and information on how to submit information and to participate in public hearings;	(h) the initiation of the procedure provided for in Article 41(2) ***of this Regulation***, and Articles 114, 115 and 116 of [revised Directive 2001/83/EC], the active substances or medicinal products concerned and the issue being addressed, any public hearings pursuant to that procedure and information on how to submit information and to participate in public hearings;	(h) the initiation of the procedure provided for in Article ~~41(2),~~**41** and Articles 114~~, 115 and~~ 116 of [revised Directive 2001/83/EC] **and Article 55**, the active substances or medicinal products concerned and the issue being addressed, any public hearings pursuant to that procedure and information on how to submit information and to participate in public hearings;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 104(1), first subparagraph, point (i)				
888	(i) conclusions of assessments, recommendations, opinions, approvals and decisions taken by the Agency and its Committees under this Regulation and [revised Directive 2001/83/EC], unless it is required that this information is made public by the Agency by other means;	(i) conclusions of assessments***, obligations for post-marketing studies***, recommendations, opinions, approvals and decisions taken by the Agency and its Committees under this Regulation and [revised Directive 2001/83/EC]~~*, unless it is required that this information is made public by the Agency by other means;*~~*.*	(i) conclusions of assessments, recommendations, opinions, approvals and decisions taken by the Agency and its Committees under this Regulation and [revised Directive 2001/83/EC], unless it is required that this information is made public by the Agency by other means;	
Article 104(1), first subparagraph, point (j)				
889	(j) conclusions of assessments, recommendations, opinions, approvals and decisions taken by the coordination group, the competent authorities of the	(j) conclusions of assessments, recommendations, opinions, approvals***, obligations deriving from the conditional marketing authorisations*** and	(j) conclusions of assessments, recommendations, opinions, approvals and decisions taken by the coordination group, the competent authorities of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States and the Commission in the framework of the procedures set out in Articles 16, 106, 107 and 108 of this Regulation and of Chapter IX, Sections 3 and 7 of [revised Directive 2001/83/EC].	decisions taken by the coordination group, the competent authorities of the Member States and the Commission in the framework of the procedures set out in Articles 16, 106, 107 and 108 of this Regulation and of Chapter IX, Sections 3 and 7 of [revised Directive 2001/83/EC].	Member States and the Commission in the framework of the procedures set out in Articles 16, 106, 107 and 108 of this Regulation and of Chapter IX, Sections 3 and 7 of [revised Directive 2001/83/EC].	
Article 104(1), second subparagraph				
890	The summaries referred to in point (c) shall include a description of any additional risk minimisation measures.	The ~~*summaries*~~***risk management plans*** referred to in point (c) shall include a description of any additional risk minimisation measures ***and distribution or implementation plans***.	~~The summaries referred to in point (c) shall include a description of any additional risk minimisation measures.~~	
Article 104(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
891	2. In the development and review of the web portal, the Agency shall consult relevant stakeholders, including patient and consumer groups, healthcare professionals and industry representatives.	2. In the development and review of the web portal, the Agency shall consult relevant stakeholders, including patient and consumer groups, healthcare professionals***, not-for-profit entities*** and industry representatives.	2. In the development and review of the web portal, the Agency shall consult relevant stakeholders, including patient and consumer groups, healthcare professionals and industry representatives.	
Article 104a				
891a			**Article 104a** **European register of studies for environmental risk assessment**	
Article 104(3), first subparagraph				
892	3. The Agency shall, in collaboration with the Member States and the Commission, set up	3. The Agency shall, in collaboration with the Member States and the Commission, set up	~~3.~~ The Agency shall, in collaboration with the Member States and the Commission, set up	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and maintain a register of environmental risk assessment studies conducted for the purpose of supporting an environmental risk assessment for medicinal products authorised in the Union, unless such information is made public in the Union by different means.	and maintain a register of environmental risk assessment studies conducted for the purpose of supporting an environmental risk assessment for medicinal products authorised in the Union~~, unless such information is made public in the Union by different means~~.	and maintain a register of environmental risk assessment studies conducted for the purpose of supporting an environmental risk assessment for medicinal products authorised in the Union, unless such information is made public in the Union by different means.	
Article 104(3), second subparagraph				
893	Information in such register shall be publicly available, unless restrictions are necessary to protect commercially confidential information. For the purpose of setting up such register, the Agency may request marketing authorisation holders and competent authorities to submit	Information in such register shall be publicly available ***and easily accessible on the Agency's website, and shall include, as a minimum, the information reported in accordance with Section 1.6 of Annex II to [revised Directive 2001/83/EC]***, unless restrictions are necessary to	Information in such register shall be publicly available, unless restrictions are necessary to protect commercially confidential information. For the purpose of setting up such register, the Agency may request marketing authorisation holders and competent authorities to submit	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	results of any such study already completed for products authorised in the Union within [OP please add the date = 24 months after the date of application of this Regulation].	protect commercially confidential information. For the purpose of setting up such register, the Agency ~~may~~***shall, where not already received,*** request marketing authorisation holders and competent authorities to submit results of any such study already completed for products authorised in the Union within [OP please add the date = 24 months after the date of application of this Regulation].	results of any such study already completed for products authorised in the Union within [OP please add the date = 24 months after the date of application of this Regulation].	
Article 105				
894	Article 105 Literature monitoring	Article 105 Literature monitoring	Article 105 Literature monitoring	
Article 105(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
895	1. The Agency shall monitor selected medical literature for reports of suspected adverse reactions to medicinal products containing certain active substances. It shall publish the list of active substances being monitored and the medical literature subject to this monitoring.	1. The Agency shall monitor selected medical literature for reports of suspected adverse reactions to medicinal products containing certain active substances. It shall publish the list of active substances being monitored and the medical literature subject to this monitoring.	1. The Agency shall monitor selected medical literature for reports of suspected adverse reactions to medicinal products containing certain active substances. It shall publish the list of active substances being monitored and the medical literature subject to this monitoring.	
Article 105(2)				
896	2. The Agency shall enter into the Eudravigilance database relevant information from the selected medical literature.	2. The Agency shall enter into the Eudravigilance database relevant information from the selected medical literature.	2. The Agency shall enter into the Eudravigilance database relevant information from the selected medical literature.	
Article 105(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
897	3. The Agency shall, in consultation with the Commission, Member States and interested parties, draw up a detailed guide regarding the monitoring of medical literature and the entry of relevant information into the Eudravigilance database.	3. The Agency shall, in consultation with the Commission, Member States and ~~*interested*~~***their relevant authorities, as well as other relevant*** parties***, including experts from academia***, draw up a detailed guide regarding the monitoring of medical literature and the entry of relevant information into the Eudravigilance database.	3. The Agency shall, in consultation with the Commission, Member States and interested parties, draw up a detailed guide regarding the monitoring of medical literature and the entry of relevant information into the Eudravigilance database.	
Article 106				
898	Article 106 Monitoring of safety of medicinal products	Article 106 Monitoring of safety of medicinal products	Article 106 Monitoring of safety of medicinal products	
Article 106(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
899	1. The obligations of marketing authorisation holders and of Member States laid down in Article 105 and Article 106 of [revised Directive 2001/83/EC] shall apply to the recording and reporting of suspected adverse reactions for medicinal products for human use authorised in accordance with this Regulation.	1. The obligations of marketing authorisation holders and of Member States laid down in Article 105 and Article 106 of [revised Directive 2001/83/EC] shall apply to the recording and reporting of suspected adverse reactions for medicinal products for human use authorised in accordance with this Regulation.	1. The obligations of marketing authorisation holders and of Member States laid down in Article 105 and Article 106 of [revised Directive 2001/83/EC] shall apply to the recording and reporting of suspected adverse reactions for medicinal products for human use authorised in accordance with this Regulation.	
Article 106(2), first subparagraph				
900	2. The obligations of marketing authorisation holders laid down in Article 107 of [revised Directive 2001/83/EC] and the procedures under Articles 107 and 108 of that Directive shall apply to the submission of periodic safety update reports, the	2. The obligations of marketing authorisation holders laid down in Article 107 of [revised Directive 2001/83/EC] and the procedures under Articles 107 and 108 of that Directive shall apply to the submission of periodic safety update reports, the	2. The obligations of marketing authorisation holders laid down in Article 107 of [revised Directive 2001/83/EC] and the procedures under Articles 107 and 108 of that Directive shall apply to the submission of periodic safety update reports, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	establishment of Union reference dates and changes to the frequency of submission of periodic safety update reports for medicinal products for human use authorised in accordance with this Regulation.	establishment of Union reference dates and changes to the frequency of submission of periodic safety update reports for medicinal products for human use authorised in accordance with this Regulation.	establishment of Union reference dates and changes to the frequency of submission of periodic safety update reports for medicinal products for human use authorised in accordance with this Regulation.	
Article 106(2), second subparagraph				
901	The provisions applicable to the submission of periodic safety update reports laid down in the of Article 108(2), second subparagraph, of that Directive shall apply to marketing authorisation holders of marketing authorisations which were granted before 2 July 2012 and for which the frequency and dates of submission of the periodic safety	The provisions applicable to the submission of periodic safety update reports laid down in the of Article 108(2), second subparagraph, of that Directive shall apply to marketing authorisation holders of marketing authorisations which were granted before 2 July 2012 and for which the frequency and dates of submission of the periodic safety	The provisions applicable to the submission of periodic safety update reports laid down in the of Article 108(2), second subparagraph, of that Directive shall apply to marketing authorisation holders of marketing authorisations which were granted before 2 July 2012 and for which the frequency and dates of submission of the periodic safety	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	update reports are not laid down as a condition to the marketing authorisation until such time as another frequency or other dates of submission of the reports are laid down in the marketing authorisation or are determined in accordance with Article 108 of that Directive.	update reports are not laid down as a condition to the marketing authorisation until such time as another frequency or other dates of submission of the reports are laid down in the marketing authorisation or are determined in accordance with Article 108 of that Directive.	update reports are not laid down as a condition to the marketing authorisation until such time as another frequency or other dates of submission of the reports are laid down in the marketing authorisation or are determined in accordance with Article 108 of that Directive.	
Article 106(3), first subparagraph				
902	3. The assessment of the periodic safety update reports shall be conducted by a rapporteur appointed by the Pharmacovigilance Risk Assessment Committee. The rapporteur shall closely collaborate with the rapporteur appointed by the Committee for	3. The assessment of the periodic safety update reports shall be conducted by a rapporteur appointed by the Pharmacovigilance Risk Assessment Committee. The rapporteur shall closely collaborate with the rapporteur appointed by the Committee for	3. The assessment of the periodic safety update reports shall be conducted by a rapporteur appointed by the Pharmacovigilance Risk Assessment Committee. The rapporteur shall closely collaborate with the rapporteur appointed by the Committee for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Medicinal Products for Human Use or the Reference Member State for the medicinal products concerned.	Medicinal Products for Human Use or the Reference Member State for the medicinal products concerned.	Medicinal Products for Human Use or the Reference Member State for the medicinal products concerned.	
Article 106(3), second subparagraph				
903	The rapporteur shall prepare an assessment report within 60 days of receipt of the periodic safety update report and send it to the Agency and to the members of the Pharmacovigilance Risk Assessment Committee. The Agency shall send the report to the marketing authorisation holder.	The rapporteur shall prepare an assessment report within 60 days of receipt of the periodic safety update report and send it to the Agency and to the members of the Pharmacovigilance Risk Assessment Committee. The Agency shall send the report to the marketing authorisation holder.	The rapporteur shall prepare an assessment report within 60 days of receipt of the periodic safety update report and send it to the Agency and to the members of the Pharmacovigilance Risk Assessment Committee. The Agency shall send the report to the marketing authorisation holder.	
Article 106(3), third subparagraph				
904	Within 30 days of receipt of the assessment report, the marketing	Within 30 days of receipt of the assessment report, the marketing	Within 30 days of receipt of the assessment report, the marketing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorisation holder and the members of the Pharmacovigilance Risk Assessment Committee may submit comments to the Agency and to the rapporteur.	authorisation holder and the members of the Pharmacovigilance Risk Assessment Committee may submit comments to the Agency and to the rapporteur.	authorisation holder and the members of the Pharmacovigilance Risk Assessment Committee may submit comments to the Agency and to the rapporteur.	
Article 106(3), fourth subparagraph				
905	Following the receipt of the comments referred to in the third subparagraph, the rapporteur shall within 15 days update the assessment report taking into account any comments submitted, and forward it to the Pharmacovigilance Risk Assessment Committee. The Pharmacovigilance Risk Assessment Committee shall adopt the assessment report with or	Following the receipt of the comments referred to in the third subparagraph, the rapporteur shall within 15 days update the assessment report taking into account any comments submitted, and forward it to the Pharmacovigilance Risk Assessment Committee. The Pharmacovigilance Risk Assessment Committee shall adopt the assessment report with or	Following the receipt of the comments referred to in the third subparagraph, the rapporteur shall within 15 days update the assessment report taking into account any comments submitted, and forward it to the Pharmacovigilance Risk Assessment Committee. The Pharmacovigilance Risk Assessment Committee shall adopt the assessment report with or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	without further changes at its next meeting and issue a recommendation. The recommendation shall mention the divergent positions with the grounds on which they are based. The Agency shall include the adopted assessment report and the recommendation in the repository set up under Article 103, and forward both to the marketing authorisation holder.	without further changes at its next meeting and issue a recommendation. The recommendation shall mention the divergent positions with the grounds on which they are based. The Agency shall include the adopted assessment report and the recommendation in the repository set up under Article 103, and forward both to the marketing authorisation holder.	without further changes at its next meeting and issue a recommendation. The recommendation shall mention the divergent positions with the grounds on which they are based. The Agency shall include the adopted assessment report and the recommendation in the repository set up under Article 103, and forward both to the marketing authorisation holder.	
Article 106(4), first subparagraph				
906	4. In the case of an assessment report that recommends any action concerning the marketing authorisation, the Committee for Medicinal Products for Human	4. In the case of an assessment report that recommends any action concerning the marketing authorisation, the Committee for Medicinal Products for Human	4. In the case of an assessment report that recommends any action concerning the marketing authorisation, the Committee for Medicinal Products for Human	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Use shall, within 30 days of receipt of the report by the Pharmacovigilance Risk Assessment Committee, consider the report and adopt an opinion on the maintenance, variation, suspension or revocation of the marketing authorisation concerned, including a timetable for the implementation of the opinion. Where this opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the	Use shall, within 30 days of receipt of the report by the Pharmacovigilance Risk Assessment Committee, consider the report and adopt an opinion on the maintenance, variation, suspension or revocation of the marketing authorisation concerned, including a timetable for the implementation of the opinion. Where this opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the	Use shall, within 30 days of receipt of the report by the Pharmacovigilance Risk Assessment Committee, consider the report and adopt an opinion on the maintenance, variation, suspension or revocation of the marketing authorisation concerned, including a timetable for the implementation of the opinion. Where this opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	differences together with the recommendation.	differences together with the recommendation.	differences together with the recommendation.	
Article 106(4), second subparagraph				
907	Where the opinion states that regulatory action concerning the marketing authorisation is necessary, the Commission shall adopt a decision, by means of implementing acts, to vary, suspend or revoke the marketing authorisation in accordance with Article 13. Where the Commission adopts such a decision, it may also adopt a decision addressed to the Member States pursuant to Article 57.	Where the opinion states that regulatory action concerning the marketing authorisation is necessary, the Commission shall adopt a decision, by means of implementing acts, to vary, suspend or revoke the marketing authorisation in accordance with Article 13. Where the Commission adopts such a decision, it may also adopt a decision addressed to the Member States pursuant to Article 57.	Where the opinion states that regulatory action concerning the marketing authorisation is necessary, the Commission shall adopt a decision, by means of implementing acts, to vary, suspend or revoke the marketing authorisation in accordance with Article 13. Where the Commission adopts such a decision, it may also adopt a decision addressed to the Member States pursuant to Article 57.	
Article 106(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
908	5. In the case of a single assessment of periodic safety update reports concerning more than one marketing authorisation in accordance with Article 110(1) of [revised Directive 2001/83/EC] which includes at least one marketing authorisation granted in accordance with this Regulation, the procedure laid down in Article 107 and Article 109 of that Directive shall apply.	5. In the case of a single assessment of periodic safety update reports concerning more than one marketing authorisation in accordance with Article 110(1) of [revised Directive 2001/83/EC] which includes at least one marketing authorisation granted in accordance with this Regulation, the procedure laid down in Article 107 and Article 109 of that Directive shall apply.	5. In the case of a single assessment of periodic safety update reports concerning more than one marketing authorisation in accordance with Article 110(1) of [revised Directive 2001/83/EC] which includes at least one marketing authorisation granted in accordance with this Regulation, the procedure laid down in Article ~~107~~**110** and Article ~~109~~**112** of that Directive shall apply.	
Article 106(6)				
909	6. The final recommendations, opinions and decisions referred to in paragraphs 3, 4 and 5 shall be made public by means of the European medicines	6. The final recommendations, opinions and decisions referred to in paragraphs 3, 4 and 5 shall be made public by means of the European medicines	6. The final recommendations, opinions and decisions referred to in paragraphs 3, 4 and 5 shall be made public by means of the European medicines	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	web-portal referred to in Article 104.	web-portal referred to in Article 104.	web-portal referred to in Article 104.	
Article 107				
910	Article 107 Agency pharmacovigilance related activities	Article 107 Agency pharmacovigilance related activities	Article 107 Agency pharmacovigilance related activities	
Article 107(1)				
911	1. Regarding medicinal products for human use authorised in accordance with this Regulation, the Agency shall, in collaboration with the Member States, take the following measures:	1. Regarding medicinal products for human use authorised in accordance with this Regulation, the Agency shall, in collaboration with the Member States, take the following measures:	1. Regarding medicinal products for human use authorised in accordance with this Regulation, the Agency shall, in collaboration with the Member States, take the following measures:	
Article 107(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
912	(a) monitor the outcome of risk minimisation measures contained in risk management plans and of conditions referred to in Article 12, paragraph 4, points (d) to (g), or in Article 20, paragraph 1, points (a) and (b), and in Articles 18(1) and 19;	(a) monitor the outcome of risk minimisation measures contained in risk management plans and of conditions referred to in Article 12, paragraph 4, points (d) to (g), or in Article 20, paragraph 1, points (a) and (b), and in Articles 18(1) and 19;	(a) monitor the outcome of risk minimisation measures contained in risk management plans and of conditions referred to in Article 12, paragraph 4, points (d) to (g) **and point (i)**, or in Article 20, paragraph 1, points (a) **(b) and (d)**~~and (b)~~, and in Articles 18(1) and 19;	
Article 107(1), point (b)				
913	(b) assess updates to the risk management system;	(b) assess updates to the risk management system;	(b) assess updates to the risk management system;	
Article 107(1), point (c)				
914	(c) monitor the data in the Eudravigilance database to determine whether there are new risks or whether risks have	(c) monitor the data in the Eudravigilance database to determine whether there are new risks or whether risks have	(c) monitor the data in the Eudravigilance database to determine whether there are new risks or whether risks have	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	changed and whether those risks impact on the benefit-risk balance.	changed and whether those risks impact on the benefit-risk balance.	changed and whether those risks impact on the benefit-risk balance.	
Article 107(2)				
915	2. The Pharmacovigilance Risk Assessment Committee shall perform the initial analysis and prioritisation of signals of new risks or risks that have changed or changes to the benefit-risk balance. Where it considers that follow-up action may be necessary, the assessment of those signals and agreement on any subsequent action concerning the marketing authorisation shall be conducted in a timescale commensurate with the extent and seriousness of the issue. Where appropriate, the assessment of	2. The Pharmacovigilance Risk Assessment Committee shall perform the initial analysis and prioritisation of signals of new risks or risks that have changed or changes to the benefit-risk balance. Where it considers that follow-up action may be necessary, the assessment of those signals and agreement on any subsequent action concerning the marketing authorisation shall be conducted in a timescale commensurate with the extent and seriousness of the issue. Where appropriate, the assessment of	2. The Pharmacovigilance Risk Assessment Committee shall perform the initial analysis and prioritisation of signals of new risks or risks that have changed or changes to the benefit-risk balance. Where it considers that follow-up action may be necessary, the assessment of those signals and agreement on any subsequent action concerning the marketing authorisation shall be conducted in a timescale commensurate with the extent and seriousness of the issue. Where appropriate, the assessment of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	those signals may be included in a pending assessment of a periodic safety update report or a pending procedure in accordance with Articles 95 and 114 of [revised Directive 2001/83/EC] or Article 55 of this Regulation.	those signals may be included in a pending assessment of a periodic safety update report or a pending procedure in accordance with Articles 95 and 114 of [revised Directive 2001/83/EC] or Article 55 of this Regulation.	those signals may be included in a pending assessment of a periodic safety update report or a pending procedure in accordance with Articles **92 to** 95 and 114**-116** of [revised Directive 2001/83/EC] or Article 55 of this Regulation.	
Article 107(3)				
916	3. The Agency and competent authorities of the Member States and the marketing authorisation holder shall inform each other in the event of new risks or risks that have changed or changes to the benefit-risk balance being detected.	3. The Agency and competent authorities of the Member States and the marketing authorisation holder shall inform each other in the event of new risks or risks that have changed or changes to the benefit-risk balance being detected.	3. The Agency and competent authorities of the Member States and the marketing authorisation holder shall inform each other in the event of new risks or risks that have changed or changes to the benefit-risk balance ~~being~~ **having been** detected.	
Article 108				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
917	Article 108 Non-interventional post-authorisation safety studies	Article 108 Non-interventional post-authorisation safety studies	Article 108 Non-interventional post-authorisation safety studies	
Article 108(1)				
918	1. For non-interventional post-authorisation safety studies concerning medicinal products for human use authorised in accordance with this Regulation which have been imposed in accordance with Articles 13 and 20, the procedure provided for in Article 117, paragraphs 3 to 7, Articles 118, 119, 120 and 121(1) of [revised Directive 2001/83/EC] shall apply.	1. For non-interventional post-authorisation safety studies concerning medicinal products for human use authorised in accordance with this Regulation which have been imposed in accordance with Articles 13 and 20, the procedure provided for in Article 117, paragraphs 3 to 7, Articles 118, 119, 120 and 121(1) of [revised Directive 2001/83/EC] shall apply.	1. For non-interventional post-authorisation safety studies concerning medicinal products for human use authorised in accordance with this Regulation which have been imposed in accordance with Articles 13 and 20, the procedure provided for in Article 117, paragraphs 3 to 7, Articles 118, 119, 120 and 121(1) of [revised Directive 2001/83/EC] shall apply.	
Article 108(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
919	2. Where, in accordance with the procedure referred to in paragraph 1, the Pharmacovigilance Risk Assessment Committee issues recommendations for the variation, suspension or revocation of the marketing authorisation, the Committee on Medicinal Products for Human Use shall adopt an opinion taking into account the recommendation, and the Commission shall adopt a decision in accordance with Article 13.	2. Where, in accordance with the procedure referred to in paragraph 1, the Pharmacovigilance Risk Assessment Committee issues recommendations for the variation, suspension or revocation of the marketing authorisation, the Committee on Medicinal Products for Human Use shall adopt an opinion taking into account the recommendation, and the Commission shall adopt a decision in accordance with Article 13.	2. Where, in accordance with the procedure referred to in paragraph 1, the Pharmacovigilance Risk Assessment Committee issues recommendations for the variation, suspension or revocation of the marketing authorisation, the Committee on Medicinal Products for Human Use shall adopt an opinion taking into account the recommendation, and the Commission shall adopt a decision in accordance with Article 13.	
Article 108(2), second subparagraph				
920	Where the opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the	Where the opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the	Where the opinion of the Committee for Medicinal Products for Human Use differs from the recommendation of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the differences, together with the recommendation.	Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the differences, together with the recommendation.	Pharmacovigilance Risk Assessment Committee, the Committee for Medicinal Products for Human Use shall attach to its opinion a detailed explanation of the scientific grounds for the differences, together with the recommendation.	
Article 109				
921	Article 109 Exchange of information with other organisations	Article 109 Exchange of information with other organisations	Article 109 Exchange of information with other organisations	
Article 109(1), first subparagraph				
922	1. The Agency shall collaborate with the World Health Organization in matters of pharmacovigilance and shall take	1. The Agency shall collaborate with the World Health Organization in matters of pharmacovigilance and shall take	1. The Agency shall collaborate with the World Health Organization in matters of pharmacovigilance and shall take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the necessary steps to submit to it, promptly, appropriate and adequate information regarding the measures taken in the Union which could have a bearing on public health protection in third countries.	the necessary steps to submit to it, promptly, appropriate and adequate information regarding the measures taken in the Union which could have a bearing on public health protection in third countries.	the necessary steps to submit to it, promptly, appropriate and adequate information regarding the measures taken in the Union which could have a bearing on public health protection in third countries.	
Article 109(1), second subparagraph				
923	The Agency shall make available promptly all suspected adverse reaction reports occurring in the Union to the World Health Organization.	The Agency shall make available promptly all suspected adverse reaction reports occurring in the Union to the World Health Organization.	The Agency shall make available promptly all suspected adverse reaction reports occurring in the Union to the World Health Organization.	
Article 109(2)				
924	2. The Agency and the European Monitoring Centre for Drugs and Drug Addiction shall	2. The Agency and the ~~*European Monitoring Centre for*~~***Union*** Drugs ~~*and Drug*~~	2. The Agency and the European Monitoring Centre for Drugs and Drug Addiction shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	exchange information that they receive on the abuse of medicinal products including information related to illicit drugs.	~~*Addiction*~~***Agency*** shall exchange information that they receive on the abuse of medicinal products including information related to illicit drugs.	exchange information that they receive on the abuse of medicinal products including information related to illicit drugs.	
Article 110				
925	Article 110 International collaboration	Article 110 International collaboration	Article 110 International collaboration	
Article 110, first paragraph				
926	At the request of the Commission, the Agency shall participate in collaboration with the Member States in international harmonisation and standardisation of technical measures in relation to pharmacovigilance.	At the request of the Commission, the Agency shall participate in collaboration with the Member States in international harmonisation and standardisation of technical measures in relation to pharmacovigilance.	At the request of the Commission, the Agency shall participate in collaboration with the Member States in international harmonisation and standardisation of technical measures in relation to pharmacovigilance.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 111				
927	Article 111 Cooperation with Member States	Article 111 Cooperation with Member States	Article 111 Cooperation with Member States	
Article 111, first paragraph				
928	The Agency and the Member States shall cooperate to continuously develop pharmacovigilance systems capable of achieving high standards of public health protection for all medicinal products, regardless of the routes of marketing authorisation, including the use of collaborative approaches, to maximise use of resources available within the Union.	The Agency and the Member States shall cooperate to continuously develop pharmacovigilance systems***, including those that record adverse events including medication errors, processes and standards for medication safety,*** capable of achieving high standards of public health protection for all medicinal products, regardless of the routes of marketing authorisation, including the use of collaborative	The Agency and the Member States shall cooperate to continuously develop pharmacovigilance systems capable of achieving high standards of public health protection for all medicinal products, regardless of the routes of marketing authorisation, including the use of collaborative approaches, to maximise use of resources available within the Union.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		approaches, to maximise use of resources available within the Union.		
Article 112				
929	Article 112 Reports on pharmacovigilance tasks	Article 112 Reports on pharmacovigilance tasks	Article 112 Reports on pharmacovigilance tasks	
Article 112, first paragraph				
930	The Agency shall perform regular independent audits of its pharmacovigilance tasks and report the results to its Management Board on a 2-yearly basis. The results shall be subsequently published.	The Agency shall perform regular independent audits of its pharmacovigilance tasks and report the results to its Management Board on a 2-yearly basis. The results shall be subsequently published.	The Agency shall perform regular independent audits of its pharmacovigilance tasks and report the results to its Management Board on a 2-yearly basis. The results shall be subsequently published.	
CHAPTER IX				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
931	CHAPTER IX REGULATORY SANDBOX	CHAPTER IX REGULATORY SANDBOX	CHAPTER IX REGULATORY SANDBOX	
Article 113				
932	Article 113 Regulatory sandbox	Article 113 Regulatory sandbox	Article 113 Regulatory sandbox	
Article 113(1)				
933	1. The Commission may set up a regulatory sandbox pursuant to a specific sandbox plan, based on a recommendation of the Agency and pursuant to the procedure set out in paragraphs 4 to 7, where all the following conditions are met:	1. The Commission may set up ***on a case-by-case basis*** a regulatory sandbox pursuant to a specific sandbox plan, based on a recommendation of the Agency and pursuant to the procedure set out in paragraphs 4 to 7, where all the following conditions are met**:**	1. ~~The Commission may set up~~ A regulatory sandbox ~~pursuant to a specific sandbox plan, based on a recommendation of the Agency and pursuant to the procedure set out in paragraphs 4 to 7,~~**may be established in accordance with this Article**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			where all **of** the following conditions are met:	
Article 113(1), point (a)				
934	(a) it is not possible to develop the medicinal product or category of products in compliance with the requirements applicable to medicinal products due to scientific or regulatory challenges arising from characteristics or methods related to the product;	(a) it is not possible to develop the medicinal product or category of products in compliance with the requirements applicable to medicinal products due to scientific or regulatory challenges arising from characteristics or methods related to the product;	(a) it is not possible to develop **and authorise** the medicinal product or category of **medicinal** products in **full** compliance with the requirements applicable to medicinal products **set out in this Regulation and [revised Directive 2001/83/EC]** due to scientific or ~~regulatory challenges arising from~~**technical** characteristics ~~or methods related~~**inherent** to the **medicinal** product**, for which certain targeted and technical adaptations to the requirements laid down in this Regulation**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			[and revised Directive 2001/83/EC] are considered indispensible ;	
Article 113(1), point (b)				
935	(b) the characteristics or methods referred to in point (a) positively and distinctively contribute to the quality, safety or efficacy of the medicinal product or category of products or provide a major advantage contribution to patient access to treatment.	(b) the characteristics or methods referred to in point (a) positively and distinctively contribute to the quality, safety or efficacy of the medicinal product or category of products or provide a major advantage contribution to patient access to treatment.	(b) the characteristics or methods referred to in point (a) **are likely to** positively and distinctively contribute to the quality, safety or efficacy of the medicinal product or category of **medicinal** products **in an at least equivalent manner to the standards set out in this Regulation [and revised Directive 2001/83/EC]** or provide a major ~~advantage~~ contribution to patient access to **prevention, diagnosis,** treatment**, or patient care**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 113(2), first subparagraph				
936	2. The regulatory sandbox shall set out a regulatory framework, including scientific requirements, for the development and, where appropriate clinical trials and placing on the market of a product referred to in paragraph 1 under the conditions set out in this Chapter. The regulatory sandbox may allow targeted derogations to this Regulation, [revised Directive 2001/83/EC] or Regulation (EC) 1394/2007 under the conditions set out in Article 114.	2. The regulatory sandbox shall set out a regulatory framework, including scientific requirements, for the development and, where appropriate clinical trials and placing on the market of a product referred to in paragraph 1 under the conditions set out in this Chapter. The regulatory sandbox may allow targeted derogations to this Regulation, [revised Directive 2001/83/EC] or Regulation (EC) 1394/2007 under the conditions set out in Article 114.	2. The regulatory sandbox shall set out a **controlled** regulatory framework, ~~including scientific requirements, for the~~**consisting of technical adaptations necessary during** development ~~and, where appropriate clinical trials~~**phase for the authorisation** and placing on the market of a product referred to in paragraph 1 under the conditions set out in this Chapter. The regulatory sandbox may allow targeted ~~derogations to~~**adaptations to certain requirements of** this Regulation, [revised Directive 2001/83/EC] or Regulation (EC) 1394/2007 ~~under the conditions set out in~~**which are**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			necessary for the purposes of assessing whether an authorisation can be granted for a product referred to in paragraph 1 and its life cycle management in accordance with Article 114 **and which ensure an equivalent level of quality, safety and efficacy of the medicinal product concerned and of public health protection to those set out in this Regulation and [revised Directive 2001/83/EC]**.	
Article 113(2), second subparagraph				
937	A regulatory sandbox shall take effect under direct supervision of the competent authorities of the Member States concerned with a view to ensuring compliance with	A regulatory sandbox shall take effect under direct supervision of the competent authorities of the Member States concerned with a view to ensuring compliance with	A regulatory sandbox shall ~~take effect~~**operate** under direct supervision of the competent authorities of the Member States concerned with a view to ensuring	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the requirements of this Regulation and, where relevant, other Union and Member State legislation concerned by the sandbox. Any violation of the conditions set out in the decision referred to in paragraph 6 and the identification of any risks to health and to environment shall be immediately notified to the Commission and to the Agency.	the requirements of this Regulation and, where relevant, other Union and Member State legislation concerned by the sandbox. Any violation of the conditions set out in the decision referred to in paragraph 6 and the identification of any risks to health and to environment shall be immediately notified to the Commission and to the Agency.	compliance with the requirements of this Regulation and, where relevant, other Union and Member State legislation concerned by the sandbox **for activities that take place on their territory**. Any violation of the conditions set out in the decision referred to in paragraph 6 and the identification of any risks to health and to environment shall be immediately notified to the Commission and to the Agency.	
Article 113(3)				
938	3. The Agency shall monitor the field of emerging medicinal products and may request information and data from marketing authorisation holders,	3. The Agency shall monitor the field of emerging medicinal products and may request information and data from marketing authorisation holders,	3. The Agency shall monitor the field of emerging medicinal products and may request information and data from **the national competent authorities**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	developers, independent experts and researchers, and representatives of healthcare professionals and of patients and may engage with them in preliminary discussions.	developers, independent experts and researchers, and representatives of healthcare professionals and of patients and may engage with them in preliminary discussions***, where appropriate referring to the consultation mechanism provided for in Article 162***.	**of the Member States,** marketing authorisation holders, developers, independent experts and researchers, and representatives of healthcare professionals and of patients and may engage with them in preliminary discussions.	
Article 113(4), first subparagraph				
939	4. Where the Agency considers it appropriate to set up a regulatory sandbox for medicinal products which are likely to fall under the scope of this Regulation, it shall provide a recommendation to the Commission. The Agency shall list eligible products or category of products in that	4. Where the Agency considers it appropriate to set up a regulatory sandbox for medicinal products which are likely to fall under the scope of this Regulation ***but for which there is an absence of existing adapted rules for development and authorisation***, it shall provide a recommendation to	4. Where the Agency considers it appropriate to set up a regulatory sandbox for medicinal products which are likely to fall under the scope of this Regulation **and meet the conditions set out in paragraph 1**, it shall**, following appropriate consultations including consultation with the**	

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	recommendation and shall include the sandbox plan referred to in paragraph 1.	the Commission. The Agency shall list eligible products or category of products in that recommendation and shall include the sandbox plan referred to in paragraph 1.	**competent authorities of the Member States,** provide a recommendation to the Commission. **The recommendation of** the Agency shall list eligible products or category of products ~~in that recommendation and shall~~**and** include ~~the~~**a** sandbox plan ~~referred to in paragraph 1~~.	
Article 113(4), second subparagraph				
940	The Agency shall not recommend to set up a regulatory sandbox for a medicinal product that is already advanced in its development programme.	The Agency shall not recommend to set up a regulatory sandbox for a medicinal product that is already advanced in its development programme.	The Agency shall not recommend to set up a regulatory sandbox for a medicinal product that is already advanced in its development programme.	
Article 113(5)				

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941	5. The Agency shall be responsible for developing a sandbox plan based on data submitted by developers of eligible products and following appropriate consultations. The plan shall set out clinical, scientific and regulatory justification for a sandbox, including the identification of the requirements of this Regulation, [revised Directive 2001/83/EC] and Regulation (EC) 1394/2007 that cannot be complied with and a proposal for alternative or mitigation measures, where appropriate. The plan shall also include a proposed timeline for the duration of the sandbox. Where appropriate, the Agency shall also propose measures in order to	5. The Agency shall be responsible for developing a sandbox plan based on data submitted by developers of eligible products and following appropriate consultations ***including, where relevant, with patients, academia, health technology assessment bodies, healthcare professionals or developers***. The plan shall set out clinical, scientific and regulatory justification for a sandbox, including the identification of the requirements of this Regulation, [revised Directive 2001/83/EC] and Regulation (EC) 1394/2007 that cannot be complied with and a proposal for alternative or mitigation measures, where appropriate. The plan shall also	5. The Agency ~~shall be responsible for developing~~ **develop the** sandbox plan based on data submitted by developers of eligible products and following appropriate consultations **including consultation with competent authorities of the Member States. The sandbox** ~~The~~ plan shall set out clinical, scientific and regulatory justification for **the necessity to establish a regulatory** ~~a~~ sandbox, including the identification of the requirements of this Regulation, [revised Directive 2001/83/EC] and Regulation (EC) 1394/2007 ~~that cannot be complied with and a proposal~~**whose adaptations are considered indispensable from a technical and scientific**	

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	mitigate any possible distortion of market conditions as a consequence of establishing a regulatory.	include a proposed timeline for the duration of the sandbox. Where appropriate, the Agency shall also propose measures in order to mitigate any possible distortion of market conditions as a consequence of establishing a regulatory.	**viewpoint for the development and authorisation of such medicinal product which ensure equivalent standards of quality, safety and efficacy to those set out in the Regulation and [revised Directive 2001/83/EC]. The sandbox plan shall also provide proposals** for alternative or mitigation measures, where appropriate. The **sandbox** plan shall also include a proposed timeline for the duration of the sandbox. Where appropriate, the Agency shall also propose measures in order to mitigate any possible distortion of market conditions as a consequence of establishing a regulatory **sandbox**.	
Article 113(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
942	6. The Commission shall, by means of implementing acts, take a decision on the set up of a regulatory sandbox taking into account the recommendation of the Agency and the sandbox plan pursuant to paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	6. The Commission shall~~, by means of implementing acts, take~~ ***adopt delegated acts in accordance with Article 175 to supplement this Regulation by taking*** a decision on the set up of a regulatory sandbox taking into account the recommendation of the Agency and the sandbox plan pursuant to paragraph 4.~~ Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).~~	6. The Commission shall, by means of implementing acts, ~~take~~**adopt** a decision ~~on the set up of~~**establishing** a regulatory sandbox **for the eligible medicinal products or category of medicinal products** taking into account the recommendation of the Agency and the sandbox plan pursuant to paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 113(7)				
943	7. Decisions establishing a regulatory sandbox under paragraph 5 shall be limited in time and shall set out detailed	7. Decisions establishing a regulatory sandbox under paragraph 5 shall be limited in time and shall set out detailed	7. Decisions establishing a regulatory sandbox under paragraph ~~5~~**6** shall be limited in time and shall set out detailed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conditions for its implementation. These Decisions shall:	conditions for its implementation. These Decisions shall:	conditions for its implementation. These Decisions shall **include**:	
Article 113(7), point (a)				
944	(a) include the proposed sandbox plan;	(a) include the proposed sandbox plan;	(a) ~~include the proposed~~ **a** sandbox plan**, taking into account the recommended sandbox plan of the Agency, specifying the targeted technical adaptations to the requirements of this Regulation and of [revised Directive 2001/83/EC], Regulation (EC) 1394/2007 in accordance with the conditions set out in paragraph 5, and shall include any appropriate measures to mitigate potential risks to health and to the environment**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 113(7), point (b)				
945	(b) include the duration of the regulatory sandbox and its expiry;	(b) include the duration of the regulatory sandbox and its expiry;	(b) ~~include~~ the duration of the regulatory sandbox and its expiry **including, where appropriate, the authorisation and placing on the market of the medicinal products concerned**;	
Article 113(7), point (c)				
946	(c) include as part of the sandbox plan the requirements of this Regulation and of [revised Directive 2001/83/EC] that cannot be complied with and shall include appropriate measures to mitigate potential risks to health and to the environment.	(c) include as part of the sandbox plan the requirements of this Regulation and of [revised Directive 2001/83/EC] that cannot be complied with and shall include appropriate measures to mitigate potential risks to health and to the environment.	(c) ~~include as part~~**the participants** of the **regulatory** sandbox ~~plan the requirements of this Regulation and of [revised Directive 2001/83/EC] that cannot be complied with and shall include appropriate measures to mitigate potential risks to health and to the environment~~.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 113(8), first subparagraph				
947	8. The Commission may, by means of implementing acts, suspend or revoke a regulatory sandbox at any time. in any of the following cases:	8. The Commission may, by means of implementing acts, suspend or revoke a regulatory sandbox at any time. in any of the following cases:	8. The Commission may, by means of implementing acts, suspend or revoke a regulatory sandbox at any time. in any of the following cases:	
Article 113(8), first subparagraph, point (a)				
948	(a) the requirements and conditions laid down in paragraphs 6 and 7 are no longer met;	(a) the requirements and conditions laid down in paragraphs 6 and 7 are no longer met;	(a) the requirements and conditions laid down in paragraphs 6 and 7 are no longer met;	
Article 113(8), first subparagraph, point (b)				
949	(b) it is appropriate to protect public health.	(b) it is appropriate to protect public health. ***or the environment.***	(b) it is appropriate to protect public health.	
Article 113(8), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
950	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 113(8), third subparagraph				
951	Where the Agency receives information that one of the cases referred to in the first subparagraph may be fulfilled, it shall inform the Commission accordingly.	Where the Agency receives information that one of the cases referred to in the first subparagraph may be fulfilled, it shall inform the Commission accordingly.	Where the Agency receives information that one of the cases referred to in the first subparagraph may be fulfilled, it shall inform the Commission accordingly.	
Article 113(9)				
952	9. Where after the Decision to establish the regulatory sandbox in accordance with paragraph 6, risks to health are identified but these risks can be fully mitigated	9. Where after the Decision to establish the regulatory sandbox in accordance with paragraph 6, risks to health are identified but these risks can be fully mitigated	9. Where after the decision to establish the regulatory sandbox in accordance with paragraph 6, risks to health are identified but these risks can be fully mitigated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	by the adoption of supplementary conditions, the Commission may, after consultation of the Agency, amend its decision by means of implementing acts. The Commission may also prolong the duration of a regulatory sandbox by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	by the adoption of supplementary conditions, the Commission may, after consultation of the Agency, amend its decision by means of implementing acts. ~~*The Commission may also prolong the duration of a regulatory sandbox by means of implementing acts.*~~ Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2). ***The Commission is empowered to adopt delegated acts in accordance with Article 175 to supplement this Regulation by, on the basis of duly justified reasoning and evidence from the Agency, prolonging the duration of a regulatory sandbox.***	by the adoption of supplementary conditions, the Commission may, after consultation of the Agency, amend its decision **referred to in paragraph 6 and, where applicable, revoke a suspension decision adopted under paragraph 8** by means of implementing acts. The Commission may also prolong the duration of a regulatory sandbox by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 113(10)				
953	10. This Article shall not exclude the setting up of time limited pilot projects to test different ways of implementing the applicable legislation.	10. This Article shall not exclude the setting up of time limited pilot projects to test different ways of implementing the applicable legislation.	10. This Article shall not ~~exclude the setting up of~~**apply to** time limited pilot projects to test different ways of implementing the applicable legislation.	
Article 114				
954	Article 114 Products developed under a sandbox	Article 114 Products developed under a sandbox	Article 114 Products developed under a sandbox	
Article 114(1)				
955	1. When authorising a clinical trial application for products covered by a regulatory sandbox, Member States shall take	1. When authorising a clinical trial application for products covered by a regulatory sandbox, Member States shall take	1. When authorising a clinical trial application for products covered by a regulatory sandbox, Member States shall take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the sandbox plan referred to in Article 113(1) into consideration.	the sandbox plan referred to in Article 113(1) into consideration.	the sandbox plan referred to in Article 113(1) into consideration.	
Article 114(2)				
956	2. A medicinal product developed as part of a regulatory sandbox may be placed on the market only when authorised in accordance with this Regulation. The initial validity of such authorisation shall not exceed the duration of the regulatory sandbox. The authorisation may be prolonged at the request of the marketing authorisation holder.	2. A medicinal product developed as part of a regulatory sandbox may be placed on the market only when authorised in accordance with this Regulation. The initial validity of such authorisation shall not exceed the duration of the regulatory sandbox. The authorisation may***, upon a justified recommendation by the Agency,*** be prolonged at the request of the marketing authorisation holder.	2. A medicinal product developed as part of a regulatory sandbox ~~may~~ **shall** be placed on the market only when authorised in accordance with this Regulation**. Such authorisation may be granted only if the benefit-risk balance of the medicinal product is favourable**. The initial validity of such authorisation shall not exceed the duration of the regulatory sandbox. The authorisation may be prolonged at the request of the marketing authorisation holder.	

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Article 114(3)				
957	3. In duly justified cases, the marketing authorisation of a medicinal product developed under the regulatory sandbox may include derogations from the requirements set out in this Regulation and [revised Directive 2001/83/EC]. Those derogations may entail adapted, enhanced, waived or deferred requirements. Each derogation shall be limited to what is apt and strictly necessary to attain the objectives pursued, duly justified and specified in the conditions to the marketing authorisation.	3. In duly justified cases, the marketing authorisation of a medicinal product developed under the regulatory sandbox may include derogations from the requirements set out in this Regulation and [revised Directive 2001/83/EC]***. Any derogation from the requirements in context of the sandbox shall ensure that the level of patient safety and protection of public health and ethical principles are upheld***. Those derogations may entail adapted, enhanced, waived or deferred requirements. Each derogation shall be limited to what is apt and strictly necessary to attain the objectives pursued, duly	3. In duly justified cases, ~~the marketing authorisation of a medicinal product developed under~~**and in cases** the regulatory sandbox ~~may include derogations from the requirements set out in this Regulation and [revised Directive 2001/83/EC]. Those derogations may entail adapted, enhanced, waived or deferred requirements. Each derogation~~**has not been suspended or terminated in accordance with Article 113, the decision referred to in Article 13 shall specify the adaptations that apply to the specific medicinal product pursuant to Article 113 paragraph 7(b). Each**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		justified and specified in the conditions to the marketing authorisation.	**adaptation** shall be limited to what is apt and strictly necessary to attain the objectives pursued, duly justified and specified in the conditions to the marketing authorisation. **The Commission shall, by means of an implementing act, review the technical adaptations referred to in Article 113, paragraph 7(a), if appropriate, in accordance with the conditions laid down therein.**	
Article 114(4)				
958	4. For medicinal products developed as part of a regulatory sandbox for which a marketing authorisation has been granted in accordance with paragraph 2 and where appropriate paragraph 3, the	4. For medicinal products developed as part of a regulatory sandbox for which a marketing authorisation has been granted in accordance with paragraph 2 and where appropriate paragraph 3, the	4. For medicinal products developed as part of a regulatory sandbox for which a marketing authorisation has been granted in accordance with paragraph 2 and where appropriate paragraph 3, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	summary of product characteristics and the package leaflet shall indicate that the medicinal product has been developed as part of a regulatory sandbox.	summary of product characteristics and the package leaflet shall indicate that the medicinal product has been developed as part of a regulatory sandbox.	summary of product characteristics and the package leaflet shall indicate that the medicinal product has been developed as part of a regulatory sandbox. **This condition shall apply for the duration of the regulatory sandbox.**	
Article 114(5)				
959	5. Without prejudice to Article 195 of [revised Directive 2001/83/EC], the Commission shall suspend a marketing authorisation granted in accordance with paragraph 2, where the regulatory sandbox has been suspended or revoked in accordance with Article 113(7).	5. Without prejudice to Article 195 of [revised Directive 2001/83/EC], the Commission shall suspend a marketing authorisation granted in accordance with paragraph 2, where the regulatory sandbox has been suspended or revoked in accordance with Article 113(7).	5. Without prejudice to Article 195 of [revised Directive 2001/83/EC], the Commission shall suspend **or revoke** a marketing authorisation granted in accordance with paragraph 2, where the regulatory sandbox has been suspended or revoked in accordance with Article ~~113(7)~~**113(8)**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 114(6)				
960	6. The Commission shall immediately vary the marketing authorisation to take account of the mitigation measures taken in accordance with Article 115.	6. The Commission shall immediately vary the marketing authorisation to take account of the mitigation measures taken in accordance with Article 115.	6. The Commission shall immediately vary the marketing authorisation to take account of the mitigation measures taken in accordance with Article 115.	
Article 115				
961	Article 115 General sandbox provisions	Article 115 General sandbox provisions	Article 115 General sandbox provisions	
Article 115(1), first subparagraph				
962	1. The regulatory sandboxes shall not affect the supervisory and corrective powers of the competent authorities. In case of identification of risks to public health or safety concerns	1. The regulatory sandboxes shall not affect the supervisory and corrective powers of the competent authorities. In case of identification of risks to public health or safety concerns	1. The regulatory sandboxes shall not affect the supervisory and corrective powers of the competent authorities. In case of identification of risks to public health or safety concerns	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	associated with the use of products covered by a sandbox, competent authorities shall take immediate and adequate temporary measures in order to suspend or restrict their use and inform the Commission in accordance with Article 113(2).	associated with the use of products covered by a sandbox, competent authorities shall take immediate and adequate temporary measures in order to suspend or restrict their use and inform the Commission in accordance with Article 113(2).	associated with the use of products covered by a sandbox, competent authorities shall take immediate and adequate temporary measures in order to suspend or restrict their use and inform the Commission in accordance with Article 113(2).	
Article 115(1), second subparagraph				
963	Where such mitigation is not possible or proves to be ineffective, the development and testing process shall be suspended without delay until an effective mitigation takes place.	Where such mitigation is not possible or proves to be ineffective, the development and testing process shall be suspended without delay until an effective mitigation takes place. ***If no effective mitigation plan can be provided, the Agency shall end the sandbox without undue delay.***	Where such mitigation is not possible or proves to be ineffective, the development and testing process shall be suspended without delay until an effective mitigation takes place.	
Article 115(2)				

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964	2. Participants in the regulatory sandbox, in particular the marketing authorisation holder of the medicinal product concerned, shall remain liable under applicable Union and Member States liability legislation for any harm inflicted on third parties as a result from the testing taking place in the sandbox. They shall inform the Agency without undue delay of any information which might entail the amendment of the regulatory sandbox or concerns the quality, safety or efficacy of products developed as part of a regulatory sandbox.	2. Participants in the regulatory sandbox, in particular the marketing authorisation holder of the medicinal product concerned, shall remain liable under applicable Union and Member States liability legislation for any harm inflicted on third parties as a result from the testing taking place in the sandbox. They shall inform the Agency without undue delay of any information which might entail the amendment of the regulatory sandbox or concerns the quality, safety or efficacy of products developed as part of a regulatory sandbox.	2. Participants in the regulatory sandbox~~, in particular the marketing authorisation holder of the medicinal product concerned,~~ shall remain liable under applicable Union and Member States liability legislation for any harm inflicted on third parties as a result from the testing taking place in the sandbox. They shall inform the Agency without undue delay of any information which might entail the amendment of the regulatory sandbox or concerns the quality, safety or efficacy of products developed as part of a regulatory sandbox.	
Article 115(3)				

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965	3. The modalities and the conditions of the operation of the regulatory sandboxes, including the eligibility criteria and the procedure for the application, selection, participation and exiting from the sandbox, and the rights and obligations of the participants shall be set out in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	3. The modalities and the conditions of the operation of the regulatory sandboxes, including the eligibility criteria and the procedure for the application, selection, participation and exiting from the sandbox, and the rights and obligations of the participants shall be set out in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	3. The modalities and the conditions of the operation of the regulatory sandboxes, including the eligibility criteria and the procedure for the application, selection, participation and exiting from the sandbox, and the rights and obligations of the participants shall be set out in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 115(4)				
966	4. The Agency with input from Member States shall submit annual reports to the Commission on the results from the implementation of a regulatory	4. The Agency with input from Member States shall submit annual reports to the Commission on the results from the implementation of a regulatory	4. The Agency with input from Member States shall submit annual reports to the Commission on the results from the implementation of a regulatory	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sandbox, including good practices, lessons learnt and recommendations on their setup and, where relevant, on the application of this Regulation and other Union legal acts supervised within the sandbox. These reports shall be made publicly available by the Commission.	sandbox, including ***a breakdown on the number of sandboxes granted, trends on medicinal products eligible for a regulatory sandbox,*** good practices, ***difficulties encountered,*** lessons learnt***, reflections on possible future adaptations to the regulatory framework*** and recommendations on their setup and, where relevant, on the application of this Regulation and other Union legal acts supervised within the sandbox. These reports ***as well as lay summaries*** shall be made publicly available by the Commission.	sandbox, including good practices, lessons learnt and recommendations on their setup and, where relevant, on the application of this Regulation and other Union legal acts supervised within the sandbox. These reports shall be made publicly available by the Commission.	
Article 115(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
967	5. The Commission shall review the reports and put forward, as appropriate, legislative proposals with a view to update the regulatory framework referred to in Article 113(2) or delegated acts in accordance with Article 28 of [revised Directive 2001/83/EC].	5. The Commission shall review the reports and put forward, as appropriate, legislative proposals with a view to update the regulatory framework referred to in Article 113(2) or delegated acts in accordance with Article 28 of [revised Directive 2001/83/EC].	5. The Commission shall review the reports and put forward, as appropriate, legislative proposals with a view to update the regulatory framework referred to in Article 113(2) or delegated acts in accordance with Article 28 of [revised Directive 2001/83/EC].	
CHAPTER X				
968	CHAPTER X AVAILABILITY AND SECURITY OF SUPPLY OF MEDICINAL PRODUCTS	CHAPTER X AVAILABILITY AND SECURITY OF SUPPLY OF MEDICINAL PRODUCTS	CHAPTER X AVAILABILITY AND SECURITY OF SUPPLY OF MEDICINAL PRODUCTS	
Section 1				

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969	Section 1 Monitoring and management of shortages and critical shortages	Section 1 Monitoring and management of shortages and critical shortages	Section 1 Monitoring and management of shortages and critical shortages	
Article 115a				
969a			**Article 115a** **Derogations on the provisions of this Chapter**	
Article 115a(1)				
969b			**1. Member States may waive the application of Articles 116(3a), 117, Articles 120(2), 121(5a), 127(4), 129, 130(2) point c, 130(4) point c when the medicinal products are supplied for military or defence purposes or insofar as the application of**	

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			such requirements imply a risk to national security and defence.	
Article 115a(1a)				
969c			**1a. Member States may exempt authorities within their territory of the obligation to communicate information in accordance with Articles 121 and 127 insofar as such requirements imply a risk to national security and defence.**	
Article 115a(2)				
969d			**2. Member States may exempt a marketing authorisation holder in possession of a marketing authorisation for a medicinal**	

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			product authorised in that Member State in accordance with article 205 of [revised Directive 2001/83/EC] from complying with the obligations set out in the articles 116, 117, 119, 125, 128 and 133.	
Article 116				
970	Article 116 Marketing authorisation holder notifications	Article 116 Marketing authorisation holder notifications	Article 116 Marketing authorisation holder notifications	
Article 116(1)				
971	1. The marketing authorisation holder of a medicinal product in possession of a centralised marketing authorisation or a national	1. The marketing authorisation holder of a medicinal product in possession of a centralised marketing authorisation or a national	1. **In addition to the rules on notification referred to in Article 24 of this Regulation and Article 203 of [the revised Directive 2001/83/EC]** the	

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	marketing authorisation ('the marketing authorisation holder') shall notify the competent authority of the Member State where the medicinal product has been placed on the market and, in addition, the Agency for a medicinal product covered by a centralised marketing authorisation (these are referred to in this Chapter as 'the competent authority concerned') of the following:	marketing authorisation ('the marketing authorisation holder') shall notify ***and explain the reasons to*** the competent authority of the Member State where the medicinal product has been placed on the market and, in addition, the Agency for a medicinal product covered by a centralised marketing authorisation (these are referred to in this Chapter as 'the competent authority concerned') of the following:	marketing authorisation holder of a medicinal product in possession of a centralised marketing authorisation or a national marketing authorisation (**these are referred to in this chapter as**'the marketing authorisation holder') shall notify the competent authority of the Member State where the medicinal product has been placed on the market and, in addition, the Agency for a medicinal product covered by a centralised marketing authorisation (these are referred to in this Chapter as 'the competent authority concerned') of the following:	
Article 116(1), point (a)				

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972	(a) its decision to permanently cease the marketing of a medicinal product in that Member State no less than twelve months before the last supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	(a) its decision to permanently cease the marketing of a medicinal product in that Member State no less than twelve months before the last supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	(a) its decision to permanently cease the marketing of a medicinal product in that Member State no less than twelve months before the last supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	
Article 116(1), point (b)				
973	(b) its request to permanently withdraw the marketing authorisation for that medicinal product authorised in that Member State no less than twelve months before the last supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	(b) its request to permanently withdraw the marketing authorisation for that medicinal product authorised in that Member State no less than twelve months before the last supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	(b) its request to permanently withdraw the marketing authorisation for that medicinal product authorised in that Member State no less than twelve months before the last supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 116(1), point (c)				
974	(c) its decision to temporarily suspend the marketing of a medicinal product in that Member State no less than six months before the start of the temporary suspension of supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	(c) its decision to temporarily suspend the marketing of a medicinal product in that Member State ***as soon as possible and*** no less than six months before the start of the temporary suspension of supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	(c) its decision to temporarily suspend the marketing of a medicinal product in that Member State no less than six months before the start of the temporary suspension of supply of that medicinal product into the market of a given Member State by the marketing authorisation holder;	
Article 116(1), point (d)				
975	(d) a temporary disruption in supply of a medicinal product in a given Member State, of an expected duration of in excess of two weeks or, based on the demand forecast of the marketing	(d) a ***foreseeable*** temporary disruption in supply of a medicinal product in a given Member State, of an expected duration of in excess of two weeks or, based on the demand forecast of the	(d) a temporary disruption in supply of a medicinal product in a given Member State, of an expected duration of in excess of two weeks ~~or,~~ based on the demand forecast of the marketing	

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	authorisation holder no less than six months before the start of such temporary disruption of supply or, if this is not possible and where duly justified, as soon as they become aware of such temporary disruption, to allow the Member State to monitor any potential or actual shortage in accordance with Article 118(1).	marketing authorisation holder ***and national competent authorities, where available, as soon as possible and*** no less than six months before the start of such temporary disruption of supply or, if this is not possible and ***unforeseeable*** where duly justified, as soon as they become aware of such temporary disruption, to allow the Member State to monitor any potential or actual shortage in accordance with Article 118(1).	authorisation holder**, as soon as possible and in any event** no less than ~~six~~**three** months before the start of such temporary disruption of supply ~~or, if this is not possible and where duly justified, as soon as they become aware of such temporary disruption, to allow the Member State to monitor any potential or actual shortage in accordance with Article 118(1)~~.	
Article 116(1), point (ca), second subparagraph				
975a			**By way of derogation to paragraph 1, point (d), the marketing authorisation holder shall notify the temporary**	

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			disruption in supply of a medicinal product in a given Member State as soon as they become aware of such temporary disruption where exceptional circumstances, which shall be duly identified and substantiated to the competent authority concerned, prevented the marketing authorisation holder from complying with the deadlines laid down therein.	
Article 116(1), point (ca), third subparagraph				
975b			**The marketing authorisation holder shall make the notification electronically and in the formats made available by the Agency. The Agency shall**	

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			consult the Member States when drawing up the formats.	
Article 116(2), first subparagraph				
976	2. For the purposes of the notification made in accordance with paragraph 1, points (a), (b) and (c), the marketing authorisation holder shall provide the information set out in Part I of Annex IV.	2. For the purposes of the notification made in accordance with paragraph 1, points (a), (b) and (c), the marketing authorisation holder shall provide the information set out in Part I of Annex IV.	2. For the purposes of the notification made in accordance with paragraph 1, points (a), (b) and (c), the marketing authorisation holder shall provide the information set out in Part I of Annex IV.	
Article 116(2), second subparagraph				
977	For the purpose of notifications made in accordance with the paragraph 1, point (d), the marketing authorisation holder shall provide the information set out in Part III of Annex IV.	For the purpose of notifications made in accordance with the paragraph 1, point (d), the marketing authorisation holder shall provide the information set out in Part III of Annex IV.	For the purpose of notifications made in accordance with the paragraph 1, point (d), the marketing authorisation holder shall provide the information set out in Part III of Annex IV.	

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Article 116(2), third subparagraph				
978	The marketing authorisation holder shall immediately notify the competent authority concerned, as appropriate, of any relevant changes to the information provided according to this paragraph.	The marketing authorisation holder shall immediately notify the competent authority concerned, as appropriate, of any relevant changes to the information provided according to this paragraph.	The marketing authorisation holder shall immediately notify the competent authority concerned, as appropriate, of any relevant changes to the information provided according to this paragraph.	
Article 116(3)				
979	3. The Commission is empowered to adopt delegated acts, in accordance with Article 175 in order to amend Annex IV as regards the information to be provided in case of a temporary disruption of supply, information to be provided in case of a suspension or cessation of	3. The Commission is empowered to adopt delegated acts, in accordance with Article 175 in order to amend Annex IV as regards the information to be provided in case of a temporary disruption of supply, information to be provided in case of a suspension or cessation of	3. The Commission is empowered to adopt delegated acts, in accordance with Article 175 in order to amend Annex IV as regards the information to be provided in case of a temporary disruption of supply, information to be provided in case of a suspension or cessation of	

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	marketing of a medicinal product or withdrawal of the marketing authorisation of a medicinal product, or the content of the shortage prevention plan referred to in Article 117.	marketing of a medicinal product or withdrawal of the marketing authorisation of a medicinal product, or the content of the shortage prevention plan referred to in Article 117.	marketing of a medicinal product or withdrawal of the marketing authorisation of a medicinal product, or the content of the shortage prevention plan referred to in Article 117.	
Article 116(3a)				
979a			**3a. Where the marketing authorisation holder intends to withdraw the marketing authorisation or permanently cease to market in a Member State where the marketing authorisation is valid for a critical medicinal product identified by the competent authority of a Member State pursuant to Article 127(1), medicinal products identified in**	

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			accordance with 126(2a) or a priority antimicrobial pursuant to Article 40 (3), the marketing authorisation holder shall, prior to the notification referred to in Article 116(1), point b:	
Article 116(3a), point (a)				
979b			**(a) publish a declaration of its intention to offer to transfer the marketing authorisation or its intention to issue a letter of access as referred to in Article 14 of [revised Directive 2001/83] via a dedicated webpage on its website and communicate the electronic link to such webpage to the competent authority of the Member State and the Agency. The Agency shall publish and**	

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			compile a list of such electronic links.	
Article 116(3a), point (b)				
979c			**(b) offer, on reasonable terms, to transfer the marketing authorisation or the letter of access to a third party that has declared its intention to place that critical medicinal product identified using the methodology pursuant to Article 130 (1), point (a) on the market, or to allow the use of the pharmaceutical non-clinical and clinical documentation contained in the file of that critical medicinal product for the purposes of submitting an application in accordance with**	

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			Article 14 of [revised Directive 2001/83/EC].	
Article 116(3a), point (c), first subparagraph				
979d			**(c) inform the competent authority concerned on the outcome of the negotiations with the third party or parties.**	
Article 116(3a), point (c), second subparagraph				
979e			**For the purpose of this paragraph, the marketing authorisation holder shall provide as part of the notification referred to in article 116 (1) point (b) information proving that they have taken steps to make the marketing**	

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			authorisation available to third parties on reasonable terms.	
Article 117				
980	Article 117 The shortage prevention plan	Article 117 The shortage prevention plan	Article 117 The shortage prevention plan	
Article 117(1)				
981	1. The marketing authorisation holder as defined in Article 116(1) shall have in place and keep up to date a shortage prevention plan, for any medicinal product placed on the market. To put in place the shortage prevention plan, the marketing authorisation holder shall include the minimum set of information set out in Part V of Annex IV and	1. ***By ... [18 months from the date of entry into force of this Regulation],*** the marketing authorisation holder as defined in Article 116(1) shall have in place and keep up to date a shortage prevention plan, for any medicinal product placed on the market. To put in place the shortage prevention plan, the marketing authorisation holder shall include	1. The marketing authorisation holder ~~as defined in Article 116(1)~~ shall have in place and keep up to date a shortage prevention plan~~,~~ **for any critical medicinal product identified by the competent authorities of a Member State in accordance with Article 127(1) and for medicinal products identified in accordance with Article 126**	

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	take into account the guidance drawn up by the Agency according to paragraph 2.	the minimum set of information set out in Part V of Annex IV and take into account the guidance drawn up by the Agency according to paragraph 2. ***The shortage prevention plan shall be made available upon request by the Agency or the competent authority of the Member State where the medicinal product has been placed on the market.***	**(2a). Marketing authorisation holders shall also be required to put in place a shortages prevention plan** for any medicinal product ~~placed on the market~~**included on list of critical shortages of medicinal products of Union concern identified under Article 123 (2a)**. To put in place the shortage prevention plan, the marketing authorisation holder shall include the minimum set of information set out in Part V of Annex IV and take into account the guidance drawn up by the Agency according to paragraph 2.	
Article 117(-1), second subparagraph				
981a			**The Agency, in collaboration with the working party referred**	

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			to in Article 121(1), point (c), shall draw up guidance for marketing authorisation holders to put in place the shortage prevention plan. The guidance shall, in particular, indicate the relevant type and detail of information for the shortage prevention plan according to the different level of risk, including descriptions of the relevant shortage management measures.	
Article 117(-1a)				
981b			**-1a. When a medicinal product is identified as critical pursuant to Article 127, paragraph 1, and when medicinal products are identified in accordance with**	

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			Article 126 (2a) the marketing authorisation holder shall put in place the shortage prevention plan within 3 months. The shortage prevention plan shall be drawn up in accordance with paragraph 1.	
Article 117(-1b)				
981c			**-1b. Whenever a medicinal product is subject to a shortage prevention plan in accordance with this Article, the national competent authority or the Agency may request the marketing authorisation holder to submit that shortage prevention plan at any time. The marketing authorisation holder shall submit that copy at the**	

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			latest two days after receipt of such request.	
Article 117(2)				
982	2. The Agency, in collaboration with the working party referred to in Article 121(1), point (c), shall draw up guidance to marketing authorisation holders as defined in Article 116(1) to put in place the shortage prevention plan.	2. The Agency ***shall***, in collaboration with the working party referred to in Article 121(1)~~, point (c), shall~~ ***and after consultation with the Healthcare Professionals' Working Party (HPWP) and the Patients' and Consumers' Working Party (PCWP),*** draw up guidance to marketing authorisation holders as defined in Article 116(1) to put in place the shortage prevention plan.	2. ~~The Agency, in collaboration with the working party referred to in Article 121(1), point (c), shall draw up guidance to marketing authorisation holders as defined in Article 116(1) to put in place the shortage prevention plan.~~	
Article 117(3)				

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983	3. Where relevant, the marketing authorisation holder as defined in Article 116(1) shall update the shortage prevention plan to include additional information, based on recommendations of the Executive Steering Group on Shortages and Safety of Medicinal Products (also referred to as the Medicine Shortages Steering Group – 'MSSG', established in Article 3(1) of Regulation (EU) 2022/123, in accordance with Articles 123(4) and 132(1).	3. Where relevant, the marketing authorisation holder as defined in Article 116(1) shall update the shortage prevention plan to include additional information, based on recommendations of the Executive Steering Group on Shortages and Safety of Medicinal Products (also referred to as the Medicine Shortages Steering Group – 'MSSG', established in Article 3(1) of Regulation (EU) 2022/123, in accordance with Articles 123(4) and 132(1).	3. Where relevant, the marketing authorisation holder ~~as defined in Article 116(1)~~ shall update the shortage prevention plan to include additional information, ~~based on~~**taking into account** recommendations of the Executive Steering Group on Shortages and Safety of Medicinal Products (also referred to as the Medicine Shortages Steering Group – 'MSSG', established in Article 3(1) of Regulation (EU) 2022/123, in accordance with Articles 123(4) and 132(1).	
Article 118				
984	Article 118	Article 118	Article 118	

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	Shortage monitoring by the competent authority of the Member State or the Agency	Shortage monitoring by the competent authority of the Member State or the Agency	Shortage monitoring by the competent authority of the Member State or the Agency	
Article 118(1), first subparagraph				
985	1. Based on the reports referred to in Articles 120(1) and 121(1), point (c), information referred to in Articles 119, 120(2) and 121 and the notification made pursuant to Article 116(1), points (a) to (d), the competent authority concerned as referred to in Article 116(1) shall continuously monitor any potential or actual shortage of those medicinal products.	1. Based on the reports referred to in Articles 120(1) and 121(1), point (c), information referred to in Articles 119, 120(2) and 121 and the notification made pursuant to Article 116(1), points (a) to (d), the competent authority concerned as referred to in Article 116(1) shall continuously monitor any potential or actual shortage of those medicinal products ***through their national IT surveillance systems or data bases and send the information to the Agency without undue delay***.	1. Based on the reports referred to in Articles 120(1) and 121(1), point (c), information referred to in Articles 119, 120(2) and 121 and the notification made pursuant to Article 116(1), points (a) to (d) **and 120(1a)**, the competent authority concerned as referred to in Article 116(1) shall continuously monitor any ~~potential~~ **expected** or actual shortage of those medicinal products. **In addition, the competent authority concerned may use information contained in the**	

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			repositories in Article 67(2), second subparagraph, point (e), of [revised Directive 2001/83/EC] or in a national repository.	
Article 118(1), second subparagraph				
986	The Agency shall carry out that monitoring in collaboration with the relevant competent authority of the Member State when those medicinal products are authorised under this Regulation.	The Agency shall carry out that monitoring in collaboration with the relevant competent authority of the Member State when those medicinal products are authorised under this Regulation.	The Agency shall carry out that monitoring in collaboration with the relevant competent authority of the Member State ~~when~~**where** those medicinal products are authorised under this Regulation **or when coordinated EU action is required**.	
Article 118(1a)				
986a		***1a. On the basis of the information provided pursuant to***		

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		Article 121(2), point (f), the Agency shall monitor and assess any actions planned or taken by a Member State to mitigate a shortage at national level with regard to their impact on the availability and supply of medicinal products at Union level.		
Article 118(2)				
987	2. For the purposes of paragraph 1, the competent authority concerned as defined in Article 116(1) may request any additional information from the marketing authorisation holder as defined in Article 116(1). In particular, it may request the marketing authorisation holder to	2. For the purposes of paragraph 1, the competent authority concerned as defined in Article 116(1) may request any additional information from the marketing authorisation holder as defined in Article 116(1). In particular, it may request the marketing authorisation holder to	2. For the purposes of paragraph 1, the competent authority concerned ~~as defined in Article 116(1)~~ may request any ~~additional~~ information from the marketing authorisation holder ~~as defined in Article 116(1)~~. In particular, it may request the marketing authorisation holder to	

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	submit a shortage mitigation plan in accordance with Article 119(2), a risk assessment of impact of suspension, cessation or withdrawal in accordance with Article 119(3), or the shortage prevention plan referred to in Article 117. The competent authority concerned may set a deadline for the submission of the information requested.	submit a shortage mitigation plan in accordance with Article 119(2), a risk assessment of impact of suspension, cessation or withdrawal in accordance with Article 119(3), or the shortage prevention plan referred to in Article 117. The competent authority concerned ~~*may*~~***shall*** set a deadline for the submission of the information requested.	submit a shortage mitigation plan in accordance with Article 119(2), a risk assessment of impact of suspension, cessation or withdrawal in accordance with Article 119(3), or the shortage prevention plan referred to in Article 117. The competent authority concerned may set a deadline for the submission of the information requested.	
Article 119				
988	Article 119 Obligations on the marketing authorisation holder	Article 119 Obligations on the marketing authorisation holder	Article 119 Obligations on the marketing authorisation holder	
Article 119(1)				

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989	1. The marketing authorisation holder as defined in Article 116(1) shall:	1. The marketing authorisation holder as defined in Article 116(1) shall:	1. The marketing authorisation holder ~~as defined in Article 116(1)~~ shall:	
Article 119(1), point (a)				
990	(a) submit the information requested in accordance with Article 118(2) or Article 124(2), point (b) to the competent authority concerned as defined in Article 116(1), without undue delay, using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 122(4), point (b), by the deadline set by that competent authority;	(a) submit the information requested in accordance with Article 118(2) or Article 124(2), point (b) to the competent authority concerned as defined in Article 116(1), without undue delay, using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 122(4), point (b), by the deadline set by that competent authority;	(a) submit the information requested in accordance with Article 118(2) ~~or~~**,** Article 124(2), point (b)**, or Article 117(1b)** ~~-~~to the competent authority concerned ~~as defined in Article 116(1)~~, without undue delay, using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 122(4), point (b), by the deadline set by that competent authority;	
Article 119(1), point (b)				

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991	(b) provide updates to the information provided in accordance with point (a), where necessary;	(b) provide updates to the information provided in accordance with point (a), where necessary;	(b) provide updates to the information provided in accordance with point (a), where necessary;	
Article 119(1), point (c)				
992	(c) justify any failure to provide any of the requested information;	(c) justify any failure to provide any of the requested information;	(c) justify any failure to provide any of the requested information;	
Article 119(1), point (d)				
993	(d) where necessary, submit a request to the competent authority concerned as defined in Article 116(1) for an extension of the deadline set by that competent authority in accordance with point (a), and	(d) where necessary, submit a request to the competent authority concerned as defined in Article 116(1) for an extension of the deadline set by that competent authority in accordance with point (a), and	(d) where necessary, submit a request to the competent authority concerned ~~as defined in Article 116(1)~~ for an extension of the deadline set by that competent authority in accordance with point (a), and	

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Article 119(1), point (e)				
994	(e) indicate whether the information provided in accordance with point (a) contains any commercially confidential information, identify the relevant parts of that information having a commercially confidential nature and explain why that information is of such nature.	(e) indicate whether the information provided in accordance with point (a) contains any commercially confidential information, identify the relevant parts of that information having a commercially confidential nature and explain why that information is of such nature.	(e) indicate whether the information provided in accordance with point (a) contains any commercially confidential information, identify the relevant parts of that information having a commercially confidential nature and explain why that information is of such nature.	
Article 119(2)				
995	2. To prepare the shortage mitigation plan referred to in Article 118(2), the marketing authorisation holder as defined in Article 116(1) shall include the minimum set of information set out in Part IV of Annex IV and	2. To prepare the shortage mitigation plan referred to in Article 118(2), the marketing authorisation holder as defined in Article 116(1) shall include the minimum set of information set out in Part IV of Annex IV and	2. To prepare the shortage mitigation plan referred to in Article 118(2), the marketing authorisation holder ~~as defined in Article 116(1)~~ shall include the minimum set of information set out in Part IV of Annex IV and	

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	take into account the guidance drawn up by the Agency according to Article 122(4), point (c).	take into account the guidance drawn up by the Agency according to Article 122(4), point (c).	take into account the guidance drawn up by the Agency according to Article 122(4), point (c).	
Article 119(3)				
996	3. To prepare a risk assessment of impact of suspension, cessation or withdrawal referred to in Article 118(2), the marketing authorisation holder as defined in Article 116(1) shall include the minimum set of information set out in Part II of Annex IV and take into account the guidance drawn up by the Agency according to Article 122(4), point (c).	3. To prepare a risk assessment of impact of suspension, cessation or withdrawal referred to in Article 118(2), the marketing authorisation holder as defined in Article 116(1) shall include the minimum set of information set out in Part II of Annex IV and take into account the guidance drawn up by the Agency according to Article 122(4), point (c).	3. To prepare a risk assessment of impact of suspension, cessation or withdrawal referred to in Article 118(2), the marketing authorisation holder ~~as defined in Article 116(1)~~ shall include the minimum set of information set out in Part II of Annex IV and take into account the guidance drawn up by the Agency according to Article 122(4), point (c).	
Article 119(3a), first subparagraph				

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996a			**3a. In case of medicinal products that are not subject to the obligation of preparing a shortage prevention plan the marketing authorisation holder shall carry out a regular documented risk assessment of potential supply chain risks and, where necessary, take mitigating measures.**	
Article 119(3a), second subparagraph				
996b			**The national competent authority of the Member State or the Agency may request the marketing authorisation holder to submit that document at any time. The marketing authorisation holder shall submit that copy at the latest**	

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			two days after receipt of such request.	
Article 119(4)				
997	4. The marketing authorisation holder as defined in Article 116(1) shall be responsible for providing correct, not misleading, and complete information as requested by the competent authority concerned.	4. The marketing authorisation holder as defined in Article 116(1) shall be responsible for providing correct, not misleading, and complete information as requested by the competent authority concerned.	4. The marketing authorisation holder ~~as defined in Article 116(1)~~ shall be responsible for providing correct, not misleading, and complete information as requested by the competent authority concerned.	
Article 119(5)				
998	5. The marketing authorisation holder as defined in Article 116(1) shall cooperate with that competent authority and disclose, on their own motion, any relevant information to that	5. The marketing authorisation holder as defined in Article 116(1) shall cooperate with that competent authority and disclose, on their own motion, any relevant information to that	5. The marketing authorisation holder ~~as defined in Article 116(1)~~ shall cooperate with that competent authority and disclose, on their own motion, any relevant information to that	

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	authority and update the information as soon as new information becomes available.	authority and update the information as soon as new information becomes available.	authority and update the information as soon as new information becomes available.	
Article 120				
999	Article 120 Obligations on other actors	Article 120 Obligations on other actors	Article 120 Obligations on other actors	
Article 120(1)				
1000	1. Wholesale distributors and other persons or legal entities that are authorised or entitled to supply medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC] to the public may report a shortage of a given medicinal product marketed in the	1. Wholesale distributors and other persons or legal entities that are authorised or entitled to supply medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC] to the public ~~*may*~~***shall*** report a shortage of a given medicinal product marketed	1. Wholesale distributors and other persons or legal entities that are authorised or entitled to supply medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC] to the public may report a shortage of a given medicinal product marketed in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member State concerned to the competent authority in that Member State.	in the Member State concerned to the competent authority in that Member State. ***In addition, wholesale distributors shall submit regular information on the available stocks of the medicinal products they supply to the competent authority.***	Member State concerned to the competent authority in that Member State.	
Article 120(1a), first subparagraph				
1000a		***1a. When a marketing authorisation holder notifies a temporary disruption in supply of a medicinal product, wholesale distributors as well as other persons or legal entities that are authorised or entitled to supply medicinal products shall provide information upon request in a timely manner to the Agency, the***	**1a. Member States may require for centrally or nationally authorised medicinal products, that a wholesale distributor that is not the marketing authorisation holder who intends to distribute the medicinal product to another Member State informs the competent authority of the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		competent authority in a Member State and the relevant marketing authorisation holder on the reasons for the temporary disruption in supply of the product in a Member State.	**source Member State of this intention. This information shall include:**	
Article 120(1a), first subparagraph, point (a)				
1000b			**(a) The name of the medicinal product and authorisation number;**	
Article 120(1a), first subparagraph, point (b)				
1000c			**(b) Active substance(s);**	
Article 120(1a), first subparagraph, point (c)				
1000d			**(c) Pharmaceutical form;**	

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Article 120(1a), first subparagraph, point (d)				
1000e			**(d) Strength;**	
Article 120(1a), first subparagraph, point (e)				
1000f			**(e) Pack size;**	
Article 120(1a), first subparagraph, point (f)				
1000g			**(f) The quantity of the medicinal product which shall be taken out from the source Member State;**	
Article 120(1a), first subparagraph, point (g)				
1000h			**(g) Destination Member State.**	
Article 120(1a), second subparagraph				

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1000i			**Based on the information provided by the wholesaler and on the information available pursuant to this Chapter, the source Member State may take measures to prevent or to mitigate shortages in the source Member State. The Member State shall notify the Agency of the measures referred to in this subparagraph.**	
Article 120(1a), third subparagraph				
1000j			**The information requirement referred to in the first subparagraph and measures referred to in the third subparagraph shall, moreover, be justified on grounds of public health protection and be**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			proportionate in relation to the objective of such protection, in compliance with the Treaty rules.	
Article 120(2)				
1001	2. For the purposes of Article 118(1), where relevant, upon request from the competent authority concerned as defined in Article 116(1), entities including other marketing authorisation holders as defined in Article 116(1), importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that	2. For the purposes of Article 118(1), where relevant, upon request from the competent authority concerned as defined in Article 116(1), entities including other marketing authorisation holders as defined in Article 116(1), importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that	2. For the purposes of Article 118(1), where relevant, upon request from the competent authority concerned ~~as defined in Article 116(1)~~, entities including other marketing authorisation holders ~~as defined in Article 116(1)~~, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	are authorised or entitled to supply medicinal products to the public shall provide any information requested in a timely manner.	are authorised or entitled to supply medicinal products to the public shall provide any information requested in a timely manner.	are authorised or entitled to supply medicinal products to the public shall provide any information requested ~~in a timely manner~~**within the timeframe specified by the competent authority concerned**.	
Article 121				
1002	Article 121 Role of the competent authority of the Member State	Article 121 Role of the competent authority of the Member State	Article 121 Role of the competent authority of the Member State	
Article 121(1)				
1003	1. The competent authority of the Member State shall:	1. The competent authority of the Member State shall:	1. The competent authority of the Member State shall:	
Article 121(1), point (-a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1003a		***(-a) collect and assess the information on potential and actual shortages provided by marketing authorisation holders, importers, manufacturers and suppliers of medicinal products or active substances, wholesale distributors, healthcare professionals, patients and consumers, and other persons or legal entities that are authorised or entitled to supply medicinal products to the public;***		
Article 121(1), point (a)				
1004	(a) assess the merits of each confidentiality claim made by the marketing authorisation holder as defined in Article 116(1) in accordance with Article 119(1),	(a) assess the merits of each confidentiality claim made by the marketing authorisation holder as defined in Article 116(1) in accordance with Article 119(1),	(a) assess the merits of each confidentiality claim made by the marketing authorisation holder ~~as defined in Article 116(1)~~ in accordance with Article 119(1),	

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	point (e), and shall protect information which that competent authority considers to be commercially confidential against unjustified disclosure;	point (e), and shall protect information which that competent authority considers to be commercially confidential against unjustified disclosure;	point (e), and shall protect information which that competent authority considers to be commercially confidential against unjustified disclosure;	
Article 121(1), point (b)				
1005	(b) publish information on actual shortages of medicinal products, in cases in which that competent authority has assessed the shortage, on a publicly available website;	(b) publish information ***and provide regular updates*** on actual shortages of medicinal products, ~~***in cases in which***~~ that competent authority has assessed the shortage~~,~~ on a publicly available ***and user-friendly*** website ***and ensure such information, including regarding available alternatives, has been actively communicated to representatives of healthcare professionals and patients***; ***competent authorities***	(b) publish information on actual shortages of medicinal products, in cases in which that competent authority has assessed the shortage, on a publicly available website;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		shall as soon as possible inform the Agency of any measure planned or taken at national level to mitigate the shortage or expected shortage.		
Article 121(1), point (ba)				
1005a		***(ba) create a system allowing patients to report shortages of medicinal products and request pharmacies supplying hospitals and hospital pharmacies to electronically communicate data on available stock of the medicinal product concerned, in order to avert or mitigate an imminent or existing supply shortage relevant to the supply of a medicinal product.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 121(1), point (c)				
1006	(c) report to the Agency, through the single point of contact working party referred to in Article 3(6) of Regulation (EU) 2022/123, any shortage of a medicinal product that it identifies as a critical shortage in that Member State to the Agency without undue delay.	(c) report to the Agency, through the single point of contact working party referred to in Article 3(6) of Regulation (EU) 2022/123, any shortage of a medicinal product that it identifies as a critical shortage in that Member State to the Agency without undue delay.	(c) report to the Agency, through the single point of contact working party referred to in Article 3(6) of Regulation (EU) 2022/123, any shortage of a medicinal product that it identifies as a critical shortage in that Member State ~~to the Agency~~ without undue delay.	
Article 121(1), point (ca)				
1006a		***(ca) address recommendations to health professionals on the alternative medicinal products to use to pursue treatments in the event of shortages;***		
Article 121(1), point (cb)				

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1006b		***(cb) consider the use of appropriate regulatory measures to mitigate the shortage.***		
Article 121(2)				
1007	2. Following the reporting referred to in paragraph 1, point (c), and to facilitate the monitoring referred to in Articles 118(1), the competent authority of the Member State shall, through the working party referred to in paragraph 1, point (c):	2. Following the reporting referred to in paragraph 1, point (c), and to facilitate the monitoring referred to in Articles 118(1), the competent authority of the Member State shall, through the working party referred to in paragraph 1, point (c):	2. Following the reporting referred to in paragraph 1, point (c), and to facilitate the monitoring referred to in Articles 118(1), the competent authority of the Member State shall, through the working party referred to in paragraph 1, point (c):	
Article 121(2), point (a)				
1008	(a) submit to the Agency the information referred to in Articles 122(1) or 124(2), point (a), using the tools, methods of and criteria	(a) submit to the Agency the information referred to in Articles 122(1) or 124(2), point (a), using the tools, methods of and criteria	(a) submit to the Agency the information referred to in Articles 122(1) or 124(2), point (a), using the tools, methods of and criteria	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for the monitoring and reporting established pursuant to Article 122(4), point (b), by the deadline set by the Agency;	for the monitoring and reporting established pursuant to Article 122(4), point (b), by the deadline set by the Agency;	for the monitoring and reporting established pursuant to Article 122(4), point (b), by the deadline set by the Agency;	
Article 121(2), point (b)				
1009	(b) where necessary, provide updates to the information provided in accordance with point (a) to the Agency;	(b) where necessary, provide updates to the information provided in accordance with point (a) to the Agency;	(b) where necessary, provide updates to the information provided in accordance with point (a) to the Agency;	
Article 121(2), point (c)				
1010	(c) justify any failure to provide any of the information referred to in point (a) to the Agency;	(c) justify any failure to provide any of the information referred to in point (a) to the Agency;	(c) justify any failure to provide any of the information referred to in point (a) to the Agency;	
Article 121(2), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1011	(d) where necessary, submit a request to the Agency to extend the deadline set by the Agency referred to in point (a);	(d) where necessary, submit a request to the Agency to extend the deadline set by the Agency referred to in point (a);	(d) where necessary, submit a request to the Agency to extend the deadline set by the Agency referred to in point (a);	
Article 121(2), point (e)				
1012	(e) indicate whether the marketing authorisation holder as defined in Article 116(1) has indicated the existence of any commercially confidential information and provide the marketing authorisation holder's explanation of why that information is of a commercially confidential nature, in accordance with Article 119(1), point (e);	(e) indicate whether the marketing authorisation holder as defined in Article 116(1) has indicated the existence of any commercially confidential information and provide the marketing authorisation holder's explanation of why that information is of a commercially confidential nature, in accordance with Article 119(1), point (e);	(e) indicate whether the marketing authorisation holder ~~as defined in Article 116(1)~~ has indicated the existence of any commercially confidential information and provide the marketing authorisation holder's explanation of why that information is of a commercially confidential nature, in accordance with Article 119(1), point (e);	
Article 121(2), point (f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1013	(f) inform the Agency of any actions foreseen or taken by that Member State to mitigate the shortage at national level.	(f) inform the Agency of any actions foreseen or taken by that Member State to mitigate the shortage at national level ***without undue delay***.	(f) inform the Agency of any actions foreseen or taken by that Member State to mitigate the shortage at national level.	
Article 121(2a)				
1013a		***2a. After the expansion of the ESMP referred to in Article 122(6) and for the purpose of Article 118(1) and Article 121(2), point (a), competent authorities of the Member States shall set up national IT systems which are interoperable with the ESMP and allow for the automated exchange of information with the ESMP while avoiding duplication of reporting.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 121(3)				
1014	3. Where the competent authority of the Member State has any information in addition to the information to be provided pursuant to this Article, it shall immediately provide such information to the Agency through the working party referred to in paragraph 1, point (c).	3. Where the competent authority of the Member State has any information in addition to the information to be provided pursuant to this Article, it shall immediately provide such information to the Agency through the working party referred to in paragraph 1, point (c).	3. Where the competent authority of the Member State has any information in addition to the information to be provided pursuant to this Article, it shall immediately provide such information to the Agency through the working party referred to in paragraph 1, point (c).	
Article 121(4)				
1015	4. Following the addition of a medicinal product on the list of critical shortages of medicinal products referred to in Article 123(1), the competent authority of the Member State shall, through the working party referred to in	4. Following the addition of a medicinal product on the list of critical shortages of medicinal products referred to in Article 123(1), the competent authority of the Member State shall, through the working party referred to in	4. Following the addition of a medicinal product on the list of critical shortages of medicinal products referred to in Article 123(1), the competent authority of the Member State shall, through the working party referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, point (c), provide any information requested pursuant to Article 124(2), point (a), to the Agency.	paragraph 1, point (c), provide any information requested pursuant to Article 124(2), point (a), to the Agency.	paragraph 1, point (c), provide any information requested pursuant to Article 124(2), point (a), to the Agency.	
Article 121(5)				
1016	5. Following any MSSG recommendations provided in accordance with Article 123(4), the competent authority of the Member State shall, through the working party referred to in paragraph 1, point (c):	5. Following any MSSG recommendations provided in accordance with Article 123(4), the competent authority of the Member State shall, through the working party referred to in paragraph 1, point (c):	5. Following any MSSG recommendations provided in accordance with Article 123(4), the competent authority of the Member State shall, through the working party referred to in paragraph 1, point (c):	
Article 121(5), point (a)				
1017	(a) report to the Agency on any information received from the marketing authorisation holder as defined in Article 116(1) of the	(a) report to the Agency on any information received from the marketing authorisation holder as defined in Article 116(1) of the	(a) report to the Agency on any information received from the marketing authorisation holder ~~as defined in Article 116(1)~~ of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal product concerned or from other actors pursuant to Article 120(2);	medicinal product concerned or from other actors pursuant to Article ~~*120(2)*~~***120(1a) and (2)***;	medicinal product concerned or from other actors pursuant to Article 120(2);	
Article 121(5), point (b)				
1018	(b) comply and coordinate with any measures taken by the Commission pursuant to Article 126(1), point (a);	(b) comply and coordinate with any measures taken by the Commission pursuant to Article 126(1), point (a);	(b) ~~comply and~~ coordinate with any **relevant** measures taken by the Commission ~~pursuant to Article 126(1), point (a)~~;	
Article 121(5), point (c)				
1019	(c) take into account any MSSG recommendations referred to in Article 123(4);	(c) take into account any MSSG recommendations referred to in Article 123(4);	(c) take into account any MSSG recommendations referred to in Article 123(4);	
Article 121(5), point (d)				
1020	(d) inform the Agency of any actions foreseen or taken by that	(d) inform the Agency of any actions foreseen or taken by that	(d) inform the Agency of any actions foreseen or taken by that	

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	Member State in accordance with points (b) and (c) and report on any other actions taken to mitigate or resolve the critical shortage in the Member State, as well as the results of these actions.	Member State in accordance with points (b) and (c) and report on any other actions taken to mitigate or resolve the critical shortage in the Member State, as well as the results of these actions***, without undue delay***.	Member State in accordance with points (b) and (c) and report on any other actions taken to mitigate or resolve the critical shortage in the Member State, as well as the results of these actions.	
Article 121(5a)				
1020a			**5a. The competent authority of the Member State may require wholesale distributors and other persons or legal entities that are authorised or entitled to supply to the public medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC] to report a shortage**	

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			of a medicinal product marketed in the Member State concerned.	
Article 121(6)				
1021	6. The Member States may request that the MSSG provide further recommendations, referred to in Article 123(4).	6. The Member States may request that the MSSG provide further recommendations, referred to in Article 123(4). ***Where Member States take an alternative course of action which is not in line with the recommendations of the MSSG at national level, they shall communicate the reasons for doing so to the MSSG in a timely manner.***	6. The Member States may request that the MSSG provide further recommendations~~, referred to in~~ **pursuant to** Article 123(4).	
Article 121a				
1021a		***Article 121a***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		National websites on medicines shortages		
Article 121a, first paragraph				
1021b		***The website referred to in Article 121(1), point (b), shall include at least the following information:***		
Article 121a, first paragraph, point (a)				
1021c		***(a) trade name of the medicinal product and international non-proprietary name, for interoperability purposes;***		
Article 121a, first paragraph, point (b)				

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1021d		***(b) the therapeutic indication for the medicinal product of which there is a shortage;***		
Article 121a, first paragraph, point (c)				
1021e		***(c) reasons for the shortages and mitigation measures taken to address the shortages;***		
Article 121a, first paragraph, point (d)				
1021f		***(d) the start and expected end dates of the shortage;***		
Article 121a, first paragraph, point (e)				
1021g		***(e) other relevant information for healthcare professionals and patients,***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		including information about therapeutic alternatives available.		
Article 122				
1022	Article 122 Role of the Agency concerning shortages	Article 122 Role of the Agency concerning shortages	Article 122 Role of the Agency concerning shortages	
Article 122(1)				
1023	1. For the purposes of Article 118(1), the Agency may request additional information from the competent authority of the Member State, through the working party referred to in Article 121(1), point (c). The Agency may set a deadline for the	1. For the purposes of Article 118(1) ***and (1a)***, the Agency may request additional information from the competent authority of the Member State, through the working party referred to in Article 121(1), point (c). The Agency may set a deadline for the	1. For the purposes of Article 118(1), the Agency may request additional information from the competent authority of the Member State, through the working party referred to in Article 121(1), point (c). The Agency may set a deadline for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	submission of the information requested.	submission of the information requested.	submission of the information requested.	
Article 122(1a)				
1023a		***1a. For the purpose of Article 118(1a) and based on the information provided pursuant to Article 121(1), point (cb), and Article 121(2), the Agency shall assess the actions planned or taken by a Member State to mitigate a shortage at national level with regard to any potential or actual negative impacts of those actions on the availability and security of supply in another Member State and at Union level. The Agency shall inform the Member State concerned and the MSSG, as well as the Member***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		States potentially or actually impacted, of its assessment in a timely manner through the single point of contact working party referred to in Article 3(6) of Regulation (EU) 2022/123. The Agency shall also inform the Commission of its assessment.		
Article 122(2)				
1024	2. On the basis of Article 118(1), the Agency, in collaboration with the working party referred to in Article 121(1), point (c), shall identify the medicinal products for which the shortage cannot be resolved without EU coordination.	2. On the basis of Article 118(1), the Agency, in collaboration with the working party referred to in Article 121(1), point (c), shall identify the medicinal products for which the shortage cannot be resolved without EU coordination.	2. On the basis of Article 118(1), the Agency, in collaboration with the working party referred to in Article 121(1), point (c), shall **establish and update a list of critical shortages of Union concern whenever a Member State requests to do so for** ~~identify~~ the medicinal products	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			for which the shortage cannot be resolved without EU coordination.	
Article 122(2a)				
1024a		***2a. For the purpose of identifying the medicinal products for which the shortage cannot be resolved without Union coordination pursuant to paragraph 2, the Agency may consult market authorisation holders and other relevant stakeholders.***		
Article 122(3)				
1025	3. The Agency shall inform the MSSG of the shortages of the medicinal products that have been identified pursuant to paragraph 2.	3. The Agency shall inform the MSSG of the shortages of the medicinal products that have been identified pursuant to paragraph 2.	3. The Agency shall inform the MSSG of the shortages of the medicinal products that have been	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~identified~~**listed** pursuant to paragraph 2.	
Article 122(3a)				
1025a			**3a. The MSSG, following consultation of the working party referred to in Article 121(1), point (c), shall review the status of the critical shortage of Union concern whenever necessary and shall recommend the Agency to update the list in accordance with paragraph 2.**	
Article 122(3b)				
1025b			**3b. The Agency shall establish within its web-portal referred to in Article 104 a publicly available webpage that**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			provides information on actual critical shortages of Union concern of medicinal products. This webpage shall also provide references to the lists of actual shortages published by the competent authorities of the Member States pursuant to Article 121(1), point (b).	
Article 122(4)				
1026	4. For the purposes of fulfilling the tasks referred to in Articles 118(1), 123 and 124, the Agency shall ensure the following, in consultation with the working party referred to in Article 121(1), point (c):	4. For the purposes of fulfilling the tasks referred to in Articles 118(1), 123 and 124, the Agency shall ensure the following, in consultation with the working party referred to in Article 121(1), point (c)***, and in consultation with the Patients' and Consumers' Working Party (PCWP) and the***	4. For the purposes of fulfilling the tasks referred to in Articles 118(1), 123 and 124, the Agency shall ensure the following, in consultation with the working party referred to in Article 121(1), point (c):	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Healthcare Professionals' Working Party (HCPWP) and other relevant stakeholders:		
Article 122(4), point (a)				
1027	(a) set the criteria to adopt and review the list of critical shortages referred to in Article 123(1);	(a) set the criteria to adopt and review the list of critical shortages referred to in Article 123(1);	(a) ~~set the criteria to adopt and review the list of critical shortages referred to in Article 123(1);~~	
Article 122(4), point (b)				
1028	(b) specify the tools, including the European Shortages Monitoring Platform ('ESMP'), established by Regulation (EU) 2022/123, once the scope is expanded pursuant to paragraph 6, the methods of and criteria for the monitoring and reporting provided	(b) specify the tools, including the European Shortages Monitoring Platform ('ESMP'), established by Regulation (EU) 2022/123, once the scope is expanded pursuant to paragraph 6, the methods of and criteria for the monitoring and reporting provided	(b) specify the tools, including the European Shortages Monitoring Platform ('ESMP'), established by Regulation (EU) 2022/123, once the scope is expanded pursuant to paragraph 6, the methods of and criteria for the monitoring and reporting provided	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for in Articles 119(1), point (a), and 121(2), point (a);	for in Articles 119(1), point (a), and 121(2), point (a);	for in Articles 119(1), point (a), and 121(2), point (a);	
Article 122(4), point (c)				
1029	(c) draw up guidance to allow marketing authorisation holders as defined in Article 116(1) to put in place the risk assessment of impact of suspension, cessation or withdrawal and the shortage mitigation plan as referred to in Article 118(2);	(c) draw up guidance to allow marketing authorisation holders as defined in Article 116(1) to put in place the risk assessment of impact of suspension, cessation or withdrawal and the shortage mitigation plan as referred to in Article 118(2);	(c) draw up guidance to allow marketing authorisation holders ~~as defined in Article 116(1)~~ to put in place the risk assessment of impact of suspension, cessation or withdrawal and the shortage mitigation plan as referred to in Article 118(2);	
Article 122(4), point (d)				
1030	(d) specify the methods for the provision of recommendations referred to in Article 123(4);	(d) specify the methods for the provision of recommendations referred to in Article 123(4);	(d) specify the methods for the provision of recommendations referred to in Article 123(4);	
Article 122(4), point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1031	(e) publish information covered by points (a) to (d) on a dedicated webpage on its web-portal referred to in Article 104.	(e) publish information covered by points (a) to (d) on a dedicated webpage on its web-portal referred to in Article 104.	(e) publish information covered by points (a) to (d) on a dedicated webpage on its web-portal referred to in Article 104.	
Article 122(5)				
1032	5. For the duration of the critical shortage and until the MSSG considers it to be resolved, the Agency shall regularly report on the results of the monitoring referred to in Article 124 to the Commission and the MSSG, and in particular, it shall report any event that is likely to lead to a major event, as defined in Article 2 of Regulation (EU) 2022/123. Where a public health emergency is recognised in accordance with Regulation (EU) 2022/2371 or an	5. For the duration of the critical shortage and until the MSSG considers it to be resolved, the Agency shall regularly report on the results of the monitoring referred to in Article 124 to the Commission and the MSSG, and in particular, it shall report any event that is likely to lead to a major event, as defined in Article 2 of Regulation (EU) 2022/123. Where a public health emergency is recognised in accordance with Regulation (EU) 2022/2371 or an	5. For the duration of the critical shortage ~~and until the MSSG considers it to be resolved,~~**of Union concern** the Agency shall regularly report on the results of the monitoring referred to in Article 124 to the Commission ~~and the MSSG~~, and in particular, it shall report any event that is likely to lead to a major event, as defined in Article 2 of Regulation (EU) 2022/123. Where a public health emergency is recognised in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	event is recognised as a major event, in accordance with Regulation (EU) 2022/123, that Regulation applies.	event is recognised as a major event, in accordance with Regulation (EU) 2022/123, that Regulation applies.	Regulation (EU) 2022/2371 or an event is recognised as a major event, in accordance with Regulation (EU) 2022/123, that Regulation ~~applies~~**prevails**.	
Article 122(6)				
1033	6. For the purposes of implementing this Regulation, the Agency shall expand the scope of the ESMP. The Agency shall ensure that, where relevant, data is interoperable between the ESMP, Member States' IT systems and other relevant IT systems and databases, without duplication of reporting.	6. For the purposes of implementing this Regulation, the Agency shall expand the scope of the ESMP. The Agency shall ensure that~~, *where relevant,*~~ data is interoperable between the ESMP~~,~~ ***and*** Member States' IT systems and***, where relevant, with*** other relevant IT systems and databases, without duplication of reporting.	6. For the purposes of implementing this Regulation, the Agency shall expand the scope of the ESMP. The Agency shall ensure that, where relevant, data is interoperable between the ESMP, Member States' IT systems and other relevant IT systems and databases, **while avoiding** ~~without~~ duplication of reporting.	
Article 123				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1034	Article 123 Role of the MSSG and the list of critical shortages of medicinal products	Article 123 Role of the MSSG and the list of critical shortages of medicinal products	Article 123 Role of the MSSG and the list of critical shortages of medicinal products **of Union concern**	
Article 123(1)				
1035	1. Based on the monitoring referred to in Article 118(1), and following consultation with the Agency and the working party referred to in Article 121(1), point (c), the MSSG shall adopt a list of critical shortages of medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC]and for which co-ordinated Union level action is necessary (‘the list of	1. Based on the monitoring referred to in Article 118(1), and following consultation with the Agency and the working party referred to in Article 121(1), point (c), the MSSG shall adopt a list of critical shortages of medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC]and for which co-ordinated Union level action is necessary (‘the list of	1. ~~Based on the monitoring referred to in Article 118(1), and following consultation with the Agency and the working party referred to in Article 121(1), point (c), the MSSG shall adopt a list of critical shortages of medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC]and for which co-ordinated Union level action is necessary (‘the list of~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	critical shortages of medicinal products').	critical shortages of medicinal products').	~~critical shortages of medicinal products').~~	
Article 123(2)				
1036	2. The MSSG shall review the status of the critical shortage whenever necessary and shall update the list when it considers that a medicinal product needs to be added or that the critical shortage has been resolved based on the report pursuant to Article 122(5).	2. The MSSG shall review the status of the critical shortage whenever necessary and shall update the list when it considers that a medicinal product needs to be added or that the critical shortage has been resolved based on the report pursuant to Article 122(5). ***The MSSG may recommend monitoring forecasts of supply and demand for medicinal products for human use in the Union and monitoring of available stocks in the whole supply chain.***	2. ~~The MSSG shall review the status of the critical shortage whenever necessary and shall update the list when it considers that a medicinal product needs to be added or that the critical shortage has been resolved based on the report pursuant to Article 122(5).~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 123(3)				
1037	3. In addition, the MSSG shall amend its rules of procedure, and the rules of procedure of the working party referred to in Article 121(1), point (c), in accordance with the roles set out in this Regulation.	3. In addition, the MSSG shall amend its rules of procedure, and the rules of procedure of the working party referred to in Article 121(1), point (c), in accordance with the roles set out in this Regulation.	3. ~~In addition,~~ The MSSG shall amend its rules of procedure, and the rules of procedure of the working party referred to in Article 121(1), point (c), in accordance with the roles set out in this Regulation.	
Article 123(4)				
1038	4. The MSSG may provide recommendations on measures to resolve or to mitigate the critical shortage, in accordance with the methods referred to in Article 122(4), point (d), to relevant marketing authorisation holders, the Member States, the Commission, the representatives	4. The MSSG ~~may~~***shall,*** ***without undue delay,*** provide recommendations on measures to resolve or to mitigate the critical shortage~~,~~ in accordance with the methods referred to in Article 122(4), point (d), to relevant marketing authorisation holders, the Member States, the	4. The MSSG may provide recommendations on measures to resolve or to mitigate the critical shortage **of Union concern**, in accordance with the methods referred to in Article 122(4), point (d), to relevant marketing authorisation holders, the Member States, the Commission, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of healthcare professionals or other entities.	Commission, the representatives of healthcare professionals or other entities.	**Agency, the** representatives of healthcare professionals or other entities.	
Article 123(4), second subparagraph				
1038a		***Member States, within the MSSG, may decide to activate the 'Voluntary Solidarity Mechanism for medicines' to:***		
Article 123(4), second subparagraph, point (a)				
1038b		***(a) notify a critical shortage of a medicinal product at national level to other Member States and the Commission;***		
Article 123(4), second subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1038c		***(b) identify, with the support of the Agency, the availabilities of the medicinal product in other Member States;***		
Article 123(4), second subparagraph, point (c)				
1038d		***(c) organise, with the support of the Agency, meetings with the issuing Member States, the donating party and other relevant parties to discuss operational requirements;***		
Article 123(4), second subparagraph, point (d)				
1038e		***(d) request the activation of the Union Civil Protection Mechanism to coordinate and logistically support the voluntary transfer of medicinal products.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 123(4a)				
1038f			**4a. The MSSG shall provide recommendations to the Commission regarding the possibility, pursuant to Article 117 paragraph 1a, to require a shortage prevention plan for a medicinal product that is not a critical medicinal product identified in accordance with Article 127, paragraph 1. In doing so, the MSSG shall take into account the criteria set out in Article 126, paragraph 2a.**	
Article 124				
1039	Article 124	Article 124	Article 124	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Management of the critical shortage	Management of the critical shortage	Management of the critical shortage **of Union concern**	
Article 124(1)				
1040	1. Following the addition of a medicinal product to the list of critical shortages pursuant to Article 123, paragraphs 1 and 2, and based on the continuous monitoring carried out in accordance with Article 118(1), the Agency, in coordination with the competent authority of the Member State, shall continuously monitor the critical shortage of that medicinal product.	1. Following the addition of a medicinal product to the list of critical shortages pursuant to Article 123, paragraphs 1 and 2, and based on the continuous monitoring carried out in accordance with Article 118(1), the Agency, in coordination with the competent authority of the Member State, shall continuously monitor the critical shortage of that medicinal product.	1. Following the addition of a medicinal product to the list of critical shortages **of Union concern** pursuant to Article 123, paragraphs 1 and 2, and based on the continuous monitoring carried out in accordance with Article 118(1), the Agency, in coordination with the competent authority of the Member State **concerned**, shall continuously monitor the critical shortage of **Union concern of** that medicinal product.	
Article 124(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1041	2. For the purposes of paragraph 1, where that information is not already available to the Agency, the Agency may request relevant information on that critical shortage from:	2. For the purposes of paragraph 1, where that information is not already available to the Agency, the Agency may request relevant information on that critical shortage from:	2. For the purposes of paragraph 1,**, the Agency may, if** ~~where~~ that information is not already available to the Agency, ~~the Agency may~~ request relevant information on that critical shortage **of Union concern** from:	
Article 124(2), first subparagraph, point (a)				
1042	(a) the competent authority of the Member State concerned through the working party referred to in Article 121(1), point (c);	(a) the competent authority of the Member State concerned through the working party referred to in Article 121(1), point (c);	(a) the competent authority of the Member State concerned through the working party referred to in Article 121(1), point (c);	
Article 124(2), first subparagraph, point (b)				
1043	(b) the marketing authorisation holder as defined in Article 116(1);	(b) the marketing authorisation holder as defined in Article 116(1);	(b) the marketing authorisation holder ~~as defined in Article 116(1)~~;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 124(2), first subparagraph, point (c)				
1044	(c) the other actors listed in Article 120(2).	(c) the other actors listed in Article 120(2).	(c) the other actors listed in Article 120(2).	
Article 124(2), second subparagraph				
1045	For the purposes of this paragraph, the Agency may set a deadline for the submission of the information requested.	For the purposes of this paragraph, the Agency ~~*may*~~***shall*** set a deadline for the submission of the information requested.	For the purposes of this paragraph, the Agency may set a deadline for the submission of the information requested.	
Article 124(3)				
1046	3. The Agency shall establish within its web-portal referred to in Article 104 a publicly available webpage that provides information on actual critical shortages of medicinal products in cases in which the	3. The Agency shall establish within its web-portal referred to in Article 104 a publicly available ***and user-friendly*** webpage that provides information on ***all*** actual critical shortages of medicinal products ~~*in*~~	3. ~~The Agency shall establish within its web-portal referred to in Article 104 a publicly available webpage that provides information on actual critical shortages of medicinal products in cases in which the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Agency has assessed the shortage and has provided recommendations to healthcare professionals and patients. This webpage shall also provide references to the lists of actual shortages published by the competent authorities of the Member State pursuant to Article 121(1), point (b).	~~*cases in which*~~***, including the reasons for the shortages. After assessing the shortages,*** the Agency ~~*has assessed the shortage and has provided*~~***shall provide*** recommendations to healthcare professionals and patients***. The webpage shall include the information referred to in Article 121a in addition to the list of Member States affected by each shortage***. This webpage shall also provide references to the lists of actual shortages published by the competent authorities of the Member State pursuant to Article 121(1), point (b)***, the ESMP and include, to the extent possible, information from other relevant sources and databases identified by the Agency and include***	~~Agency has assessed the shortage and has provided recommendations to healthcare professionals and patients. This webpage shall also provide references to the lists of actual shortages published by the competent authorities of the Member State pursuant to Article 121(1), point (b).~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		reference to alternative treatment options or products and appropriate communication.		
Article 125				
1047	Article 125 Obligations on the marketing authorisation holder in case of a critical shortage	Article 125 Obligations on the marketing authorisation holder in case of a critical shortage	Article 125 Obligations on the marketing authorisation holder in case of a critical shortage **of Union concern**	
Article 125(1)				
1048	1. Following the addition of a medicinal product to the list of critical shortages of medicinal products in accordance with Article 123, paragraphs 1 and 2, or recommendations provided in accordance with Article 123(4), the marketing authorisation holder	1. Following the addition of a medicinal product to the list of critical shortages of medicinal products in accordance with Article 123, paragraphs 1 and 2, or recommendations provided in accordance with Article 123(4), the marketing authorisation holder	1. Following the addition of a medicinal product to the list of critical shortages of **Union concern of** medicinal products in accordance with Article ~~123, paragraphs 1 and~~**122, paragraph** 2, or recommendations provided in accordance with Article 123(4),	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	as defined in Article 116(1) and subject to those recommendations shall:	as defined in Article 116(1) and subject to those recommendations shall:	the marketing authorisation holder ~~as defined in Article 116(1)~~ and subject to those recommendations shall:	
Article 125(1), point (a)				
1049	(a) provide any additional information that the Agency may request;	(a) provide any additional information that the Agency may request***, including regular information on the available stocks of medicinal products***;	(a) provide any additional information that the Agency may request;	
Article 125(1), point (b)				
1050	(b) provide additional relevant information to the Agency;	(b) provide additional relevant information to the Agency;	(b) provide additional relevant information to the Agency;	
Article 125(1), point (c)				

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1051	(c) take into account the recommendations referred to in Article 123(4);	(c) take into account the recommendations referred to in Article 123(4);	(c) take into account the recommendations referred to in Article 123(4);	
Article 125(1), point (d)				
1052	(d) comply with any measures taken by the Commission pursuant to Article 126(1), point (a), or actions taken by the Member State pursuant to Article 121(5), point (d);	(d) comply with any measures taken by the Commission pursuant to Article 126(1), point (a), or actions taken by the Member State pursuant to Article 121(5), point (d);	(d) ~~comply with any measures~~**take into account the actions** taken by the Commission pursuant to Article ~~126(1), point (a), or actions taken by the Member State pursuant to Article 121(5), point (d)~~**126 (1)** ;	
Article 125(1), point (e)				
1053	(e) inform the Agency of any measures taken pursuant to points (c) and (d) and the report on results of such measures;	(e) inform the Agency of any measures taken pursuant to points (c) and (d) and the report on results of such measures;	(e) inform the Agency of any measures taken pursuant to points (c) and (d) and the report on results of such measures;	

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Article 125(1), point (f)				
1054	(f) inform the Agency of the end date of the critical shortage.	(f) inform the Agency of the end date of the critical shortage~~.~~ ***without undue delay;***	(f) inform the Agency **and the competent authority of the Member State** of the end date of the critical shortage **of Union concern**.	
Article 126				
1055	Article 126 Role of the Commission	Article 126 Role of the Commission	Article 126 Role of the Commission	
Article 126(1)				
1056	1. The Commission shall, where it considers it appropriate and necessary:	1. The Commission shall, where it considers it appropriate and necessary:	1. The Commission**:** ~~shall, where it considers it appropriate and necessary:~~	
Article 126(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1057	(a) take into account the MSSG recommendations and implement relevant measures;	(a) take into account the MSSG recommendations and implement relevant measures;	(a) **shall** take into account the MSSG recommendations ~~and implement relevant measures~~;	
Article 126(1), point (aa)				
1057a			**(aa) shall take any actions, within the limits of the powers conferred on the Commission, to address critical shortages of Union concern where it considers it appropriate and necessary;**	
Article 126(1), point (b)				
1058	(b) inform the MSSG of those measures taken by the Commission.	(b) inform the MSSG of those measures taken by the Commission.	(b) **shall** inform the MSSG of those ~~measures~~ **actions** taken ~~by the Commission~~**pursuant to letter (aa)**.	

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Article 126(2)				
1059	2. The Commission may request the MSSG to provide recommendations referred to in Article 123(4).	2. The Commission may request the MSSG to provide recommendations referred to in Article 123(4).	2. The Commission may request the MSSG to provide recommendations referred to in Article 123(4).	
Article 126(2a), first subparagraph				
1059a		***2a. The Commission shall take the appropriate steps to address any concerns raised by the assessment of the Agency referred to in Article 122(1a).***	**2a. The Commission is empowered to adopt a delegated act supplementing this Regulation to identify additional medicinal products that require a shortage prevention plan, in accordance with the requirements set out in Article 117.**	
Article 126(2a), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1059b			**Those delegated acts shall be adopted taking due account of the likelihood of shortages and the actual risks to public health arising from shortages relating to such medicinal products. To this end, the following criteria shall guide the identification of these medicinal products:**	
Article 126(2a), second subparagraph, point (a)				
1059c			**(a) The number and frequency of past critical shortages reported to the MSSG;**	
Article 126(2a), second subparagraph, point (b)				
1059d			**(b) The specific characteristics of the medicinal**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			products concerned including the existence of available alternative authorised medicinal products;	
Article 126(2a), second subparagraph, point (c)				
1059e			**(c) The severity of the conditions intended to be treated;**	
Article 126(2a), second subparagraph, point (d)				
1059f			**(d) Other potential risks to public health.**	
Article 126(2a), third subparagraph				
1059g			**When the Commission adopts a delegated act pursuant to this paragraph, it shall take into**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			account MSSG recommendations adopted in accordance with Article 123(4a).	
Section 2				
1060	Section 2 Security of supply	Section 2 Security of supply	Section 2 Security of supply	
Article 127				
1061	Article 127 Identification and management of critical medicinal products by the competent authority of the Member State	Article 127 Identification and management of critical medicinal products by the competent authority of the Member State	Article 127 Identification and management of critical medicinal products by the competent authority of the Member State	
Article 127(1)				
1062	1. The competent authority of the Member State shall identify critical medicinal products in that	1. The competent authority of the Member State shall***, after consultation with healthcare***	1. The competent authority of the Member State shall identify critical medicinal products in that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member State, using the methodology set out in Article 130(1), point (a).	***professionals and patient organisations,*** identify critical medicinal products in that Member State, using the methodology set out in Article 130(1), point (a).	Member State, using the methodology set out in Article 130(1), point (a).	
Article 127(-1), second subparagraph				
1062a			**The Commission shall adopt and update the list of critical medicinal products identified by the competent authorities of the Member States according to paragraph 1 by means of an implementing act and communicate the adoption of the list and any updates to the Agency and the MSSG. Those implementing acts shall be adopted in accordance with the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			examination procedure referred to in Article 173(2).	
Article 127(2)				
1063	2. The competent authority of the Member State acting through the working party referred to in Article 121(1), point (c), shall report to the Agency the critical medicinal products in that Member State identified pursuant to the paragraph 1, as well as the information received from the marketing authorisation holder as defined in Article 116(1).	2. The competent authority of the Member State acting through the working party referred to in Article 121(1), point (c), shall report to the Agency the critical medicinal products in that Member State identified pursuant to the paragraph 1, as well as the information received from the marketing authorisation holder as defined in Article 116(1).	2. The competent authority of the Member State acting through the working party referred to in Article 121(1), point (c), shall report to the Agency the critical medicinal products in that Member State identified pursuant to the paragraph 1, **first subparagraph, and all available data relevant for the vulnerability evaluation referred to in Article 132 paragraph 1a,** as well as the information received from the marketing authorisation holder ~~as defined in Article 116(1)~~.	

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Article 127(3)				
1064	3. For the purposes of the identification of critical medicinal products referred to in paragraph 1, the competent authority of the Member State may request relevant information including the shortage prevention plan referred to in Article 117 from the marketing authorisation holder as defined in Article 116(1).	3. For the purposes of the identification of critical medicinal products referred to in paragraph 1, the competent authority of the Member State may request relevant information including the shortage prevention plan referred to in Article 117 from the marketing authorisation holder as defined in Article 116(1).	3. For the purposes of the identification of critical medicinal products referred to in paragraph 1, **first subparagraph, using the methodology pursuant to Article 130(1), point (a), and of the vulnerability evaluation referred to in Article 132 paragraph 1a, using the methodology pursuant to Article 130(1), point (aa),** the competent authority of the Member State may request relevant information ~~including the shortage prevention plan referred to in Article 117~~ from the marketing authorisation holder ~~as defined in Article 116(1)~~.	
Article 127(4)				

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1065	4. For the purposes of the identification of critical medicinal products referred to in paragraph 1, the competent authority of the Member State may request relevant information from other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public.	4. For the purposes of the identification of critical medicinal products referred to in paragraph 1, the competent authority of the Member State may request relevant information from other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public.	4. For the purposes of the identification of critical medicinal products referred to in paragraph 1**, using the methodology pursuant to Article 130(1), point a, and of the vulnerability evaluation referred to in Article 132 paragraph 1a, using the methodology pursuant to Article 130(1), point aa**, the competent authority of the Member State may request relevant information from other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			entitled to supply medicinal products to the public.	
Article 127(5)				
1066	5. The competent authority of the Member State shall assess the merits of each confidentiality claim made by the marketing authorisation holder pursuant to Article 128(1), point (e), and shall protect any information that is commercially confidential against unjustified disclosure.	5. The competent authority of the Member State shall assess the merits of each confidentiality claim made by the marketing authorisation holder pursuant to Article 128(1), point (e), and shall protect any information that is commercially confidential against unjustified disclosure.	5. The competent authority of the Member State shall assess the merits of each confidentiality claim made by the marketing authorisation holder pursuant to Article 128(1), point (e), and shall protect any information that is commercially confidential against unjustified disclosure.	
Article 127(6), first subparagraph				
1067	6. For the purposes of the adoption of the Union list of critical medicinal products pursuant to Article 131, each	6. For the purposes of the adoption of the Union list of critical medicinal products pursuant to Article 131, each	6. For the purposes of the adoption of the Union list of critical medicinal products pursuant to Article 131, each	

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	Member State shall, through the competent authority of the Member State concerned:	Member State shall, through the competent authority of the Member State concerned:	Member State shall, through the competent authority of the Member State concerned:	
Article 127(6), first subparagraph, point (a)				
1068	(a) submit to the Agency the information referred to in Article 130(2), point (a), using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 130(1), point (c), by the deadline set by the Agency;	(a) submit to the Agency the information referred to in Article 130(2), point (a), using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 130(1), point (c), by the deadline set by the Agency;	(a) submit to the Agency the information referred to in Article 130(2), point (a), using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 130(1), point (c), by the deadline set by the Agency;	
Article 127(6), first subparagraph, point (b)				
1069	(b) provide any relevant information to the Agency, including information on measures that have been taken by the	(b) provide any relevant information to the Agency, including information on measures that have been taken by the	(b) provide any relevant information to the Agency, including information on measures that have been taken by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member State to strengthen the supply of that medicinal product;	Member State to strengthen the supply of that medicinal product;	Member State to strengthen the supply of that medicinal product;	
Article 127(6), first subparagraph, point (c)				
1070	(c) provide updates to the information provided in accordance with points (a) and (b) to the Agency where necessary;	(c) provide updates to the information provided in accordance with points (a) and (b) to the Agency where necessary;	(c) provide updates to the information provided in accordance with points (a) and (b) to the Agency where necessary;	
Article 127(6), first subparagraph, point (d)				
1071	(d) justify any failure to provide any of the requested information;	(d) justify any failure to provide any of the requested information;	(d) justify any failure to provide any of the requested information;	
Article 127(6), first subparagraph, point (e)				
1072	(e) indicate the existence of any commercially confidential information reported as such by	(e) indicate the existence of any commercially confidential information reported as such by	(e) indicate the existence of any commercially confidential information reported as such by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the marketing authorisation holder pursuant to Article 128(1), point (e), and provide the marketing authorisation holder's explanation of why that information is of a commercially confidential nature.	the marketing authorisation holder pursuant to Article 128(1), point (e), and provide the marketing authorisation holder's explanation of why that information is of a commercially confidential nature.	the marketing authorisation holder pursuant to Article 128(1), point (e), and provide the marketing authorisation holder's explanation of why that information is of a commercially confidential nature.	
Article 127(6), second subparagraph				
1073	Where necessary, the competent authority of the Member State may request an extension of the deadline set by the Agency to comply with the request for information in accordance with point (a) of the first subparagraph.	Where necessary, the competent authority of the Member State may request an extension of the deadline set by the Agency to comply with the request for information in accordance with point (a) of the first subparagraph.	Where necessary, the competent authority of the Member State may request an extension of the deadline set by the Agency to comply with the request for information in accordance with point (a) of the first subparagraph.	
Article 127(7)				
1074	7. Following the addition of a medicinal product to the Union	7. Following the addition of a medicinal product to the Union	7. Following the addition of a medicinal product to the Union	

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	list of critical medicinal products in accordance with Article 131 or any recommendations provided in accordance with Article 132(1), the Member States shall:	list of critical medicinal products in accordance with Article 131 or any recommendations provided in accordance with Article 132(1), the Member States shall:	list of critical medicinal products in accordance with Article 131 or any recommendations provided in accordance with Article 132(1), the Member States shall:	
Article 127(7), point (a)				
1075	(a) provide any additional information that the Agency may request;	(a) provide any additional information that the Agency may request;	(a) provide any additional information that the Agency may request;	
Article 127(7), point (b)				
1076	(b) provide additional relevant information to the Agency;	(b) provide additional relevant information to the Agency;	(b) provide additional relevant information to the Agency;	
Article 127(7), point (c)				
1077	(c) comply and coordinate with any measures taken by the	(c) comply and coordinate with any measures taken by the	(c) ~~comply and~~ coordinate with any ~~measures~~ **actions** taken	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission pursuant to Article 134(1), point (a);	Commission pursuant to Article 134(1), point (a);	by the Commission pursuant to Article 134(1), point ~~(a)~~**(aa)**;	
Article 127(7), point (d)				
1078	(d) take into account any MSSG recommendations referred to in Article 132(1);	(d) take into account any MSSG recommendations referred to in Article 132(1);	(d) take into account any MSSG recommendations referred to in Article 132(1);	
Article 127(7), point (e)				
1079	(e) inform the Agency of any actions foreseen or taken in accordance with point (c) and (d) by that Member State, as well as the results of these actions.	(e) inform the Agency of any actions foreseen or taken in accordance with point (c) and (d) by that Member State, as well as the results of these actions.	(e) inform the Agency of any actions foreseen or taken in accordance with point (c) and (d) by that Member State, as well as the results of these actions.	
Article 127(8)				
1080	8. Member States that take an alternative course of action in	8. Member States that take an alternative course of action in	8. Member States that take an alternative course of action in	

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	respect of paragraph 7, points (c) and (d), shall share the reasons for doing so with the Agency in a timely manner.	respect of paragraph 7, points (c) and (d), shall share the reasons for doing so with the Agency in a timely manner.	respect of paragraph 7, points (c) and (d), shall share the reasons for doing so with the Agency in a timely manner.	
Article 128				
1081	Article 128 Obligations of the marketing authorisation holder with regard to critical medicinal products	Article 128 Obligations of the marketing authorisation holder with regard to critical medicinal products	Article 128 Obligations of the marketing authorisation holder with regard to critical medicinal products	
Article 128(1)				
1082	1. For the purposes of Article 127, paragraphs 1 and 3, and Article 131(1), the marketing authorisation holder as defined in Article 116(1) shall:	1. For the purposes of Article 127, paragraphs 1 and 3, and Article 131(1), the marketing authorisation holder as defined in Article 116(1) shall:	1. For the purposes of Article 127, paragraphs 1 and 3, and Article 131(1), the marketing authorisation holder ~~as defined in Article 116(1)~~ shall:	
Article 128(1), point (a)				

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1083	(a) submit the information requested in accordance with Articles 127(3), 130(2), point (b), and 130(4), point (b), to the competent authority concerned as defined in Article 116(1), without undue delay, using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 130(1), point (c), by the deadline set by that competent authority concerned;	(a) submit the information requested in accordance with Articles 127(3), 130(2), point (b), and 130(4), point (b), to the competent authority concerned as defined in Article 116(1), without undue delay, using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 130(1), point (c), by the deadline set by that competent authority concerned;	(a) submit the information requested in accordance with Articles 127(3), 130(2), point (b), and 130(4), point (b), to the competent authority concerned ~~as defined in Article 116(1)~~, without undue delay, using the tools, methods of and criteria for the monitoring and reporting established pursuant to Article 130(1), point (c), by the deadline set by that competent authority concerned;	
Article 128(1), point (b)				
1084	(b) provide updates to the information provided in accordance with point (a) where necessary;	(b) provide updates to the information provided in accordance with point (a) where necessary;	(b) provide updates to the information provided in accordance with point (a) where necessary;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 128(1), point (c)				
1085	(c) justify any failure to provide any of the requested information;	(c) justify any failure to provide any of the requested information;	(c) justify any failure to provide any of the requested information;	
Article 128(1), point (d)				
1086	(d) where necessary, submit a request to the competent authority concerned as defined in Article 116(1) for an extension of the deadline set by that competent authority in accordance with point (a), and	(d) where necessary, submit a request to the competent authority concerned as defined in Article 116(1) for an extension of the deadline set by that competent authority in accordance with point (a), and	(d) where necessary, submit a request to the competent authority concerned ~~as defined in Article 116(1)~~ for an extension of the deadline set by that competent authority in accordance with point (a), and	
Article 128(1), point (e)				
1087	(e) indicate whether the information provided in accordance with point (a) contain	(e) indicate whether the information provided in accordance with point (a) contain	(e) indicate whether the information provided in accordance with point (a) contain	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any commercially confidential information, identify the relevant parts of that information having a commercially confidential nature and explain why that information is of such nature.	any commercially confidential information, identify the relevant parts of that information having a commercially confidential nature and explain why that information is of such nature.	any commercially confidential information, identify the relevant parts of that information having a commercially confidential nature and explain why that information is of such nature.	
Article 128(2)				
1088	2. The marketing authorisation as defined in Article 116(1) authorisation shall be responsible for providing correct, not misleading, and complete information as requested by the competent authority concerned as defined in Article 116(1) and shall have the duty to cooperate and to disclose on their own motion any relevant information without undue delay to that competent	2. The marketing authorisation ***holder*** as defined in Article 116(1) ~~*authorisation*~~ shall be responsible for providing correct, not misleading, and complete information as requested by the competent authority concerned as defined in Article 116(1) and shall have the duty to cooperate and to disclose on their own motion any relevant information without undue delay	2. The marketing authorisation ~~as defined in Article 116(1)~~ authorisation shall be responsible for providing correct, not misleading, and complete information as requested by the competent authority concerned ~~as defined in Article 116(1)~~ and shall have the duty to cooperate and to disclose on their own motion any relevant information without undue delay to that competent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authority and to update the information as soon as that information becomes available.	to that competent authority and to update the information as soon as that information becomes available.	authority and to update the information as soon as that information becomes available.	
Article 129				
1089	Article 129 Obligations on other actors	Article 129 Obligations on other actors	Article 129 Obligations on other actors	
Article 129, first paragraph				
1090	For the purposes of Article 127(4) and Article 130(2), point (c), and Article 130(4), point (c), where relevant, upon request from the competent authority concerned as defined in Article 116(1), entities including other marketing authorisation holders as defined in Article 116(1), importers and	For the purposes of Article 127(4) and Article 130(2), point (c), and Article 130(4), point (c), where relevant, upon request from the competent authority concerned as defined in Article 116(1), entities including other marketing authorisation holders as defined in Article 116(1), importers and	For the purposes of Article 127(4) and Article 130(2), point (c), and Article 130(4), point (c), where relevant, upon request from the competent authority concerned as defined in Article 116(1), entities including other marketing authorisation holders as defined in Article 116(1), importers and	

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	manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public shall provide any information requested in a timely manner.	manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public shall provide any information ~~*requested in a timely manner*~~***by the deadline set by the Agency and provide updates whenever necessary***.	manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public shall provide any information ~~requested in a timely manner~~ **within the timeframe specified by the competent authority concerned**.	
Article 130				
1091	Article 130 Role of the Agency	Article 130 Role of the Agency	Article 130 Role of the Agency	
Article 130(1), first subparagraph				

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1092	1. The Agency shall, in collaboration with the working party referred to in Article 121(1), point (c), ensure the following:	1. The Agency shall, in collaboration with the working party referred to in Article 121(1), point (c), ensure the following:	1. The Agency shall, in collaboration with **the MSSG and** the working party referred to in Article 121(1), point (c), ensure the following:	
Article 130(1), first subparagraph, point (a)				
1093	(a) develop a common methodology to identify critical medicinal products, including the evaluation of vulnerabilities with respect to the supply chain of those medicines, in consultation, where appropriate, with relevant stakeholders;	(a) develop a common methodology to identify critical medicinal products, including the evaluation of vulnerabilities ***and the availability of appropriate alternatives*** with respect to the supply chain of those medicines, in consultation~~, where appropriate,~~ with ***the Patients' and Consumers' Working Party (PCWP) and the Healthcare Professionals' Working Party***	(a) develop a common methodology to identify critical medicinal products~~, including the evaluation of~~ **on the basis of their therapeutic relevance and availability of appropriate alternatives and other medicinal products (at risk) that may become critical if affected by supply chain** vulnerabilities~~ with respect to the supply chain of those medicines~~, in consultation,	

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		(HCPWP), as well as other relevant stakeholders;	where appropriate, with relevant stakeholders;	
Article 130(1), first subparagraph, point (aa)				
1093a			**(aa) develop a common methodology to evaluate the vulnerabilities with respect to the supply chains of medicinal products, in consultation, where appropriate, with relevant stakeholders;**	
Article 130(1), first subparagraph, point (b)				
1094	(b) specify the procedures and criteria for establishing and reviewing the Union list of critical medicinal products referred to in Article 131;	(b) specify the procedures and criteria for establishing and reviewing the Union list of critical medicinal products referred to in Article 131;	(b) specify the procedures and criteria for establishing and reviewing the Union list of critical medicinal products referred to in Article 131**, including the procedure for and criteria of the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			prioritisation of the vulnerability evaluation;	
Article 130(1), first subparagraph, point (c)				
1095	(c) specify the tools, methods of and criteria for the monitoring and reporting provided for in Articles 127(6), point (a), and 128(1), point (a);	(c) specify the tools, methods of and criteria for the monitoring and reporting provided for in Articles 127(6), point (a), and 128(1), point (a);	(c) specify the tools, methods of and criteria for the monitoring and reporting provided for in Articles 127(6), point (a), and 128(1), point (a);	
Article 130(1), first subparagraph, point (d)				
1096	(d) specify the methods for the provision and review of MSSG recommendations referred to in Article 132, paragraphs 1 and 3.	(d) specify the methods for the provision and review of MSSG recommendations referred to in Article 132, paragraphs 1 and 3.	(d) specify the methods for the provision and review of MSSG recommendations referred to in Article 132, paragraphs 1 and 3.	
Article 130(1), second subparagraph				

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1097	The Agency shall publish the information referred to in points (b), (c) and (d) on a dedicated webpage on its web-portal.	The Agency shall publish the information referred to in points (b), (c) and (d) on a dedicated webpage on its web-portal.	The Agency shall publish the information referred to in points (b), (c) and (d) on a dedicated webpage on its web-portal.	
Article 130(2), first subparagraph				
1098	2. Following the reports and information provided by the Member States and marketing authorisation holders in accordance with Article 127, paragraphs 2 and 6, and Article 128(1), the Agency, may request the relevant information from:	2. Following the reports and information provided by the Member States and marketing authorisation holders in accordance with Article 127, paragraphs 2 and 6, and Article 128(1), the Agency, may request the relevant information from:	2. Following the reports and information provided by the Member States and marketing authorisation holders in accordance with Article 127, paragraphs 2 and 6, and Article 128(1), the Agency, may request the relevant information from:	
Article 130(2), first subparagraph, point (a)				
1099	(a) the competent authority of the Member State concerned;	(a) the competent authority of the Member State concerned;	(a) the competent authority of the Member State concerned;	

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Article 130(2), first subparagraph, point (b)				
1100	(b) the marketing authorisation holder of the medicinal product, including the shortage prevention plan, referred to in Article 117;	(b) the marketing authorisation holder of the medicinal product, including the shortage prevention ***and mitigation*** plan, referred to in Article 117 ***and Article 119(2)***;	(b) the marketing authorisation holder of the medicinal product, including the shortage prevention plan, referred to in Article 117;	
Article 130(2), first subparagraph, point (c)				
1101	(c) other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that	(c) other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that	(c) other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that	

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	are authorised or entitled to supply medicinal products to the public.	are authorised or entitled to supply medicinal products to the public.	are authorised or entitled to supply medicinal products to the public.	
Article 130(2), second subparagraph				
1102	The Agency, in consultation with the working party referred to in Article 121(1), point (c), shall report the information referred to in Article 127, paragraphs 2 and 6, and Article 128(1) to the MSSG.	The Agency, in consultation with the working party referred to in Article 121(1), point (c), shall report the information referred to in Article 127, paragraphs 2 and 6, and Article 128(1) to the MSSG.	The Agency, in consultation with the working party referred to in Article 121(1), point (c), shall report the information referred to in Article 127, paragraphs 2 and 6, and Article 128(1) to the MSSG.	
Article 130(3)				
1103	3. For the purposes of Article 127(6), point (e), and Article 128(1), point (e), the Agency shall assess the merits of each confidentiality claim and protect commercially confidential	3. For the purposes of Article 127(6), point (e), and Article 128(1), point (e), the Agency shall assess the merits of each confidentiality claim and protect commercially confidential	3. For the purposes of Article 127(6), point (e), and Article 128(1), point (e), the Agency shall assess the merits of each confidentiality claim and protect commercially confidential	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information against unjustified disclosure.	information against unjustified disclosure.	information against unjustified disclosure.	
Article 130(4)				
1104	4. Following the adoption of the Union list of critical medicinal products in accordance with Article 131, the Agency may request additional information from:	4. Following the adoption of the Union list of critical medicinal products in accordance with Article 131, the Agency may request additional information from:	4. Following the adoption of the Union list of critical medicinal products ~~in accordance with Article 131,~~ the Agency may request additional information from:	
Article 130(4), point (a)				
1105	(a) the competent authority of the Member State concerned;	(a) the competent authority of the Member State concerned;	(a) the competent authority of the Member State concerned;	
Article 130(4), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1106	(b) the marketing authorisation holder as defined in Article 116(1);	(b) the marketing authorisation holder as defined in Article 116(1);	(b) the marketing authorisation holder ~~as defined in Article 116(1)~~;	
Article 130(4), point (c)				
1107	(c) other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public.	(c) other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public.	(c) other entities including other marketing authorisation holders, importers and manufacturers of medicinal products or active substances and relevant suppliers of these, wholesale distributors, stakeholder representative associations or other persons or legal entities that are authorised or entitled to supply medicinal products to the public.	
Article 130(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1108	5. Following the adoption of the Union list of critical medicinal products in accordance with Article 131, the Agency shall report to the MSSG on any relevant information received from the marketing authorisation holder pursuant to Article 133 and the competent authority of the Member State in accordance with Article 127, paragraphs 7 and 8.	5. Following the adoption of the Union list of critical medicinal products in accordance with Article 131, the Agency shall ~~*report to the MSSG on*~~***assess*** any relevant information received from the marketing authorisation holder pursuant to Article 133 and the competent authority of the Member State in accordance with Article 127, paragraphs 7 and 8 ***and report on that information to the MSSG***.	5. Following the adoption of the Union list of critical medicinal products in accordance with Article 131, the Agency shall report to the MSSG on any relevant information received from the marketing authorisation holder pursuant to Article 133 and the competent authority of the Member State in accordance with Article 127, paragraphs 7 and 8.	
Article 130(6)				
1109	6. The Agency shall make publicly available via the web-portal referred to in Article 104 the MSSG recommendations referred to in Article 132(1).	6. The Agency shall make publicly available via the web-portal referred to in Article 104 the MSSG recommendations referred to in Article 132(1).	6. The Agency shall make publicly available via the web-portal referred to in Article 104 the MSSG recommendations referred to in Article 132(1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 130(6a)				
1109a		***6a. Following the request by a Member State to use the Voluntary Solidarity Mechanism referred to in Article 132(1a), the Agency shall provide assistance to the MSSG and may:***		
Article 130(6a), point (a)				
1109b		***(a) confirm that the conditions are met to launch the Voluntary Solidarity Mechanism;***		
Article 130(6a), point (b)				
1109c		***(b) notify the members of the MSSG of the launch of the Voluntary Solidarity Mechanism;***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 130(6a), point (c)				
1109d		***(c) request from the members of the MSSG relevant information within a specific time limit;***		
Article 130(6a), point (d)				
1109e		***(d) put the issuing country in contact with those Member States able to support them;***		
Article 130(6a), point (e)				
1109f		***(e) organise meetings with the issuing Member States, the donating party and other relevant concerned parties;***		
Article 130(6a), point (f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1109g		***(f) request the activation of the Union Civil Protection Mechanism to coordinate and logistically support the voluntary transfer of medicinal products.***		
Article 131				
1110	Article 131 The Union List of Critical Medicinal Products	Article 131 The Union List of Critical Medicinal Products	Article 131 The Union List of Critical Medicinal Products	
Article 131(1)				
1111	1. Following the reporting referred to in Article 130, paragraph 2, second subparagraph, and Article 130(5), the MSSG shall consult the working party referred to in Article 121(1), point	1. Following the reporting referred to in Article 130, paragraph 2, second subparagraph, and Article 130(5), the MSSG shall consult the working party referred to in Article 121(1), point	1. Following the reporting referred to in Article 130, paragraph 2, second subparagraph, and Article 130(5), the MSSG shall consult the working party referred to in Article 121(1), point	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c). Based on this consultation, the MSSG shall propose a Union list of critical medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC] and for which coordinated Union level action is necessary ("the Union list of critical medicinal products").	(c)***, and the Patients' and Consumers' Working Party (PCWP), the Healthcare Professionals' Working Party (HCPWP) and the Industry Standing Group (ISG)***. Based on this consultation, the MSSG shall propose a Union list of critical medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC] and for which coordinated Union level action is necessary ("the Union list of critical medicinal products").	(c). Based on this consultation, the MSSG shall propose a Union list of critical medicinal products authorised to be placed on the market of a Member State pursuant to Article 5 of [revised Directive 2001/83/EC] and for which **the** coordinated Union level action **foreseen in this chapter** is necessary ("the Union list of critical medicinal products").	
Article 131(2)				
1112	2. The MSSG may propose updates to the Union list of critical	2. The MSSG ~~*may*~~***shall*** propose updates to the Union list	2. The MSSG ~~may~~**shall** propose updates to the Union list	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicines to the Commission, where necessary.	of critical medicines to the Commission, where necessary.	of critical ~~medicines~~**medicinal products** to the Commission, where necessary**, in particular taking into account the progress of vulnerability evaluation**.	
Article 131(1a), second subparagraph				
1112a			**The first revision shall take place no later than one year after the date of entry into application of this Regulation. Where the results of the vulnerability evaluation are available in line with the prioritisation criteria referred to in paragraph 1(b), the revision shall include an update of the list taking into account the results of the vulnerability evaluation, and include these**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			medicinal products identified as being as 'at risk' using the methodology pursuant to Article 130(1), point(a) for which the vulnerability of their supply chains has been established through the vulnerability evaluation.	
Article 131(3)				
1113	3. The Commission, taking into account the proposal of the MSSG, shall adopt and update the Union list of critical medicinal products by means of an implementing act and communicate the adoption of the list and any updates to the Agency and the MSSG. Those implementing acts shall be	3. The Commission, taking into account the proposal of the MSSG, shall adopt and update the Union list of critical medicinal products by means of an implementing act and communicate the adoption of the list and any updates to the Agency and the MSSG. Those implementing acts shall be	3. The Commission, taking into account the proposal of the MSSG, shall adopt and update the Union list of critical medicinal products by means of an implementing act and communicate the adoption of the list and any updates to the Agency and the MSSG. Those implementing acts shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	adopted in accordance with the examination procedure referred to in Article 173(2).	adopted in accordance with the examination procedure referred to in Article 173(2).	adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 131(4)				
1114	4. Following the adoption of the Union list of critical medicinal products in accordance with paragraph 3, the Agency shall immediately publish this list and any updates to this list on its web-portal referred to in Article 104.	4. Following the adoption of the Union list of critical medicinal products in accordance with paragraph 3, the Agency shall immediately publish this list and any updates to this list on its web-portal referred to in Article 104.	4. Following the adoption of the Union list of critical medicinal products in accordance with paragraph 3, the Agency shall immediately publish this list and any updates to this list on its web-portal referred to in Article 104.	
Article 132				
1115	Article 132 Role of the MSSG	Article 132 Role of the MSSG	Article 132 Role of the MSSG	
Article 132(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1116	1. Following the adoption of the Union list of critical medicinal products pursuant to Article 131(3), in consultation with the Agency and the working party referred to in Article 121(1), point (c), the MSSG may provide recommendations, in accordance with the methods referred to in Article 130(1), point (d), on appropriate security of supply measures to marketing authorisation holders as defined in Article 116(1), the Member States, the Commission or other entities. Such measures may include recommendations on diversification of suppliers and inventory management.	1. Following the adoption of the Union list of critical medicinal products pursuant to Article 131(3), in consultation with the Agency and the working party referred to in Article 121(1), point (c), the MSSG may provide recommendations, in accordance with the methods referred to in Article 130(1), point (d), on appropriate security of supply measures to marketing authorisation holders as defined in Article 116(1), the Member States, the Commission or other entities. Such measures may include recommendations on ***manufacturing capacity, on reorganisation of manufacturing capacity,*** diversification of suppliers ~~*and*~~**,** inventory	1. Following the adoption of the Union list of critical medicinal products pursuant to Article 131(3), in consultation with the Agency and the working party referred to in Article 121(1), point (c), the MSSG may provide recommendations, in accordance with the methods referred to in Article 130(1), point (d), on appropriate security of supply measures to marketing authorisation holders ~~as defined in Article 116(1)~~, the Member States, the Commission**, the Agency** or other entities. Such measures may include**, inter alia,** recommendations on diversification of suppliers ~~and~~**,** inventory management **and regulatory flexibilities**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		management*, establishment of minimum safety stock and, if necessary, redistribution of available stock among Member States under the Voluntary Solidarity Mechanism to address urgent needs, as well as pricing and procurement mechanisms and measures and, where appropriate, the use of regulatory flexibilities without lowering safety and efficacy standards*.		
Article 132(1a)				
1116a		*1a. The MSSG shall coordinate the Voluntary Solidarity Mechanism to allow Member States to request assistance in obtaining stocks of a medicinal product during critical*	**1a. The MSSG, relying on the Member States contribution and supported by the Agency, shall evaluate the vulnerability with respect to the supply chains of the medicinal products listed**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		shortages. The MSSG shall specify the procedures and criteria to launch the Voluntary Solidarity Mechanism in consultation with the Member States, the Agency and the Commission.	**on the Union list of critical medicinal products and medicinal products that may become critical if affected by supply chain vulnerabilities (at risk) according to prioritisation criteria referred to Article 130(1)(b) and using the methodology set out in Article 130(1), point (aa).**	
Article 132(1b)				
1116b		***1b. Following the update of the Union list of critical medicinal products, the MSSG shall assess the shortage prevention plan of the medicinal products present on the list.***		
Article 132(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1117	2. The MSSG shall amend its rules of procedure, and the rules of procedure of the working party referred to in Article 121(1), point (c), in accordance with the tasks set out in this section.	2. The MSSG shall amend its rules of procedure, and the rules of procedure of the working party referred to in Article 121(1), point (c), in accordance with the tasks set out in this section.	2. The MSSG shall amend its rules of procedure, and the rules of procedure of the working party referred to in Article 121(1), point (c), in accordance with the tasks set out in this section.	
Article 132(3)				
1118	3. Following the report pursuant to Article 130(5), the MSSG shall review its recommendations in accordance with the methods referred to in Article 130(1), point (d).	3. Following the report pursuant to Article 130(5), the MSSG shall review its recommendations in accordance with the methods referred to in Article 130(1), point (d).	3. Following the report pursuant to Article 130(5), the MSSG shall review its recommendations in accordance with the methods referred to in Article 130(1), point (d).	
Article 132(4)				
1119	4. The MSSG may request the Agency to request further information from the Member	4. The MSSG may request the Agency to request further information from the Member	4. The MSSG may request the Agency to request further information from the Member	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	States or marketing authorisation holder of the medicinal product as defined in Article 116(1) and included on the Union list of critical medicinal products or other relevant entities referred to in Article 129.	States or marketing authorisation holder of the medicinal product as defined in Article 116(1) and included on the Union list of critical medicinal products or other relevant entities referred to in Article 129.	States or marketing authorisation holder of the medicinal product ~~as defined in Article 116(1)~~ and included on the Union list of critical medicinal products or other relevant entities referred to in Article 129.	
Article 133				
1120	Article 133 Obligations on the marketing authorisation holder after the MSSG recommendations	Article 133 Obligations on the marketing authorisation holder after the MSSG recommendations	Article 133 Obligations on the marketing authorisation holder after the MSSG recommendations	
Article 133, first paragraph				
1121	Following the addition of a medicinal product to the Union list of critical medicinal products in accordance with Article 131(3) or	Following the addition of a medicinal product to the Union list of critical medicinal products in accordance with Article 131(3) or	Following the addition of a medicinal product to the Union list of critical medicinal products in accordance with Article 131(3) or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any recommendations provided in accordance with Article 132(1), the marketing authorisation holder as defined in Article 116(1) of a medicinal product on that list or subject to those recommendations shall:	any recommendations provided in accordance with Article 132(1), the marketing authorisation holder as defined in Article 116(1) of a medicinal product on that list or subject to those recommendations shall:	**following** any recommendations provided in accordance with Article 132(1), the marketing authorisation holder ~~as defined in Article 116(1)~~ of a medicinal product on that list or subject to those recommendations shall:	
Article 133, first paragraph, point (a)				
1122	(a) provide any additional information that the Agency may request;	(a) provide any additional information that the Agency may request;	(a) provide any additional information that the Agency may request;	
Article 133, first paragraph, point (b)				
1123	(b) provide additional relevant information to the Agency;	(b) provide additional relevant information to the Agency;	(b) provide additional relevant information to the Agency;	
Article 133, first paragraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1124	(c) take into account the recommendations referred to in Article 132(1);	(c) take into account the recommendations referred to in Article 132(1);	(c) take into account the recommendations referred to in Article 132(1);	
Article 133, first paragraph, point (d)				
1125	(d) comply with any measures taken by the Commission in accordance with Article 134(1), point (a), or by the Member State pursuant to Article 127(7), point (e);	(d) comply with any measures taken by the Commission in accordance with Article 134(1), point (a), or by the Member State pursuant to Article 127(7), point (e);	(d) ~~comply with any measures~~ **take into account the actions** taken by the Commission in accordance with Article 134(1)~~, point (a), or by the Member State pursuant to Article 127(7), point (e)~~;	
Article 133, first paragraph, point (e)				
1126	(e) inform the Agency of any measures taken and report on the results of such measures.	(e) inform the Agency of any measures taken and report on the results of such measures.	(e) inform the Agency of any measures taken and report on the results of such measures.	
Article 134				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1127	Article 134 Role of the Commission	Article 134 Role of the Commission	Article 134 Role of the Commission	
Article 134(1)				
1128	1. The Commission may, where it considers it appropriate and necessary:	1. The Commission ~~*may, where it considers it appropriate and necessary*~~***shall***:	1. The Commission ~~may, where it considers it appropriate and necessary~~:	
Article 134(1), point (-a)				
1128a		***(-a) take all necessary action within the limits of the powers conferred on it, with a view to mitigating critical shortages of medicinal products;***		
Article 134(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1129	(a) take into account the MSSG recommendations and implement the relevant measures;	(a) take into account the MSSG recommendations and implement the relevant measures;	(a) **shall** take into account the MSSG recommendations ~~and implement the relevant measures;~~	
Article 134(1), point (aa)				
1129a			**(aa) shall take, if appropriate, any necessary actions within the limits of the powers conferred on the Commission, including the development of guidelines to improve the security of supply;**	
Article 134(1), point (ab)				
1129b			**(ab) may foster coordination of Member State measures aimed at ensuring security of supply within their territories.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 134(1), point (b)				
1130	(b) inform the MSSG of those measures taken by the Commission.	(b) inform the MSSG of those measures taken by the Commission.	(b) **shall** inform the MSSG of ~~those measures~~ **actions** taken by the Commission.	
Article 134(1), point (c)				
1131	(c) request the MSSG to provide information or an opinion or further recommendations referred to in Article 132(1).	(c) request the MSSG to provide information or an opinion or further recommendations referred to in Article 132(1).	(c) **may** request the MSSG to provide information or an opinion or further recommendations referred to in Article 132(1).	
Article 134(1), point (ca)				
1131a		***(ca) develop guidelines to ensure that national initiatives on stockpiling are proportionate to the needs and do not create undesirable consequences, such***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		as supply shortages, in other Member States;		
Article 134(1), point (cb)				
1131b		***(cb) develop, within the framework of Directive 2014/24/EU, guidelines to support public procurement practices in the pharmaceutical field, in particular with regard to the implementation of the most economically advantageous tender (MEAT) criteria in order to establish remedies against single-winner, price-only tenders.***		
Article 134(1a)				
1131c		***1a. The Commission shall work with the ECDC on***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		producing reliable forecasts of potential threats and potential shortages.		
Article 134(2)				
1132	2. The Commission, taking into consideration the information or the opinion, referred to in paragraph 1, or MSSG recommendations, may decide to adopt an implementing act to improve security of supply. The implementing act may impose contingency stock requirements of active pharmaceutical ingredient or finished dosage forms, or other relevant measures required to improve security of supply, on marketing authorisation holders,	2. The Commission, taking into consideration the information or the opinion, referred to in paragraph 1, or MSSG recommendations, ~~*may decide*~~***is empowered*** to adopt ~~*an implementing act*~~***delegated acts in accordance with Article 175 supplementing this Regulation*** to improve security of supply***, while allowing Member States to adopt or maintain legislation ensuring a higher degree of protection against shortages of medicinal products, in respect of the***	2. **If necessary to ensure the smooth functioning of the internal market,** the Commission **may**, taking into consideration the ~~information or the opinion,~~**recommendations** referred to in paragraph 1, ~~or MSSG~~**draw up** recommendations~~, may decide to adopt an implementing act~~ **for national measures** to improve security of supply~~. The implementing act may impose contingency stock requirements of active pharmaceutical ingredient or~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	wholesale distributors or other relevant entities.	***commitments taken in the framework of the Voluntary Solidarity Mechanism. The delegated acts*** ~~*. The implementing act*~~ may impose contingency stock requirements of active pharmaceutical ingredient or finished dosage forms, or other relevant measures required to improve security of supply, on marketing authorisation holders, wholesale distributors or other relevant entities.	~~finished dosage forms, or other relevant measures required to improve security of supply, on marketing authorisation holders, wholesale distributors or other relevant entities~~ **of medicinal products included in the Union list of critical medicinal products**.	
Article 134(1a), second subparagraph				
1132a			**The adoption of these recommendations shall be limited to cases where the Commission identifies a highly likely disruption of the internal**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			market which strongly and negatively affects the security of supply of critical medicinal products. They shall take into account:	
Article 134(1a), second subparagraph, point (a)				
1132b			**(a) the severity of the disruption of the internal market, or the risk thereof;**	
Article 134(1a), second subparagraph, point (b)				
1132c			**(b) the causes of the disruption to security of supply;**	
Article 134(1a), second subparagraph, point (c)				
1132d			**(c) the existence of other available measures under this**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation to mitigate or resolve the disruption;	
Article 134(1a), second subparagraph, point (d)				
1132e			**(d) the gravity and scope of risks to public health.**	
Article 134(1a), third subparagraph				
1132f			**The recommendations shall be based on objective, factual, measurable and substantiated data, including from the Agency and its preparatory bodies, national competent authorities and relevant economic operators.**	
Article 134(3)				

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1133	3. The implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 173(2).	*deleted*	3. ~~The implementing act referred to in paragraph 2 shall be adopted in accordance with the examination procedure referred to in Article 173(2).~~	
CHAPTER XI				
1134	CHAPTER XI EUROPEAN MEDICINES AGENCY	CHAPTER XI EUROPEAN MEDICINES AGENCY	CHAPTER XI EUROPEAN MEDICINES AGENCY	
Section 1				
1135	Section 1 Tasks of the Agency	Section 1 Tasks of the Agency	Section 1 Tasks of the Agency	
Article 135				
1136	Article 135	Article 135	Article 135	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Establishment	Establishment	Establishment	
Article 135, first paragraph				
1137	The functioning of the European Medicines Agency established by Regulation (EC) No 726/2004 (the 'Agency') shall continue in accordance with the present Regulation.	The functioning of the European Medicines Agency established by Regulation (EC) No 726/2004 (the 'Agency') shall continue in accordance with the present Regulation.	The ~~functioning of the~~ European Medicines Agency established by Regulation (EC) No 726/2004 (the 'Agency') shall ~~continue in accordance with~~ **be replaced and succeeded by the European Medicines Agency (the 'Agency') established by** the present Regulation.	
Article 135, second paragraph				
1138	The Agency shall be responsible for coordinating the existing scientific resources put at its disposal by Member States for the evaluation, supervision and	The Agency shall be responsible for coordinating the existing scientific resources put at its disposal by Member States for the evaluation, supervision and	The Agency shall be responsible for coordinating the existing scientific resources put at its disposal by Member States for the evaluation, supervision and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pharmacovigilance of medicinal products for human use and of veterinary medicinal products.	pharmacovigilance of medicinal products for human use and of veterinary medicinal products.	pharmacovigilance of medicinal products for human use and of veterinary medicinal products.	
Article 136				
1139	Article 136 Legal status	Article 136 Legal status	Article 136 Legal status	
Article 136(1)				
1140	1. The Agency shall have legal personality.	1. The Agency shall have legal personality.	1. The Agency shall have legal personality.	
Article 136(2)				
1141	2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular,	2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular,	2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	acquire or dispose of movable and immovable property, and be party to legal proceedings.	acquire or dispose of movable and immovable property, and be party to legal proceedings.	acquire or dispose of movable and immovable property, and be party to legal proceedings.	
Article 136(3)				
1142	3. The Agency shall be represented by an Executive Director.	3. The Agency shall be represented by an Executive Director.	3. The Agency shall be represented by an Executive Director.	
Article 137				
1143	Article 137 Seat	Article 137 Seat	Article 137 Seat	
Article 137, first paragraph				
1144	The seat of the Agency shall be established in Amsterdam, the Netherlands.	The seat of the Agency shall be established in Amsterdam, the Netherlands.	The seat of the Agency shall be established in Amsterdam, the Netherlands.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 138				
1145	Article 138 Objectives and tasks of the Agency	Article 138 Objectives and tasks of the Agency	Article 138 Objectives and tasks of the Agency	
Article 138(1), first subparagraph				
1146	1. The Agency shall provide the Member States and the institutions of the Union with the best possible scientific opinion on any question relating to the evaluation of the quality, safety and efficacy of medicinal products for human use, veterinary medicinal products, which is referred to it in accordance with the Union legal acts relating to	1. The Agency shall provide the Member States and the institutions of the Union with the best possible scientific opinion on any question relating to the evaluation of the quality, safety ~~and~~, efficacy ***and environmental risk*** of medicinal products for human use, veterinary medicinal products, which is referred to it in accordance with the Union legal acts relating to medicinal products	1. The Agency shall provide the Member States and the institutions of the Union with the best possible scientific opinion on any question relating to the evaluation of the quality, safety and efficacy of medicinal products for human use, veterinary medicinal products, which is referred to it in accordance with the Union legal acts relating to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medicinal products for human use or veterinary medicinal products.	for human use or veterinary medicinal products.	medicinal products for human use or veterinary medicinal products.	
Article 138(1), second subparagraph				
1147	The Agency, acting particularly through its Committees, shall carry out the following tasks:	The Agency, acting particularly through its Committees ***and working groups***, shall carry out the following tasks:	The Agency, acting particularly through its Committees, shall carry out the following tasks:	
Article 138(1), second subparagraph, point (a)				
1148	(a) coordinating the scientific evaluation of the quality, safety and efficacy of medicinal products for human use, which are subject to Union marketing authorisation procedures;	(a) coordinating the scientific evaluation of the quality, safety ~~and~~, efficacy ***and environmental risk*** of medicinal products for human use, which are subject to Union marketing authorisation procedures;	(a) coordinating the scientific evaluation of the quality, safety and efficacy of medicinal products for human use, which are subject to Union marketing authorisation procedures;	
Article 138(1), second subparagraph, point (aa)				

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1148a		***(aa) develop, after consulting with relevant national authorities and national bodies responsible for pricing and reimbursement in accordance with Article 162 of this Regulation and the Member State Coordination Group on Health Technology Assessment established by Article 3 of Regulation (EU) 2021/2282, harmonised standards for the design of scientific studies for marketing authorisation holders;***		
Article 138(1), second subparagraph, point (b)				
1149	(b) coordinating the scientific evaluation of the quality, safety and efficacy of veterinary medicinal products, which are subject to Union marketing	(b) coordinating the scientific evaluation of the quality, safety and efficacy of veterinary medicinal products, which are subject to Union marketing	(b) coordinating the scientific evaluation of the quality, safety and efficacy of veterinary medicinal products, which are subject to Union marketing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorisation procedures in accordance with Regulation (EU) 2019/6 and the performance of other tasks set out in Regulation (EU) 2019/6 and Regulation (EC) 470/2009;	authorisation procedures in accordance with Regulation (EU) 2019/6, ***providing advice on methodological aspects relating to the trials for such products and the use of clinical trial results affected for regulatory purposes and coordinating*** ~~*and*~~ the performance of other tasks set out in Regulation (EU) 2019/6 and Regulation (EC) 470/2009;	authorisation procedures in accordance with Regulation (EU) 2019/6 and the performance of other tasks set out in Regulation (EU) 2019/6 and Regulation (EC) 470/2009;	
Article 138(1), second subparagraph, point (c)				
1150	(c) transmitting on request and making publicly available assessment reports, summaries of product characteristics, labels and package leaflets for the medicinal products for human use;	(c) transmitting on request and making publicly available assessment reports, summaries of product characteristics, ***periodic safety update reports,*** labels ~~*and*~~, package leaflets ***and AMR awareness cards, where***	(c) transmitting on request and making publicly available assessment reports, summaries of product characteristics, labels and package leaflets for the medicinal products for human use;	

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		applicable, for the medicinal products for human use;		
Article 138(1), second subparagraph, point (ca)				
1150a			**(ca) coordinating the assessment of the environmental risk assessments related to medicinal products for human use which are subject to Union marketing authorisation procedures in accordance with this Regulation or investigational medicinal products for human use containing or consisting of genetically modified organisms (GMOs);**	
Article 138(1), second subparagraph, point (d)				

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1151	(d) coordinating the monitoring of medicinal products for human use which have been authorised in the Union and providing advice on the measures necessary to ensure the safe and effective use of those products, in particular by coordinating the evaluation and implementation of pharmacovigilance obligations and systems and the monitoring of such implementation;	(d) coordinating the monitoring of medicinal products for human use which have been authorised in the Union and providing advice on the measures necessary to ensure the safe and effective use of those products, in particular by coordinating the evaluation and implementation of pharmacovigilance obligations and systems and the monitoring of such implementation;	(d) coordinating the monitoring of medicinal products for human use which have been authorised in the Union and providing advice on the measures necessary to ensure the safe and effective use of those products, in particular by coordinating the evaluation and implementation of pharmacovigilance obligations and systems and the monitoring of such implementation;	
Article 138(1), second subparagraph, point (e)				
1152	(e) ensuring the collation and dissemination of information on suspected adverse reactions to medicinal products for human use authorised in the Union by means	(e) ensuring the collation and dissemination of information on suspected adverse reactions to medicinal products for human use authorised in the Union by means	(e) ensuring the collation and dissemination of information on suspected adverse reactions to medicinal products for human use authorised in the Union by means	

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	of databases that are permanently accessible to all Member States;	of databases that are permanently accessible to all Member States;	of databases that are permanently accessible to all Member States;	
Article 138(1), second subparagraph, point (f)				
1153	(f) assisting Member States with the rapid communication of information on pharmacovigilance concerns relating to medicinal products for human use to healthcare professionals and coordinating the safety announcements of the competent authorities of the Member States;	(f) assisting Member States with the rapid communication of information on pharmacovigilance concerns relating to medicinal products for human use to healthcare professionals and coordinating the safety announcements of the competent authorities of the Member States;	(f) assisting Member States with the rapid communication of information on pharmacovigilance concerns relating to medicinal products for human use ~~to healthcare professionals~~ and coordinating the safety announcements of the competent authorities of the Member States;	
Article 138(1), second subparagraph, point (g)				
1154	(g) distributing appropriate information on pharmacovigilance concerns relating to medicinal products for human use to the	(g) distributing appropriate information on pharmacovigilance concerns relating to medicinal products for human use to the	(g) distributing appropriate information on pharmacovigilance concerns relating to medicinal products for human use to the	

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	general public, in particular by setting up and maintaining a European medicines web-portal;	general public, in particular by setting up and maintaining a European medicines web-portal;	general public, in particular by setting up and maintaining a European medicines web-portal;	
Article 138(1), second subparagraph, point (h)				
1155	(h) coordinating, as regards medicinal products for human use and veterinary medicinal products, the verification of compliance with the principles of good manufacturing practice, good laboratory practice, good clinical practice, good pharmacovigilance practice and, as regards medicinal products for human use, the verification of compliance with pharmacovigilance obligations;	(h) coordinating, as regards medicinal products for human use and veterinary medicinal products, the verification of compliance with the principles of good manufacturing practice, good laboratory practice, good clinical practice, good pharmacovigilance practice and, as regards medicinal products for human use, the verification of compliance with pharmacovigilance obligations;	(h) coordinating, as regards medicinal products for human use and veterinary medicinal products, the verification of compliance with the principles of good manufacturing practice, good laboratory practice, good clinical practice, good pharmacovigilance practice and, as regards medicinal products for human use, the verification of compliance with pharmacovigilance obligations;	
Article 138(1), second subparagraph, point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1156	(i) ensuring the secretariat of the Joint Audit Programme referred to in Article 54;	(i) ensuring the secretariat of the Joint Audit Programme referred to in Article 54;	(i) ensuring the secretariat of the Joint Audit Programme referred to in Article 54;	
Article 138(1), second subparagraph, point (j)				
1157	(j) upon request, providing technical and scientific support in order to improve cooperation between the Union, its Member States, international organisations and third countries on scientific and technical issues relating to the evaluation and monitoring of medicinal products for human use and of veterinary medicinal products, in particular in the framework of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use	(j) upon request, providing technical and scientific support in order to improve cooperation between the Union, its Member States, international organisations and third countries on scientific and technical issues relating to the evaluation and monitoring of medicinal products for human use and of veterinary medicinal products, in particular in the framework of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use	(j) upon request, providing technical and scientific support in order to improve cooperation between the Union, its Member States, international organisations and third countries on scientific and technical issues relating to the evaluation and monitoring of medicinal products for human use and of veterinary medicinal products, in particular in the framework of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use	

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	and the Veterinary International Conference on Harmonization;	and the Veterinary International Conference on Harmonization;	and the Veterinary International Conference on Harmonization;	
Article 138(1), second subparagraph, point (k)				
1158	(k) coordinating as referred to in Article 53 a structured cooperation on inspections in third countries between Member States, the European Directorate for the Quality of Medicines and Healthcare of the Council of Europe, the World Health Organization or trusted international authorities, by means of international inspection programmes;	(k) coordinating as referred to in Article 53 a structured cooperation on inspections in third countries between Member States, the European Directorate for the Quality of Medicines and Healthcare of the Council of Europe, the World Health Organization or trusted international authorities, by means of international inspection programmes;	(k) coordinating as referred to in Article 53 a structured cooperation on inspections in third countries between Member States, the European Directorate for the Quality of Medicines and Healthcare of the Council of Europe, the World Health Organization or trusted international authorities, by means of international inspection programmes;	
Article 138(1), second subparagraph, point (l)				

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1159	(l) conducting inspections with Member States to verify the compliance with the principles of good manufacturing practice, including issuing GMP certificates and good clinical practice at the request of the Supervisory Authority referred to in Article 50(2) whenever additional capacity is needed to carry out inspection of Union interest including in response of public health emergencies;	(l) conducting inspections with Member States to verify the compliance with the principles of good manufacturing practice, including issuing GMP certificates and good clinical practice at the request of the Supervisory Authority referred to in Article 50(2) whenever additional capacity is needed to carry out inspection of Union interest including in response of public health emergencies;	(l) ~~conducting~~ **participating in** inspections with Member States **at their request** to verify the compliance with the principles of good manufacturing practice, ~~including issuing GMP certificates and~~ **and with** good clinical practice~~ at the request of the Supervisory Authority referred to in Article 50(2)~~ whenever additional capacity is needed to carry out inspection ~~of Union~~**in the** interest **of the Union** including in response of public health emergencies;	
Article 138(1), second subparagraph, point (m)				
1160	(m) recording the status of marketing authorisations for medicinal products for human use	(m) recording the status of marketing authorisations for medicinal products for human use	(m) recording the status of marketing authorisations for medicinal products for human use	

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	granted in accordance with Union marketing authorisation procedures;	granted in accordance with Union marketing authorisation procedures;	granted in accordance with Union marketing authorisation procedures;	
Article 138(1), second subparagraph, point (n)				
1161	(n) creating a database on medicinal products for human use, to be accessible to the general public, and ensuring that it is updated, and managed independently of pharmaceutical companies; the database is to facilitate the search for information already authorised for package leaflets; it is to include a section on medicinal products for human use authorised for the treatment of children; the information provided to the general public is to be worded in	(n) creating a ***user-friendly*** database on medicinal products for human use, to be accessible to the general public, and ensuring that it is updated, and managed independently of pharmaceutical companies; the database is to facilitate the search for information already authorised for package ~~*leaflets*~~***leaflet, and for other documents deemed relevant by the Agency***; it is to include a section on medicinal products for human use authorised for the treatment of children; the	(n) creating **and maintaining** a database on medicinal products for human use, to be accessible to the general public, and ensuring that it is **technically** updated, and managed independently of pharmaceutical companies; the database is to facilitate the search for **product** information ~~already authorised for~~**, including the electronic version of the** package ~~leaflets~~**leaflet**; it is to include a section on medicinal products for human use authorised for the treatment of children; the	

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	an appropriate and comprehensible manner;	information provided to the general public is to be worded in an appropriate and comprehensible manner;	information provided to the general public is to be worded in an appropriate and comprehensible manner;	
Article 138(1), second subparagraph, point (o)				
1162	(o) assisting the Union and its Member States in the provision of information to health-care professionals and the general public about medicinal products for human use and about veterinary medicinal products evaluated by the Agency;	(o) assisting the Union and its Member States in the provision of information to health-care professionals and the general public about medicinal products for human use and about veterinary medicinal products evaluated by the Agency;	(o) assisting the Union and its Member States in the provision of information to health-care professionals and the general public about medicinal products for human use and about veterinary medicinal products evaluated by the Agency;	
Article 138(1), second subparagraph, point (p)				
1163	(p) providing scientific advice to undertakings or, as relevant, not-for-profit entities on the	(p) providing scientific advice to undertakings or, as relevant, not-for-profit entities on the	(p) **coordinating the process of providing** providing scientific advice to undertakings or, as	

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	conduct of the various tests and trials necessary to demonstrate the quality, safety and efficacy of medicinal products for human use;	conduct of the various tests and trials necessary to demonstrate the quality, safety and efficacy of medicinal products for human use;	relevant, not-for-profit entities on the conduct of the various tests and trials necessary to demonstrate the quality, safety and efficacy of medicinal products for human use;	
Article 138(1), second subparagraph, point (q)				
1164	(q) supporting, through enhanced scientific and regulatory advice, the development of medicinal products which are of major interest from the point of view of public health, including antimicrobial resistance, and in particular from the viewpoint of therapeutic innovation (priority medicines);	(q) supporting, through enhanced scientific and regulatory advice, the development of medicinal products which are of major interest from the point of view of public health, including antimicrobial resistance, and in particular from the viewpoint of therapeutic innovation (priority medicines);	(q) supporting, through enhanced scientific and regulatory advice, the development of medicinal products which are of major interest from the point of view of public health, including antimicrobial resistance, and in particular from the viewpoint of therapeutic innovation **and unmet medical needs** (priority medicines);	
Article 138(1), second subparagraph, point (r)				

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1165	(r) checking that the conditions laid down in Union legal acts on medicinal products for human use and on veterinary medicinal products and in the marketing authorisations are met in the case of parallel distribution of medicinal products for human use and on veterinary medicinal products authorised in accordance with this Regulation or, as applicable, Regulation (EU) 2019/6;	(r) checking that the conditions laid down in Union legal acts on medicinal products for human use and on veterinary medicinal products and in the marketing authorisations are met in the case of parallel distribution of medicinal products for human use and on veterinary medicinal products authorised in accordance with this Regulation or, as applicable, Regulation (EU) 2019/6;	(r) checking that the conditions laid down in Union legal acts on medicinal products for human use and on veterinary medicinal products and in the marketing authorisations are met in the case of parallel distribution of medicinal products for human use and on veterinary medicinal products authorised in accordance with this Regulation or, as applicable, Regulation (EU) 2019/6;	
Article 138(1), second subparagraph, point (s)				
1166	(s) drawing up, at the Commission's request, any other scientific opinion concerning the evaluation of medicinal products for human use and of veterinary	(s) drawing up, at the Commission's request, any other scientific opinion concerning the evaluation of medicinal products for human use and of veterinary	(s) drawing up, at the Commission's request, any other scientific opinion concerning the evaluation of medicinal products for human use and of veterinary	

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	medicinal products or the starting materials used in the manufacture of medicinal products for human use;	medicinal products or the starting materials used in the manufacture of medicinal products for human use;	medicinal products or the starting materials used in the manufacture of medicinal products for human use;	
Article 138(1), second subparagraph, point (t)				
1167	(t) with a view to the protection of public health, compiling scientific information concerning pathogenic agents which might be used in biological warfare, including the existence of vaccines and other medicinal products for human use and other veterinary medicinal products available to prevent or treat the effects of such agents;	(t) with a view to the protection of public health, compiling scientific information concerning pathogenic agents which might be used in biological warfare, including the existence of vaccines and other medicinal products for human use and other veterinary medicinal products available to prevent or treat the effects of such agents;	(t) with a view to the protection of public health, compiling scientific information concerning pathogenic agents which might be used in biological warfare, including the existence of vaccines and other medicinal products for human use and other veterinary medicinal products available to prevent or treat the effects of such agents;	
Article 138(1), second subparagraph, point (u)				

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1168	(u) coordinating the supervision of the quality of medicinal products for human use and of veterinary medicinal products placed on the market by requesting testing of compliance with their authorised specifications to the European Directorate for the Quality of Medicines and Healthcare that coordinates with the Official Medicines Control Laboratory or by a laboratory that a Member State has designated for that purpose. The Agency and the European Directorate for the Quality of Medicines and Healthcare shall enter into a written contract for the provision of services to the Agency under this subparagraph;	(u) coordinating the supervision of the quality of medicinal products for human use and of veterinary medicinal products placed on the market by requesting testing of compliance with their authorised specifications to the European Directorate for the Quality of Medicines and Healthcare that coordinates with the Official Medicines Control Laboratory or by a laboratory that a Member State has designated for that purpose. The Agency and the European Directorate for the Quality of Medicines and Healthcare shall enter into a written contract for the provision of services to the Agency under this subparagraph;	(u) coordinating the supervision of the quality of medicinal products for human use and of veterinary medicinal products placed on the market by requesting testing of compliance with their authorised specifications to the European Directorate for the Quality of Medicines and Healthcare that coordinates with the Official Medicines Control Laboratory or by a laboratory that a Member State has designated for that purpose. The Agency and the European Directorate for the Quality of Medicines and Healthcare shall enter into a written contract for the provision of services to the Agency under this subparagraph;	

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Article 138(1), second subparagraph, point (v)				
1169	(v) forwarding annually to the budgetary authority aggregated information on procedures for medicinal products for human use and veterinary medicinal products;	(v) forwarding annually to the budgetary authority aggregated information on procedures for medicinal products for human use and veterinary medicinal products;	(v) forwarding annually to the budgetary authority aggregated information on procedures for medicinal products for human use and veterinary medicinal products;	
Article 138(1), second subparagraph, point (w)				
1170	(w) taking decisions as referred to in Article 6(5) of [revised Directive 2001/83/EC];	(w) taking decisions as referred to in Article 6(5) of [revised Directive 2001/83/EC];	(w) taking decisions as referred to in Article 6(5) of [revised Directive 2001/83/EC];	
Article 138(1), second subparagraph, point (x)				
1171	(x) contributing to the joint reporting with the European Food Safety Authority and European Centre for Disease Prevention and Control on the sales and use of	(x) contributing to the joint reporting with the European Food Safety Authority and European Centre for Disease Prevention and Control on the sales and use of	(x) contributing to the joint reporting with the European Food Safety Authority and European Centre for Disease Prevention and Control on the sales and use of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	antimicrobials in human and veterinary medicine as well as on the situation as regards antimicrobial resistance in the Union based on contributions received by Member States, taking into account the reporting requirements and periodicity in Article 57 of Regulation (EU) 2019/6. Such joint reporting shall be carried out at least every three years;	antimicrobials in human and veterinary medicine as well as on the situation as regards antimicrobial resistance in the Union based on contributions received by Member States, taking into account the reporting requirements and periodicity in Article 57 of Regulation (EU) 2019/6. Such joint reporting shall be carried out at least every three years;	antimicrobials in human and veterinary medicine as well as on the situation as regards antimicrobial resistance in the Union based on contributions received by Member States, taking into account the reporting requirements and periodicity in Article 57 of Regulation (EU) 2019/6. Such joint reporting shall be carried out at least every three years;	
Article 138(1), second subparagraph, point (y)				
1172	(y) adopting a decision granting, refusing or transferring an orphan designation;	(y) adopting a decision granting, refusing or transferring an orphan designation;	(y) adopting a decision granting, refusing ~~or~~ transferring **or extending the validity of** an orphan designation **in accordance with Articles 64- 66**;	

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Article 138(1), second subparagraph, point (z)				
1173	(z) adopting decisions on paediatric investigation plans, waivers and deferrals in relation to medicinal products;	(z) adopting decisions on paediatric investigation plans, waivers and deferrals in relation to medicinal products;	(z) adopting decisions on paediatric investigation plans**, their modifications**, waivers and deferrals in relation to medicinal products **in accordance with Articles 77, 78, 80-82 and 84 of the Regulation**;	
Article 138(1), second subparagraph, point (za)				
1174	(za) providing regulatory support and scientific advice for the development of orphan and paediatric medicinal products;	(za) providing regulatory support and scientific advice for the development of orphan and paediatric medicinal products;	(za) providing regulatory support and **coordinating** scientific advice for the development of orphan and paediatric medicinal products **in accordance with Articles 68 and 89**;	
Article 138(1), second subparagraph, point (zb)				

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1175	(zb) coordinating assessment of and certifying quality master files for medicinal products for human use as well as, where necessary, coordinating inspections of manufacturers applying for or holding a certificate for a quality master file;	(zb) coordinating assessment of and certifying quality master files for medicinal products for human use as well as, where necessary, coordinating inspections of manufacturers applying for or holding a certificate for a quality master file;	(zb) coordinating assessment of and certifying quality master files for medicinal products for human use as well as, where necessary, coordinating inspections of manufacturers applying for or holding a certificate for a quality master file;	
Article 138(1), second subparagraph, point (zc)				
1176	(zc) establishing a mechanism of consultation of authorities or bodies active along the life cycle of medicinal products for human use for exchange of information and pooling of knowledge on general issues of scientific or technical nature related to the tasks of the Agency;	(zc) establishing a mechanism of consultation of authorities or bodies active along the life cycle of medicinal products for human use for exchange of information and pooling of knowledge on general issues of scientific or technical nature related to the tasks of the Agency***, notably with the SoHO Coordination Board,***	(zc) establishing a mechanism of consultation of authorities or bodies active along the life cycle of medicinal products for human use for exchange of information and pooling of knowledge on general issues of scientific or technical nature related to the tasks of the Agency;	

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		Medical Devices Coordination Group, the Member State Coordination Group on Health Technology Assessment and national pricing and reimbursement authorities;		
Article 138(1), second subparagraph, point (zd)				
1177	(zd) developing coherent scientific assessment methodologies in the fields falling within its mission;	(zd) developing coherent scientific assessment methodologies in the fields falling within its mission;	(zd) developing coherent scientific assessment methodologies in the fields falling within its mission;	
Article 138(1), second subparagraph, point (ze)				
1178	(ze) cooperating with EU decentralised agencies and other scientific authorities and bodies established under Union law, notably the European Chemicals	(ze) cooperating with EU decentralised agencies and other scientific authorities and bodies established under Union law, notably the European Chemicals	(ze) cooperating with EU decentralised agencies and other scientific authorities and bodies established under Union law, notably the European Chemicals	

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	Agency, the European Food Safety Authority, the European Centre for Disease Prevention and Control and the European Environment Agency as regards the scientific assessment of relevant substances, exchange of data and information and development of coherent scientific methodologies, including replacing, reducing or refining animal testing, taking into account the specificities of the assessment of medicinal products;	Agency, the European Food Safety Authority, the European Centre for Disease Prevention and Control and the European Environment Agency as regards the scientific assessment of relevant substances, exchange of data and information and development of coherent scientific methodologies, including replacing, reducing or refining animal testing, ***and, where possible, prioritising replacement strategies such as non-animal in vitro and silico approaches,*** taking into account the specificities of the assessment of medicinal products;	Agency, the European Food Safety Authority, the European Centre for Disease Prevention and Control and the European Environment Agency as regards the scientific assessment of relevant substances, exchange of data and information and development of coherent scientific methodologies, including replacing, reducing or refining animal testing, taking into account the specificities of the assessment of medicinal products;	
Article 138(1), second subparagraph, point (zf)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1179	(zf) coordinating the monitoring and management of critical shortages of medicinal products included in the list referred to in Article 123(1);	(zf) coordinating the monitoring and management of critical shortages of medicinal products included in the list referred to in Article 123(1);	(zf) coordinating the monitoring and management of critical shortages of medicinal products included in the list referred to in Article 123(1);	
Article 138(1), second subparagraph, point (zg)				
1180	(zg) coordinating the identification and management of the Union list of critical medicinal products referred to in Article 131;	(zg) coordinating the identification and management of the Union list of critical medicinal products referred to in Article 131;	(zg) coordinating the identification and management of the Union list of critical medicinal products referred to in Article 131;	
Article 138(1), second subparagraph, point (zh)				
1181	(zh) supporting the working party referred to in Article 121(1), point (c), and the MSSG in their tasks in relation to critical shortages and critical medicines;	(zh) supporting the working party referred to in Article 121(1), point (c), and the MSSG in their tasks in relation to critical shortages and critical medicines;	(zh) supporting **the Commission and Member States in relation to critical shortages and critical medicines through** the working party referred to in Article 121(1), point (c), and the	

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			MSSG ~~in their tasks in relation to critical shortages and critical medicines~~;	
Article 138(1), second subparagraph, point (zi)				
1182	(zi) providing regulatory support and scientific advice for, and facilitate the development, validation and regulatory uptake of new-approach methodologies that replace the use of animals in testing;	(zi) providing regulatory support and scientific advice for, and facilitate the development, validation and regulatory uptake of new-approach methodologies that replace the use of animals in testing;	(zi) providing regulatory support and scientific advice for, and facilitate the development, validation and regulatory uptake of new-approach methodologies that replace the use of animals in testing;	
Article 138(1), second subparagraph, point (zj)				
1183	(zj) facilitating joint non-clinical studies between applicants and holders to avoid unnecessary duplication of tests using live animals;	(zj) facilitating joint non-clinical studies between applicants and holders to avoid unnecessary duplication of tests using live animals;	(zj) facilitating joint non-clinical studies between applicants and holders to avoid unnecessary duplication of tests using live animals;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 138(1), second subparagraph, point (zk)				
1184	(zk) facilitating data sharing of results from non-clinical studies on live animals;	(zk) facilitating data sharing of results from non-clinical studies on live animals;	(zk) facilitating data sharing of results from non-clinical studies on live animals;	
Article 138(1), second subparagraph, point (zl)				
1185	(zl) drawing up scientific guidelines to facilitate the implementation of the definitions established in this Regulation and in [revised Directive 2001/83], and for the environmental risk assessment of medicinal products for human use, in consultation with the Commission and the Member States.	(zl) drawing up scientific guidelines to facilitate the implementation of the definitions established in this Regulation and in [revised Directive 2001/83], and for the environmental risk assessment of medicinal products for human use, in consultation with the Commission and the Member States.	(zl) drawing up scientific guidelines to facilitate the implementation of the definitions established in this Regulation and in [revised Directive 2001/83], and for the environmental risk assessment of medicinal products for human use, in consultation with the Commission and the Member States.	
Article 138(1), second subparagraph, point (zla)				

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1185a		***(zla) where scientific guidelines are provided, the Agency shall ensure that such guidelines are kept up-to-date and based on the latest scientific developments.***		
Article 138(2), first subparagraph				
1186	2. The database provided for in paragraph 1, point (n), shall include all medicinal products for human use authorised in the Union together with the summaries of product characteristics, the package leaflet and the information shown on the labelling. Where relevant, it shall include the electronic links to the dedicated webpages where the marketing authorisation holders	2. The database provided for in paragraph 1, point (n), shall include all medicinal products for human use authorised in the Union together with the summaries of product characteristics, ***European product assessment reports, periodic safety update reports, where applicable documentation related to scientific advice received, environmental risk assessment reports,*** the package	2. The database provided for in paragraph 1, point (n), shall include all medicinal products for human use authorised in the Union together with the summaries of product characteristics, the package leaflet and the information shown on the labelling. Where relevant, it shall include the electronic links to the dedicated webpages where the marketing authorisation holders	

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	have reported the information pursuant to Article 40(4), point (b), and Article 57 of [revised Directive 2001/83/EC].	leaflet ~~*and*~~, the information shown on the labelling, ***awareness cards in the case of antimicrobials, post-marketing obligations related to the medicinal product, shortage prevention and, where relevant, mitigation plans, and information as to in which Member States the medicinal product is placed on the market and other documents deemed relevant by the Agency***. Where relevant, it shall include the electronic links to the dedicated webpages where the marketing authorisation holders have reported the information pursuant to Article 40(4), point (b), and Article 57 of [revised Directive 2001/83/EC].	have reported the information pursuant to ~~Article 40(4), point (b), and~~ Article 57 of [revised Directive 2001/83/EC] **and to Article 40(4), point (b)**.	

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Article 138(2), second subparagraph				
1187	For the purposes of the database, the Agency shall set up and maintain a list of all medicinal products for human use authorised in the Union. To this effect:	For the purposes of the database, the Agency shall set up and maintain a list of all medicinal products for human use authorised in the Union. To this effect:	For the purposes of the database, the Agency shall set up and maintain a list of all medicinal products for human use authorised in the Union. To this effect:	
Article 138(2), second subparagraph, point (a)				
1188	(a) the Agency shall make public a format for the electronic submission of information on medicinal products for human use;	(a) the Agency shall make public a format for the electronic submission of information on medicinal products for human use;	(a) the Agency shall make public a format for the electronic submission of information on medicinal products for human use;	
Article 138(2), second subparagraph, point (b)				
1189	(b) marketing authorisation holders shall electronically submit to the Agency information on all medicinal products for human use	(b) marketing authorisation holders shall electronically submit to the Agency information on all medicinal products for human use	(b) marketing authorisation holders shall electronically submit to the Agency information on all medicinal products for human use	

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	authorised in the Union and shall inform the Agency of any new or varied marketing authorisations granted in the Union, using the format referred to in point (a).	authorised in the Union and shall inform the Agency of any new or varied marketing authorisations granted in the Union, using the format referred to in point (a).	authorised in the Union and shall inform the Agency of any new or varied marketing authorisations granted in the Union, using the format referred to in point (a).	
Article 138(2), second subparagraph, point (ba)				
1189a		***(ba) marketing authorisation holders shall electronically submit to the Agency information concerning in which Member States the medical products for human use authorised in the Union have been placed on the market.***		
Article 138(2), second subparagraph a				
1189b			**If a competent authority of a Member State identifies**	

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			incorrect data in the database against the data they keep regarding medicinal products authorised according to [revised Directive 2001/83/EC], it shall inform the Agency.	
Article 138(2), third subparagraph				
1190	Where appropriate, the database shall also include references to clinical trials currently being carried out or already completed, contained in the clinical trials database provided for in Article 81 of Regulation (EU) No 536/2014.	Where ~~*appropriate*~~***applicable***, the database shall also include references to clinical trials currently being carried out or already completed, contained in the clinical trials database provided for in Article 81 of Regulation (EU) No 536/2014.	Where appropriate, the database shall also include references to clinical trials currently being carried out or already completed, contained in the clinical trials database provided for in Article 81 of Regulation (EU) No 536/2014.	
Article 138(2), third subparagraph a				

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1190a			**The Commission is empowered to adopt delegated acts in accordance with Article 175, to supplement this Regulation by adding further information contained in the database, as well as by specifying the rules of updating and maintaining the data in the database. When adopting the delegated act, the Commission shall take into account internationally recognised standards.**	
Article 139				
1191	Article 139 Coherence of scientific opinions with other Union bodies	Article 139 Coherence of scientific opinions with other Union bodies	Article 139 Coherence of scientific opinions with other Union bodies	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 139(1)				
1192	1. The Agency shall take the necessary and appropriate measures to monitor and identify at an early stage any potential source of divergence between its scientific opinions and the scientific opinions issued by other Union bodies and agencies carrying out similar tasks in relation to issues of common concern.	1. The Agency shall take the necessary and appropriate measures to monitor and identify at an early stage any potential source of divergence between its scientific opinions and the scientific opinions issued by other Union bodies and agencies carrying out similar tasks in relation to issues of common concern.	1. The Agency shall take the necessary and appropriate measures to monitor and identify at an early stage any potential source of divergence between its scientific opinions and the scientific opinions issued by other Union bodies ~~and~~**,** agencies **or scientific committees** carrying out similar tasks in relation to issues of common concern.	
Article 139(2)				
1193	2. Where the Agency identifies a potential source of divergence, it shall contact the body or agency in question to ensure that all relevant scientific	2. Where the Agency identifies a potential source of divergence, it shall contact the body or agency in question to ensure that all relevant scientific	2. Where the Agency identifies a potential source of divergence, it shall contact the **Union body,**~~body or~~ agency **or scientific committee** in question	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	or technical information is shared and in order to identify potentially contentious scientific or technical issues.	or technical information is shared and in order to identify potentially contentious scientific or technical issues.	to ensure that all relevant scientific or technical information is shared and in order to identify potentially contentious scientific or technical issues.	
Article 139(3)				
1194	3. Where a substantive divergence over scientific or technical issues is identified and the body concerned is a Union Agency or a scientific committee, the Agency and the body concerned shall cooperate to resolve the divergence, and inform the Commission without undue delay.	3. Where a substantive divergence over scientific or technical issues is identified and the body concerned is a Union Agency or a scientific committee, the Agency and the body concerned shall cooperate to resolve the divergence, and inform the Commission without undue delay.	3. Where a substantive divergence over scientific or technical issues is identified and the body concerned is a Union **Body or** Agency or a scientific committee, the Agency and the body **or scientific committee** concerned shall cooperate to resolve the divergence, and inform the Commission without undue delay **and the Commission shall facilitate to resolve the divergence in question**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 139(4)				
1195	4. The Commission may ask the Agency to conduct an assessment as regards specifically the use of the substance concerned in medicinal products. The Agency shall make public its assessment stating clearly the reasons for its specific scientific conclusions.	4. The Commission may ask the Agency to conduct an assessment as regards specifically the use of the substance concerned in medicinal products. The Agency shall make public its assessment stating clearly the reasons for its specific scientific conclusions.	4. The Commission may ask the Agency to conduct an assessment as regards specifically the use of the substance concerned in medicinal products **and in veterinary medicinal products**. The Agency shall make public its assessment stating clearly the reasons for its specific scientific conclusions.	
Article 139(5), first subparagraph				
1196	5. To enable coherence between scientific opinions and to avoid duplication of tests, the Agency shall make arrangements with other bodies or agencies established under Union law for	5. To enable coherence between scientific opinions and to avoid duplication of tests, the Agency shall make arrangements with other bodies or agencies established under Union law for	5. To enable coherence between scientific opinions and to avoid duplication of tests, the Agency shall make arrangements with other bodies or agencies established **or designated** under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cooperation on scientific assessments and methodologies. The Agency shall also make arrangements for the exchange of data and information on relevant substances with the Commission, Member States' authorities and other Union Agencies, in particular for environmental risk assessments, non-clinical studies and maximum residue limits.	cooperation on scientific assessments and methodologies. The Agency shall also make arrangements for the exchange of data and information on relevant substances with the Commission, Member States' authorities and other Union Agencies, in particular for environmental risk assessments, non-clinical studies and maximum residue limits.	Union law for cooperation on scientific assessments and methodologies. The Agency shall also make arrangements for the exchange of data and information on relevant substances with the Commission, Member States' authorities and other Union Agencies, in particular for environmental risk assessments, non-clinical studies and**, when applicable,** maximum residue limits.	
Article 139(5), second subparagraph				
1197	These arrangements shall seek to ensure that exchanges of data and information are made available in electronic formats and shall protect the commercially	These arrangements shall seek to ensure that exchanges of data and information are made available in electronic formats and shall protect the commercially	These arrangements shall seek to ensure that exchanges of data and information are made available in electronic formats and shall protect the commercially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	confidential nature of the information exchanged and be without prejudice to the provisions on regulatory protection.	confidential nature of the information exchanged and be without prejudice to the provisions on regulatory protection.	confidential nature of the information exchanged and be without prejudice to the provisions on regulatory protection.	
Article 140				
1198	Article 140 Scientific opinions in the context of international collaboration	Article 140 Scientific opinions in the context of international collaboration	Article 140 Scientific opinions in the context of international collaboration	
Article 140(1)				
1199	1. The Agency may give a scientific opinion, in particular in the context of cooperation with the World Health Organization, for the evaluation of certain medicinal products for human use intended for markets outside the Union. For this purpose, an application shall	1. The Agency may give a scientific opinion, in particular in the context of cooperation with the World Health Organization, for the evaluation of certain medicinal products for human use intended for markets outside the Union. For this purpose, an application shall	1. The Agency may give a scientific opinion, in particular in the context of cooperation with the World Health Organization, for the evaluation of certain medicinal products for human use intended for markets outside the Union. For this purpose, an application shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be submitted to the Agency in accordance with the provisions of Article 6. Such application may be submitted and assessed together with a marketing authorisation application or any subsequent variation for the EU. The Agency may, after consulting the World Health Organization, and as appropriate other relevant organisations, draw up a scientific opinion in accordance with Articles 6, 10 and 12. The provisions of Article 13 shall not apply.	be submitted to the Agency in accordance with the provisions of Article 6. Such application may be submitted and assessed together with a marketing authorisation application or any subsequent variation for the EU. The Agency may, after consulting the World Health Organization, and as appropriate other relevant organisations, draw up a scientific opinion in accordance with Articles 6, 10 and 12. The provisions of Article 13 shall not apply.	be submitted to the Agency in accordance with the provisions of Article 6. Such application may be submitted and assessed together with a marketing authorisation application or any subsequent variation for the EU. The Agency may, after consulting the World Health Organization, and as appropriate other relevant organisations, draw up a scientific opinion in accordance with Articles 6, 10 and 12. The provisions of Article 13 shall not apply.	
Article 140(2)				
1200	2. The Agency shall establish specific procedural rules for the implementation of	2. The Agency shall establish specific procedural rules for the implementation of	2. The Agency shall establish specific procedural rules for the implementation of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, as well as for the provision of scientific advice.	paragraph 1, as well as for the provision of scientific advice.	paragraph 1, as well as for the provision of scientific advice.	
Article 141				
1201	Article 141 International regulatory cooperation	Article 141 International regulatory cooperation	Article 141 International regulatory cooperation	
Article 141(1), first subparagraph				
1202	1. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the institutions of the Union, the Agency may cooperate with the competent authorities of third	1. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the institutions of the Union, the Agency may cooperate with the competent authorities of third	1. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the institutions of the Union, the Agency may cooperate with the competent authorities of third	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	countries and/or with international organisations.	countries and/or with international organisations.	countries and/or with international organisations.	
Article 141(1), second subparagraph				
1203	To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries and international organisations, with regard to:	To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries and international organisations, with regard to:	To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries and international organisations, with regard to:	
Article 141(1), second subparagraph, point (a)				
1204	(a) the exchange of information, including non-public information, where relevant jointly with the Commission;	(a) the exchange of information, including non-public information, where relevant jointly with the Commission;	(a) the exchange of information, including non-public information, where relevant jointly with the Commission;	
Article 141(1), second subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1205	(b) sharing of scientific resources and expertise, with a view to facilitating collaboration, while maintaining independent assessment in full compliance with the provisions of this Regulation and [revised Directive 2001/83/EC] and under conditions determined beforehand by the Management Board, in agreement with the Commission;	(b) sharing of scientific resources and expertise, with a view to facilitating collaboration, while maintaining independent assessment in full compliance with the provisions of this Regulation and [revised Directive 2001/83/EC] and under conditions determined beforehand by the Management Board, in agreement with the Commission;	(b) sharing of scientific resources and expertise, with a view to facilitating collaboration, while maintaining independent assessment in full compliance with the provisions of this Regulation and [revised Directive 2001/83/EC] and under conditions determined beforehand by the Management Board, in agreement with the Commission;	
Article 141(1), second subparagraph, point (c)				
1206	(c) the participation in certain aspects of the Agency's work, under conditions determined beforehand by the Management Board, in agreement with the Commission.	(c) the participation in certain aspects of the Agency's work, under conditions determined beforehand by the Management Board, in agreement with the Commission.	(c) the participation in certain aspects of the Agency's work, under conditions determined beforehand by the Management Board, in agreement with the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 141(1), third subparagraph				
1207	These arrangements shall not create legal obligations incumbent on the Union and its Member States.	These arrangements shall not create legal obligations incumbent on the Union and its Member States.	These arrangements shall not create legal obligations incumbent on the Union and its Member States.	
Article 141(2)				
1208	2. The Agency shall ensure that it is not seen as representing the Union position to an outside audience or as committing the Union to international cooperation.	2. The Agency shall ensure that it is not seen as representing the Union position to an outside audience or as committing the Union to international cooperation.	2. **The arrangements and cooperation carried out by** the Agency shall ~~ensure that it is not seen as~~**not amount to** representing ~~the~~**a** Union position to an outside audience or as **to** committing the Union to international cooperation.	
Article 141(3)				
1209	3. The Commission may, in agreement with the Management	3. The Commission may, in agreement with the Management	3. The Commission may, in agreement with the Management	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Board and the relevant committee, invite representatives of international organisations with an interest in the harmonisation of technical requirements applicable to medicinal products for human use and to veterinary medicinal products to participate as observers in the work of the Agency. The conditions for participation shall be determined in advance by the Commission.	Board and the relevant committee, invite representatives of international organisations with an interest in the harmonisation of technical requirements applicable to medicinal products for human use and to veterinary medicinal products to participate as observers in the work of the Agency. The conditions for participation shall be determined in advance by the Commission.	Board and the relevant committee, invite representatives of international organisations with an interest in the harmonisation of technical requirements applicable to medicinal products for human use and to veterinary medicinal products to participate as observers in the work of the Agency. The conditions for participation shall be determined in advance by the Commission.	
Section 2				
1210	Section 2 Structure and operation	Section 2 Structure and operation	Section 2 Structure and operation	
Article 142				
1211	Article 142	Article 142	Article 142	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Administrative and management structure	Administrative and management structure	Administrative and management structure	
Article 142, first paragraph				
1212	The Agency shall comprise:	The Agency shall comprise:	The Agency shall comprise:	
Article 142, first paragraph, point (a)				
1213	(a) a Management Board, which shall exercise the functions set out in Articles 143, 144 and 154.	(a) a Management Board, which shall exercise the functions set out in Articles 143, 144 and 154.	(a) a Management Board, which shall exercise the functions set out in Articles 143, 144 and 154.	
Article 142, first paragraph, point (b)				
1214	(b) an Executive Director, who shall exercise the responsibilities set out in Article 145;	(b) an Executive Director, who shall exercise the responsibilities set out in Article 145;	(b) an Executive Director, who shall exercise the responsibilities set out in Article 145;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 142, first paragraph, point (c)				
1215	(c) a Deputy Executive Director who shall exercise the responsibilities set out in Article 145(7);	(c) a Deputy Executive Director who shall exercise the responsibilities set out in Article 145(7);	(c) a Deputy Executive Director who shall exercise the responsibilities set out in Article 145(7);	
Article 142, first paragraph, point (d)				
1216	(d) the Committee for Medicinal Products for Human Use;	(d) the Committee for Medicinal Products for Human Use;	(d) the Committee for Medicinal Products for Human Use;	
Article 142, first paragraph, point (e)				
1217	(e) the Pharmacovigilance Risk Assessment Committee;	(e) the Pharmacovigilance Risk Assessment Committee;	(e) the Pharmacovigilance Risk Assessment Committee;	
Article 142, first paragraph, point (f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1218	(f) the Committee for Veterinary Medicinal Products set up pursuant to Article 139(1) of Regulation (EU) 2019/6;	(f) the Committee for Veterinary Medicinal Products set up pursuant to Article 139(1) of Regulation (EU) 2019/6;	(f) the Committee for Veterinary Medicinal Products set up pursuant to Article 139(1) of Regulation (EU) 2019/6;	
Article 142, first paragraph, point (g)				
1219	(g) the Herbal Medicinal Products working group set up pursuant to Article 141 of [revised Directive 2001/83/EC];	(g) the Herbal Medicinal Products working group set up pursuant to Article 141 of [revised Directive 2001/83/EC];	(g) the Herbal Medicinal Products working group set up pursuant to Article 141 of [revised Directive 2001/83/EC];	
Article 142, first paragraph, point (h)				
1220	(h) the Emergency task force set up pursuant to Article 15 of Regulation (EU) 2022/123;	(h) the Emergency task force set up pursuant to Article 15 of Regulation (EU) 2022/123;	(h) the Emergency task force set up pursuant to Article 15 of Regulation (EU) 2022/123;	
Article 142, first paragraph, point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1221	(i) the MSSG set up pursuant to Article 3 of Regulation (EU) 2022/123;	(i) the MSSG set up pursuant to Article 3 of Regulation (EU) 2022/123;	(i) the **Medicines Shortages Steering Group (MSSG)**~~MSSG~~ set up pursuant to Article 3 of Regulation (EU) 2022/123;	
Article 142, first paragraph, point (j)				
1222	(j) the Medical Device Shortages Steering Group, set up pursuant to Article 21 of Regulation (EU) 2022/123;	(j) the Medical Device Shortages Steering Group, set up pursuant to Article 21 of Regulation (EU) 2022/123;	(j) the Medical Device Shortages Steering Group, set up pursuant to Article 21 of Regulation (EU) 2022/123;	
Article 142, first paragraph, point (k)				
1223	(k) the inspection working group;	(k) the inspection working group;	(k) the inspection working group;	
Article 142, first paragraph, point (l)				
1224	(l) a Secretariat, which shall provide technical, scientific and	(l) a Secretariat, which shall provide technical, scientific and	(l) a Secretariat, which shall provide technical, scientific and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	administrative support to all bodies of the Agency and ensure appropriate coordination between them, and which shall provide technical and administrative support for the coordination group referred to in Article 37 of [revised Directive 2001/83/EC] and ensure appropriate coordination between it and the Committees. It shall also undertake the work required of the Agency under the procedures for the assessment and preparations of decisions for paediatric investigation plans, waivers, deferrals or orphan designations.	administrative support to all bodies of the Agency and ensure appropriate coordination between them, and which shall provide technical and administrative support for the coordination group referred to in Article 37 of [revised Directive 2001/83/EC] and ensure appropriate coordination between it and the Committees. It shall also ***ensure the implementation of all transparency commitments and*** undertake the work required of the Agency under the procedures for the assessment and preparations of decisions for paediatric investigation plans, waivers, deferrals or orphan designations.	administrative support to all bodies of the Agency and ensure appropriate coordination between them, and which shall provide technical and administrative support for the coordination group referred to in Article 37 of [revised Directive 2001/83/EC] and **for the coordination group referred to in Article 142 of Regulation (EU) 2019/6 and** ensure appropriate coordination between it and the Committees. It shall also undertake the work required of the Agency under the procedures for the assessment and preparations of decisions for paediatric investigation plans, waivers, deferrals or orphan designations.	
Article 143				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1225	Article 143 Management Board	Article 143 Management Board	Article 143 Management Board	
Article 143(1), first subparagraph				
1226	1. The Management Board shall be composed of one representative from each Member State, two representatives of the Commission and two representatives of the European Parliament, all with voting rights.	1. The Management Board shall be composed of one representative from each Member State, two representatives of the Commission and two representatives of the European Parliament, all with voting rights.	1. The Management Board shall be composed of one representative from each Member State, two representatives of the Commission and two representatives of the European Parliament, all with voting rights.	
Article 143(1), second subparagraph				
1227	In addition, two representatives of patients' organisations, one representative of doctors' organisations and one representative of veterinarians'	In addition, two representatives of patients' organisations, one representative of doctors' ***organisations, one representative of pharmacists'*** organisations and	In addition, two representatives of patients' organisations, one representative of ~~doctors'~~**healthcare professionals'** organisations and one	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	organisations, all with voting rights, shall be appointed by the Council in consultation with the European Parliament on the basis of a list drawn up by the Commission which includes appreciably more names than there are posts to be filled. The list drawn up by the Commission shall be forwarded to the European Parliament, together with the relevant background documents. As quickly as possible, and at the latest within three months of notification, the European Parliament may submit its views for consideration to the Council, which shall then appoint these representatives to the Management Board.	one representative of veterinarians' organisations, all with voting rights, shall be appointed by the Council in consultation with the European Parliament on the basis of a list drawn up by the Commission which includes appreciably more names than there are posts to be filled. The list drawn up by the Commission shall be forwarded to the European Parliament, together with the relevant background documents. As quickly as possible, and at the latest within three months of notification, the European Parliament may submit its views for consideration to the Council, which shall then appoint these representatives to the Management Board.	representative of veterinarians' organisations, all with voting rights, shall be appointed by the Council in consultation with the European Parliament on the basis of a list drawn up by the Commission which includes appreciably more names than there are posts to be filled. The list drawn up by the Commission shall be forwarded to the European Parliament, together with the relevant background documents. As quickly as possible, and at the latest within three months of notification, the European Parliament may submit its views for consideration to the Council, which shall then appoint these representatives to the Management Board.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 143(1), third subparagraph				
1228	The members of the Management Board shall be appointed in such a way as to guarantee the highest levels of specialist qualifications, a broad spectrum of relevant expertise and the broadest possible geographic spread within the European Union.	The members of the Management Board shall be appointed in such a way as to guarantee the highest levels of specialist qualifications, a broad spectrum of relevant expertise and the broadest possible geographic spread within the European Union.	The members of the Management Board shall be appointed in such a way as to guarantee the highest levels of specialist qualifications, a broad spectrum of relevant expertise and the broadest possible geographic spread within the European Union.	
Article 143(2), first subparagraph				
1229	2. Members of the Management Board and their alternates shall be appointed on the basis of their knowledge, recognised experience and commitment in the field of medicinal products for human or veterinary use, taking into account	2. Members of the Management Board and their alternates shall be appointed on the basis of their knowledge, recognised experience and commitment in the field of medicinal products for human or veterinary use, taking into account	2. Members of the Management Board and their alternates shall be appointed on the basis of their knowledge, recognised experience and commitment in the field of medicinal products for human or veterinary use, taking into account	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relevant managerial, administrative and budgetary expertise [which are to be used to further the objectives of this Regulation].	relevant managerial, administrative and budgetary expertise [which are to be used to further the objectives of this Regulation].	relevant managerial, administrative and budgetary expertise [which are to be used to further the objectives of this Regulation].	
Article 143(2), second subparagraph				
1230	All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the work of the Management Board. All parties shall aim to achieve a balanced representation between men and women on the Management Board.	All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the work of the Management Board. All parties shall aim to achieve a ***gender*** balanced representation ~~***between men and women***~~ on the Management Board.	All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the work of the Management Board. All parties shall aim to achieve a balanced representation between men and women on the Management Board.	
Article 143(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1231	3. Each Member State and the Commission shall appoint their members of the Management Board as well as an alternate who will replace the member in their absence and vote on their behalf.	3. Each Member State and the Commission shall appoint their members of the Management Board as well as an alternate who will replace the member in their absence and vote on their behalf.	3. Each Member State and the Commission shall appoint their members of the Management Board as well as an alternate who will replace the member in their absence and vote on their behalf.	
Article 143(4)				
1232	4. The term of office for members and their alternates shall be four years. That term shall be extendable.	4. The term of office for members and their alternates shall be four years. That term shall be extendable ***once consecutively***.	4. The term of office for members and their alternates shall be four years. That term shall be extendable.	
Article 143(4a)				
1232a		***4a. Representatives from patients' organisations serving as members or alternate members on scientific committees shall be eligible for reimbursement of***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		expenses incurred in the execution of their duties as representatives, financed through the Agency budget, in accordance with the financial rules applicable to the Agency.		
Article 143(5), first subparagraph				
1233	5. The Management Board shall elect a chairperson and a Deputy chairperson from among its members.	5. The Management Board shall elect a chairperson and a Deputy chairperson from among its members.	5. The Management Board shall elect a chairperson and a Deputy chairperson from among its members.	
Article 143(5), second subparagraph				
1234	The chairperson and the Deputy chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.	The chairperson and the Deputy chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.	The chairperson and the Deputy chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 143(5), third subparagraph				
1235	The Deputy chairperson shall automatically replace the chairperson if they are prevented from attending to their duties.	The Deputy chairperson shall automatically replace the chairperson if they are prevented from attending to their duties.	The Deputy chairperson shall automatically replace the chairperson if they are prevented from attending to their duties.	
Article 143(5), fourth subparagraph				
1236	The term of office of the chairperson and the deputy chairperson shall be four years. The term of office may be renewed once. If however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.	The term of office of the chairperson and the deputy chairperson shall be four years. The term of office may be renewed once. If however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.	The term of office of the chairperson and the deputy chairperson shall be four years. The term of office may be renewed once. If however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.	
Article 143(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1237	6. Without prejudice to paragraph 5 and Article 144, points (e) and (g), the Management Board shall take decisions by absolute majority of its members with voting rights.	6. Without prejudice to paragraph 5 and Article 144, points (e) and (g), the Management Board shall take decisions by absolute majority of its members with voting rights.	6. Without prejudice to paragraph 5 and Article 144, points (e) and (g), the Management Board shall take decisions by absolute majority of its members with voting rights.	
Article 143(7)				
1238	7. The Management Board shall adopt its rules of procedure.	7. The Management Board shall adopt its rules of procedure.	7. The Management Board shall adopt its rules of procedure.	
Article 143(8)				
1239	8. The Management Board may invite the chairpersons of the scientific committees to attend its meetings, but they shall not have the right to vote.	8. The Management Board may invite the chairpersons of the scientific committees to attend its meetings, but they shall not have the right to vote.	8. The Management Board may invite the chairpersons of the scientific committees to attend its meetings, but they shall not have the right to vote.	
Article 143(9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1240	9. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.	9. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.	9. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.	
Article 143(10)				
1241	10. The Management Board shall approve the annual work programme of the Agency programme and forward it to the European Parliament, the Council, the Commission and the Member States.	10. The Management Board shall approve the annual work programme of the Agency programme and forward it to the European Parliament, the Council, the Commission and the Member States.	10. The Management Board shall approve the annual work programme of the Agency programme and forward it to the European Parliament, the Council, the Commission and the Member States.	
Article 143(11)				
1242	11. The Management Board shall adopt the annual report on the Agency's activities and forward it by 15 June at the latest	11. The Management Board shall adopt the annual report on the Agency's activities and forward it by 15 June at the latest	11. The Management Board shall adopt the annual report on the Agency's activities and forward it by 15 June **of each year**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the European Parliament, the Council, the Commission, the European Economic and Social Committee, the Court of Auditors and the Member States.	to the European Parliament, the Council, the Commission, the European Economic and Social Committee, the Court of Auditors and the Member States.	at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee, the Court of Auditors and the Member States.	
Article 144				
1243	Article 144 Tasks of the Management Board	Article 144 Tasks of the Management Board	Article 144 Tasks of the Management Board	
Article 144, first paragraph				
1244	The Management Board shall:	The Management Board shall:	The Management Board shall:	
Article 144, first paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1245	(a) give the general orientations for the Agency's activities;	(a) give the general orientations for the Agency's activities;	(a) give the general orientations for the Agency's activities;	
Article 144, first paragraph, point (b)				
1246	(b) adopt an opinion on the rules of procedures of the Committee for Medicinal Products for Human Use (Article 148) and the Committee for Veterinary Medicinal Products (Article 139 of Regulation (EU) 2019/6);	(b) adopt an opinion on the rules of procedures of the Committee for Medicinal Products for Human Use (Article 148) and the Committee for Veterinary Medicinal Products (Article 139 of Regulation (EU) 2019/6);	(b) adopt an opinion on the rules of procedures of the Committee for Medicinal Products for Human Use (Article 148) and the Committee for Veterinary Medicinal Products (Article 139 of Regulation (EU) 2019/6);	
Article 144, first paragraph, point (c)				
1247	(c) adopt procedures for the performance of scientific services regarding medicinal products for human use (Article 152);	(c) adopt procedures for the performance of scientific services regarding medicinal products for human use (Article 152);	(c) adopt procedures for the performance of scientific services regarding medicinal products for human use (Article 152);	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 144, first paragraph, point (d)				
1248	(d) appoint the Executive Director, and where relevant extend their term of office or remove them from office, in accordance with Article 145;	(d) appoint the Executive Director, and where relevant extend their term of office or remove them from office, in accordance with Article 145;	(d) appoint the **Executive Director and the Deputy** Executive Director, and where relevant ~~extend~~**renew** their term of office or remove them from office, in accordance with Article 145;	
Article 144, first paragraph, point (e)				
1249	(e) adopt yearly the Agency's draft single programming document before its submission to the Commission for its opinion, and the Agency's single programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 154;	(e) adopt yearly the Agency's draft single programming document before its submission to the Commission for its opinion, and the Agency's single programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 154;	(e) adopt yearly the Agency's draft single programming document before its submission to the Commission for its opinion, and the Agency's single programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 154;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 144, first paragraph, point (f)				
1250	(f) assess and adopt a consolidated annual activity report on the Agency's activities and send it by 1 July each year to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;	(f) assess and adopt a consolidated annual activity report on the Agency's activities and send it by 1 July each year to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;	(f) assess and adopt a consolidated annual activity report on the Agency's activities and send it by 1 July **of** each year to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;	
Article 144, first paragraph, point (g)				
1251	(g) adopt the annual budget of the Agency by a majority of two-thirds of the members entitled to vote and in accordance with Article 154;	(g) adopt the annual budget of the Agency by a majority of two-thirds of the members entitled to vote and in accordance with Article 154;	(g) adopt the annual budget of the Agency by a majority of two-thirds of the members entitled to vote and in accordance with Article 154;	
Article 144, first paragraph, point (h)				

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1252	(h) adopt the financial rules applicable to the Agency in accordance with Article 155;	(h) adopt the financial rules applicable to the Agency in accordance with Article 155;	(h) adopt the financial rules applicable to the Agency in accordance with Article 155;	
Article 144, first paragraph, point (i)				
1253	(i) exercise, with respect to the staff of the Agency, the powers conferred by Regulation No 31 by the Council of the European Economic Community, and Regulation No 11 and by the Council of the European Atomic Energy Community ('Staff Regulations' and 'Conditions of Employment of Other Servants')[1] on the Appointing Authority and on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers');	(i) exercise, with respect to the staff of the Agency, the powers conferred by Regulation No 31 by the Council of the European Economic Community, and Regulation No 11 and by the Council of the European Atomic Energy Community ('Staff Regulations' and 'Conditions of Employment of Other Servants')[1] on the Appointing Authority and on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers');	(i) exercise, with respect to the staff of the Agency, the powers conferred by Regulation No 31 by the Council of the European Economic Community, and Regulation No 11 and by the Council of the European Atomic Energy Community ('Staff Regulations' and 'Conditions of Employment of Other Servants')[1] on the Appointing Authority and on the Authority Empowered to Conclude a Contract of Employment ('the appointing authority powers');	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	___________ 1. Regulation No 31 (EEC), 11 (EAEC) by the Council of the European Economic Community and by the Council of the European Atomic Energy Community, laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385).	___________ 1. Regulation No 31 (EEC), 11 (EAEC) by the Council of the European Economic Community and by the Council of the European Atomic Energy Community, laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385).	___________ 1. Regulation No 31 (EEC), 11 (EAEC) by the Council of the European Economic Community and by the Council of the European Atomic Energy Community, laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385).	
Article 144, first paragraph, point (j)				
1254	(j) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;	(j) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;	(j) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;	
Article 144, first paragraph, point (k)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1255	(k) develop contacts with stakeholders and stipulate the conditions applicable as mentioned in Article 163;	(k) develop contacts with stakeholders and stipulate the conditions applicable as mentioned in Article 163;	(k) develop contacts with stakeholders and stipulate the conditions applicable as mentioned in Article 163;	
Article 144, first paragraph, point (l)				
1256	(l) adopt an anti-fraud strategy, proportionate to risks of fraud taking into account the costs and benefits of the measures to be implemented;	(l) adopt an anti-fraud strategy, proportionate to risks of fraud taking into account the costs and benefits of the measures to be implemented;	(l) adopt an anti-fraud strategy, proportionate to risks of fraud taking into account the costs and benefits of the measures to be implemented;	
Article 144, first paragraph, point (m)				
1257	(m) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European	(m) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European	(m) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Anti-fraud Office ('OLAF') and the European Public Prosecutor's Office ('EPPO');	Anti-fraud Office ('OLAF') and the European Public Prosecutor's Office ('EPPO');	Anti-fraud Office ('OLAF') and the European Public Prosecutor's Office ('EPPO');	
Article 144, first paragraph, point (n)				
1258	(n) adopt rules to ensure the availability to the public of information concerning the authorisation or supervision of medicinal products for human use as mentioned in Article 166;	(n) adopt rules to ensure the availability to the public of information concerning the authorisation or supervision of medicinal products for human use as mentioned in Article 166;	(n) adopt rules to ensure the availability to the public of information concerning the authorisation or supervision of medicinal products for human use ~~as mentioned in Article 166~~;	
Article 144, first paragraph, point (o)				
1259	(o) adopt an efficiency gains and synergies strategy;	(o) adopt an efficiency gains and synergies strategy;	(o) adopt an efficiency gains and synergies strategy;	
Article 144, first paragraph, point (p)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1260	(p) adopt a strategy for cooperation with third countries or international organisations;	(p) adopt a strategy for cooperation with third countries or international organisations;	(p) adopt a strategy for cooperation with third countries or international organisations **within the limits of the Agency's mandate**;	
Article 144, first paragraph, point (q)				
1261	(q) adopt a strategy for the organisational management and internal control systems.	(q) adopt a strategy for the organisational management and internal control systems.	(q) adopt **and implement** a strategy for the organisational management and internal control systems~~.~~ **including on the operation of the Committees, scientific working parties and scientific advisory groups in relation to efficiency as well as scientific expertise and geographic representation of experts;**	
Article 144, first paragraph, point (qa)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1261a			**(qa) assess and adopt a report regarding of the performance of the strategy referred in point q in every three years following the entry into application of this Regulation. The report shall, amongst others, contain quantitative data on the involvement of scientific expertise related to marketing authorisation application assessment and the provision of regulatory and scientific advice for paediatric and orphan medicinal products, ATMPs and evaluation of environmental risks assessment as well as on the work-share and task distribution between experts nominated by the national**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			competent authorities and external experts.	
Article 144, second paragraph				
1262	The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which that delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.	The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which that delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.	The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and **Deputy Executive Director and** defining the conditions under which that delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.	

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Article 144, third paragraph				
1263	Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.	Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.	Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.	
Article 145				
1264	Article 145 Executive Director	Article 145 Executive Director	Article 145 Executive Director	
Article 145(1)				

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1265	1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2, point (a), of the Conditions of Employment of Other Servants.	1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2, point (a), of the Conditions of Employment of Other Servants.	1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2, point (a), of the Conditions of Employment of Other Servants.	
Article 145(2), first subparagraph				
1266	2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission following an open and transparent selection procedure.	2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission following an open and transparent selection procedure.	2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission following an open and transparent selection procedure.	
Article 145(2), second subparagraph				
1267	For the purpose of concluding the contract with the Executive Director, the Agency shall be	For the purpose of concluding the contract with the Executive Director, the Agency shall be	For the purpose of concluding the contract with the Executive Director, the Agency shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	represented by the Chairperson of the Management Board.	represented by the Chairperson of the Management Board.	represented by the Chairperson of the Management Board.	
Article 145(2), third subparagraph				
1268	Before appointment, the candidate nominated by the Management Board shall be immediately invited to make a statement to the European Parliament and to answer any questions put by its Members.	Before appointment, the candidate nominated by the Management Board shall be immediately invited to make a statement to the European Parliament and to answer any questions put by its Members.	Before appointment, the candidate nominated by the Management Board shall be immediately invited to make a statement to the European Parliament and to answer any questions put by its Members.	
Article 145(3)				
1269	3. The term of office of the Executive Director shall be five years. By the end of that period the Commission shall undertake an assessment that takes into account an evaluation of the Executive	3. The term of office of the Executive Director shall be five years. By the end of that period the Commission shall undertake an assessment that takes into account an evaluation of the Executive	3. The term of office of the Executive Director shall be five years. By the end of that period the Commission shall undertake an assessment that takes into account an evaluation of the Executive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Director's performance and the Agency's future tasks and challenges.	Director's performance and the Agency's future tasks and challenges.	Director's performance and the Agency's future tasks and challenges.	
Article 145(4), first subparagraph				
1270	4. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.	4. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.	4. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.	
Article 145(4), second subparagraph				
1271	An Executive Director whose term of office has been extended may not participate in another selection	An Executive Director whose term of office has been extended may not participate in another selection	An Executive Director whose term of office has been extended may not participate in another selection	

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	procedure for the same post at the end of the overall period.	procedure for the same post at the end of the overall period.	procedure for the same post at the end of the overall period.	
Article 145(5)				
1272	5. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.	5. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.	5. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.	
Article 145(6)				
1273	6. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.	6. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.	6. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 145(7)				
1274	7. The Executive Director will be assisted by a Deputy Executive Director. If the Executive Director is absent or indisposed, the Deputy Executive Director shall take their place.	7. The Executive Director will be assisted by a Deputy Executive Director. If the Executive Director is absent or indisposed, the Deputy Executive Director shall take their place.	7. The Executive Director will be assisted by a Deputy Executive Director. If the Executive Director is absent or indisposed, the Deputy Executive Director shall take their place.	
Article 145(8)				
1275	8. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board. Without prejudice to the powers of the Commission and of the Management Board, the Executive Director shall be independent in the performance of their duties and shall neither seek	8. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board. Without prejudice to the powers of the Commission and of the Management Board, the Executive Director shall be independent in the performance of their duties and shall neither seek	8. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board. Without prejudice to the powers of the Commission and of the Management Board, the Executive Director shall be independent in the performance of their duties and shall neither seek	

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	nor take instructions from any government or from any other body.	nor take instructions from any government or from any other body.	nor take instructions from any government or from any other body.	
Article 145(9)				
1276	9. The Executive Director shall report to the European Parliament on the performance of their tasks when invited to do so. The Council may invite the Executive Director to report on the performance of those tasks.	9. The Executive Director shall report to the European Parliament on the performance of their tasks when invited to do so. The Council may invite the Executive Director to report on the performance of those tasks.	9. The Executive Director shall report to the European Parliament on the performance of their tasks when invited to do so. The Council may invite the Executive Director to report on the performance of those tasks.	
Article 145(10)				
1277	10. The Executive Director shall be the legal representative of the Agency. The Executive Director shall be responsible for:	10. The Executive Director shall be the legal representative of the Agency. The Executive Director shall be responsible for:	10. The Executive Director shall be the legal representative of the Agency. The Executive Director shall be responsible for:	

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Article 145(10), point (a)				
1278	(a) the day-to-day administration of the Agency;	(a) the day-to-day administration of the Agency;	(a) the day-to-day administration of the Agency;	
Article 145(10), point (b)				
1279	(b) implementing decisions adopted by the Management Board;	(b) implementing decisions adopted by the Management Board;	(b) implementing decisions adopted by the Management Board;	
Article 145(10), point (c)				
1280	(c) managing all the Agency resources necessary for conducting the activities of the Committees referred to in Article 142, including making available appropriate scientific and technical support to those Committees, and for making available appropriate	(c) managing all the Agency resources necessary for conducting the activities of the Committees referred to in Article 142, including making available appropriate scientific and technical support to those Committees, and for making available appropriate	(c) managing all the Agency resources necessary for conducting the activities of the Committees referred to in Article 142, including making available appropriate scientific and technical support to those Committees, and for making available appropriate	

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	technical support to the coordination group;	technical support to the coordination group;	technical support to the coordination group **referred to in Article 37 of [revised Directive 2001/83/EC] and to the coordination group referred to in Article 142 of Regulation (EU) 2019/6**;	
Article 145(10), point (d)				
1281	(d) ensuring that the time-limits laid down in Union legal acts for the adoption of opinions by the Agency are complied with;	(d) ensuring that the time-limits laid down in Union legal acts for the adoption of opinions by the Agency are complied with;	(d) ensuring that the time-limits laid down in Union legal acts for the adoption of opinions by the Agency are complied with;	
Article 145(10), point (e)				
1282	(e) ensuring appropriate coordination between the Committees referred to in Article 142 and, where necessary,	(e) ensuring appropriate coordination between the Committees referred to in Article 142 and, where necessary,	(e) ensuring appropriate coordination between the Committees referred to in Article 142 and, where necessary,	

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	between those Committees and the coordination group or other working groups of the Agency;	between those Committees and the coordination group or other working groups of the Agency;	between those Committees**, the coordination group referred to in Article 37 of [revised Directive 2001/83/EC]** and the coordination group **reffered to in Article 142 of Regulation (EU) 2019/6;** or other working groups of the Agency;	
Article 145(10), point (f)				
1283	(f) the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget;	(f) the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget;	(f) the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget;	
Article 145(10), point (g)				
1284	(g) the preparation of the draft single programming document and the submission it to the	(g) the preparation of the draft single programming document and the submission it to the	(g) the preparation of the draft single programming document and the submission it to the	

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	Management Board after consulting the Commission;	Management Board after consulting the Commission;	Management Board after consulting the Commission;	
Article 145(10), point (h)				
1285	(h) implementing the single programming document and report to the Management Board on its implementation;	(h) implementing the single programming document and report to the Management Board on its implementation;	(h) implementing the single programming document and report to the Management Board on its implementation;	
Article 145(10), point (i)				
1286	(i) preparing the Agency's consolidated annual activity report on the Agency's activities and presenting it to the Management Board for assessment and adoption;	(i) preparing the Agency's consolidated annual activity report on the Agency's activities and presenting it to the Management Board for assessment and adoption;	(i) preparing the Agency's consolidated annual activity report on the Agency's activities and presenting it to the Management Board for assessment and adoption;	
Article 145(10), point (j)				

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1287	(j) all staff matters;	(j) all staff matters;	(j) all staff matters;	
Article 145(10), point (k)				
1288	(k) providing the secretariat for the Management Board;	(k) providing the secretariat for the Management Board;	(k) providing the secretariat for the Management Board;	
Article 145(10), point (l)				
1289	(l) without prejudice to the competences of OLAF and EPPO, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate	(l) without prejudice to the competences of OLAF and EPPO, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate	(l) without prejudice to the competences of OLAF and EPPO, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate	

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	and dissuasive administrative and financial penalties;	and dissuasive administrative and financial penalties;	and dissuasive administrative and financial penalties;	
Article 145(10), point (m)				
1290	(m) reporting, on the basis of key performance indicators agreed by the Management board, on the IT infrastructure developed by the Agency by means of implementation of legislation, in term of timing, budgetary compliance and quality.	(m) reporting, on the basis of key performance indicators agreed by the Management board, on the IT infrastructure developed by the Agency by means of implementation of legislation, in term of timing, budgetary compliance and quality.	(m) reporting, on the basis of key performance indicators agreed by the Management board, on the IT infrastructure developed by the Agency by means of implementation of legislation, in term of timing, budgetary compliance and quality.	
Article 145(11), first subparagraph				
1291	11. Each year the Executive Director shall submit a draft report covering the activities of the Agency in the previous year and a draft work programme for the	11. Each year the Executive Director shall submit a draft report covering the activities of the Agency in the previous year and a draft work programme for the	11. Each year the Executive Director shall submit a draft report covering the activities of the Agency in the previous year and a draft work programme for the	

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	coming year to the Management Board for approval, making a distinction between the Agency's activities concerning medicinal products for human use, those concerning herbal medicinal products and those concerning veterinary medicinal products.	coming year to the Management Board for approval, making a distinction between the Agency's activities concerning medicinal products for human use, those concerning herbal medicinal products and those concerning veterinary medicinal products.	coming year to the Management Board for approval, making a distinction between the Agency's activities concerning medicinal products for human use, those concerning herbal medicinal products and those concerning veterinary medicinal products.	
Article 145(11), second subparagraph				
1292	The draft report covering the activities of the Agency in the previous year shall include information about the number of applications evaluated by the Agency, the time taken for completion of the evaluation, and the medicinal products for human use and veterinary medicinal	The draft report covering the activities of the Agency in the previous year shall include information about the number of applications evaluated by the Agency, the time taken for completion of the evaluation, and the medicinal products for human use and veterinary medicinal	The draft report covering the activities of the Agency in the previous year shall include information about the number of applications evaluated by the Agency, the time taken for completion of the evaluation, and the medicinal products for human use and veterinary medicinal	

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	products authorised, rejected or withdrawn.	products authorised, rejected or withdrawn.	products authorised, rejected or withdrawn.	
Article 145a				
1292a			**Article 145a** **Deputy Executive Director**	
Article 145a, first subparagraph				
1292b			**On the proposal of the Executive Director, the Management Board shall appoint the Deputy Executive Director. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience. The Executive Director shall,**	

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			following consultation with the Commission, propose three candidates for the post of Deputy Executive Director. The Management Board shall take its decision by a two-thirds majority of its members with a right to vote. The Management Board shall have the power to dismiss the Deputy Executive Director by means of a decision adopted by a two-thirds majority of its members with a right to vote.	
Article 145a(1), second subparagraph				
1292c			**The term of office of the Deputy Executive Director shall be five years. The Management Board may extend that term once, for a**	

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			period of no more than five years. The Management Board shall adopt such a decision by a two-thirds majority of its members with the right to vote.	
Article 146				
1293	Article 146 Scientific Committees – General provisions	Article 146 Scientific Committees – General provisions	Article 146 Scientific Committees – General provisions	
Article 146(1)				
1294	1. The scientific committees shall be responsible for providing the scientific opinions or recommendations of the Agency, each within their own spheres of competence, and shall have the	1. The scientific committees shall be responsible for providing the scientific opinions or recommendations of the Agency, each within their own spheres of competence, and shall have the	1. The scientific committees shall be responsible for providing the scientific opinions or recommendations of the Agency, each within their own spheres of competence, and shall have the	

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	possibility, where necessary of organising public hearings.	possibility, where necessary of organising public hearings.	possibility, where necessary of organising public hearings.	
Article 146(2)				
1295	2. The membership of the scientific committees shall be made public. When each appointment is published, the professional qualifications of each member shall be specified.	2. The membership of the scientific committees shall be made public. When each appointment is published, the professional qualifications of each member shall be specified.	2. The membership of the scientific committees shall be made public. When each appointment is published, the professional qualifications of each member shall be specified.	
Article 146(3)				
1296	3. The Executive Director of the Agency or their representative and representatives of the Commission shall be entitled to attend all meetings of the scientific committees referred to in Article 142, working parties and scientific	3. The Executive Director of the Agency or their representative and representatives of the Commission shall be entitled to attend all meetings of the scientific committees referred to in Article 142, working parties and scientific	3. The Executive Director of the Agency or their representative and representatives of the Commission shall be entitled to attend all meetings of the scientific committees referred to in Article 142, working parties and scientific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	advisory groups and all other meetings convened by the Agency or its scientific committees.	advisory groups and all other meetings convened by the Agency or its scientific committees.	advisory groups and all other meetings convened by the Agency or its scientific committees.	
Article 146(4)				
1297	4. Members of the scientific committees and experts responsible for evaluating medicinal products and nominated by Member States shall rely on the scientific evaluation and resources available to national competent authorities responsible for marketing authorisation, and on external experts proposed by Member States or selected by the Agency. Each competent national authority shall monitor the scientific level and independence of the evaluation carried out and	4. Members of the scientific committees and experts responsible for evaluating medicinal products and nominated by Member States shall rely on the scientific evaluation and resources available to national competent authorities responsible for marketing authorisation, and on external experts proposed by Member States or selected by the Agency. Each competent national authority shall monitor the scientific level and independence of the evaluation carried out and	4. Members of the scientific committees and experts responsible for evaluating medicinal products and nominated by Member States shall rely on the scientific evaluation and resources available to national competent authorities responsible for marketing authorisation, and on external experts proposed by Member States or selected by the Agency. Each competent national authority shall monitor the scientific level and independence of the evaluation carried out and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	facilitate the activities of nominated members of the Committees and experts. Member States shall refrain from giving those members and experts any instruction which is incompatible with their own individual tasks or with the tasks and responsibilities of the Agency.	facilitate the activities of nominated members of the Committees and experts. Member States shall refrain from giving those members and experts any instruction which is incompatible with their own individual tasks or with the tasks and responsibilities of the Agency.	facilitate the activities of nominated members of the Committees and experts. Member States shall refrain from giving those members and experts any instruction which is incompatible with their own individual tasks or with the tasks and responsibilities of the Agency.	
Article 146(5)				
1298	5. The members of the scientific committees may be accompanied by experts in specific scientific or technical fields.	5. The members of the scientific committees may be accompanied by experts in specific scientific or technical fields.	5. The members of the scientific committees may be accompanied by experts in specific scientific or technical fields.	
Article 146(6)				
1299	6. When preparing any opinion or recommendation, the	6. When preparing any opinion or recommendation, the	6. When preparing any opinion or recommendation, the	

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	scientific committees shall use their best endeavours to reach a scientific consensus. If such a consensus cannot be reached, the opinion shall consist of the position of the majority of members and divergent positions, with the grounds on which they are based.	scientific committees shall use their best endeavours to reach a scientific consensus. If such a consensus cannot be reached, the opinion shall consist of the position of the majority of members and divergent positions, with the grounds on which they are based.	scientific committees shall use their best endeavours to reach a scientific consensus. If such a consensus cannot be reached, the opinion shall consist of the position of the majority of members and divergent positions, with the grounds on which they are based.	
Article 146(7)				
1300	7. The Committee for Medicinal Products for Human Use may, if they consider it appropriate, seek guidance on important questions of a general scientific or ethical nature.	7. The Committee for Medicinal Products for Human Use may, if they consider it appropriate, seek guidance on important questions of a general scientific or ethical nature.	7. The ~~Committee for Medicinal Products for Human Use~~**scientific committees** may, if they consider it appropriate, seek guidance on important questions of a general scientific or ethical nature.	
Article 146(8), first subparagraph				

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1301	8. The scientific committees and any working parties and scientific advisory groups established in accordance with this Article shall in general matters establish contacts, on an advisory basis, with parties concerned with the use of medicinal products for human use, in particular patient and consumer organisations and healthcare professionals' associations. For that purpose working groups of patient and consumer organisations and healthcare professionals' associations shall be established by the Agency. They shall ensure a fair representation of healthcare professionals, patients and consumers covering a wide range of experience and disease areas,	8. The scientific committees and any working parties and scientific advisory groups established in accordance with this Article shall in general matters establish contacts, on an advisory basis, with parties concerned with the use of medicinal products for human use, in particular patient and consumer organisations***, including paediatric representatives,*** and healthcare professionals' associations. For that purpose working groups of patient and consumer organisations and healthcare professionals' associations shall be established by the Agency. They shall ensure a fair representation of healthcare professionals, patients and consumers covering a	8. The scientific committees and any **scientific** working parties and scientific advisory groups established in accordance with ~~this~~ Article **150** shall in general matters establish contacts, on an advisory basis, with parties concerned with the use of medicinal products for human use, in particular patient and consumer organisations and healthcare professionals' associations. For that purpose working groups of patient and consumer organisations and healthcare professionals' associations shall be established by the Agency. They shall ensure a fair representation of healthcare professionals, patients and consumers covering a wide range of experience and	

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	including orphan, paediatric and geriatric diseases and advanced therapy medicinal products, and a broad geographical range.	wide range of experience and disease areas, including orphan, paediatric and geriatric diseases and advanced therapy medicinal products, and a broad geographical range.	disease areas, including orphan, paediatric and geriatric diseases and advanced therapy medicinal products, and a broad geographical range.	
Article 146(8), second subparagraph				
1302	Rapporteurs appointed by the scientific committees may, on an advisory basis, establish contacts with representatives of patient organisations and healthcare professionals' associations relevant to the therapeutic indication of the medicinal product for human use.	Rapporteurs appointed by the scientific committees may, on an advisory basis, establish contacts with representatives of patient organisations and healthcare professionals' associations relevant to the therapeutic indication of the medicinal product for human use.	Rapporteurs appointed by the scientific committees may, on an advisory basis, establish contacts with representatives of patient organisations and healthcare professionals' associations relevant to the therapeutic indication of the medicinal product for human use.	
Article 146(9)				

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1303	9. The Committee for Veterinary Medicinal Products shall operate in accordance with Regulation (EU) No 2019/6 and paragraphs 1, 2 and 3.	9. The Committee for Veterinary Medicinal Products shall operate in accordance with Regulation (EU) No 2019/6 and paragraphs 1, 2 and 3.	9. The Committee for Veterinary Medicinal Products shall operate in accordance with Regulation (EU) No 2019/6 and paragraphs 1, 2 and 3.	
Article 147				
1304	Article 147 Conflict of interest	Article 147 ***Independence and*** conflict of interest	Article 147 Conflict of interest	
Article 147(1), first subparagraph				
1305	1. Members of the Management Board, members of the committees, rapporteurs and experts shall not have financial or other interests in the pharmaceutical industry which	1. Members of the Management Board, members of the committees, rapporteurs and experts shall not have financial or other interests in the pharmaceutical industry which	1. Members of the Management Board, members of the committees, rapporteurs and experts shall not have financial or other interests in the pharmaceutical industry**,**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	could affect their impartiality. They shall undertake to act in the public interest and in an independent manner, and shall make an annual declaration of their financial interests. All indirect interests which could relate to this industry shall be entered in a register held by the Agency which is accessible to the public, on request, at the Agency's offices.	could affect their impartiality. They shall undertake to act in the public interest and in an independent manner, and shall make an annual declaration of their financial interests. All indirect interests which could relate to this industry shall be entered in a register held by the Agency which is accessible to the public, on request, at the Agency's offices.	**including medical biotechnology, contract research organisations, and medical devices industry,** which could affect their impartiality. They shall undertake to act in the public interest and in an independent manner, and shall make an annual declaration of their financial interests. All indirect interests which could relate to this industry shall be entered in a register held by the Agency which is accessible to the public~~, on request, at the Agency's offices~~.	
Article 147(1), second subparagraph				
1306	The Agency's code of conduct shall provide for the implementation of this Article	The Agency's code of conduct shall provide for the implementation of this Article ~~*with*~~	The Agency's code of conduct shall provide for the implementation of this Article	

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	with particular reference to the acceptance of gifts.	~~*particular reference to the acceptance of gifts*~~.	with particular reference to the acceptance of gifts.	
Article 147(2)				
1307	2. Members of the Management Board, members of the committees, rapporteurs and experts who participate in meetings or working groups of the Agency shall declare, at each meeting, any specific interests which could be considered to be prejudicial to their independence with respect to the items on the agenda. These declarations shall be made available to the public.	2. Members of the Management Board, members of the committees, rapporteurs and experts who participate in meetings or working groups of the Agency shall declare, at each meeting, any specific interests which could be considered to be prejudicial to their independence ***or impartiality*** with respect to the items on the agenda. These declarations shall be made available to the public. ***Where the Agency decides that a declared interest for a representative constitutes a conflict of interest,***	2. Members of the Management Board, members of the committees, rapporteurs and experts who participate in meetings or working groups of the Agency shall declare, at each meeting, any specific interests which could be considered to be prejudicial to their independence with respect to the items on the agenda. These declarations shall be made available to the public.	

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		that representative shall not take part in any discussions or decision-making, or obtain any information concerning that item of the agenda. Such declarations of representatives and the decision of the Commission shall be recorded in the summary minutes of the meeting.		
Article 147(2a)				
1307a		***2a. The Executive Director shall after leaving the service continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits and if intending to engage in an occupational activity, whether***		

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		gainful or not, within two years of leaving the service shall inform the Management Board for approval. The Management Board shall, in principle, prohibit them, for 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of the Union's institutions, bodies, offices and agencies for their business, clients or employers on matters for which they were responsible during their last three years in the service.		
Article 147(2b)				
1307b		***2b. Patients, clinical experts and other relevant experts shall declare any financial and other***		

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		interests relevant to the joint work in which they are due to participate. Such declarations and any actions taken as a result shall be recorded in the summary minutes of the meeting and in the outcome documents of the joint work in question.		
Article 147(2c)				
1307c		***2c. The Agency shall make available the rules of procedure, agendas, minutes and the members of the Management Board, committees, working parties and advisory committees on its website.***		
Article 148				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1308	Article 148 Committee for Medicinal Products for Human Use activities	Article 148 Committee for Medicinal Products for Human Use activities	Article 148 Committee for Medicinal Products for Human Use activities	
Article 148(1)				
1309	1. The Committee for Medicinal Products for Human Use shall be responsible for drawing up the opinion of the Agency on any matter concerning the admissibility of the files submitted in accordance with the centralised procedure, the granting, variation, suspension or revocation of an authorisation to place a medicinal product for human use on the market in accordance with the provisions of this Chapter, and	1. The Committee for Medicinal Products for Human Use shall be responsible for drawing up the opinion of the Agency on any matter concerning the admissibility of the files submitted in accordance with the centralised procedure, the granting, variation, suspension or revocation of an authorisation to place a medicinal product for human use on the market in accordance with the provisions of this Chapter, and	1. The Committee for Medicinal Products for Human Use shall be responsible for drawing up the opinion of the Agency on any matter concerning the admissibility of the files submitted in accordance with the centralised procedure, the granting, variation, suspension or revocation of an authorisation to place a medicinal product for human use on the market in accordance with the provisions of this Chapter, ~~and~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pharmacovigilance. For the fulfilment of its pharmacovigilance tasks, including the approval of risk management systems and monitoring their effectiveness provided for under this Regulation, the Committee for Medicinal Products for Human Use shall rely on the scientific assessment and recommendations of the Pharmacovigilance Risk Assessment Committee referred to in Article 142, point (e).	pharmacovigilance. For the fulfilment of its pharmacovigilance tasks, including the approval of risk management systems and monitoring their effectiveness provided for under this Regulation, the Committee for Medicinal Products for Human Use shall rely on the scientific assessment and recommendations of the Pharmacovigilance Risk Assessment Committee referred to in Article 142, point (e).	pharmacovigilance **and scientific advice**. For the fulfilment of its pharmacovigilance tasks, including the approval of risk management systems and monitoring their effectiveness provided for under this Regulation, the Committee for Medicinal Products for Human Use shall rely on the scientific assessment and recommendations of the Pharmacovigilance Risk Assessment Committee referred to in Article 142, point (e).	
Article 148(2)				
1310	2. In addition to their task of providing objective scientific opinions to the Union and Member States on the questions which are	2. In addition to their task of providing objective scientific opinions to the Union and Member States on the questions which are	2. In addition to their task of providing objective scientific opinions to the Union and Member States on the questions which are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to them, the members of the Committee for Medicinal Products for Human Use shall ensure that there is appropriate coordination between the tasks of the Agency and the work of competent national authorities, including the consultative bodies concerned with the marketing authorisation.	referred to them, the members of the Committee for Medicinal Products for Human Use shall ensure that there is appropriate coordination between the tasks of the Agency and the work of competent national authorities, including the consultative bodies concerned with the marketing authorisation.	referred to them, the members of the Committee for Medicinal Products for Human Use shall ensure that there is appropriate coordination between the tasks of the Agency and the work of competent national authorities, including the consultative bodies concerned with the marketing authorisation.	
Article 148(3)				
1311	3. The Committee for Medicinal Products for Human Use shall be composed of the following:	3. The Committee for Medicinal Products for Human Use shall be composed of the following:	3. The Committee for Medicinal Products for Human Use shall be composed of the following:	
Article 148(3), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1312	(a) one member and one alternate member appointed by each Member State, in accordance with paragraph 6;	(a) one member and one alternate member appointed by each Member State, in accordance with paragraph 6;	(a) one member and one alternate member appointed by each Member State, in accordance with paragraph 6;	
Article 148(3), point (b)				
1313	(b) four members and one alternate members appointed by the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent healthcare professionals;	(b) four members and one alternate members appointed by the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent healthcare professionals;	(b) four members and ~~one~~**four** alternate members appointed by the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent healthcare professionals' **organisations**;	
Article 148(3), point (c)				
1314	(c) four members and four alternate members appointed by	(c) four members and four alternate members appointed by	(c) four members and four alternate members appointed by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent patient organisations.	the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent patient organisations.	the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent patient organisations.	
Article 148(4), first subparagraph				
1315	4. The Committee for Medicinal Products for Human Use may co-opt a maximum of five additional members chosen on the basis of their specific scientific competence. Those members shall be appointed for a term of three years, which may be renewed, and shall not have alternates.	4. The Committee for Medicinal Products for Human Use may co-opt a maximum of five additional members chosen on the basis of their specific scientific competence. Those members shall be appointed for a term of three years, which may be renewed, and shall not have alternates.	4. The Committee for Medicinal Products for Human Use may co-opt a maximum of ~~five~~ **seven** additional members chosen on the basis of their specific scientific competence. Those members shall be appointed for a term of three years, which may be renewed, and shall not have alternates.	
Article 148(4), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1316	With a view to the co-opting of such members, the Committee for Medicinal Products for Human Use shall identify the specific complementary scientific competence of the additional member or members. Co-opted members shall be chosen among experts nominated by Member States or the Agency.	With a view to the co-opting of such members, the Committee for Medicinal Products for Human Use shall identify the specific complementary scientific competence of the additional member or members. Co-opted members shall be chosen among experts nominated by Member States or the Agency.	With a view to the co-opting of such members, the Committee for Medicinal Products for Human Use shall identify the specific complementary scientific competence of the additional member or members. Co-opted members shall be chosen among experts nominated by Member States or the Agency.	
Article 148(3b)				
1316a			**3b. In the deliberations of the Committee for Medicinal Products for Human Use the committee shall take into account the opinion of Members appointed under paragraphs 3 (b) and (c), but only the Members appointed under**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			paragraph 3.a. and 4 shall have voting rights.	
Article 148(5), first subparagraph				
1317	5. The alternates shall represent and vote for the members in their absence and may also be appointed to act as rapporteurs in accordance with Article 152.	5. The alternates shall represent and vote for the members in their absence and may also be appointed to act as rapporteurs in accordance with Article 152.	5. The alternates shall represent and vote for the members in their absence and may also be appointed to act as rapporteurs in accordance with Article 152.	
Article 148(5), second subparagraph				
1318	Members and alternates shall be chosen for their role and experience in the evaluation of medicinal products for human use as appropriate and shall represent the competent authorities of the Member States.	Members and alternates shall be chosen for their role and experience in the evaluation of medicinal products for human use as appropriate and shall represent the competent authorities of the Member States.	Members and alternates shall be chosen for their role and experience in the evaluation of medicinal products for human use as appropriate and shall represent the competent authorities of the Member States.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 148(6)				
1319	6. The members and alternate members of the Committee for Medicinal Products for Human Use shall be appointed on the basis of their relevant expertise in the assessment of medicinal products which should cover all types of medicinal products covered by [revised Directive 2001/83/EC] and this Regulation and which include medicinal products for rare and paediatric diseases, advance therapy medicinal products, biological and biotechnological products, in order to guarantee the highest levels of specialist qualifications and a broad spectrum of relevant expertise.	6. The members and alternate members of the Committee for Medicinal Products for Human Use shall be appointed on the basis of their relevant expertise in the assessment of medicinal products which should cover all types of medicinal products covered by [revised Directive 2001/83/EC] and this Regulation and which include medicinal products for rare and paediatric diseases, advance therapy medicinal products, biological and biotechnological products, in order to guarantee the highest levels of specialist qualifications and a broad spectrum of relevant expertise.	6. The members and alternate members of the Committee for Medicinal Products for Human Use shall be appointed on the basis of their relevant expertise in the assessment of medicinal products which should cover all types of medicinal products covered by [revised Directive 2001/83/EC] and this Regulation and which include medicinal products for rare and paediatric diseases, ~~advance~~**advanced** therapy medicinal products, biological and biotechnological products, in order to guarantee the highest levels of specialist qualifications and a broad spectrum of relevant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The Member States shall cooperate in order to ensure that the final composition of the Committee for Medicinal Products for Human Use provides appropriate and balanced coverage of all scientific areas relevant to its tasks taking into account scientific developments and new types of medicinal products. For this purpose, Member States shall liaise with the Management Board and the Commission.	The Member States shall cooperate in order to ensure that the final composition of the Committee for Medicinal Products for Human Use provides appropriate and balanced coverage of all scientific areas relevant to its tasks taking into account scientific developments and new types of medicinal products. For this purpose, Member States shall liaise with the Management Board and the Commission.	expertise**. This expertise shall also cover the environmental risk assessment**. The Member States shall cooperate in order to ensure that the final composition of the Committee for Medicinal Products for Human Use provides appropriate and balanced coverage of all scientific areas relevant to its tasks taking into account scientific developments and new types of medicinal products. For this purpose, Member States shall liaise with the Management Board ~~and the Commission~~.	
Article 148(7)				
1320	7. The members and alternate members of the Committee for Medicinal Products	7. The members and alternate members of the Committee for Medicinal Products	7. The members and alternate members of the Committee for Medicinal Products	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for Human Use shall be appointed for a term of thee years, which may be renewed following the procedures referred to in paragraph 6. The Committee shall elect its chairperson and vice-chairperson from among its members for a term of 3 years, which may be prolonged once.	for Human Use shall be appointed for a term of thee years, which may be renewed following the procedures referred to in paragraph 6. The Committee shall elect its chairperson and vice-chairperson from among its members for a term of 3 years, which may be prolonged once.	for Human Use shall be appointed for a term of ~~thee~~**three** years, which may be renewed following the procedures referred to in paragraph 6. The Committee shall elect its chairperson and vice-chairperson from among its members for a term of 3 years, which may be prolonged once.	
Article 148(8), first subparagraph				
1321	8. The Committee for Medicinal Products for Human Use shall establish its own rules of procedure.	8. The Committee for Medicinal Products for Human Use shall establish its own rules of procedure.	8. The Committee for Medicinal Products for Human Use shall establish its own rules of procedure.	
Article 148(8), second subparagraph				
1322	These rules shall, in particular, lay down:	These rules shall, in particular, lay down:	These rules shall, in particular, lay down:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 148(8), second subparagraph, point (a)				
1323	(a) procedures for appointing and replacing the chairperson;	(a) procedures for appointing and replacing the chairperson;	(a) procedures for appointing and replacing the chairperson;	
Article 148(8), second subparagraph, point (b)				
1324	(b) procedures relating to working parties and scientific advisory groups; and	(b) procedures relating to working parties and scientific advisory groups; and	(b) procedures relating to working parties and scientific advisory groups; and	
Article 148(8), second subparagraph, point (c)				
1325	(c) a procedure for the urgent adoption of opinions, particularly in relation to the provisions of this Regulation on market surveillance and pharmacovigilance.	(c) a procedure for the urgent adoption of opinions, particularly in relation to the provisions of this Regulation on market surveillance and pharmacovigilance.	(c) a procedure for the urgent adoption of opinions, particularly in relation to the provisions of this Regulation on market surveillance and pharmacovigilance.	
Article 148(8), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1326	They shall enter into force after receiving a favourable opinion from the Commission and the Management Board.	They shall enter into force after receiving a favourable opinion from the Commission and the Management Board.	They shall enter into force after receiving a favourable opinion from the Commission and the Management Board.	
Article 149				
1327	Article 149 Pharmacovigilance Risk Assessment Committee activities	Article 149 Pharmacovigilance Risk Assessment Committee activities	Article 149 Pharmacovigilance Risk Assessment Committee activities	
Article 149(1)				
1328	1. The mandate of the Pharmacovigilance Risk Assessment Committee shall cover all aspects of the risk management of the use of medicinal products for human use including the detection, assessment,	1. The mandate of the Pharmacovigilance Risk Assessment Committee shall cover all aspects of the risk management of the use of medicinal products for human use including the detection, assessment,	1. The mandate of the Pharmacovigilance Risk Assessment Committee shall cover all aspects of the risk management of the use of medicinal products for human use including the detection, assessment,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	minimisation and communication relating to the risk of adverse reactions, having due regard to the therapeutic effect of the medicinal product for human use, the design and evaluation of post-authorisation safety studies and pharmacovigilance audit.	minimisation and communication relating to the risk of adverse reactions, having due regard to the therapeutic effect of the medicinal product for human use, the design and evaluation of post-authorisation safety studies and pharmacovigilance audit.	minimisation and communication relating to the risk of adverse reactions, having due regard to the therapeutic effect of the medicinal product for human use, the design and evaluation of post-authorisation safety studies and pharmacovigilance audit.	
Article 149(2), first subparagraph				
1329	2. The Pharmacovigilance Risk Assessment Committee shall be composed of the following:	2. The Pharmacovigilance Risk Assessment Committee shall be composed of the following:	2. The Pharmacovigilance Risk Assessment Committee shall be composed of the following:	
Article 149(2), first subparagraph, point (a)				
1330	(a) one member and one alternate member appointed by each Member State, in accordance with paragraph 3;	(a) one member and one alternate member appointed by each Member State, in accordance with paragraph 3;	(a) one member and one alternate member appointed by each Member State, in accordance with paragraph 3;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 149(2), first subparagraph, point (b)				
1331	(b) six members appointed by the Commission, with a view to ensuring that the relevant expertise is available within the Committee, including clinical pharmacology and pharmacoepidemiology, on the basis of a public call for expressions of interest;	(b) six members appointed by the Commission, with a view to ensuring that the relevant expertise is available within the Committee, including clinical pharmacology and pharmacoepidemiology, on the basis of a public call for expressions of interest;	(b) six members appointed by the Commission, with a view to ensuring that the relevant expertise is available within the Committee, including clinical pharmacology and pharmacoepidemiology, on the basis of a public call for expressions of interest**. To this end the Pharmacovigilance Risk Assessment Committee shall identify the specific complementary scientific competence of the additional member or members**;	
Article 149(2), first subparagraph, point (c)				
1332	(c) two members and two alternate members appointed by	(c) two members and two alternate members appointed by	(c) ~~two members and two~~ **one member and one** alternate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent healthcare professionals;	the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent healthcare professionals;	~~members~~**member** appointed by the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent healthcare professionals**'** **organisations**;	
Article 149(2), first subparagraph, point (d)				
1333	(d) two members and two alternate members appointed by the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent patient organisations.	(d) two members and two alternate members appointed by the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent patient organisations.	(d) ~~two members and two~~ **one member and one** alternate ~~members~~**member** appointed by the Commission, on the basis of a public call for expressions of interest, after consulting the European Parliament, in order to represent patient organisations.	
Article 149(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1334	The alternate members shall represent and vote for the members in their absence. The alternate members referred to in point (a) may be appointed to act as rapporteurs in accordance with Article 152.	The alternate members shall represent and vote for the members in their absence. The alternate members referred to in point (a) may be appointed to act as rapporteurs in accordance with Article 152.	The alternate members shall represent and vote for the members in their absence. The alternate members referred to in point (a) may be appointed to act as rapporteurs in accordance with Article 152.	
Article 149(3)				
1335	3. A Member State may delegate its tasks in the Pharmacovigilance Risk Assessment Committee to another Member State. Each Member State may represent no more than one other Member State.	3. A Member State may delegate its tasks in the Pharmacovigilance Risk Assessment Committee to another Member State. Each Member State may represent no more than one other Member State.	3. A Member State may delegate its tasks in the Pharmacovigilance Risk Assessment Committee to another Member State. Each Member State may represent no more than one other Member State.	
Article 149(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1336	4. The members and alternate members of the Pharmacovigilance Risk Assessment Committee shall be appointed on the basis of their relevant expertise in pharmacovigilance matters and risk assessment of medicinal products for human use, in order to guarantee the highest levels of specialist qualifications and a broad spectrum of relevant expertise. For this purpose, Member States shall liaise with the Management Board and the Commission in order to ensure that the final composition of the Committee covers the scientific areas relevant to its tasks.	4. The members and alternate members of the Pharmacovigilance Risk Assessment Committee shall be appointed on the basis of their relevant expertise in pharmacovigilance matters and risk assessment of medicinal products for human use, in order to guarantee the highest levels of specialist qualifications and a broad spectrum of relevant expertise. For this purpose, Member States shall liaise with the Management Board and the Commission in order to ensure that the final composition of the Committee covers the scientific areas relevant to its tasks.	4. The members and alternate members of the Pharmacovigilance Risk Assessment Committee shall be appointed on the basis of their relevant expertise in pharmacovigilance matters and risk assessment of medicinal products for human use, in order to guarantee the highest levels of specialist qualifications and a broad spectrum of relevant expertise. For this purpose, Member States shall liaise with the Management Board ~~and the Commission~~ in order to ensure that the final composition of the Committee covers the scientific areas relevant to its tasks.	
Article 149(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1337	5. The members and alternate members of the Pharmacovigilance Risk Assessment Committee shall be appointed for a term of 3 years, which may be renewed following the procedures referred to in paragraph 1. The Committee shall elect its chairperson and vice-chairperson from among its members for a term of three years, which may be prolonged once.	5. The members and alternate members of the Pharmacovigilance Risk Assessment Committee shall be appointed for a term of 3 years, which may be renewed following the procedures referred to in paragraph 1. The Committee shall elect its chairperson and vice-chairperson from among its members for a term of three years, which may be prolonged once.	5. The members and alternate members of the Pharmacovigilance Risk Assessment Committee shall be appointed for a term of 3 years, which may be renewed ~~following the procedures referred to in paragraph 1~~. The Committee shall elect its chairperson and vice-chairperson from among its members for a term of three years, which may be prolonged once.	
Article 149(5a), first subparagraph				
1337a			**5a. The Pharmacovigilance Risk Assessment Committee shall establish its own rules of procedure, laying down in particular:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 149(5a), first subparagraph, point (a)				
1337b			**(a) procedures for appointing and replacing the chairperson;**	
Article 149(5a), first subparagraph, point (b)				
1337c			**(b) procedures relating to working parties and scientific advisory groups;**	
Article 149(5a), first subparagraph, point (c)				
1337d			**(c) a procedure for the urgent adoption of recommendations.**	
Article 149(5a), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1337e			**They shall enter into force after receiving a favourable opinion from the Commission and the Management Board.**	
Article 150				
1338	Article 150 Scientific working parties and scientific advisory groups	Article 150 Scientific working parties***, ad hoc working groups*** and scientific advisory groups	Article 150 Scientific working parties and scientific advisory groups	
Article 150(1), first subparagraph				
1339	1. The scientific committees referred to in Article 146 may establish scientific working parties and scientific advisory groups in connection with the performance of their tasks.	1. The scientific committees referred to in Article 146 may establish scientific working parties and scientific advisory groups in connection with the performance of their tasks.	1. The scientific committees referred to in Article 146 may establish scientific working parties and scientific advisory groups in connection with the performance of their tasks.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 150(1), second subparagraph				
1340	The scientific committees may rely on scientific working parties for the performance of certain tasks. The scientific committees shall retain the final responsibility for the assessment or any scientific opinion related to these tasks.	The scientific committees may rely on scientific working parties for the performance of certain tasks. The scientific committees shall retain the final responsibility for the assessment or any scientific opinion related to these tasks.	The scientific committees may rely on scientific working parties for the performance of certain tasks. The scientific committees shall retain the final responsibility for the assessment or any scientific opinion related to these tasks.	
Article 150(1), third subparagraph				
1341	Working parties established by the Committee for Veterinary Medicinal Products are governed by Regulation (EU) 2019/6.	Working parties established by the Committee for Veterinary Medicinal Products are governed by Regulation (EU) 2019/6.	Working parties established by the Committee for Veterinary Medicinal Products are governed by Regulation (EU) 2019/6.	
Article 150(2), first subparagraph				
1342	2. The Committee for Human Medicinal Products shall	2. The Committee for Human Medicinal Products shall	2. The Committee for Human Medicinal Products shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	establish for the evaluation of specific types of medicinal products or treatments, working parties with scientific expertise in the fields of pharmaceutical quality, methodologies, non-clinical and clinical evaluations.	establish for the evaluation of specific types of medicinal products or treatments, working parties with scientific expertise in the fields of pharmaceutical quality, methodologies, non-clinical and clinical evaluations.	establish for the evaluation of specific types of medicinal products or treatments, working parties with scientific expertise in the fields of pharmaceutical quality, methodologies, non-clinical and clinical evaluations.	
Article 150(2), second subparagraph				
1343	For the provision of scientific advice the Committee for Human Medicinal Products shall establish a scientific advice working party.	For the provision of scientific advice the Committee for Human Medicinal Products shall establish a scientific advice working party.	For the provision of scientific advice the Committee for Human Medicinal Products shall establish a scientific advice working party.	
Article 150(2), third subparagraph				
1344	The Committee may establish an Environmental Risk Assessment working party and other scientific working parties, as necessary.	The Committee ~~may~~ ***shall*** establish an ***ad hoc*** Environmental Risk Assessment working party and	The Committee may establish an Environmental Risk Assessment working party**, working parties with scientific expertise on**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		other scientific working parties, as necessary.	**paediatric medicinal products and orphan medicinal products** and other scientific working parties, as necessary.	
Article 150(3), first subparagraph				
1345	3. The composition of the working party and the selection of members shall be based on the following criteria:	3. The composition of the working party and the selection of members shall be based on the following criteria:	3. The composition of the working party and the selection of members shall be based on the following criteria:	
Article 150(3), first subparagraph, point (a)				
1346	(a) a high level of scientific expertise;	(a) a high level of scientific expertise;	(a) a high level of scientific expertise;	
Article 150(3), first subparagraph, point (b)				
1347	(b) meeting the needs for the specific multi-disciplinary	(b) meeting the needs for the specific multi-disciplinary	(b) meeting the needs for the specific multi-disciplinary	

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	expertise of the working party to which they will be appointed.	expertise of the working party to which they will be appointed.	expertise of the working party to which they will be appointed.	
Article 150(3), first subparagraph, point (ba)				
1347a		***(ba) fulfilment of conflict of interest requirements referred to in Article 147***		
Article 150(3), second subparagraph				
1348	The majority of the members of the working parties shall consist of experts from the competent authorities of the Member States. Where appropriate, the Committee for Human Medicinal Products may, following consultation with the Management Board, set a minimum number of experts from	The majority of the members of the working parties shall consist of experts from the competent authorities of the Member States. Where appropriate, the Committee for Human Medicinal Products may, following consultation with the Management Board, set a minimum number of experts from	The majority of the members of the working parties shall consist of experts from the competent authorities of the Member States **by ensuring the broadest possible geographical distribution**. Where appropriate, the Committee for Human Medicinal Products may, following consultation with the	

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	the competent authorities in a working party.	the competent authorities in a working party.	Management Board, set a minimum number of experts from the competent authorities in a working party. **Where a specific area for expertise can be fulfilled by an expert nominated by a competent authority of a Member State, this expert shall have priority over external experts.**	
Article 150(3a)				
1348a		***3a. Representatives of patients, caregivers, clinicians and academia shall be included as members of the working parties as appropriate.***		
Article 150(4)				

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1349	4. Competent authorities of the Member States that are not represented in a working party may request to attend meetings of working parties as an observer.	4. Competent authorities of the Member States that are not represented in a working party may request to attend meetings of working parties as an observer.	4. Competent authorities of the Member States that are not represented in a working party may ~~request to~~ attend meetings of working parties as an observer.	
Article 150(5)				
1350	5. The Agency shall make documents discussed in working parties accessible to all competent authorities of the Member States.	5. The Agency shall make documents discussed in working parties accessible to all competent authorities of the Member States.	5. The Agency shall make documents discussed in working parties accessible to all competent authorities of the Member States.	
Article 150(5a)				
1350a		***5a. The Agency shall establish the following ad hoc working groups:***	**5a. The scientific committees may seek advice from scientific advisory groups in connection with the evaluation of specific medicinal products and treatments.**	

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Article 150(5a), point (a)				
1350b		***(a) an ad hoc working group on advanced therapy medicinal products;***		
Article 150(5a), point (b)				
1350c		***(b) an ad hoc working group on orphan medicinal products;***		
Article 150(5a), point (c)				
1350d		***(c) an ad hoc working group on paediatric medicinal products.***		
Article 150(6)				
1351	6. When establishing working parties and scientific advisory groups, the scientific	6. When establishing working parties and scientific advisory groups, the scientific	6. When establishing working parties and scientific advisory groups, the scientific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	committees shall in their rules of procedures provide for:	committees shall in their rules of procedures provide for:	committees shall in their rules of procedures provide for:	
Article 150(6), point (a)				
1352	(a) the appointment of members of these working parties and scientific advisory groups on the basis of the lists of experts referred to in Article 151(2); and	(a) the appointment of members of these working parties and scientific advisory groups on the basis of the lists of experts referred to in Article 151(2); and	(a) the appointment of members of these working parties and scientific advisory groups on the basis of the lists of experts referred to in Article 151(2); and	
Article 150(6), point (b)				
1353	(b) consultation of these working parties and scientific advisory groups.	(b) consultation of these working parties and scientific advisory groups.	(b) consultation of these working parties and scientific advisory groups.	
Article 151				
1354	Article 151	Article 151	Article 151	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Scientific experts	Scientific experts	Scientific experts	
Article 151(1)				
1355	1. The Agency or any of the committees referred to in Article 142 may use the services of experts and service providers for the discharge of specific tasks for which they are responsible.	1. The Agency or any of the committees referred to in Article 142 may use the services of experts and service providers for the discharge of specific tasks for which they are responsible.	1. The Agency or any of the committees referred to in Article 142 may use the services of experts and service providers for the discharge of specific tasks for which they are responsible.	
Article 151(2)				
1356	2. Member States shall transmit to the Agency the names of national experts with proven experience in the evaluation of medicinal products for human use and veterinary medicinal products who, taking into account conflicts of interest pursuant to Article 147,	2. Member States shall transmit to the Agency the names of national experts with proven experience in the evaluation of medicinal products for human use and veterinary medicinal products who, taking into account conflicts of interest pursuant to Article 147,	2. Member States shall transmit to the Agency the names of national experts with ~~proven~~ **validated** experience in the evaluation of medicinal products for human use and veterinary medicinal products who, taking into account conflicts of interest	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	would be available to serve on working parties or scientific advisory groups of any of the committees referred to in Article 142, together with an indication of their qualifications and specific areas of expertise.	would be available to serve on working parties or scientific advisory groups of any of the committees referred to in Article 142, together with an indication of their qualifications and specific areas of expertise.	pursuant to Article 147, would be available to serve on working parties or scientific advisory groups of any of the committees referred to in Article 142, together with an indication of their qualifications and specific areas of expertise.	
Article 151(3), first subparagraph				
1357	3. Where necessary, for the nomination of other experts the Agency may publish a call for expression of interest after endorsement by the Management Board of the necessary criteria and fields of expertise, in particular to ensure a high level of public health and animal protection.	3. Where necessary, for the nomination of other experts the Agency ~~may~~***shall*** publish a call for expression of interest after endorsement by the Management Board of the necessary criteria and fields of expertise, in particular to ensure a high level of public health and animal protection.	3. Where necessary, for the nomination of other experts the Agency may publish a call for expression of interest after endorsement by the Management Board of the necessary criteria and fields of expertise, in particular to ensure a high level of public health and animal protection.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 151(3), second subparagraph				
1358	The Management Board shall adopt the appropriate procedures on a proposal from the Executive Director.	The Management Board shall adopt the appropriate procedures on a proposal from the Executive Director.	The Management Board shall adopt the appropriate **selection and validation** procedures on a proposal from the Executive Director.	
Article 151(4)				
1359	4. The Agency shall establish and maintain a pool of accredited experts. That expert pool shall include the national experts referred to in paragraph 2 and any other experts appointed by the Agency or the Commission, and shall be updated.	4. The Agency shall establish and maintain a pool of accredited experts. That expert pool shall include the national experts referred to in paragraph 2 and any other experts appointed by the Agency or the Commission, and shall be updated.	4. The Agency shall establish and maintain a pool of ~~accredited~~ experts **validated by the Member States or the Agency in accordance with paragraphs (2) and (3)**. That expert pool shall include the national experts referred to in paragraph 2 and any other experts appointed by the Agency or the Commission, and shall be updated.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 151(5)				
1360	5. Accredited experts shall have access to training provided by the Agency, as appropriate.	5. Accredited experts shall have access to training provided by the Agency, as appropriate.	5. ~~Accredited~~ Experts shall have access to training provided by the Agency, as appropriate.	
Article 151(6)				
1361	6. Rapporteurs of any of the committees referred to in Article 142 may use the services of accredited experts for the fulfilment of their tasks in accordance with Article 152. Any remuneration of such accredited expert shall be deducted from the remuneration due to the rapporteurs.	6. Rapporteurs of any of the committees referred to in Article 142 may use the services of accredited experts for the fulfilment of their tasks in accordance with Article 152. Any remuneration of such accredited expert shall be deducted from the remuneration due to the rapporteurs.	6. Rapporteurs of any of the committees referred to in Article 142 may use the services of ~~accredited~~ experts for the fulfilment of their tasks in accordance with Article 152. Any remuneration of such ~~accredited~~ expert shall be deducted from the remuneration due to the rapporteurs. **The use of the services of experts referred to in paragraph 2 by a rapporteur shall be subject to the agreement**	

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			of the relevant competent authorities. The Agency may facilitate those agreements in accordance with Article 152(2).	
Article 151(7)				
1362	7. The remuneration of experts and service providers for services used by the Agency under paragraph 1 shall be financed through the Agency's budget, in accordance with the financial rules applicable to the Agency.	7. The remuneration of experts and service providers for services used by the Agency under paragraph 1 shall be financed through the Agency's budget, in accordance with the financial rules applicable to the Agency.	7. The remuneration of experts and service providers for services used by the Agency under paragraph 1 shall be financed through the Agency's budget, in accordance with the financial rules applicable to the Agency.	
Article 152				
1363	Article 152 Rapporteurship	Article 152 Rapporteurship	Article 152 Rapporteurship	
Article 152(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1364	1. Where, in accordance with this Regulation, any of the Committees referred to in Article 142 is required to evaluate a medicinal product for human use, it shall appoint one of its members to act as rapporteur, taking into account existing expertise in the Member State. The Committee concerned may appoint a second member to act as co-rapporteur.	1. Where, in accordance with this Regulation, any of the Committees referred to in Article 142 is required to evaluate a medicinal product for human use, it shall appoint one of its members to act as rapporteur, taking into account existing expertise in the Member State. The Committee concerned may appoint a second member to act as co-rapporteur.	1. Where, in accordance with this Regulation, any of the Committees referred to in Article 142 is required to evaluate a medicinal product for human use, it shall appoint**, with the exception of members representing healthcare professionals' organisations and patients organisations,** one of its members to act as rapporteur, taking into account existing expertise in the Member State. The Committee concerned may appoint a second member to act as co-rapporteur.	
Article 152(1), second subparagraph				
1365	A member of a Committee shall not be appointed rapporteur for a	A member of a Committee shall not be appointed rapporteur for a	A member of a Committee shall not be appointed rapporteur for a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	particular case if they declare, in accordance with Article 147 any interest that might be, or might be perceived as, prejudicial to the impartial assessment of that case. The Committee concerned may replace the rapporteur or co-rapporteur by another member at any time, if they are unable to fulfil their duties within the prescribed time limits, or if an actual or potential prejudicial interest is detected.	particular case if they declare, in accordance with Article 147 any interest that might be, or might be perceived as, prejudicial to the impartial assessment of that case. The Committee concerned may replace the rapporteur or co-rapporteur by another member at any time, if they are unable to fulfil their duties within the prescribed time limits, or if an actual or potential prejudicial interest is detected.	particular case if they declare, in accordance with Article 147 any interest that might be, or might be perceived as, prejudicial to the impartial assessment of that case. The Committee concerned may replace the rapporteur or co-rapporteur by another member at any time, if they are unable to fulfil their duties within the prescribed time limits, or if an actual or potential prejudicial interest is detected.	
Article 152(1), third subparagraph				
1366	A rapporteur appointed for that purpose by the Pharmacovigilance Risk Assessment Committee shall closely collaborate with the rapporteur appointed by the	A rapporteur appointed for that purpose by the Pharmacovigilance Risk Assessment Committee shall closely collaborate with the rapporteur appointed by the	A rapporteur appointed for that purpose by the Pharmacovigilance Risk Assessment Committee shall closely collaborate with the rapporteur appointed by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Committee for Medicinal Products for Human Use or the Reference Member State for the medicinal product for human use concerned.	Committee for Medicinal Products for Human Use or the Reference Member State for the medicinal product for human use concerned.	Committee for Medicinal Products for Human Use or the Reference Member State for the medicinal product for human use concerned.	
Article 152(1), fourth subparagraph				
1367	When consulting the scientific advisory groups referred to in Article 150, the Committee shall forward to them the draft assessment report or reports drawn up by the rapporteur or the co-rapporteur. The opinion issued by the scientific advisory group shall be forwarded to the chairperson of the relevant committee in such a way as to ensure that the deadlines laid down in Article 6 are met.	When consulting the scientific advisory groups referred to in Article 150, the Committee shall forward to them the draft assessment report or reports drawn up by the rapporteur or the co-rapporteur. The opinion issued by the scientific advisory group shall be forwarded to the chairperson of the relevant committee in such a way as to ensure that the deadlines laid down in Article 6 are met.	When consulting the scientific advisory groups referred to in Article 150, the Committee shall forward to them the draft assessment report ~~or~~ **and** reports drawn up by the rapporteur or the co-rapporteur. The opinion issued by the scientific advisory group shall be forwarded to the chairperson of the relevant committee in such a way as to ensure that the deadlines laid down in Article 6 are met.	

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Article 152(1), fifth subparagraph				
1368	The substance of the opinion shall be included in the assessment report published pursuant to Article 16(3).	The substance of the opinion shall be included in the assessment report published pursuant to Article 16(3).	The substance of the opinion shall be included in the assessment report published pursuant to Article 16(3).	
Article 152(2), first subparagraph				
1369	2. Without prejudice to Article 151(7), the provision of services by rapporteurs or experts shall be governed by a written contract between the Agency and the person concerned, or where appropriate between the Agency and its employer.	2. Without prejudice to Article 151(7), the provision of services by rapporteurs or experts shall be governed by a written contract between the Agency and the person concerned, or where appropriate between the Agency and its employer.	2. Without prejudice to Article 151(7), the provision of services by rapporteurs or experts shall be governed by a written contract between the Agency and the person concerned, or where appropriate between the Agency and its employer.	
Article 152(2), second subparagraph				

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1370	The person concerned, or their employer, shall be remunerated in accordance with [a scale of fees to be included in the financial arrangements established by the Management Board/mechanism under the new fee legislation].	The person concerned, or their employer, shall be remunerated in accordance with [a scale of fees to be included in the financial arrangements established by ~~*the Management Board/mechanism under the new fee legislation]*~~ ***Regulation (EU) 2024/568 of the European Parliament and of the Council***[1a]. _____ ***1a. Regulation (EU) 2024/568 of the European Parliament and of the Council of 7 February 2024 on fees and charges payable to the European Medicines Agency, amending Regulations (EU) 2017/745 and (EU) 2022/123 of the European Parliament and of the Council and repealing Regulation (EU) No 658/2014 of the European Parliament and of the Council and Council Regulation (EC) No 297/95 (OJ L,***	The person concerned, or their employer, shall be remunerated in accordance with [a scale of fees to be included in the financial arrangements established by the Management Board/mechanism under the new fee legislation].	

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		2024/568, 14.2.2024, ELI: http://data.europa.eu/eli/reg/2024/568/oj .		
Article 152(2), third subparagraph				
1371	The first and second subparagraphs shall also apply:	The first and second subparagraphs shall also apply:	The first and second subparagraphs shall also apply:	
Article 152(2), third subparagraph, point (a)				
1372	(a) to the services provided by the chairpersons of the scientific committees of the Agency; and	(a) to the services provided by the chairpersons of the scientific committees of the Agency; and	(a) to the services provided by the chairpersons of the scientific committees of the Agency; and	
Article 152(2), third subparagraph, point (b)				
1373	(b) to the work of rapporteurs in the coordination group as regards the fulfilment of its tasks in accordance with Articles 108,	(b) to the work of rapporteurs in the coordination group as regards the fulfilment of its tasks in accordance with Articles 108,	(b) to the work of rapporteurs in the coordination group **referred to in Article 37 of [revised Directive 2001/83/EC]** as regards the fulfilment of its tasks in	

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	110, 112, 116 and 121 of [revised Directive 2001/83/EC].	110, 112, 116 and 121 of [revised Directive 2001/83/EC].	accordance with Articles 108, 110, 112, 116 and 121 of [revised Directive 2001/83/EC].	
Article 153				
1374	Article 153 Methods to determine added therapeutic value	Article 153 Methods to determine added therapeutic value	Article 153 Methods to determine added therapeutic value	
Article 153, first paragraph				
1375	At the request of the Commission, the Agency shall, in respect of authorised medicinal products for human use, collect any available information on methods that Member States' competent authorities use to determine the added therapeutic value that any	At the request of the Commission, the Agency shall, in respect of authorised medicinal products for human use, collect any available information on methods that Member States' competent authorities use to determine the added therapeutic value that any new medicinal product for human	At the request of the Commission, the Agency shall, in respect of authorised medicinal products for human use, collect any available information on methods that Member States' competent authorities use to determine the added therapeutic value that any	

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	new medicinal product for human use provides.	use provides. ***The Agency shall, in collaboration with patient organisations and healthcare professionals, draw up guidelines for the determination of added therapeutic value.***	new medicinal product for human use provides.	
Section 3				
1376	Section 3 Financial provisions	Section 3 Financial provisions	Section 3 Financial provisions	
Article 154				
1377	Article 154 Adoption of the budget of the Agency	Article 154 Adoption of the budget of the Agency	Article 154 Adoption of the budget of the Agency	
Article 154(1)				

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1378	1. Estimates of all the revenue and expenditure of the Agency shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Agency.	1. Estimates of all the revenue and expenditure of the Agency shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Agency.	1. Estimates of all the revenue and expenditure of the Agency shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Agency.	
Article 154(2)				
1379	2. The revenue and expenditure shown in the budget shall be in balance.	2. The revenue and expenditure shown in the budget shall be in balance.	2. The revenue and expenditure shown in the budget shall be in balance.	
Article 154(3), first subparagraph				
1380	3. The Agency's revenue shall consist of:	3. The Agency's revenue shall consist of:	3. The Agency's revenue shall consist of:	
Article 154(3), first subparagraph, point (a)				

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1381	(a) a contribution from the Union;	(a) a contribution from the Union;	(a) a contribution from the Union;	
Article 154(3), first subparagraph, point (b)				
1382	(b) a contribution from third countries participating in the work of the Agency with which the Union has concluded international agreements for that purpose;	(b) a contribution from third countries participating in the work of the Agency with which the Union has concluded international agreements for that purpose;	(b) a contribution from third countries participating in the work of the Agency with which the Union has concluded international agreements for that purpose;	
Article 154(3), first subparagraph, point (c)				
1383	(c) fees paid by undertakings and entities not engaged in an economic activity:	(c) fees paid by undertakings and entities not engaged in an economic activity:	(c) fees paid by undertakings and entities not engaged in an economic activity:	
Article 154(3), first subparagraph, point (c)(i)				
1384	(i) for obtaining and maintaining Union marketing	(i) for obtaining and maintaining Union marketing	(i) for obtaining and maintaining Union marketing	

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	authorisations for medicinal products for human use and for veterinary medicinal products and for other services provided by the Agency, as provided for in this Regulation and in Regulation (EU) 2019/6; and	authorisations for medicinal products for human use and for veterinary medicinal products and for other services provided by the Agency, as provided for in this Regulation and in Regulation (EU) 2019/6; and	authorisations for medicinal products for human use and for veterinary medicinal products and for other services provided by the Agency, as provided for in this Regulation and in Regulation (EU) 2019/6; and	
Article 154(3), first subparagraph, point (c)(ii)				
1385	(ii) for services provided by the coordination group as regards the fulfilment of its tasks in accordance with Articles 108, 110, 112, 116 and 121 of [revised Directive 2001/83/EC];	(ii) for services provided by the coordination group as regards the fulfilment of its tasks in accordance with Articles 108, 110, 112, 116 and 121 of [revised Directive 2001/83/EC];	(ii) for services provided by the coordination group **referred to in Article 37 of [revised Directive 2001/83/EC]** as regards the fulfilment of its tasks in accordance with Articles 108, 110, 112, 116 and 121 of [revised Directive 2001/83/EC];	
Article 154(3), first subparagraph, point (d)				

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1386	(d) charges for other services provided by the Agency;	(d) charges for other services provided by the Agency;	(d) charges for other services provided by the Agency;	
Article 154(3), first subparagraph, point (e)				
1387	(e) Union funding in the form of grants for participation in research and assistance projects, in accordance with the Agency's financial rules referred to in Article 155(11) and with the provisions of the relevant instruments supporting the policies of the Union.	(e) Union funding in the form of grants for participation in research and assistance projects, in accordance with the Agency's financial rules referred to in Article 155(11) and with the provisions of the relevant instruments supporting the policies of the Union.	(e) Union funding in the form of grants for participation in research and assistance projects, in accordance with the Agency's financial rules referred to in Article 155(11) and with the provisions of the relevant instruments supporting the policies of the Union.	
Article 154(3), second subparagraph				
1388	The European Parliament and the Council ('the budgetary authority') shall re-examine, when necessary, the level of the Union	The European Parliament and the Council ('the budgetary authority') shall re-examine, when necessary, the level of the Union	The European Parliament and the Council ('the budgetary authority') shall re-examine, when necessary, the level of the Union	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	contribution, referred to in the first subparagraph, point (a), on the basis of an evaluation of needs and by taking account of the level of revenue provided by the sources referred to in the first subparagraph, points (c), (d) and (e).	contribution, referred to in the first subparagraph, point (a), on the basis of an evaluation of needs and by taking account of the level of revenue provided by the sources referred to in the first subparagraph, points (c), (d) and (e).	contribution, referred to in the first subparagraph, point (a), on the basis of an evaluation of needs and by taking account of the level of revenue provided by the sources referred to in the first subparagraph, points (c), (d) and (e).	
Article 154(4)				
1389	4. Activities relating to the assessment of marketing authorisation applications, subsequent variations, pharmacovigilance, to the operation of communications networks and to market surveillance shall be under the permanent control of the Management Board in order to	4. Activities relating to the assessment of marketing authorisation applications, subsequent variations, pharmacovigilance, to the operation of communications networks and to market surveillance shall be under the permanent control of the Management Board in order to	4. Activities relating to the assessment of marketing authorisation applications, subsequent variations, pharmacovigilance, to the operation of communications networks and to market surveillance shall be under the permanent **financial** control of the Management Board in order to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	guarantee the independence of the Agency. This shall not preclude the Agency from charging fees to marketing authorisation holders for performing these activities by the Agency on the condition that its independence is strictly guaranteed.	guarantee the independence of the Agency. This shall not preclude the Agency from charging fees to marketing authorisation holders for performing these activities by the Agency on the condition that its independence is strictly guaranteed ***in accordance with Article 147***.	guarantee the independence of the Agency. This shall not preclude the Agency from charging fees to marketing authorisation holders for performing these activities by the Agency on the condition that its independence is strictly guaranteed.	
Article 154(5), first subparagraph				
1390	5. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure costs, and operational expenditure. In respect of operational expenditure, budgetary commitments for actions which extend over more than one financial year may be	5. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure costs, and operational expenditure. In respect of operational expenditure, budgetary commitments for actions which extend over more than one financial year may be	5. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure costs, and operational expenditure. In respect of operational expenditure, budgetary commitments for actions which extend over more than one financial year may be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	broken down over several years into annual instalments, as necessary.	broken down over several years into annual instalments, as necessary.	broken down over several years into annual instalments, as necessary.	
Article 154(5), second subparagraph				
1391	The Agency may award grants related to the fulfilment of the tasks incumbent upon it under this Regulation or other relevant Union legal acts or related to the fulfilment of other entrusted tasks.	The Agency may award grants related to the fulfilment of the tasks incumbent upon it under this Regulation or other relevant Union legal acts or related to the fulfilment of other entrusted tasks.	The Agency may award grants related to the fulfilment of the tasks incumbent upon it under this Regulation or other relevant Union legal acts or related to the fulfilment of other entrusted tasks.	
Article 154(6)				
1392	6. Each year the Management Board, on the basis of a draft drawn up by the Executive Director, shall produce an estimate of revenue and expenditure for the Agency for the	6. Each year the Management Board, on the basis of a draft drawn up by the Executive Director, shall produce an estimate of revenue and expenditure for the Agency for the	6. Each year the Management Board, on the basis of a draft drawn up by the Executive Director, shall produce an estimate of revenue and expenditure for the Agency for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following financial year. That estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.	following financial year. That estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.	following financial year. That estimate, which shall include a draft establishment plan, shall be forwarded by the Management Board to the Commission by 31 March at the latest.	
Article 154(7)				
1393	7. The estimate shall be forwarded by the Commission to the budgetary authority together with the preliminary draft general budget of the European Union.	7. The estimate shall be forwarded by the Commission to the budgetary authority together with the preliminary draft general budget of the European Union.	7. The estimate shall be forwarded by the Commission to the budgetary authority together with the preliminary draft general budget of the European Union.	
Article 154(8)				
1394	8. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European	8. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European	8. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European	

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	Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.	Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.	Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.	
Article 154(9), first subparagraph				
1395	9. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.	9. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.	9. The budgetary authority shall authorise the appropriations for the subsidy to the Agency.	
Article 154(9), second subparagraph				
1396	The budgetary authority shall adopt the establishment plan for the Agency.	The budgetary authority shall adopt the establishment plan for the Agency.	The budgetary authority shall adopt the establishment plan for the Agency.	

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Article 154(10)				
1397	10. The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.	10. The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.	10. The budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.	
Article 154(11)				
1398	11. Any modification of the establishment plan and of the budget shall be the subject of an amending budget, which is forwarded for the purposes of information to the budgetary authority.	11. Any modification of the establishment plan and of the budget shall be the subject of an amending budget, which is forwarded for the purposes of information to the budgetary authority.	11. Any modification of the establishment plan and of the budget shall be the subject of an amending budget, which is forwarded for the purposes of information to the budgetary authority.	
Article 154(12), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1399	12. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.	12. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.	12. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof.	
Article 154(12), second subparagraph				
1400	Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.	Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.	Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Management Board within a period of six weeks from the date of notification of the project.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 155				
1401	Article 155 Implementation of the Agency's budget	Article 155 Implementation of the Agency's budget	Article 155 Implementation of the Agency's budget	
Article 155(1)				
1402	1. The Executive Director shall implement the budget of the Agency in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[1]. __________ 1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No	1. The Executive Director shall implement the budget of the Agency in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[1]. __________ 1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No	1. The Executive Director shall implement the budget of the Agency in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[1]. __________ 1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).	1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).	1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).	
Article 155(2)				
1403	2. By 1 March of financial year n+1, the Agency's accounting officer shall send the provisional accounts for year n to the Commission's accounting officer and to the Court of Auditors.	2. By 1 March of financial year n+1, the Agency's accounting officer shall send the provisional accounts for year n to the Commission's accounting officer and to the Court of Auditors.	2. By 1 March of financial year n+1, the Agency's accounting officer shall send the provisional accounts for year n to the Commission's accounting officer and to the Court of Auditors.	
Article 155(3)				
1404	3. By 31 March of financial year n+1, the Executive Director shall send the report on the budgetary and financial	3. By 31 March of financial year n+1, the Executive Director shall send the report on the budgetary and financial	3. By 31 March of financial year n+1, the Executive Director shall send the report on the budgetary and financial	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	management for year n to the European Parliament, to the Council, to the Commission and to the Court of Auditors.	management for year n to the European Parliament, to the Council, to the Commission and to the Court of Auditors.	management for year n to the European Parliament, to the Council, to the Commission and to the Court of Auditors.	
Article 155(4), first subparagraph				
1405	4. By 31 March of financial year n+1, the Commission's accounting officer shall send the Agency's provisional accounts for year n, consolidated with the Commission's provisional accounts, to the Court of Auditors.	4. By 31 March of financial year n+1, the Commission's accounting officer shall send the Agency's provisional accounts for year n, consolidated with the Commission's provisional accounts, to the Court of Auditors.	4. By 31 March of financial year n+1, the Commission's accounting officer shall send the Agency's provisional accounts for year n, consolidated with the Commission's provisional accounts, to the Court of Auditors.	
Article 155(4), second subparagraph				
1406	On receipt of the Court of Auditors' observations on the Agency's provisional accounts pursuant to Article 246 of	On receipt of the Court of Auditors' observations on the Agency's provisional accounts pursuant to Article 246 of	On receipt of the Court of Auditors' observations on the Agency's provisional accounts pursuant to Article 246 of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU, Euratom) 2018/1046, the Agency's accounting officer shall draw up the Agency's final accounts and the Executive Director shall submit them to the Management Board for an opinion.	Regulation (EU, Euratom) 2018/1046, the Agency's accounting officer shall draw up the Agency's final accounts and the Executive Director shall submit them to the Management Board for an opinion.	Regulation (EU, Euratom) 2018/1046, the Agency's accounting officer shall draw up the Agency's final accounts and the Executive Director shall submit them to the Management Board for an opinion.	
Article 155(5)				
1407	5. The Management Board shall deliver an opinion on the Agency's final accounts for year n.	5. The Management Board shall deliver an opinion on the Agency's final accounts for year n.	5. The Management Board shall deliver an opinion on the Agency's final accounts for year n.	
Article 155(6)				
1408	6. The Agency's accounting officer shall, by 1 July of financial year n+1, send the final accounts, together with the Management Board's opinion, to the European	6. The Agency's accounting officer shall, by 1 July of financial year n+1, send the final accounts, together with the Management Board's opinion, to the European	6. The Agency's accounting officer shall, by 1 July of financial year n+1, send the final accounts, together with the Management Board's opinion, to the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament, to the Council, to the Court of Auditors and to the Commission's accounting officer.	Parliament, to the Council, to the Court of Auditors and to the Commission's accounting officer.	Parliament, to the Council, to the Court of Auditors and to the Commission's accounting officer.	
Article 155(7)				
1409	7. The final accounts for year n shall be published in the Official Journal of the European Union by 15 November of financial year n+1.	7. The final accounts for year n shall be published in the Official Journal of the European Union by 15 November of financial year n+1.	7. The final accounts for year n shall be published in the Official Journal of the European Union by 15 November of financial year n+1.	
Article 155(8)				
1410	8. The Executive Director shall send to the Court of Auditors a reply to its observations by 30 September of financial year n+1. The Executive Director shall also send that reply to the Management Board.	8. The Executive Director shall send to the Court of Auditors a reply to its observations by 30 September of financial year n+1. The Executive Director shall also send that reply to the Management Board.	8. The Executive Director shall send to the Court of Auditors a reply to its observations by 30 September of financial year n+1. The Executive Director shall also send that reply to the Management Board.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 155(9)				
1411	9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year concerned, as laid down in Article 261(3) of Regulation (EU, Euratom) 2018/1046.	9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year concerned, as laid down in Article 261(3) of Regulation (EU, Euratom) 2018/1046.	9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year concerned, as laid down in Article 261(3) of Regulation (EU, Euratom) 2018/1046.	
Article 155(10)				
1412	10. The European Parliament, upon a recommendation from the Council, shall, before 15 May of financial year n+2, give a discharge to the Executive Director in respect of the	10. The European Parliament, upon a recommendation from the Council, shall, before 15 May of financial year n+2, give a discharge to the Executive Director in respect of the	10. The European Parliament, upon a recommendation from the Council, shall, before 15 May of financial year n+2, give a discharge to the Executive Director in respect of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementation of the budget for year n.	implementation of the budget for year n.	implementation of the budget for year n.	
Article 155(11)				
1413	11. The financial rules applicable to the Agency shall be adopted by the Management Board after the Commission has been consulted. They shall not depart from Commission Delegated Regulation (EU) 2019/715[1] unless specifically required for the Agency's operation and with the Commission's prior consent. __________ 1. Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article	11. The financial rules applicable to the Agency shall be adopted by the Management Board after the Commission has been consulted. They shall not depart from Commission Delegated Regulation (EU) 2019/715[1] unless specifically required for the Agency's operation and with the Commission's prior consent. __________ 1. Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article	11. The financial rules applicable to the Agency shall be adopted by the Management Board after the Commission has been consulted. They shall not depart from Commission Delegated Regulation (EU) 2019/715[1] unless specifically required for the Agency's operation and with the Commission's prior consent. __________ 1. Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).	70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).	70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).	
Article 156				
1414	Article 156 Fraud prevention	Article 156 Fraud prevention	Article 156 Fraud prevention	
Article 156(1)				
1415	1. In order to combat fraud, corruption and other unlawful activities, the Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[1] shall apply without restriction. _____	1. In order to combat fraud, corruption and other unlawful activities, the Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[1] shall apply without restriction. _____	1. In order to combat fraud, corruption and other unlawful activities, the Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[1] shall apply without restriction. _____	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).	1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).	1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).	
Article 156(2)				
1416	2. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities[1] and shall adopt, without delay, the appropriate provisions applicable to all the employees of the Agency using	2. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities[1] and shall adopt, without delay, the appropriate provisions applicable to all the employees of the Agency using	2. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities[1] and shall adopt, without delay, the appropriate provisions applicable to all the employees of the Agency using	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the template set out in the Annex to that Agreement. __________ 1. Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF) (OJ L 136, 31.5.1999, p. 15).	the template set out in the Annex to that Agreement. __________ 1. Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF) (OJ L 136, 31.5.1999, p. 15).	the template set out in the Annex to that Agreement. __________ 1. Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF) (OJ L 136, 31.5.1999, p. 15).	
Article 156(3)				
1417	3. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	3. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	3. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 156(4)				
1418	4. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96[1]. 1. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect	4. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96[1]. 1. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect	4. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96[1]. 1. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).	the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).	the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).	
Article 156(5)				
1419	5. Working agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.	5. Working agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.	5. Working agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.	
Article 156(6)				
1420	6. In accordance with Council Regulation (EU) 2017/1939[1], the EPPO may	6. In accordance with Council Regulation (EU) 2017/1939[1], the EPPO may	6. In accordance with Council Regulation (EU) 2017/1939[1], the EPPO may	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council[2]. _________ 1. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1). 2. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).	investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council[2]. _________ 1. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1). 2. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).	investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council[2]. _________ 1. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1). 2. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).	
Section 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1421	Section 4 General provisions governing the Agency	Section 4 General provisions governing the Agency	Section 4 General provisions governing the Agency	
Article 157				
1422	Article 157 Liability	Article 157 Liability	Article 157 Liability	
Article 157(1)				
1423	1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question. The Court of Justice of the European Union shall have jurisdiction pursuant to any arbitration clause contained in a contract concluded by the Agency.	1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question. The Court of Justice of the European Union shall have jurisdiction pursuant to any arbitration clause contained in a contract concluded by the Agency.	1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question. The Court of Justice of the European Union shall have jurisdiction pursuant to any arbitration clause contained in a contract concluded by the Agency.	
Article 157(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1424	2. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or by its staff in the performance of their duties.	2. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or by its staff in the performance of their duties.	2. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or by its staff in the performance of their duties.	
Article 157(2), second subparagraph				
1425	The Court of Justice shall have jurisdiction in any dispute relating to compensation for any such damage.	The Court of Justice shall have jurisdiction in any dispute relating to compensation for any such damage.	The Court of Justice shall have jurisdiction in any dispute relating to compensation for any such damage.	
Article 157(3)				
1426	3. The personal liability of its staff towards the Agency shall be governed by the provisions laid	3. The personal liability of its staff towards the Agency shall be governed by the provisions laid	3. The personal liability of its staff towards the Agency shall be governed by the provisions laid	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	down in the Staff Regulations or Conditions of Employment of Other Servants applicable to them.	down in the Staff Regulations or Conditions of Employment of Other Servants applicable to them.	down in the Staff Regulations or Conditions of Employment of Other Servants applicable to them.	
Article 158				
1427	Article 158 Access to documents	Article 158 Access to documents	Article 158 Access to documents	
Article 158, first paragraph				
1428	Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.	Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.	Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.	
Article 158, second paragraph				
1429	The Agency shall set up a register pursuant to Article 2(4) of Regulation (EC) No 1049/2001 to make available all documents that	The Agency shall set up a register pursuant to Article 2(4) of Regulation (EC) No 1049/2001 to make available all documents that	The Agency shall set up a register pursuant to Article 2(4) of Regulation (EC) No 1049/2001 to make available all documents that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	are publicly available pursuant to this Regulation.	are publicly available pursuant to this Regulation.	are publicly available pursuant to this Regulation.	
Article 158, third paragraph				
1430	The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001.	The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001.	The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001.	
Article 158, fourth paragraph				
1431	Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint with the Ombudsman or form the subject of an action before the Court of Justice, under the conditions laid down in Article	Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint with the Ombudsman or form the subject of an action before the Court of Justice, under the conditions laid down in Article	Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may give rise to the lodging of a complaint with the Ombudsman or form the subject of an action before the Court of Justice, under the conditions laid down in Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	228 and Article 263 of the Treaty respectively.	228 and Article 263 of the Treaty respectively.	228 and Article 263 of the Treaty respectively.	
Article 159				
1432	Article 159 Privileges	Article 159 Privileges	Article 159 Privileges	
Article 159, first paragraph				
1433	Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on the Functioning of the European Union shall apply to the Agency and its staff.	Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on the Functioning of the European Union shall apply to the Agency and its staff.	Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on the Functioning of the European Union shall apply to the Agency and its staff.	
Article 160				
1434	Article 160	Article 160	Article 160	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Staff	Staff	Staff	
Article 160, first paragraph				
1435	The Staff Regulations and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and Conditions of Employment of Other Servants shall apply to the staff of the Agency.	The Staff Regulations and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and Conditions of Employment of Other Servants shall apply to the staff of the Agency.	The Staff Regulations and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and Conditions of Employment of Other Servants shall apply to the staff of the Agency.	
Article 160, second paragraph				
1436	The Agency may make use of seconded national experts or other staff not employed by the Agency.	The Agency may make use of seconded national experts or other staff not employed by the Agency.	The Agency may make use of seconded national experts or other staff not employed by the Agency.	
Article 160, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1437	The Management Board, in agreement with the Commission, shall adopt the necessary implementing provisions.	The Management Board, in agreement with the Commission, shall adopt the necessary implementing provisions.	The Management Board, in agreement with the Commission, shall adopt the necessary implementing provisions.	
Article 161				
1438	Article 161 Security rules on the protection of classified and sensitive non-classified information	Article 161 Security rules on the protection of classified and sensitive non-classified information	Article 161 Security rules on the protection of classified and sensitive non-classified information	
Article 161, first paragraph				
1439	The Agency shall adopt own security rules equivalent to the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified	The Agency shall adopt own security rules equivalent to the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified	The Agency shall adopt own security rules equivalent to the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information, as set out in Commission Decisions (EU, Euratom) 2015/443[1] and 2015/444[2]. The security rules of the Agency shall cover, inter alia, provisions for the exchange, processing and storage of such information. __________ 1. Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41). 2. Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).	information, as set out in Commission Decisions (EU, Euratom) 2015/443[1] and 2015/444[2]. The security rules of the Agency shall cover, inter alia, provisions for the exchange, processing and storage of such information. __________ 1. Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41). 2. Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).	information, as set out in Commission Decisions (EU, Euratom) 2015/443[1] and 2015/444[2]. The security rules of the Agency shall cover, inter alia, provisions for the exchange, processing and storage of such information. __________ 1. Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41). 2. Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).	
Article 161, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1440	Members of the Management Board, the Executive Director, members of the committees, external experts participating in ad hoc working groups, and members of the staff of the Agency shall comply with the confidentiality requirements under Article 339 TFEU, even after their duties have ceased.	Members of the Management Board, the Executive Director, members of the committees, external experts participating in ad hoc working groups, and members of the staff of the Agency shall comply with the confidentiality requirements under Article 339 TFEU, even after their duties have ceased.	Members of the Management Board, the Executive Director, members of the committees, external experts participating in ad hoc working groups, and members of the staff of the Agency shall comply with the confidentiality requirements under Article 339 TFEU, even after their duties have ceased.	
Article 161, third paragraph				
1441	The Agency may take the necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union institutions, bodies, offices and agencies. Any	The Agency may take the necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union institutions, bodies, offices and agencies. Any	The Agency may take the necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union institutions, bodies, offices and agencies. Any	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	administrative arrangements concluded to that end with regard to the sharing of EU classified information (EUCI) or, in the absence of such arrangements, any exceptional ad hoc release of EUCI, shall have received the Commission's prior approval.	administrative arrangements concluded to that end with regard to the sharing of EU classified information (EUCI) or, in the absence of such arrangements, any exceptional ad hoc release of EUCI, shall have received the Commission's prior approval.	administrative arrangements concluded to that end with regard to the sharing of EU classified information (EUCI) or, in the absence of such arrangements, any exceptional ad hoc release of EUCI, shall have received the Commission's prior approval.	
Article 162				
1442	Article 162 Consultation process	Article 162 Consultation process	Article 162 Consultation process	
Article 162(1), first subparagraph				
1443	1. The Agency shall establish a consultation process with relevant national authorities or bodies for the exchange of information and pooling of	1. The Agency shall establish a consultation process with relevant national authorities or bodies for the exchange of information and pooling of	1. The Agency shall establish a consultation process with relevant national authorities or bodies for the exchange of information and pooling of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	knowledge on general issues of scientific or technical nature related to the tasks of the Agency, in particular guidelines on unmet medical needs and the design of clinical trials, other studies and the generation of evidence along the life cycle of medicinal products.	knowledge on general issues of scientific or technical nature related to the tasks of the Agency, in particular guidelines on unmet medical needs and the design of clinical trials, other studies and the generation of evidence along the life cycle of medicinal products.	knowledge on general issues of scientific or technical nature related to the tasks of the Agency, in particular guidelines on unmet medical needs and the design of clinical trials, other studies and the generation of evidence along the life cycle of medicinal products.	
Article 162(1), second subparagraph				
1444	The consultation process shall include bodies responsible for health technology assessment as referred to in Regulation (EU) 2021/2282 and national bodies responsible for pricing and reimbursement.	The consultation process shall include bodies responsible for health technology assessment as referred to in Regulation (EU) 2021/2282 and national bodies responsible for pricing and reimbursement.	The consultation process shall include bodies responsible for health technology assessment as referred to in Regulation (EU) 2021/2282 and national bodies responsible for pricing and reimbursement.	
Article 162(1), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1445	The conditions of participation shall be set by the Management Board in agreement with the Commission.	The conditions of participation shall be set by the Management Board in agreement with the Commission.	The conditions of participation shall be set by the Management Board in agreement with the Commission.	
Article 162(2)				
1446	2. The Agency may extend the consultation process to patients, medicine developers, healthcare professionals, industries or other stakeholders, as relevant.	2. The Agency ~~*may*~~***shall*** extend the consultation process to patients, medicine developers, healthcare professionals, industries or other stakeholders~~,~~ as relevant.	2. The Agency may extend the consultation process to patients, medicine developers, healthcare professionals, industries or other stakeholders, as relevant.	
Article 163				
1447	Article 163 Contacts with civil society representatives	Article 163 Contacts with civil society representatives	Article 163 Contacts with civil society representatives	
Article 163, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1448	The Management Board shall, in agreement with the Commission, develop appropriate contacts between the Agency and the representatives of the industry, consumers and patients and the healthcare professions. These contacts may include the participation of observers in certain aspects of the Agency's work, under conditions determined beforehand by the Management Board, in agreement with the Commission.	The Management Board shall, in agreement with the Commission, develop appropriate contacts between the Agency and the representatives of the industry, consumers and patients and the healthcare professions***, including through the Patients' and Consumers' Working Party (PCWP), the Healthcare Professionals' Working Party (HCPWP) and the Industry Standing Group (ISG)***. These contacts may include the participation of observers in certain aspects of the Agency's work, under conditions determined beforehand by the Management Board, in agreement with the Commission.	The Management Board shall, in agreement with the Commission, develop appropriate contacts between the Agency and the representatives of the industry, consumers and patients and the healthcare professions. These contacts may include the participation of observers in certain aspects of the Agency's work, under conditions determined beforehand by the Management Board, in agreement with the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 164				
1449	Article 164 Support to SMEs and to not-for profit entities	Article 164 Support to SMEs and to not-for profit entities	Article 164 Support to SMEs and to not-for profit entities	
Article 164(1)				
1450	1. The Agency shall ensure that micro, small and medium-sized enterprises ('SMEs') and not-for-profit entities are offered a support scheme.	1. The Agency shall ensure that micro, small and medium-sized enterprises ('SMEs') and not-for-profit entities are offered a support scheme.	1. The Agency shall ensure that micro, small and medium-sized enterprises ('SMEs') and not-for-profit entities are offered a support scheme.	
Article 164(2)				
1451	2. The support scheme shall be comprised of regulatory, procedural and administrative	2. The support scheme shall be comprised of regulatory, procedural and administrative	2. The support scheme shall be comprised of regulatory, procedural and administrative	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	support and reduction, deferral or waivers of fees.	support and reduction, deferral or waivers of fees.	support and reduction, deferral or waivers of fees.	
Article 164(3)				
1452	3. The scheme shall cover the various steps involved in pre-authorisation procedures, and in particular scientific advice, the submission of the marketing authorisation application, and the post-authorisation procedures.	3. The scheme shall cover the various steps involved in pre-authorisation procedures, and in particular scientific advice, the submission of the marketing authorisation application, and the post-authorisation procedures.	3. The scheme shall cover the various steps involved in pre-authorisation procedures, and in particular scientific advice, the submission of the marketing authorisation application, and the post-authorisation procedures.	
Article 164(4)				
1453	4. SMEs shall benefit from the incentives laid down in Commission Regulation (EC) No 2049/2005 and [revised Council Regulation (EC) No 297/95][1].	4. SMEs shall benefit from the incentives laid down in Commission Regulation (EC) No 2049/2005 and [revised Council Regulation (EC) No 297/95][1].	4. SMEs shall benefit from the incentives laid down in Commission Regulation (EC) No 2049/2005 and [revised Council Regulation (EC) No 297/95][1].	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	_____ 1. Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products (OJ L 35, 15.2.1995, p. 1).	_____ 1. Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products (OJ L 35, 15.2.1995, p. 1).	_____ 1. Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products (OJ L 35, 15.2.1995, p. 1).	
Article 164(5)				
1454	5. For not-for-profit entities, the Commission shall adopt specific provisions clarifying the definitions, establishing waivers, reductions or deferrals of fees, as appropriate, in accordance with the procedure referred to in Article 10 and Article 12 of [revised Regulation (EC) No 297/95].	5. For not-for-profit entities, the Commission shall adopt specific provisions clarifying the definitions, establishing waivers, reductions or deferrals of fees, as appropriate, in accordance with the procedure referred to in Article 10 and Article 12 of ***and Annex V to*** [revised Regulation (EC) No 297/95].	5. For not-for-profit entities, the Commission shall adopt specific provisions clarifying the definitions, establishing waivers, reductions or deferrals of fees, as appropriate, in accordance with the procedure referred to in Article 10 and Article 12 of [revised Regulation (EC) No 297/95].	
Article 165				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1455	Article 165 Transparency	Article 165 Transparency	Article 165 Transparency	
Article 165, first paragraph				
1456	To ensure an appropriate level of transparency, the Management Board shall, on the basis of a proposal by the Executive Director and in agreement with the Commission, adopt rules to ensure the availability to the public of regulatory, scientific or technical information concerning the authorisation or supervision of medicinal products for human use which is not of a confidential nature.	To ensure an appropriate level of transparency, the Management Board shall, on the basis of a proposal by the Executive Director and in agreement with the Commission, adopt rules to ensure the availability to the public of regulatory, scientific or technical information concerning the authorisation or supervision of medicinal products for human use which is not of a confidential nature.	To ensure an appropriate level of transparency, the Management Board shall, on the basis of a proposal by the Executive Director and in agreement with the Commission, adopt rules to ensure the availability to the public of regulatory, scientific or technical information concerning the authorisation or supervision of medicinal products for human use which is not of a confidential nature.	
Article 165, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1457	The internal rules and procedures of the Agency, its committees and its working groups shall be made available to the public at the Agency and on the Internet.	The internal rules and procedures of the Agency, its committees and its working groups shall be made available to the public at the Agency and on the Internet.	The internal rules and procedures of the Agency, its committees and its working groups shall be made available to the public at the Agency and on the Internet.	
Article 165, third paragraph				
1458	The Agency may engage in communication activities on its own initiative within its field of competence. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks of the Agency. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.	The Agency may engage in communication activities on its own initiative within its field of competence. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks of the Agency. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.	The Agency may engage in communication activities on its own initiative within its field of competence. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks of the Agency. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 165, third paragraph a				
1458a		***Sufficient resources shall be allocated to the Agency to ensure appropriate implementation of its transparency obligations and commitments.***		
Article 166				
1459	Article 166 Personal health data	Article 166 Personal health data	Article 166 Personal health data	
Article 166(1)				
1460	1. To support its public health tasks and in particular the evaluation and monitoring medicinal products or the preparation of regulatory decisions and scientific opinions, the	1. To support its public health tasks and in particular the evaluation and monitoring medicinal products or the preparation of regulatory decisions and scientific opinions, the	1. ~~To support its public health tasks and in particular the evaluation and monitoring medicinal products or the preparation of regulatory decisions and scientific opinions, the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Agency may process personal health data, from sources other than clinical trials, for the purpose of improving the robustness of its scientific assessment or verifying claims of the applicant or marketing authorisation holder in the context of the evaluation or supervision of medicinal product.	Agency may process personal health data, from sources other than clinical trials, ***including real world data*** for the purpose of improving the robustness of its scientific assessment or verifying claims of the applicant or marketing authorisation holder in the context of the evaluation or supervision of medicinal product. ***The Agency shall put in place sufficient, effective and specific technical and organisational measures to safeguard the fundamental rights and interests of data subjects in line with Regulations (EU) 2016/679 and (EU) 2018/1725, including but not limited to clear and targeted data minimisation policies, state-***	~~Agency may process personal health data, from sources other than clinical trials, for the purpose of improving the robustness of its scientific assessment or verifying claims of the applicant or marketing authorisation holder in the context of the evaluation or supervision of medicinal product.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		of-the-art anonymisation and pseudonymisation requirements.		
Article 166(1), second subparagraph				
1460a		***Such data shall in particular include personal electronic health data as defined in Regulation (EU) .../... [EHDS Regulation 2022/0140(COD)], data from the Eudravigilance database, clinical data and, where applicable, data from monitoring studies on the use, effectiveness and safety of medicinal products intended for treatment, prevention or the diagnosis of disease, including health data provided by public authorities.***		
Article 166(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1461	2. The Agency may consider and decide upon additional evidence available, independently from the data submitted by the marketing authorisation applicant or marketing authorisation holder. On that basis, the summary of product characteristics shall be updated if the additional evidence has an impact on the benefit-risk balance of a medicinal product.	2. The Agency may consider and decide upon additional evidence available, independently from the data submitted by the marketing authorisation applicant or marketing authorisation holder. On that basis, the summary of product characteristics shall be updated if the additional evidence has an impact on the benefit-risk balance of a medicinal product. ***Such update shall only take place after the consultation with the marketing authorisation applicant or marketing authorisation holder concerned. Marketing authorisation applicants and marketing authorisation holders shall have the opportunity to respond within a reasonable timeline set by the***	2. ~~The Agency may consider and decide upon additional evidence available, independently from the data submitted by the marketing authorisation applicant or marketing authorisation holder. On that basis, the summary of product characteristics shall be updated if the additional evidence has an impact on the benefit-risk balance of a medicinal product.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Agency. Marketing authorisation applicants and marketing authorisation holders may submit to the Agency questions and shall be offered the opportunity of an explanation to any proposed update to the summary of product characteristics as appropriate. The reasons for the conclusions reached shall be included in the final opinion.		
Article 166(3)				
1462	3. The Agency shall adopt adequate data governance practices and the required standards to ensure the appropriate use and protection of personal health data, in accordance with	3. The Agency shall adopt adequate data governance practices and the required standards to ensure the appropriate use and protection of personal health data, in accordance with	3. ~~The Agency shall adopt adequate data governance practices and the required standards to ensure the appropriate use and protection of personal health data, in accordance with~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Regulation and Regulation (EU) 2018/1725.	this Regulation and Regulation (EU) 2018/1725.	~~this Regulation and Regulation (EU) 2018/1725.~~	
Article 167				
1463	Article 167 Protection against cyber attacks	Article 167 Protection against cyber attacks	Article 167 Protection against cyber attacks	
Article 167, first paragraph				
1464	The Agency shall equip itself with a high level of security controls and processes against cyber attacks, cyber espionage and other data breaches to ensure the protection of health data and the normal functioning of the Agency at all times, especially during public health emergencies or major events at Union level.	The Agency shall equip itself with a high level of security controls and processes against cyber attacks, cyber espionage and other data breaches to ensure the protection of health data and the normal functioning of the Agency at all times, especially during public health emergencies or major events at Union level.	The Agency shall equip itself with a high level of security controls and processes against cyber attacks, cyber espionage and other data breaches to ensure the protection of health data and the normal functioning of the Agency at all times, especially during public health emergencies or major events at Union level.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 167, second paragraph				
1465	For the purposes of the first subparagraph, the Agency shall actively identify and implement cybersecurity best practices adopted within Union institutions, bodies, offices and agencies for preventing, detecting, mitigating, and responding to cyber attacks.	For the purposes of the first subparagraph, the Agency shall actively ~~*identify and implement*~~***take measures to ensure its compliance with a high common level of*** cybersecurity ~~*best practices*~~ adopted within Union institutions, bodies, offices and agencies***, identify and implement up-to-date cybersecurity best practices*** for preventing, detecting, mitigating, and responding to cyber attacks.	For the purposes of the first subparagraph, the Agency shall actively identify and implement cybersecurity best practices adopted within Union institutions, bodies, offices and agencies for preventing, detecting, mitigating, and responding to cyber attacks.	
Article 168				
1466	Article 168 Confidentiality	Article 168 Confidentiality	Article 168 Confidentiality	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 168(1)				
1467	1. Unless otherwise provided for in this Regulation and without prejudice to Regulation (EC) No 1049/2001 and Directive (EU) 2019/1937 of the European Parliament and of the Council[1], and existing national provisions and practices in the Member States on confidentiality, all parties involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks in order to protect the commercially confidential information and trade secrets of natural or legal persons in accordance with Directive (EU) 2016/943 of the European	1. Unless otherwise provided for in this Regulation and without prejudice to Regulation (EC) No 1049/2001 and Directive (EU) 2019/1937 of the European Parliament and of the Council[1], and existing national provisions ~~*and practices in the Member States*~~ on confidentiality, all parties involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks in order to protect the commercially confidential information and trade secrets of natural or legal persons in accordance with Directive (EU) 2016/943 of the European	1. Unless otherwise provided for in this Regulation and without prejudice to Regulation (EC) No 1049/2001 and Directive (EU) 2019/1937 of the European Parliament and of the Council[1], and existing national provisions and practices in the Member States on confidentiality, all parties involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks in order to protect the commercially confidential information and trade secrets of natural or legal persons in accordance with Directive (EU) 2016/943 of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council[2], including intellectual property rights. __________ 1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17). 2. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).	Parliament and of the Council[2], including intellectual property rights. __________ 1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17). 2. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).	Parliament and of the Council[2], including intellectual property rights. __________ 1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17). 2. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).	
Article 168(2)				
1468	2. Without prejudice to paragraph 1, all parties involved in the application of this Regulation	2. Without prejudice to paragraph 1, all parties involved in the application of this Regulation	2. Without prejudice to paragraph 1, all parties involved in the application of this Regulation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall ensure that no commercially confidential information is shared in a way which has the potential to enable undertakings to restrict or distort competition within the meaning of Article 101 TFEU.	shall ensure that no commercially confidential information is shared in a way which has the potential to enable undertakings to restrict or distort competition within the meaning of Article 101 TFEU.	shall ensure that no commercially confidential information is shared in a way which has the potential to enable undertakings to restrict or distort competition within the meaning of Article 101 TFEU.	
Article 168(3)				
1469	3. Without prejudice to paragraph 1, information exchanged on a confidential basis between competent authorities of the Member States and between competent authorities of the Member States and the Commission and the Agency shall not be disclosed without the prior agreement of the authority from which that information originates.	3. Without prejudice to paragraph 1, information exchanged on a confidential basis between competent authorities of the Member States and between competent authorities of the Member States and the Commission and the Agency shall not be disclosed without the prior agreement of the authority from which that information originates.	3. Without prejudice to paragraph 1, information exchanged on a confidential basis between competent authorities of the Member States and between competent authorities of the Member States and the Commission and the Agency shall not be disclosed without the prior agreement of the authority from which that information originates.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 168(4)				
1470	4. Paragraphs 1, 2 and 3 do not affect the rights and obligations of the Commission, the Agency, Member States or other actors identified in this Regulation with regard to the exchange of information and the dissemination of warnings, nor do they affect the obligations of the persons concerned to provide information under criminal law.	4. Paragraphs 1, 2 and 3 do not affect the rights and obligations of the Commission, the Agency, Member States or other actors identified in this Regulation with regard to the exchange of information and the dissemination of warnings, nor do they affect the obligations of the persons concerned to provide information under criminal law.	4. Paragraphs 1, 2 and 3 do not affect the rights and obligations of the Commission, the Agency, Member States or other actors identified in this Regulation with regard to the exchange of information and the dissemination of warnings, nor do they affect the obligations of the persons concerned to provide information under criminal law.	
Article 168(5)				
1471	5. The Commission, the Agency, and Member States may exchange commercially confidential information with regulatory authorities of third	5. The Commission, the Agency, and Member States may exchange commercially confidential information with regulatory authorities of third	5. The Commission, the Agency, and Member States may exchange commercially confidential information with regulatory authorities of third	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	countries with which they have concluded bilateral or multilateral confidentiality arrangements.	countries with which they have concluded bilateral or multilateral confidentiality arrangements.	countries with which they have concluded bilateral or multilateral confidentiality arrangements.	
Article 169				
1472	Article 169 Processing of personal data	Article 169 Processing of personal data	Article 169 Processing of personal data	
Article 169(1), first subparagraph				
1473	1. The Agency may process personal data, including personal health data, for the performance of its tasks as referred to in Article 135, in particular for the purpose of improving the robustness of its scientific assessment or verifying claims of the applicant or marketing authorisation holder in	1. The Agency may process personal data, including personal health data, for the performance of its tasks as referred to in Article 135, in particular for the purpose of improving the robustness of its scientific assessment or verifying claims of the applicant or marketing authorisation holder in	1. The Agency may process personal data, including personal health data, **from sources other than clinical studies,** for the performance of its tasks as referred to in Article ~~135~~ **138**, in particular for the purpose of improving the robustness of its scientific assessment or verifying claims of the applicant or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the context of the evaluation or supervision of medicinal products.	the context of the evaluation or supervision of medicinal products.	marketing authorisation holder in the context of the evaluation or supervision of medicinal products.	
Article 169(1), second subparagraph				
1474	Additionally, the Agency may process such data for the performance of regulatory science activities, as defined in paragraph 2, provided that the processing of those personal data:	Additionally, the Agency may process such data for the performance of regulatory science activities, as defined in paragraph 2, provided that the processing of those personal data:	Additionally, the Agency may process such data for the performance of regulatory science activities, as defined in paragraph 2, provided that the processing of those personal data:	
Article 169(1), second subparagraph, point (a)				
1475	(a) is strictly required and duly justified to achieve the objectives of the project or of the horizon scanning activities concerned;	(a) is strictly required and duly justified to achieve the objectives of the project or of the horizon scanning activities concerned;	(a) is strictly required and duly justified to achieve the objectives of the project or of the horizon scanning activities concerned;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 169(1), second subparagraph, point (b)				
1476	(b) as regards special categories of personal data, is strictly necessary and subject to appropriate safeguards, which may include pseudonymisation.	(b) as regards special categories of personal data, is strictly necessary and subject to appropriate safeguards, which may include pseudonymisation ***requirements and techniques, data minimisation measures, specific organisational measures and access controls on a 'need to know' basis and other appropriate measures, confidentiality requirements, and fundamental rights of data subjects as set out in Regulations (EU) 2016/679 and (EU) 2018/1725***.	(b) as regards special categories of personal data, is strictly necessary and subject to appropriate safeguards, which may include pseudonymisation.	
Article 169(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1477	2. For the purpose of this Article, ‘regulatory science activities’ shall mean scientific projects to complement available scientific evidence with regard to diseases or horizontal questions related to medicinal products, to fill evidence gaps that cannot be fully addressed through data in the possession of the Agency, or to support horizon scanning activities.	2. For the purpose of this Article, ‘regulatory science activities’ shall mean scientific projects to complement available scientific evidence with regard to diseases or horizontal questions related to medicinal products, to fill evidence gaps that cannot be fully addressed through data in the possession of the Agency, or to support horizon scanning activities.	2. For the purpose of this Article, ‘regulatory science activities’ shall mean scientific projects to complement available scientific evidence with regard to diseases or horizontal questions related to medicinal products, to fill evidence gaps that cannot be fully addressed through data in the possession of the Agency, or to support horizon scanning activities.	
Article 169(3)				
1478	3. The processing of personal data by the Agency in the context of this Article shall be guided by the principles of transparency, explainability, fairness, and accountability.	3. The processing of personal data by the Agency in the context of this Article shall be guided by the principles of transparency, explainability, fairness, and accountability.	3. The processing of personal data by the Agency in the context of this Article shall be guided by the principles of transparency, explainability, fairness, and accountability.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 169(4)				
1479	4. The Management Board shall establish the general scope for the regulatory science activities in consultation with the Commission and the European Data Protection Supervisor.	4. The Management Board shall establish the general scope for the regulatory science activities in consultation with the Commission and the European Data Protection Supervisor.	4. The Management Board shall establish the general scope for the regulatory science activities in consultation with the Commission and the European Data Protection Supervisor.	
Article 169(5)				
1480	5. The Agency shall keep documentation containing a detailed description of the process and of the rationale behind the training, testing and validation of algorithms to ensure transparency of the process and the algorithms, including their compliance with the safeguards provided for in this Article, and to allow for	5. The Agency shall keep documentation containing a detailed description of the process and of the rationale behind the training, testing and validation of algorithms to ensure transparency of the process and the algorithms, including their compliance with the safeguards provided for in this Article, and to allow for	5. The Agency shall keep documentation containing a detailed description of the process and of the rationale behind the training, testing and validation of algorithms to ensure transparency of the process and the algorithms, including their compliance with the safeguards provided for in this Article, and to allow for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	verification of the accuracy of the results based on the use of such algorithms. Upon request, the Agency shall make relevant documentation available to interested parties, including Member States.	verification of the accuracy of the results based on the use of such algorithms. Upon request, the Agency shall make relevant documentation available to interested parties, including Member States.	verification of the accuracy of the results based on the use of such algorithms. Upon request, the Agency shall make relevant documentation available to interested parties, including Member States.	
Article 169(6)				
1481	6. If the personal data to be processed for the regulatory science activities have been directly provided by a Member State, a Union body, a third country or an international organisation, the Agency shall request authorisation from that provider of data, unless the provider of data has granted its prior authorisation to such	6. If the personal data to be processed for the regulatory science activities have been directly provided by a Member State, a Union body, a third country or an international organisation, the Agency shall request authorisation from that provider of data, unless the provider of data has granted its prior authorisation to such	6. If the personal data to be processed for the regulatory science activities have been directly provided by a Member State, a Union body, a third country or an international organisation, the Agency shall request authorisation from that provider of data, unless the provider of data has granted its prior authorisation to such	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	processing for the purpose of regulatory science activities, either in general terms or subject to specific conditions.	processing for the purpose of regulatory science activities, either in general terms or subject to specific conditions.	processing for the purpose of regulatory science activities, either in general terms or subject to specific conditions.	
Article 169(7)				
1482	7. Processing of personal data under this Regulation shall be subject to Regulations (EU) 2016/679 and (EU) 2018/1725, as applicable.	7. Processing of personal data under this Regulation shall be subject to Regulations (EU) 2016/679 and (EU) 2018/1725, as applicable.	7. Processing of personal data under this Regulation shall be subject to Regulations (EU) 2016/679 and (EU) 2018/1725, as applicable.	
Article 170				
1483	Article 170 Evaluation	Article 170 Evaluation	Article 170 Evaluation	
Article 170(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1484	1. Not later than [note to OP = five years after the date of entry into application], and every 10 years thereafter, the Commission shall commission an evaluation of the Agency's performance in relation to its objectives, mandate, tasks, governance and location(s) in accordance with Commission's guidelines.	1. Not later than [note to OP = five years after the date of entry into application], and every 10 years thereafter, the Commission shall commission an evaluation of the Agency's performance in relation to its objectives, mandate, tasks, governance and location(s) in accordance with Commission's guidelines.	1. Not later than [~~note to OP = five years after the date of entry into application~~***note to OP = five years after the date of entry into application***], and every 10 years thereafter, the Commission shall commission an evaluation of the Agency's performance in relation to its objectives, mandate, tasks, governance and location(s) in accordance with Commission's guidelines. **The evaluation shall include, amongst others, based on the reports referred to in Articles 144 point q and qa, a quantitative assessment of the efficiency gain, the appropriate involvement of scientific expertise in particular regarding orphan, paediatric medicinal products and ATMPs as well as**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the broad geographical representation of national experts in the work of the scientific committees, advisory groups and working parties.	
Article 170(2)				
1485	2. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.	2. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.	2. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.	
Article 170(3)				
1486	3. On the occasion of every second evaluation, there shall be an assessment of the results achieved by the Agency having	3. On the occasion of every second evaluation, there shall be an assessment of the results achieved by the Agency having	3. On the occasion of every second evaluation, there shall be an assessment of the results achieved by the Agency having	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regard to its objectives, mandate, governance and tasks, including an assessment of whether the continuation of the Agency is still justified with regard to these objectives, mandate, governance and tasks. This assessment shall also include the experience acquired as a result of the operation of the procedures laid down in this Regulation and in Chapter III, Sections 4 and 5 of [revised Directive 2001/83/EC] on the basis of input from Member States and the Coordination group referred to in Article 37 of [revised Directive 2001/83/EC].	regard to its objectives, mandate, governance and tasks, including an assessment of whether the continuation of the Agency is still justified with regard to these objectives, mandate, governance and tasks. This assessment shall also include the experience acquired as a result of the operation of the procedures laid down in this Regulation and in Chapter III, Sections 4 and 5 of [revised Directive 2001/83/EC] on the basis of input from Member States and the Coordination group referred to in Article 37 of [revised Directive 2001/83/EC].	regard to its objectives, mandate, governance and tasks, including an assessment of whether the continuation of the Agency is still justified with regard to these objectives, mandate, governance and tasks. This assessment shall also include the experience acquired as a result of the operation of the procedures laid down in this Regulation and in Chapter III, Sections 4 and 5 of [revised Directive 2001/83/EC] on the basis of input from Member States and the Coordination group referred to in Article 37 of [revised Directive 2001/83/EC].	
Article 170(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1487	4. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation findings. The findings of the evaluation shall be made public.	4. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation findings. The findings of the evaluation shall be made public.	4. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation findings. The findings of the evaluation shall be made public.	
Article 170(5)				
1488	5. By 10 years following the entering into application, the Commission shall assess the application of this Regulation and produce an evaluation report on the progress towards achievement of the objectives contained herein including an assessment of the resources required to implement this Regulation.	5. By 10 years following the entering into application, the Commission shall assess the application of this Regulation and produce an evaluation report on the progress towards achievement of the objectives contained herein including an assessment of the resources required to implement this Regulation.	5. By 10 years following the entering into application, the Commission shall assess the application of this Regulation and produce an evaluation report on the progress towards achievement of the objectives contained herein including an assessment of the resources required to implement this Regulation.	
Article 170(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1488a			**6. The Commission shall, following the use of the first two vouchers pursuant to Article 41, paragraph 2, or five years after the date of application of this Regulation, whichever is the earliest, and every 5 years thereafter, carry out an evaluation of Chapter III of this Regulation and present a report on the main findings of that evaluation to the European Parliament and the Council. The evaluation shall include an assessment of the effectiveness of the voucher as a measure, taking into account also other existing Union level market incentives for authorised priority antimicrobials, to address the market failure in the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			development of new antimicrobials addressing antimicrobial resistance and assess the actual and expected costs. The Commission shall, if appropriate, present a legislative proposal, based on the evaluation, in order to amend this Regulation.	
CHAPTER XII				
1489	CHAPTER XII GENERAL PROVISIONS	CHAPTER XII GENERAL PROVISIONS	CHAPTER XII GENERAL PROVISIONS	
Article 171				
1490	Article 171 Penalties at national level	Article 171 Penalties at national level	Article 171 Penalties at national level	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 171(1)				
1491	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	1. ***By ... [12 months from the date of entry into force of this Regulation],*** Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	
Article 171(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1492	2. Member States shall inform the Commission immediately of any litigation instituted for infringement of this Regulation.	2. Member States shall inform the Commission immediately of any litigation instituted for infringement of this Regulation.	2. Member States shall inform the Commission immediately of any litigation instituted for infringement of this Regulation **regarding centrally authorised medicinal products**.	
Article 172				
1493	Article 172 Union penalties	Article 172 Union penalties	Article 172 Union penalties	
Article 172(1)				
1494	1. The Commission may impose financial penalties in the form of fines or periodic penalty payments on the marketing authorisations holder granted under this Regulation if they fail to	1. The Commission may impose financial penalties in the form of fines or periodic penalty payments on the marketing authorisations holder granted under this Regulation if they fail to	1. The Commission may impose financial penalties in the form of fines or periodic penalty payments on the marketing authorisations holder granted under this Regulation if they fail to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	comply with any of the obligations laid down in Annex II in connection with the marketing authorisations.	comply with any of the obligations laid down in Annex II in connection with the marketing authorisations.	comply with any of the obligations laid down in Annex II in connection with the marketing authorisations.	
Article 172(2)				
1495	2. The Commission may, insofar as specifically provided for in the delegated acts referred to in paragraph 10, point (b), impose the financial penalties referred to in paragraph 1 on a legal entity or legal entities other than the marketing authorisation holder provided that such entities form part of the same economic entity as the marketing authorisation holder and that such other legal entities:	2. The Commission may, insofar as specifically provided for in the delegated acts referred to in paragraph 10, point (b), impose the financial penalties referred to in paragraph 1 on a legal entity or legal entities other than the marketing authorisation holder provided that such entities form part of the same economic entity as the marketing authorisation holder and that such other legal entities:	2. The Commission may, insofar as specifically provided for in the delegated acts referred to in paragraph 10, point (b), impose the financial penalties referred to in paragraph 1 on a legal entity or legal entities other than the marketing authorisation holder provided that such entities form part of the same economic entity as the marketing authorisation holder and that such other legal entities:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 172(2), point (a)				
1496	(a) exerted a decisive influence over the marketing authorisation holder; or	(a) exerted a decisive influence over the marketing authorisation holder; or	(a) exerted a decisive influence over the marketing authorisation holder; or	
Article 172(2), point (b)				
1497	(b) were involved in, or could have addressed, such failure to comply with the obligation by the marketing authorisation holder.	(b) were involved in, or could have addressed, such failure to comply with the obligation by the marketing authorisation holder.	(b) were involved in, or could have addressed, such failure to comply with the obligation by the marketing authorisation holder.	
Article 172(3)				
1498	3. Where the Agency or a competent authority of a Member State is of the opinion that a marketing authorisation holder has failed to comply with any of the obligations, referred to in	3. Where the Agency or a competent authority of a Member State is of the opinion that a marketing authorisation holder has failed to comply with any of the obligations, referred to in	3. Where the Agency or a competent authority of a Member State is of the opinion that a marketing authorisation holder has failed to comply with any of the obligations, referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, it may request the Commission to investigate whether to impose financial penalties pursuant to that paragraph.	paragraph 1, it may request the Commission to investigate whether to impose financial penalties pursuant to that paragraph.	paragraph 1, it may request the Commission to investigate whether to impose financial penalties pursuant to that paragraph.	
Article 172(4)				
1499	4. In determining whether to impose a financial penalty and in determining its appropriate amount, the Commission shall be guided by the principles of effectiveness, proportionality and dissuasiveness and take into consideration, where relevant, the seriousness and the effects of the failure to comply with the obligations.	4. In determining whether to impose a financial penalty and in determining its appropriate amount, the Commission shall be guided by the principles of effectiveness, proportionality and dissuasiveness and take into consideration, where relevant, the seriousness and the effects of the failure to comply with the obligations.	4. In determining whether to impose a financial penalty and in determining its appropriate amount, the Commission shall be guided by the principles of effectiveness, proportionality and dissuasiveness and take into consideration, where relevant, the seriousness and the effects of the failure to comply with the obligations.	
Article 172(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1500	5. For the purposes of paragraph 1, the Commission shall take into account:	5. For the purposes of paragraph 1, the Commission shall take into account:	5. For the purposes of paragraph 1, the Commission shall take into account:	
Article 172(5), point (a)				
1501	(a) any infringement procedure initiated by a Member State against the same marketing authorisation holder on the basis of the same legal grounds and the same facts;	(a) any infringement procedure initiated by a Member State against the same marketing authorisation holder on the basis of the same legal grounds and the same facts;	(a) any infringement procedure initiated by a Member State against the same marketing authorisation holder on the basis of the same legal grounds and the same facts;	
Article 172(5), point (b)				
1502	(b) any sanctions, including penalties, already imposed on the same marketing authorisation holder on the basis of the same legal grounds and the same facts.	(b) any sanctions, including penalties, already imposed on the same marketing authorisation holder on the basis of the same legal grounds and the same facts.	(b) any sanctions, including penalties, already imposed on the same marketing authorisation holder on the basis of the same legal grounds and the same facts.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 172(5), point (ba)				
1502a		***(ba) the nature, gravity and duration of the infringement and of its consequences, taking into account the scope as well as the number of persons affected and the level of damage suffered by them;***		
Article 172(5), point (bb)				
1502b		***(bb) the size and market share of the entity committing the infringement;***		
Article 172(5), point (bc)				
1502c		***(bc) the intentional or negligent character of the infringement;***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 172(5), point (bd)				
1502d		***(bd) any action taken by the infringing party to mitigate the damage caused by the infringement;***		
Article 172(5), point (be)				
1502e		***(be) the degree of responsibility of the infringing party taking into account technical and organisational measures implemented to prevent the infringement;***		
Article 172(5), point (bf)				
1502f		***(bf) the degree of cooperation with the competent authorities, in order to remedy the infringement***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and mitigate the possible adverse effects of the infringement;		
Article 172(5), point (bg)				
1502g		***(bg) the manner in which the infringement became known to the competent authorities, in particular whether, and if so to what extent, the infringing party notified the infringement;***		
Article 172(5), point (bh)				
1502h		***(bh) the risk to public health, including in the case of falsification of medicinal products.***		
Article 172(6), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1503	6. Where the Commission finds that the marketing authorisation holder has failed, intentionally or negligently, to comply with its obligations, as referred to in paragraph 1, it may adopt a decision imposing a fine not exceeding 5 % of the marketing authorisation holder's Union turnover in the business year preceding the date of that decision.	6. Where the Commission finds that the marketing authorisation holder has failed, intentionally or negligently, to comply with its obligations, as referred to in paragraph 1, it may adopt a decision imposing a fine not exceeding 5 % of the marketing authorisation holder's Union turnover in the business year preceding the date of that decision.	6. Where the Commission finds that the marketing authorisation holder has failed, intentionally or negligently, to comply with its obligations, as referred to in paragraph 1, it may adopt a decision imposing a fine not exceeding 5 % of the marketing authorisation holder's Union turnover in the business year preceding the date of that decision.	
Article 172(6), second subparagraph				
1504	Where the marketing authorisation holder continues to fail to comply with its obligations referred to in paragraph 1, the Commission may adopt a decision imposing periodic penalty payments per day not	Where the marketing authorisation holder continues to fail to comply with its obligations referred to in paragraph 1, the Commission may adopt a decision imposing periodic penalty payments per day not	Where the marketing authorisation holder continues to fail to comply with its obligations referred to in paragraph 1, the Commission may adopt a decision imposing periodic penalty payments per day not	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	exceeding 2,5 % of the marketing authorisation holder's average daily Union turnover in the business year preceding the date of that decision.	exceeding 2,5 % of the marketing authorisation holder's average daily Union turnover in the business year preceding the date of that decision.	exceeding 2,5 % of the marketing authorisation holder's average daily Union turnover in the business year preceding the date of that decision.	
Article 172(6), third subparagraph				
1505	Periodic penalty payments may be imposed for a period running from the date of notification of the relevant Commission's decision until the failure to comply with the obligation by the marketing authorisation holder, as referred to in paragraph 1, has been brought to an end.	Periodic penalty payments may be imposed for a period running from the date of notification of the relevant Commission's decision until the failure to comply with the obligation by the marketing authorisation holder, as referred to in paragraph 1, has been brought to an end.	Periodic penalty payments may be imposed for a period running from the date of notification of the relevant Commission's decision until the failure to comply with the obligation by the marketing authorisation holder, as referred to in paragraph 1, has been brought to an end.	
Article 172(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1506	7. When conducting the investigation on a failure to comply with any of the obligations referred to in paragraph 1, the Commission may cooperate with competent authorities of the Member States and rely on resources provided by the Agency.	7. When conducting the investigation on a failure to comply with any of the obligations referred to in paragraph 1, the Commission may cooperate with competent authorities of the Member States and rely on resources provided by the Agency.	7. When conducting the investigation on a failure to comply with any of the obligations referred to in paragraph 1, the Commission may cooperate with competent authorities of the Member States and rely on resources provided by the Agency.	
Article 172(8)				
1507	8. Where the Commission adopts a decision imposing a financial penalty, it shall publish a concise summary of the case, including the names of the marketing authorisation holders involved and the amounts of and reasons for the financial penalties imposed, having regard to the legitimate interest of the marketing	8. Where the Commission adopts a decision imposing a financial penalty, it shall publish a concise summary of the case, including the names of the marketing authorisation holders involved and the amounts of and reasons for the financial penalties imposed, having regard to the legitimate interest of the marketing	8. Where the Commission adopts a decision imposing a financial penalty, it shall publish a concise summary of the case, including the names of the marketing authorisation holders involved and the amounts of and reasons for the financial penalties imposed, having regard to the legitimate interest of the marketing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorisation holders for the protection of their business secrets.	authorisation holders for the protection of their business secrets.	authorisation holders for the protection of their business secrets.	
Article 172(9)				
1508	9. The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby the Commission has imposed financial penalties. The Court of Justice of the European Union may cancel, reduce or increase the fine or periodic penalty payment imposed by the Commission.	9. The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby the Commission has imposed financial penalties. The Court of Justice of the European Union may cancel, reduce or increase the fine or periodic penalty payment imposed by the Commission.	9. The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby the Commission has imposed financial penalties. The Court of Justice of the European Union may cancel, reduce or increase the fine or periodic penalty payment imposed by the Commission.	
Article 172(10)				
1509	10. The Commission is empowered to adopt delegated acts	10. The Commission is empowered to adopt delegated acts	10. The Commission is empowered to adopt delegated acts	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in accordance with Article 175 in order to supplement this Regulation by laying down:	in accordance with Article 175 in order to supplement this Regulation by laying down:	in accordance with Article 175 in order to supplement this Regulation by laying down:	
Article 172(10), point (a)				
1510	(a) procedures to be applied by the Commission when imposing fines or periodic penalty payments, including rules on the initiation of the procedure, measures of inquiry, rights of the defence, access to file, legal representation and confidentiality;	(a) procedures to be applied by the Commission when imposing fines or periodic penalty payments, including rules on the initiation of the procedure, measures of inquiry, rights of the defence, access to file, legal representation and confidentiality;	(a) procedures to be applied by the Commission when imposing fines or periodic penalty payments, including rules on the initiation of the procedure, measures of inquiry, rights of the defence, access to file, legal representation and confidentiality;	
Article 172(10), point (b)				
1511	(b) further detailed rules on the imposition by the Commission of financial penalties on legal	(b) further detailed rules on the imposition by the Commission of financial penalties on legal	(b) further detailed rules on the imposition by the Commission of financial penalties on legal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	entities other than the marketing authorisation holder;	entities other than the marketing authorisation holder;	entities other than the marketing authorisation holder;	
Article 172(10), point (c)				
1512	(c) rules on duration of procedure and limitation periods;	(c) rules on duration of procedure and limitation periods;	(c) rules on duration of procedure and limitation periods;	
Article 172(10), point (d)				
1513	(d) elements to be taken into account by the Commission when setting the level of and imposing fines and periodic penalty payments, as well as the conditions and methods for their collection.	(d) elements to be taken into account by the Commission when setting the level of and imposing fines and periodic penalty payments, as well as the conditions and methods for their collection.	(d) elements to be taken into account by the Commission when setting the level of and imposing fines and periodic penalty payments, as well as the conditions and methods for their collection.	
CHAPTER XIII				
1514	CHAPTER XIII	CHAPTER XIII	CHAPTER XIII	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	DELEGATED AND IMPLEMENTING ACTS	DELEGATED AND IMPLEMENTING ACTS	DELEGATED AND IMPLEMENTING ACTS	
Article 173				
1515	Article 173 Standing Committee on Medicinal Products for Human Use and examination procedure	Article 173 Standing Committee on Medicinal Products for Human Use and examination procedure	Article 173 Standing Committee on Medicinal Products for Human Use and examination procedure	
Article 173(1)				
1516	1. The Commission shall be assisted by the Standing Committee on Medicinal Products for Human Use established by Article 214 of [revised Directive 2001/83/EC]. That committee shall be a committee within the	1. The Commission shall be assisted by the Standing Committee on Medicinal Products for Human Use established by Article 214 of [revised Directive 2001/83/EC]. That committee shall be a committee within the	1. The Commission shall be assisted by the Standing Committee on Medicinal Products for Human Use established by Article 214 of [revised Directive 2001/83/EC]. That committee shall be a committee within the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	meaning of Regulation (EU) No 182/2011.	meaning of Regulation (EU) No 182/2011.	meaning of Regulation (EU) No 182/2011.	
Article 173(2)				
1517	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 173(3)				
1518	3. Where the opinion of the Committee is to be obtained by written procedure and reference is made to this paragraph, that procedure shall be terminated without result only when, within the time-limit for delivery of the opinion, the chair of the Committee so decides.	3. Where the opinion of the Committee is to be obtained by written procedure and reference is made to this paragraph, that procedure shall be terminated without result only when, within the time-limit for delivery of the opinion, the chair of the Committee so decides.	3. Where the opinion of the Committee is to be obtained by written procedure and reference is made to this paragraph, that procedure shall be terminated without result only when, within the time-limit for delivery of the opinion, the chair of the Committee so decides.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 173(4)				
1519	4. The Standing Committee on Medicinal Products for Human Use shall ensure that its rules of procedure are adapted to the need to make medicinal products swiftly available to patients.	4. The Standing Committee on Medicinal Products for Human Use shall ensure that its rules of procedure are adapted to the need to make medicinal products swiftly available to patients.	4. The Standing Committee on Medicinal Products for Human Use shall ensure that its rules of procedure are adapted to the need to make medicinal products swiftly available to patients.	
Article 174				
1520	Article 174 Implementing measures related to authorisation and pharmacovigilance activities	Article 174 Implementing measures related to authorisation and pharmacovigilance activities	Article 174 Implementing measures related to authorisation and pharmacovigilance activities	
Article 174(1), first subparagraph				
1521	1. In order to harmonise electronic transmissions provided for in this Regulation, the	1. In order to harmonise electronic transmissions provided for in this Regulation, the	1. In order to harmonise electronic transmissions provided for in this Regulation, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission may adopt implementing measures covering the format and content of electronic transmissions by marketing authorisation holders.	Commission may adopt implementing measures covering the format and content of electronic transmissions by marketing authorisation holders.	Commission may adopt implementing measures covering the format and content of electronic transmissions by marketing authorisation holders.	
Article 174(1), second subparagraph				
1522	Those measures shall take account of the work on international harmonisation carried out in the area and shall, where necessary, be revised to take account of technical and scientific progress. Those measures shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those measures shall take account of the work on international harmonisation carried out in the area and shall, where necessary, be revised to take account of technical and scientific progress. Those measures shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those measures shall take account of the work on international harmonisation carried out in the area and shall, where necessary, be revised to take account of technical and scientific progress. Those measures shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 174(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1523	2. In order to harmonise the performance of the pharmacovigilance activities provided for in this Regulation, the Commission shall adopt implementing measures as provided for in Article 214 of [revised Directive 2001/83/EC] covering the following areas:	2. In order to harmonise the performance of the pharmacovigilance activities provided for in this Regulation, the Commission shall adopt implementing measures as provided for in Article 214 of [revised Directive 2001/83/EC] covering the following areas:	2. In order to harmonise the performance of the pharmacovigilance activities provided for in this Regulation, the Commission shall adopt implementing measures as provided for in Article 214 of [revised Directive 2001/83/EC] covering the following areas:	
Article 174(2), first subparagraph, point (a)				
1524	(a) the content and maintenance of the pharmacovigilance system master file kept by the marketing authorisation holder;	(a) the content and maintenance of the pharmacovigilance system master file kept by the marketing authorisation holder;	(a) the content and maintenance of the pharmacovigilance system master file kept by the marketing authorisation holder;	
Article 174(2), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1525	(b) the minimum requirements for the quality system for the performance of pharmacovigilance activities by the Agency;	(b) the minimum requirements for the quality system for the performance of pharmacovigilance activities by the Agency;	(b) the minimum requirements for the quality system for the performance of pharmacovigilance activities by the Agency;	
Article 174(2), first subparagraph, point (c)				
1526	(c) the use of internationally agreed terminology, formats and standards for the performance of pharmacovigilance activities;	(c) the use of internationally agreed terminology, formats and standards for the performance of pharmacovigilance activities;	(c) the use of internationally agreed terminology, formats and standards for the performance of pharmacovigilance activities;	
Article 174(2), first subparagraph, point (d)				
1527	(d) the minimum requirements for the monitoring of data included in the Eudravigilance database to determine whether there are new	(d) the minimum requirements for the monitoring of data included in the Eudravigilance database to determine whether there are new	(d) the minimum requirements for the monitoring of data included in the Eudravigilance database to determine whether there are new	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	risks or whether risks have changed;	risks or whether risks have changed;	risks or whether risks have changed;	
Article 174(2), first subparagraph, point (e)				
1528	(e) the format and content of electronic transmission of suspected adverse reactions by Member States and marketing authorisation holders;	(e) the format and content of electronic transmission of suspected adverse reactions by Member States and marketing authorisation holders;	(e) the format and content of electronic transmission of suspected adverse reactions by Member States and marketing authorisation holders;	
Article 174(2), first subparagraph, point (f)				
1529	(f) the format and content of electronic periodic safety update reports and risk management plans;	(f) the format and content of electronic periodic safety update reports and risk management plans;	(f) the format and content of electronic periodic safety update reports and risk management plans;	
Article 174(2), first subparagraph, point (g)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1530	(g) the format of protocols, abstracts and final study reports of the post-authorisation safety studies.	(g) the format of protocols, abstracts and final study reports of the post-authorisation safety studies.	(g) the format of protocols, abstracts and final study reports of the post-authorisation safety studies.	
Article 174(2), second subparagraph				
1531	Those measures shall take account of the work on international harmonisation carried out in the area of pharmacovigilance and shall, where necessary, be revised to take account of technical and scientific progress. Those measures shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those measures shall take account of the work on international harmonisation carried out in the area of pharmacovigilance and shall, where necessary, be revised to take account of technical and scientific progress. Those measures shall be adopted in accordance with the examination procedure referred to in Article 173(2).	Those measures shall take account of the work on international harmonisation carried out in the area of pharmacovigilance and shall, where necessary, be revised to take account of technical and scientific progress. Those measures shall be adopted in accordance with the examination procedure referred to in Article 173(2).	
Article 175				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1532	Article 175 Exercise of the delegation	Article 175 Exercise of the delegation	Article 175 Exercise of the delegation	
Article 175(1)				
1533	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 175(2)				
1534	2. The power to adopt delegated acts referred to in Articles 3(5), 19(8), 21, 47(4), 49(2), 63(2), 67(4), 75(3), 81(4) and 172(10) shall be conferred on the Commission for a period of five years from [date of entry into	2. The power to adopt delegated acts referred to in Articles 3(5), 19(8), 21, 47(4), 49(2), 63(2), 67(4), 75(3), 81(4) and 172(10) shall be conferred on the Commission for a period of five years from [date of entry into	2. The power to adopt delegated acts referred to in Articles 3(5), 19(8), 21, 47(4), 49(2), 63(2), 67(4), 75(3), 81(4) and 172(10) shall be conferred on the Commission for a period of five years from [date of entry into	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 175(3)				
1535	3. The delegation of power referred to in Articles 3(5), 19(8), 21, 47(4), 49(2), 63(2), 67(4), 75(3), 81(4) and 172(10) may be revoked at any time by the European Parliament or by the	3. The delegation of power referred to in Articles 3(5), 19(8), 21, 47(4), 49(2), 63(2), 67(4), 75(3), 81(4) and 172(10) may be revoked at any time by the European Parliament or by the	3. The delegation of power referred to in Articles 3(5), 19(8), 21, 47(4), 49(2), 63(2), 67(4), 75(3), 81(4) and 172(10) may be revoked at any time by the European Parliament or by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 175(4)				
1536	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 175(5)				
1537	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 175(6)				
1538	6. A delegated act adopted pursuant to Articles 21, 19(8), 47(4), 49(2) and 175 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European	6. A delegated act adopted pursuant to Articles 21, 19(8), 47(4), 49(2) and 175 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European	6. A delegated act adopted pursuant to Articles 21, 19(8), 47(4), 49(2) and 175 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	
CHAPTER XIV				
1539	CHAPTER XIV AMENDMENTS TO OTHER LEGAL ACTS	CHAPTER XIV AMENDMENTS TO OTHER LEGAL ACTS	CHAPTER XIV AMENDMENTS TO OTHER LEGAL ACTS	
Article 175a				
1539a		***Article 175a*** ***Amendments to Regulation (EC) No 851/2004***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 175a, first paragraph				
1539b		***Regulation (EC) No 851/2004 is amended as follows:***		
Article 175a, first paragraph, point (1)				
1539c		***(1) the following articles are inserted:***		
Article 175a, first paragraph, point (1), amending provision, Article				
1539d		***Article 11aa*** ‘ ***European Health Emergency Preparedness and Response Authority***		
Article 175a, first paragraph, point (1), amending provision, Article(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1539e		***1. The Health Emergency Preparedness and Response Authority ('HERA' or the 'Authority') is hereby established as a separate structure under the legal personality of the European Centre for Disease Prevention and Control ('ECDC').***		
Article 175a, first paragraph, point (1), amending provision, Article(2)				
1539f		***2. The Authority shall be responsible for creating, coordinating and implementing the long-term European portfolio of biomedical research and development agenda for medical countermeasures against current and emerging public health threats as well as the production, procurement, stockpiling and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		distribution capacity of medical countermeasures and other priority medical products in the Union.		
Article 175a, first paragraph, point (1), amending provision, Article(3)				
1539g		***3. The Authority is represented by the Director of the ECDC.***		
Article 175a, first paragraph, point (1), amending provision, Article				
1539h		***Article 11ab*** ***Objectives and tasks of the Authority***		
Article 175a, first paragraph, point (1), amending provision, Article(1), first subparagraph				
1539i		***1. The Authority shall provide the Member States and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the Union institutions, bodies, offices and agencies, with the strategic direction and the resources to develop a robust biomedical R&D capacity to address major public health issues.		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph				
1539j		***The Authority shall carry out the following tasks:***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (a)				
1539k		***(a) setting out a long-term European portfolio of research and development projects in line with public health priorities set by the Commission in consultation***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		with the World Health Organization ('WHO');		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (b)				
1539l		***(b) setting up and supporting biomedical R&D projects addressing at least the following areas:***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (b)(i)				
1539m		***(i) the development of priority antimicrobials as defined in Article 40a of [Pharma Regulation];***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (b)(ii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1539n		***(ii) the development of medical countermeasures and related technologies;***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (c)				
1539o		***(c) setting up and management of collaboration with third-party research centres at national and European level, not-for profit entities, academia and industry;***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (d)				
1539p		***(d) providing strategic advice to the Commission on the allocation of relevant Union grants and other financial sources to ensure appropriate***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		resource allocation for biomedical R&D;		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (e)				
1539q		***(e) detecting biological and other health threats soon after they emerge, evaluating their impacts and identifying potential countermeasures;***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (f)				
1539r		***(f) assessing and addressing vulnerabilities in global supply chains and strategic dependencies related to availability of medical countermeasures and medicinal products in the Union, in coordination with the Medicine Shortages Steering Group and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Medical Device Shortages Steering Group, established by Regulation (EU) 2022/123;		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (g)				
1539s		***(g) addressing market challenges by identifying and ensuring the availability of production sites for priority products in the Union;***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (h)				
1539t		***(h) facilitating joint procurement and distribution of medical products in Member States;***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1539u		***(i) monitoring compliance with funding and procurement agreements;***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (j)				
1539v		***(j) establishing a mechanism of consultation and cooperation, in line with the One Health approach, internally within the ECDC and with other Union bodies and agencies, in particular the EMA, the European Food Safety Authority and the European Environment Agency;***		
Article 175a, first paragraph, point (1), amending provision, Article(1), second subparagraph, point (k)				
1539w		***(k) contributing to reinforcing the global health***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		emergency preparedness and response architecture.		
Article 175a, first paragraph, point (1), amending provision, Article(2)				
1539x		***2. The Commission is empowered to adopt delegated acts to supplement this Regulation by expanding the priority research agenda set out in paragraph 1, second subparagraph, point (b), in order to address other areas of unmet medical need.*** ,		
Article 175a, first paragraph, point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1539y		***(2) in Article 13, the following point is inserted:***		
Article 175a, first paragraph, point (2), amending provision, point (ba)				
1539z		‘***(ba) the HERA Board;***’		
Article 175a, first paragraph, point (3)				
1539aa		***(3) in Article 16(2), the following point is inserted:***		
Article 175a, first paragraph, point (3), amending provision, point (da)				
1539ab		‘		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		(da) ensuring that appropriate scientific, technical and administrative support are provided to the HERA Board; ,		
Article 175a, first paragraph, point (4)				
1539ac		***(4) the following articles are inserted:***		
Article 175a, first paragraph, point (4), amending provision, Article				
1539ad		***Article 17a*** ‘ ***HERA Board***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 175a, first paragraph, point (4), amending provision, Article(1)				
1539ae		***1. The HERA Board shall be composed of one representative from each Member State, two representatives of the Commission and two representatives of the European Parliament, all with voting rights. All HERA Board members shall be appointed for a two-year term, renewable once.***		
Article 175a, first paragraph, point (4), amending provision, Article(2)				
1539af		***2. In addition, two public health experts shall be appointed by the Council in consultation with the European Parliament on the basis of a list drawn up by the Commission. The list drawn up***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		by the Commission shall be forwarded to the European Parliament, together with the relevant background documents. As quickly as possible, and at the latest within three months of notification, the European Parliament may submit its views for consideration to the Council, which shall then appoint those representatives to the HERA Board.		
Article 175a, first paragraph, point (4), amending provision, Article(3)				
1539a g		***3. The HERA Board shall be co-chaired by the director and an elected representative of a Member State. The members of the HERA Board shall be appointed in such a way as to***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		guarantee the highest levels of specialist qualifications, a broad spectrum of relevant expertise, and an absence of direct or indirect conflict of interest.		
Article 175a, first paragraph, point (4), amending provision, Article(4)				
1539ah		***4. The term of office for members and their alternates shall be four years. That term may be extendable once consecutively.***		
Article 175a, first paragraph, point (4), amending provision, Article(5)				
1539ai		***5. A representative of the Health Security Committee and a representative of the EMA shall attend the meetings of the HERA Board, as permanent observers.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Other relevant Union bodies and agencies may be invited to attend as observers, where relevant.		
Article 175a, first paragraph, point (4), amending provision, Article(6)				
1539aj		***6. The co-Chairs of the HERA Board may invite relevant stakeholders to attend the HERA Board meetings as observers. Observers shall declare their interests ahead of each meeting.***		
Article 175a, first paragraph, point (4), amending provision, Article(7)				
1539ak		***7. The HERA Board shall adopt its rules of procedure, including regarding the election of a co-Chair and voting procedures.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 175a, first paragraph, point (4), amending provision, Article(8)				
1539al		***8. The list of members and alternates, and the rules of procedure of the HERA Board, as well as the agendas and minutes of its meetings shall be made available on the Authority's website.***		
Article 175a, first paragraph, point (4), amending provision, Article				
1539am		***Article 17b*** ***Tasks of the HERA Board***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph				
1539an		***The HERA Board shall:***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1539ao		***(a) adopt the multiannual strategic planning for HERA;***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (b)				
1539ap		***(b) adopt strategic decisions concerning HERA on research and innovation and industrial strategy in the area of antimicrobials and medical countermeasures;***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (c)				
1539aq		***(c) adopt a long-term European portfolio of research and development projects in line with public health priorities set by the Commission in consultation with the WHO;***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (d)				
1539ar		***(d) ensure scientific and technical management of HERA;***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (e)				
1539as		***(e) assess the performance of the tasks entrusted to HERA;***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (f)				
1539at		***(f) contribute to the coherence of the Union's crisis preparedness and response management;***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (g)				
1539au		***(g) contribute to the coordinated action by the***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Commission and the Member States for the implementation of Regulation (EU) 2022/2371;		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (h)				
1539a v		***(h) contribute to the implementation of the Union's Global Health Strategy, in particular in relation to addressing current and emerging health threats;***		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (i)				
1539a w		***(i) adopt opinions and guidance, including on specific response measures for the Member States for the prevention and control of serious cross-border threats to health,***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		including antimicrobial resistance;		
Article 175a, first paragraph, point (4), amending provision, Article, first paragraph, point (j)				
1539ax		***(j) adopt proposals for the annual budget of HERA and the monitoring of its implementation.*** ,		
Article 175a, first paragraph, point (5)				
1539ay		***(5) Article 19 is replaced by the following:***		
Article 175a, first paragraph, point (5), amending provision, Article				
1539az		***Article 19***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		‘ ***Transparency and conflicts of interest***		
Article 175a, first paragraph, point (5), amending provision, Article(1)				
1539ba		***1. Members of the Management Board, members of the HERA Board, members of the scientific panels, members of the Advisory Forum, the director and the staff shall undertake to act in the public interest and in an independent manner. They shall not have any direct or indirect financial or other interests in the pharmaceutical or other medical industry which could affect their impartiality. They shall make an annual declaration of their***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		financial interests and update them annually and whenever necessary. The declaration shall be made available upon request.		
Article 175a, first paragraph, point (5), amending provision, Article(2)				
1539bb		***2. The ECDC's and Authority's code of conduct shall provide for the implementation of this Article.***		
Article 175a, first paragraph, point (5), amending provision, Article(3)				
1539bc		***3. The ECDC and the Authority shall make available the rules of procedure, meeting agendas and minutes, and the members of the structures referred to in paragraph 1 and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		their declarations of interest on their website.		
Article 175a, first paragraph, point (5), amending provision, Article(4)				
1539bd		***4. Stakeholders invited to meetings at the ECDC and the Authority shall declare their interests ahead of the meeting*** ,		
Article 176				
1540	Article 176 Amendments to Regulation (EC) No 1394/2007	Article 176 Amendments to Regulation (EC) No 1394/2007	Article 176 Amendments to Regulation (EC) No 1394/2007	
Article 176, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1541	Regulation (EC) No 1394/2007 is amended as follows:	Regulation (EC) No 1394/2007 is amended as follows:	Regulation (EC) No 1394/2007 is amended as follows:	
Article 176, first paragraph, point (1)				
1542	(1) Articles 8, 17 and 20 to 23 are deleted;	(1) Articles 8, 17 and 20 to 23 are deleted;	(1) Articles **5,** 8, 17 and 20 to 23 are deleted;	
Article 176, first paragraph, point (2)				
1543	(2) in Article 9(3), the fourth subparagraph is replaced by the following:	(2) in Article 9(3), the fourth subparagraph is replaced by the following:	(2) in Article 9(3), the fourth subparagraph is replaced by the following:	
Article 176, first paragraph, point (2), amending provision, first paragraph				
1544	‘ If the application does not include the results of the assessment, the Agency shall seek an opinion on	‘ If the application does not include the results of the assessment, the Agency shall seek an opinion on	‘ If the application does not include the results of the assessment, the Agency shall seek an opinion on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the conformity of the device part with Annex I to Regulation (EU) 2017/745 of the European Parliament and of the Council* from a notified body identified in conjunction with the applicant, unless the Committee for Medicinal Products for Human Use advised by its experts for medical devices decides that involvement of a notified body is not required.	the conformity of the device part with Annex I to Regulation (EU) 2017/745 of the European Parliament and of the Council* from a notified body identified in conjunction with the applicant, unless the Committee for Medicinal Products for Human Use advised by its experts for medical devices decides that involvement of a notified body is not required.	the conformity of the device part with Annex I to Regulation (EU) 2017/745 of the European Parliament and of the Council* from a notified body identified in conjunction with the applicant, unless the Committee for Medicinal Products for Human Use advised by its experts for medical devices decides that involvement of a notified body is not required.	
Article 176, first paragraph, point (2), amending provision, second paragraph				
1545	*Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation	*Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation	*Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1). ,	(EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1). ,	(EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).	
Article 176, first paragraph, point (3)				
1545a			**3. the following Article 7a is inserted:**	
Article 176, first paragraph, point (2), amending provision				
1545b			**'Article 7a** **Adapted frameworks for ATMPs** **The adapted frameworks established in accordance with**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Article 28 of [revised Directive 2001/83/EC] may apply also for the purposes of obtaining a centralised marketing authorisation in accordance with [revised Regulation 726/2004/EC].' ,	
Article 177				
1546	Article 177 Amendments to Regulation (EU) No 536/2014	Article 177 Amendments to Regulation (EU) No 536/2014	Article 177 Amendments to Regulation (EU) No 536/2014	
Article 177, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1547	Regulation (EU) No 536/2014 is amended as follows:	Regulation (EU) No 536/2014 is amended as follows:	Regulation (EU) No 536/2014 is amended as follows:	
Article 177, first paragraph, point (1)				
1548	(1) the following Article 5a is inserted:	(1) the following Article 5a is inserted:	(1) the following Article 5a is inserted:	
Article 177, first paragraph, point (1), amending provision, first paragraph				
1549	‘ Article 5a	‘ Article 5a	‘ Article 5a	
Article 177, first paragraph, point (1), amending provision, second paragraph				
1550	Environmental risk assessment for investigational medicinal products for human use containing or consisting of genetically modified organisms	Environmental risk assessment for investigational medicinal products for human use containing or consisting of genetically modified organisms	Environmental risk assessment for investigational medicinal products for human use containing or consisting of genetically modified organisms	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (1), amending provision, numbered paragraph (1)				
1551	1. Where the application according to Article 5 of this Regulation concerns clinical trials with investigational medicinal products for human use containing or consisting of genetically modified organisms (GMOs) within the meaning of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council*, the sponsor shall submit an environmental risk assessment (ERA) in the EU portal (CTIS).	1. Where the application according to Article 5 of this Regulation concerns clinical trials with investigational medicinal products for human use containing or consisting of genetically modified organisms (GMOs) within the meaning of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council*, the sponsor shall submit an environmental risk assessment (ERA) in the EU portal (CTIS).	1. Where the application according to Article 5 of this Regulation concerns clinical trials with investigational medicinal products for human use containing or consisting of genetically modified organisms (GMOs) within the meaning of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council*, the sponsor shall submit an environmental risk assessment (ERA) in the EU portal (CTIS) **as part of the application**.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (2)				
1552	2. The ERA referred to in paragraph 1 shall be conducted in	2. The ERA referred to in paragraph 1 shall be conducted in	2. The ERA referred to in paragraph 1 shall be conducted in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with the principles set out in Annex II to Directive 2001/18/EC and the scientific guidelines developed by the Agency in coordination with the competent authorities of the Member States, established according to Directive 2001/18/EC for this purpose and the delegated act referred to in paragraph 8.	accordance with the principles set out in Annex II to Directive 2001/18/EC and the scientific guidelines developed by the Agency in coordination with the competent authorities of the Member States, established according to Directive 2001/18/EC for this purpose and the delegated act referred to in paragraph 8.	accordance with the principles set out in Annex II to Directive 2001/18/EC and the scientific guidelines developed by the Agency in coordination with the competent authorities of the Member States, established according to Directive 2001/18/EC for this purpose and the delegated act referred to in paragraph 8.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (3)				
1553	3. Articles 6 to 11 of Directive 2001/18/EC shall not apply to investigational medicinal products for human use containing or consisting of genetically modified organisms.	3. Articles 6 to 11 of Directive 2001/18/EC shall not apply to investigational medicinal products for human use containing or consisting of genetically modified organisms.	3. Articles 6 to 11 of Directive 2001/18/EC shall not apply to investigational medicinal products for human use containing or consisting of genetically modified organisms.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1554	4. The Committee for Medicinal Products for Human Use (CHMP) shall assess the ERA referred to in paragraph 1 in the form of a scientific opinion. The CHMP shall submit its opinion to the competent authority of the Reporting Member State within 45 days from the validation date referred to in Article 5(3). Where appropriate, the opinion shall include risk mitigation measures. The sponsor shall provide evidence to the Reporting Member State and the Member States Concerned that these measures will be implemented.	4. The Committee for Medicinal Products for Human Use (CHMP) shall assess the ERA referred to in paragraph 1 in the form of a scientific opinion. The CHMP shall submit its opinion to the competent authority of the Reporting Member State within 45 days from the validation date referred to in Article 5(3). Where appropriate, the opinion shall include risk mitigation measures. The sponsor shall provide evidence to the Reporting Member State and the Member States Concerned that these measures will be implemented.	4. The Committee for Medicinal Products for Human Use (CHMP) **referred to in Article 148 [revised Regulation No (EC) 726/2004]** shall assess the ERA referred to in paragraph 1 in the form of a scientific opinion. The CHMP shall submit its opinion to the competent authority of the Reporting Member State within ~~45~~ **38** days from the validation date referred to in Article 5(3). Where appropriate, the opinion shall include risk mitigation measures. The sponsor shall provide evidence to the Reporting Member State and the Member States Concerned that these measures will be implemented.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (1), amending provision, numbered paragraph (5)				
1555	5. The CHMP may request, with justified reasons, via the EU portal (CTIS) additional information from the sponsor regarding the assessment referred to in paragraph 1, which shall be provided only within the period referred to in paragraph 5.	5. The CHMP may request, with justified reasons, via the EU portal (CTIS) additional information from the sponsor regarding the assessment referred to in paragraph 1, which shall be provided only within the period referred to in paragraph 5.	5. The CHMP may request, with justified reasons, via the EU portal (CTIS) additional information from the sponsor regarding the assessment referred to in paragraph 1, which shall be provided only within the period referred to in **Article 6,** paragraph 5.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (6)				
1556	6. To obtain and review the additional information referred to in paragraph 6, the Agency may extend the period referred to in paragraph 5 by a maximum of 31 days. The sponsor shall submit the requested additional information	6. To obtain and review the additional information referred to in paragraph 6, the Agency may extend the period referred to in paragraph 5 by a maximum of 31 days. The sponsor shall submit the requested additional information	6. To obtain and review the additional information referred to in paragraph ~~6~~**5**, the Agency may extend the period referred to in paragraph 5 by a maximum of 31 days. The sponsor shall submit the requested additional information	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	within the period set by the Agency. Where the sponsor does not provide additional information within the period set by the Agency, the application referred to in paragraph 1 shall be deemed to have expired in all Member States concerned.	within the period set by the Agency. Where the sponsor does not provide additional information within the period set by the Agency, the application referred to in paragraph 1 shall be deemed to have expired in all Member States concerned.	within the period set by the Agency. Where the sponsor does not provide additional information within the period set by the Agency, the application referred to in paragraph 1 shall be deemed to have expired in all Member States concerned. **The Agency shall inform the reporting Member State via the CTIS and the Member States concerned about the extension of the period referred to in paragraph 5 in accordance with this paragraph as well as the period set for the sponsor to submit the requested information.**	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1557	7. In case of first-in-class products or when a novel question arises during the assessment of the submitted ERA as referred to in paragraph 1, the Agency shall consult with bodies that Member States have set up in accordance with Directive 2001/18/EC or Directive 2009/41/EC of the European Parliament and of the Council**. If a consultation is necessary, the technical dossier addressing in sufficient detail the information specified in Annex III to Directive 2001/18/EC should be included to support the ERA where appropriate.	7. In case of first-in-class products or when a novel question arises during the assessment of the submitted ERA as referred to in paragraph 1, the Agency shall consult with bodies that Member States have set up in accordance with Directive 2001/18/EC or Directive 2009/41/EC of the European Parliament and of the Council**. If a consultation is necessary, the technical dossier addressing in sufficient detail the information specified in Annex III to Directive 2001/18/EC should be included to support the ERA where appropriate.	7. In case of first-in-class products or when a novel question arises during the assessment of the submitted ERA as referred to in paragraph 1, the Agency shall**, if necessary,** consult with bodies that Member States have set up in accordance with Directive 2001/18/EC or Directive 2009/41/EC of the European Parliament and of the Council**. If a consultation is necessary, the technical dossier addressing in sufficient detail the information specified in Annex III to Directive 2001/18/EC should be included to support the ERA where appropriate.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (8), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1558	8. The Commission shall be empowered to adopt a delegated act in accordance with Article 89 to amend the Annexes to this Regulation in order to specify the procedure for the submission and the harmonized assessment of the ERA for investigational medicinal products containing or consisting of GMOs as set out in paragraphs 1 to 8.	8. The Commission shall be empowered to adopt a delegated act in accordance with Article 89 to amend the Annexes to this Regulation in order to specify the procedure for the submission and the harmonized assessment of the ERA for investigational medicinal products containing or consisting of GMOs as set out in paragraphs 1 to 8.	8. The Commission shall be empowered to adopt a delegated act in accordance with Article 89 to amend the Annexes to this Regulation in order to specify the procedure for the submission and the harmonized assessment of the ERA for investigational medicinal products containing or consisting of GMOs as set out in paragraphs 1 to 8.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (8), second subparagraph				
1559	The delegated act referred to in the first subparagraph shall establish that the ERA is an independent part of the application.	The delegated act referred to in the first subparagraph shall establish that the ERA is an independent part of the application.	The delegated act referred to in the first subparagraph shall establish that the ERA is an independent part of the application.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (8), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1560	The delegated act referred to in the first subparagraph shall specify the content of the ERA taking into account the common application forms and Good Practice Documents for genetically modified human cells and for adeno-associated viral vectors that were published by the Agency.	The delegated act referred to in the first subparagraph shall specify the content of the ERA taking into account the common application forms and Good Practice Documents for genetically modified human cells and for adeno-associated viral vectors that were published by the Agency.	The delegated act referred to in the first subparagraph shall specify the content of the ERA taking into account the common application forms and Good Practice Documents for genetically modified human cells and for adeno-associated viral vectors that were published by the Agency.	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (8), fourth subparagraph				
1561	The delegated act referred to in the first subparagraph shall contain a provision to update the ERA requirements for investigational medicinal products containing or consisting of GMOs following scientific developments and changes of (Directive 2001/18/EC).’;	The delegated act referred to in the first subparagraph shall contain a provision to update the ERA requirements for investigational medicinal products containing or consisting of GMOs following scientific developments and changes of (Directive 2001/18/EC).’;	The delegated act referred to in the first subparagraph shall contain a provision to update the ERA requirements for investigational medicinal products containing or consisting of GMOs following scientific developments and changes of (Directive 2001/18/EC).’;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (1), amending provision, numbered paragraph (8), fifth subparagraph				
1562	* Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC - Commission Declaration (OJ L 106, 17.4.2001, p. 1).	* Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC - Commission Declaration (OJ L 106, 17.4.2001, p. 1).	* Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC - Commission Declaration (OJ L 106, 17.4.2001, p. 1).	
Article 177, first paragraph, point (1), amending provision, numbered paragraph (8), sixth subparagraph				
1563	** Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms (Recast) (OJ L 125, 21.5.2009, p. 75).’;	** Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms (Recast) (OJ L 125, 21.5.2009, p. 75).’;	** Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms (Recast) (OJ L 125, 21.5.2009, p. 75).’;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	’	’	’	
Article 177, first paragraph, point (1a), first subparagraph				
1563a			**(1a) in Article 6(1) point c is replaced by the following:**	
Article 177, first paragraph, point (1a), first subparagraph, amending provision, first subparagraph				
1563b			‘ **‘(c) Compliance with the requirements concerning the manufacturing and import of investigational medicinal products and auxiliary medicinal products set out in Chapter IX.**	
Article 177, first paragraph, point (1a), first subparagraph, amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1563c			**If requested by an applicant, whether the investigational medicinal product can be manufactured through decentralised manufacturing.**	
Article 177, first paragraph, point (1a), first subparagraph, amending provision, third paragraph				
1563d			**When assessing a request to use decentralised manufacturing, the principles expressed in paragraph 1 of Article 26a [of the revised Directive] apply mutatis mutandis. The Commission may adopt an implementing acts on the application of these principles.'** ,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (2)				
1564	(2) in Article 25(1), point (d), is replaced by the following:	(2) in Article 25(1), point (d), is replaced by the following:	(2) in Article 25(1), point (d), is replaced by the following:	
Article 177, first paragraph, point (2), amending provision, numbered paragraph (d)				
1565	‘ (d) measures to protect subjects, third persons and the environment;; ,	‘ (d) measures to protect subjects, third persons and the environment;; ,	‘ (d) measures to protect subjects, third persons and the environment;; ,	
Article 177, first paragraph, point (3)				
1566	(3) Article 26 is replaced by the following:	(3) Article 26 is replaced by the following:	(3) Article 26 is replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (3), amending provision, first paragraph				
1567	‘ Article 26	‘ Article 26	‘ Article 26	
Article 177, first paragraph, point (3), amending provision, second paragraph				
1568	Language requirements	Language requirements	Language requirements	
Article 177, first paragraph, point (3), amending provision, third paragraph				
1569	The language of the application dossier, or parts thereof, shall be determined by the Member State concerned.	The language of the application dossier, or parts thereof, shall be determined by the Member State concerned.	The language of the application dossier, or parts thereof, shall be determined by the Member State concerned.	
Article 177, first paragraph, point (3), amending provision, fourth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1570	The language for the environmental risk assessment (ERA) shall preferably be English.	The language for the environmental risk assessment (ERA) shall preferably be English.	The language for the environmental risk assessment (ERA) shall preferably be English.	
Article 177, first paragraph, point (3), amending provision, fifth paragraph				
1571	Member States, in applying the first subparagraph, shall consider accepting, for the documentation not addressed to the subject, a commonly understood language in the medical field.; ,	Member States, in applying the first subparagraph, shall consider accepting, for the documentation not addressed to the subject, a commonly understood language in the medical field.; ,	Member States, in applying the first subparagraph, shall consider accepting, for the documentation not addressed to the subject, a commonly understood language in the medical field.; ,	
Article 177, first paragraph, point (4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1572	(4) in Article 37(4), the following subparagraph is inserted after the first subparagraph:	(4) in Article 37(4), the following subparagraph is inserted after the first subparagraph:	(4) in Article 37(4), the following subparagraph is inserted after the first subparagraph:	
Article 177, first paragraph, point (4), amending provision, first paragraph				
1573	‘ In the case of a clinical trial which involves the use of a medicinal product in the paediatric population, the timeline referred to in the first subparagraph to submit to the EU database a summary of the results of the clinical trial shall be 6 months.’; ,	‘ In the case of a clinical trial which involves the use of a medicinal product in the paediatric population, the timeline referred to in the first subparagraph to submit to the EU database a summary of the results of the clinical trial shall be 6 months.’; ,	‘ In the case of a clinical trial which involves the use of a medicinal product in the paediatric population, the timeline referred to in the first subparagraph to submit to the EU database a summary of the results of the clinical trial shall be 6 months.’; ,	
Article 177, first paragraph, point (5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1574	(5) in Article 61(2), point (a), is replaced by the following:	(5) in Article 61(2), point (a), is replaced by the following:	(5) in Article 61(2), point (a), is replaced by the following:	
Article 177, first paragraph, point (5), amending provision, numbered paragraph (a)				
1575	‘ (a) it shall have at its disposal, for manufacture or import, suitable and sufficient premises, technical equipment and control facilities complying with the requirements set out in this Regulation and, where appropriate, in case of investigational medicinal products containing or consisting of GMOs, in Directive 2009/41/EC;; ’	‘ (a) it shall have at its disposal, for manufacture or import, suitable and sufficient premises, technical equipment and control facilities complying with the requirements set out in this Regulation and, where appropriate, in case of investigational medicinal products containing or consisting of GMOs, in Directive 2009/41/EC;; ’	‘ (a) it shall have at its disposal, for manufacture or import, suitable and sufficient premises, technical equipment and control facilities complying with the requirements set out in this Regulation and, where appropriate, in case of investigational medicinal products containing or consisting of GMOs, in Directive 2009/41/EC;; ’	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (6)				
1576	(6) in Article 66(1), point (c), is replaced by the following:	(6) in Article 66(1), point (c), is replaced by the following:	(6) in Article 66(1), point (c), is replaced by the following:	
Article 177, first paragraph, point (6), amending provision, numbered paragraph (c)				
1577	‘ c) information to identify the medicinal product, including, where appropriate, ‘This IMP contains genetically modified organisms;’; ,	‘ c) information to identify the medicinal product, including, where appropriate, ‘This IMP contains genetically modified organisms;’; ,	‘ c) information to identify the medicinal product, including, where appropriate, ‘This IMP contains genetically modified organisms;’; ,	
Article 177, first paragraph, point (7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1578	(7) in Article 76, paragraph (1) is replaced by the following:	(7) in Article 76, paragraph (1) is replaced by the following:	(7) in Article 76, paragraph (1) is replaced by the following:	
Article 177, first paragraph, point (7), amending provision, numbered paragraph (1)				
1579	‘ 1. Member States shall ensure that systems for compensation for any damage suffered by a subject resulting from the participation in a clinical trial or caused to third persons or the environment during such trial conducted on their territory are in place in the form of insurance, a guarantee, or a similar arrangement that is equivalent as regards its purpose and which is appropriate to the nature and the extent of the risk.;	‘ 1. Member States shall ensure that systems for compensation for any damage suffered by a subject resulting from the participation in a clinical trial or caused to third persons or the environment during such trial conducted on their territory are in place in the form of insurance, a guarantee, or a similar arrangement that is equivalent as regards its purpose and which is appropriate to the nature and the extent of the risk.;	‘ 1. Member States shall ensure that systems for compensation for any damage suffered by a subject resulting from the participation in a clinical ~~trial or caused to third persons or the environment during such~~ trial conducted on their territory are in place in the form of insurance, a guarantee, or a similar arrangement that is equivalent as regards its purpose and which is appropriate to the nature and the extent of the risk.**’**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	’	’	’	
Article 177, first paragraph, point (7a)				
1579a			**(7a) in Article 61, paragraph 1 is replaced by the following:**	
Article 177, first paragraph, point (7a), amending provision, point (1)				
1579b			‘ **‘1. The manufacturing and import of investigational medicinal products in the Union shall be subject to the holding of an authorisation.**	
Article 177, first paragraph, point (7a), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1579c			**The manufacturing authorisation shall not be required for decentralised sites carrying out manufacturing or testing steps, in accordance with Article 6(1)(c) under the responsibility of the qualified person of a central site referred to in Article 61(2)(b).**	
Article 177, first paragraph, point (7a), amending provision, third paragraph				
1579d			**The holder of manufacturing authorisation for a central site responsible for decentralised sites' manufacturing the investigational medicinal product shall ensure that the activities of the central site and decentralised sites are compliant with the good manufacturing**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			practice for investigational medicinal products referred to in Article 63(1).'; '	
Article 177, first paragraph, point (7b)				
1579e			**(7b) in Article 61 in paragraph 3a is added:**	
Article 177, first paragraph, point (7b), amending provision, first paragraph				
1579f			' **'3a. The Commission shall adopt delegated acts supplementing this Regulation by specifying the particulars required in an application for a manufacturing**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			authorisation for a central site responsible for decentralised sites manufacturing the investigational medicinal products, in accordance with Article 61 and Article 6, paragraph 1, point (c), as well as the modalities of the registration process for these decentralised sites and clarifing the arrangements of the manufacturing authorisation holder for a central site as well as sponsors as regards the registration and oversight of the decentralised manufacturing sites.'; ,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (7c)				
1579g			**(7c) in Article 61 paragraph 4 is replaced by the following:**	
Article 177, first paragraph, point (7c), amending provision, first paragraph				
1579h			‘ **‘4. Article 142(1), (2), (4), (5) Articles 144 to 147, Article 148(6) to (11) of [revised Directive 2001/83/EC] shall apply mutatis mutandis to the authorisation referred to in paragraph 1.’;** ’	
Article 177, first paragraph, point (7d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1579i			**(7d) in Article 61 paragraph 4 is replaced by the following:**	
Article 177, first paragraph, point (7d), amending provision, first paragraph				
1579j			‘ **‘4. Article 142(1), (2), (4), (5) Articles 144 to 147, Article 148 (6) to (11) of [revised Directive 2001/83/EC] shall apply mutatis mutandis to the authorisation referred to in paragraph 1.’** ’	
Article 177, first paragraph, point (8)				
1580	(8) Article 89 is replaced by the following:	(8) Article 89 is replaced by the following:	(8) Article 89 is replaced by the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 177, first paragraph, point (8), amending provision, first paragraph				
1581	‘ Article 89	‘ Article 89	‘ Article 89	
Article 177, first paragraph, point (8), amending provision, second paragraph				
1582	Exercise of the delegation	Exercise of the delegation	Exercise of the delegation	
Article 177, first paragraph, point (8), amending provision, numbered paragraph (1)				
1583	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 177, first paragraph, point (8), amending provision, numbered paragraph (2)				
1584	2. The power to adopt delegated acts referred to in	2. The power to adopt delegated acts referred to in	2. The power to adopt delegated acts referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Articles 5a, 27, 39, 45, 63(1) and 70 shall be conferred on the Commission for a period of five years from the date referred to in Article 99(2). The Commission shall draw up a report in respect of the delegated powers not later than nine months before the end of the five year period. The delegation of powers shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	Articles 5a, 27, 39, 45, 63(1) and 70 shall be conferred on the Commission for a period of five years from the date referred to in Article 99(2). The Commission shall draw up a report in respect of the delegated powers not later than nine months before the end of the five year period. The delegation of powers shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	Articles 5a, 27, 39, 45, 63(1) and 70 shall be conferred on the Commission for a period of five years from the date referred to in Article 99(2). The Commission shall draw up a report in respect of the delegated powers not later than nine months before the end of the five year period. The delegation of powers shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 177, first paragraph, point (8), amending provision, numbered paragraph (3)				
1585	3. The delegation of power referred to in Articles 5a, 27, 39,	3. The delegation of power referred to in Articles 5a, 27, 39,	3. The delegation of power referred to in Articles 5a, 27, 39,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	45, 63(1), and 70 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	45, 63(1), and 70 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	45, 63(1), and 70 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 177, first paragraph, point (8), amending provision, numbered paragraph (4)				
1586	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 177, first paragraph, point (8), amending provision, numbered paragraph (5)				
1587	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 177, first paragraph, point (8), amending provision, numbered paragraph (6)				
1588	6. A delegated act adopted pursuant to Articles 5a, 27, 39, 45, 63(1), and 70 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of	6. A delegated act adopted pursuant to Articles 5a, 27, 39, 45, 63(1), and 70 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of	6. A delegated act adopted pursuant to Articles 5a, 27, 39, 45, 63(1), and 70 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.; ,	notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.; ,	notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.; ,	
Article 177, first paragraph, point (9)				
1589	(9) Article 91 is replaced by the following:	(9) Article 91 is replaced by the following:	(9) Article 91 is replaced by the following:	
Article 177, first paragraph, point (9), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1590	‘ Article 91	‘ Article 91	‘ Article 91	
Article 177, first paragraph, point (9), amending provision, second paragraph				
1591	Relation with other Union legal acts	Relation with other Union legal acts	Relation with other Union legal acts	
Article 177, first paragraph, point (9), amending provision, third paragraph				
1592	‘This Regulation shall be without prejudice to Council Directive 97/43/Euratom[1], Council Directive 96/29/Euratom[2], Directive 2004/23/EC of the European Parliament and of the Council[3], Directive 2002/98/EC of the European Parliament and of the Council[4] and Directive	‘This Regulation shall be without prejudice to Council Directive 97/43/Euratom[1], Council Directive 96/29/Euratom[2], Directive 2004/23/EC of the European Parliament and of the Council[3], Directive 2002/98/EC of the European Parliament and of the Council[4] and Directive	‘This Regulation shall be without prejudice to Council Directive 97/43/Euratom[1], Council Directive 96/29/Euratom[2], Directive 2004/23/EC of the European Parliament and of the Council[3], Directive 2002/98/EC of the European Parliament and of the Council[4] and Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2010/53/EU of the European Parliament and of the Council[5]. __________ 1. Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure, and repealing Directive 84/466/Euratom (OJ L 180, 9.7.1997, p. 22). 2. Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJ L 159, 29.6.1996, p. 1). 3. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (OJ L 102, 7.4.2004, p. 48).	2010/53/EU of the European Parliament and of the Council[5]. __________ 1. Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure, and repealing Directive 84/466/Euratom (OJ L 180, 9.7.1997, p. 22). 2. Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJ L 159, 29.6.1996, p. 1). 3. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (OJ L 102, 7.4.2004, p. 48).	2010/53/EU of the European Parliament and of the Council[5]. __________ 1. Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionizing radiation in relation to medical exposure, and repealing Directive 84/466/Euratom (OJ L 180, 9.7.1997, p. 22). 2. Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJ L 159, 29.6.1996, p. 1). 3. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (OJ L 102, 7.4.2004, p. 48).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. 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 (OJ L 033, 8.2.2003, p. 30). 5. Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation (OJ L 207, 6.8.2010, p. 14).	4. 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 (OJ L 033, 8.2.2003, p. 30). 5. Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation (OJ L 207, 6.8.2010, p. 14).	4. 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 (OJ L 033, 8.2.2003, p. 30). 5. Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation (OJ L 207, 6.8.2010, p. 14).	
Article 177, first paragraph, point (9), amending provision, fourth paragraph				
1593	In the context of inspections referred under Articles 52(5) of [revised Regulation 726/2004] and Article 78 of this Regulation and the criteria set out in Annex III of	In the context of inspections referred under Articles 52(5) of [revised Regulation 726/2004] and Article 78 of this Regulation and the criteria set out in Annex III of	In the context of inspections referred under Articles 52(5) of [revised Regulation 726/2004] and Article 78 of this Regulation and the criteria set out in Annex III of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	[revised Regulation 726/2004] apply mutatis mutandis. ,	[revised Regulation 726/2004] apply mutatis mutandis. ,	[revised Regulation 726/2004] apply mutatis mutandis. ,	
Article 177, first paragraph, point (10)				
1593a			**(10) In Annex I point B, a new paragraph 8a is added:**	
Article 177, first paragraph, point (9a), amending provision, first paragraph				
1593b			‘ **‘The cover letter shall indicate whether, and if yes why, the decentralised manufacturing of investigational medicinal products has been proposed by the sponsor.’**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			,	
Article 178				
1594	Article 178 Amendments to Regulation (EU) 2022/123	Article 178 Amendments to Regulation (EU) 2022/123	Article 178 Amendments to Regulation (EU) 2022/123	
Article 178, first paragraph				
1595	Regulation (EU) No 2022/123 is amended as follows:	Regulation (EU) No 2022/123 is amended as follows:	Regulation (EU) No 2022/123 is amended as follows:	
Article 178, first paragraph, point (1)				
1596	1. In Article 18, the following paragraph (7) is added:	1. In Article 18, the following paragraph (7) is added:	1. In Article 18, the following paragraph (7) is added:	
Article 178, first paragraph, point (1), amending provision, numbered paragraph (7), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1597	‘ (7) Where a request has been made in accordance with Article 18(3) of Regulation (EU) 2022/123 and there is an application for a temporary emergency marketing authorisation for the medicinal product concerned in accordance with Article 30 of Regulation [Note to OP: Please fill in with the number of this Regulation]*, the procedure initiated under that Regulation shall prevail.’	‘ (7) Where a request has been made in accordance with Article 18(3) of Regulation (EU) 2022/123 and there is an application for a temporary emergency marketing authorisation for the medicinal product concerned in accordance with Article 30 of Regulation [Note to OP: Please fill in with the number of this Regulation]*, the procedure initiated under that Regulation shall prevail.’	‘ (7) Where a request has been made in accordance with Article 18(3) of Regulation (EU) 2022/123 and there is an application for a temporary emergency marketing authorisation for the medicinal product concerned in accordance with Article 30 of Regulation [Note to OP: Please fill in with the number of this Regulation]*, the procedure initiated under that Regulation shall prevail.’	
Article 178, first paragraph, point (1), amending provision, numbered paragraph (7), second subparagraph				
1598	* [OP: Insert the full title of that Regulation and the OJ reference, please]	* [OP: Insert the full title of that Regulation and the OJ reference, please]	* [OP: Insert the full title of that Regulation and the OJ reference, please]	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	,	,	,	
Article 178, first paragraph, point (2)				
1599	2. Articles 33 and 34 are deleted.	2. Articles 33 and 34 are deleted.	2. Articles 33 and 34 are deleted.	
CHAPTER XV				
1600	CHAPTER XV FINAL PROVISIONS	CHAPTER XV FINAL PROVISIONS	CHAPTER XV FINAL PROVISIONS	
Article 179				
1601	Article 179 Repeals	Article 179 Repeals	Article 179 Repeals	
Article 179(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1602	1. Regulations (EC) No 141/2000, (EC) No 726/2004 and (EC) No 1901/2006 are repealed.	1. Regulations (EC) No 141/2000, (EC) No 726/2004 and (EC) No 1901/2006 are repealed.	1. Regulations (EC) No 141/2000, (EC) No 726/2004 and (EC) No 1901/2006 are repealed.	
Article 179(1), second subparagraph				
1603	References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.	References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.	References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.	
Article 179(2)				
1604	2. Commission Implementing Regulation (EU) No 198/2013[1] is repealed. _____ 1. Commission Implementing Regulation (EU) No 198/2013 of 7 March 2013 on the	2. Commission Implementing Regulation (EU) No 198/2013[1] is repealed. _____ 1. Commission Implementing Regulation (EU) No 198/2013 of 7 March 2013 on the	2. Commission Implementing Regulation (EU) No 198/2013[1] is repealed. _____ 1. Commission Implementing Regulation (EU) No 198/2013 of 7 March 2013 on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	selection of a symbol for the purpose of identifying medicinal products for human use that are subject to additional monitoring (OJ L 65, 8.3.2013, p. 17).	selection of a symbol for the purpose of identifying medicinal products for human use that are subject to additional monitoring (OJ L 65, 8.3.2013, p. 17).	selection of a symbol for the purpose of identifying medicinal products for human use that are subject to additional monitoring (OJ L 65, 8.3.2013, p. 17).	
Article 180				
1605	Article 180 Transitional provisions	Article 180 Transitional provisions	Article 180 Transitional provisions	
Article 180(1)				
1606	1. The provisions of Article 117 of this Regulation shall also apply to marketing authorisations of medicinal products for human use granted in accordance with Regulation (EC) No 726/2004 and in accordance with Directive 2001/83/EC before [Note to the OP: Please insert the date = date of	1. The provisions of Article 117 of this Regulation shall also apply to marketing authorisations of medicinal products for human use granted in accordance with Regulation (EC) No 726/2004 and in accordance with Directive 2001/83/EC before [Note to the OP: Please insert the date = date of	1. The provisions of Article 117 ~~of this Regulation~~ shall also apply to marketing authorisations of medicinal products for human use granted in accordance with Regulation (EC) No 726/2004 and in accordance with Directive 2001/83/EC before [Note to the OP: Please insert the date = date of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	entry into application of this Regulation].	entry into application of this Regulation].	entry into application of this Regulation].	
Article 180(2)				
1607	2. The procedures concerning the applications for marketing authorisations for medicinal products for human use that have been validated, in accordance with Article 5 of Regulation (EC) No 726/2004, before [Note to the OP: Please insert the date = date of entry into application of this Regulation] and that were pending on [Note to the OP: Please insert the date = the day before the date of application of this Regulation] shall be completed in accordance with	2. The procedures concerning the applications for marketing authorisations for medicinal products for human use that have been validated, in accordance with Article 5 of Regulation (EC) No 726/2004, before [Note to the OP: Please insert the date = date of entry into application of this Regulation] and that were pending on [Note to the OP: Please insert the date = the day before the date of application of this Regulation] shall be completed in accordance with	2. The procedures concerning the applications for marketing authorisations for medicinal products for human use that have been validated, in accordance with Article 5 of Regulation (EC) No 726/2004, before [Note to the OP: Please insert the date = date of entry into application of this Regulation] and that were pending on [Note to the OP: Please insert the date = the day before the date of application of this Regulation] shall be completed in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 10 of Regulation (EC) No 726/2004.	Article 10 of Regulation (EC) No 726/2004.	Article 10 of Regulation (EC) No 726/2004.	
Article 180(3)				
1608	3. Procedures concerning imposed post-authorisation studies that were initiated in accordance with Article 10a of Regulation (EC) No 726/2004, before [Note to the OP: Please insert the date = date of entry into application of this Regulation] and that were pending on [Note to the OP: Please insert the date = the day before the date of application of this Regulation] shall be completed in accordance with Article 20 of this Regulation.	3. Procedures concerning imposed post-authorisation studies that were initiated in accordance with Article 10a of Regulation (EC) No 726/2004, before [Note to the OP: Please insert the date = date of entry into application of this Regulation] and that were pending on [Note to the OP: Please insert the date = the day before the date of application of this Regulation] shall be completed in accordance with Article 20 of this Regulation.	3. Procedures concerning imposed post-authorisation studies that were initiated in accordance with Article 10a of Regulation (EC) No 726/2004, before [Note to the OP: Please insert the date = date of entry into application of this Regulation] and that were pending on [Note to the OP: Please insert the date = the day before the date of application of this Regulation] shall be completed in accordance with Article 20 of this Regulation.	
Article 180(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1609	4. By way of derogation, the periods of regulatory protection referred to in Article 29 shall not apply to reference medicinal products for which an application for marketing authorisation has been submitted before [Note to the OP: Please insert the date of application of this Regulation]. Article 14(11) of Regulation (EC) No 726/2004 shall continue to apply to them.	4. By way of derogation, the periods of regulatory protection referred to in Article 29 shall not apply to reference medicinal products for which an application for marketing authorisation has been submitted before [Note to the OP: Please insert the date of application of this Regulation]. Article 14(11) of Regulation (EC) No 726/2004 shall continue to apply to them.	4. By way of derogation, the periods of regulatory protection referred to in Article 29 shall not apply to reference medicinal products for which an application for marketing authorisation has been submitted before [Note to the OP: Please insert the date of application of this Regulation]. Article 14(11) of Regulation (EC) No 726/2004 shall continue to apply to them.	
Article 180(4a)				
1609a			**4a. By way of derogation, the reporting obligations as referred to in Article 57 of [the revised Directive 2001/83/EC], shall not apply with regards to medicinal products authorised**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			in accordance with [revised Regulation 726/2004/EC] before [OP please insert the date = 36 months after the date of entering into force of this Regulation].	
Article 180(5)				
1610	5. Orphan designations granted before [Note to the OP: Please insert the date of application of this Regulation], entered in and not removed from the Community Register of Orphan Medicinal Products in accordance with Article 5, paragraphs 8 and 12, respectively, of Regulation (EC) No 141/2000 and not granted a marketing authorisation in accordance with Article 7(3) of Regulation (EC)	5. Orphan designations granted before [Note to the OP: Please insert the date of application of this Regulation], entered in and not removed from the Community Register of Orphan Medicinal Products in accordance with Article 5, paragraphs 8 and 12, respectively, of Regulation (EC) No 141/2000 and not granted a marketing authorisation in accordance with Article 7(3) of Regulation (EC)	5. Orphan designations granted before [Note to the OP: Please insert the date of application of this Regulation], entered in and not removed from the Community Register of Orphan Medicinal Products in accordance with Article 5, paragraphs 8 and 12, respectively, of Regulation (EC) No 141/2000 and not granted a marketing authorisation in accordance with Article 7(3) of Regulation (EC)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	No 141/2000 corresponding to the orphan designation shall be considered to comply with this Regulation and shall be entered in the Register of Designated Orphan Medicinal Products.	No 141/2000 corresponding to the orphan designation shall be considered to comply with this Regulation and shall be entered in the Register of Designated Orphan Medicinal Products.	No 141/2000 corresponding to the orphan designation shall be considered to comply with this Regulation and shall be entered in the Register of Designated Orphan Medicinal Products.	
Article 180(6)				
1611	6. Orphan designations granted before [Note to the OP: Please insert the date of application of this Regulation] which are either removed from the Community Register of Orphan Medicinal Products in accordance with Article 5(12) of Regulation (EC) No 141/2000 or granted a marketing authorisation in accordance with Article 7(3) of Regulation (EC) No 141/2000	6. Orphan designations granted before [Note to the OP: Please insert the date of application of this Regulation] which are either removed from the Community Register of Orphan Medicinal Products in accordance with Article 5(12) of Regulation (EC) No 141/2000 or granted a marketing authorisation in accordance with Article 7(3) of Regulation (EC) No 141/2000	6. Orphan designations granted before [Note to the OP: Please insert the date of application of this Regulation] which are either removed from the Community Register of Orphan Medicinal Products in accordance with Article 5(12) of Regulation (EC) No 141/2000 or granted a marketing authorisation in accordance with Article 7(3) of Regulation (EC) No 141/2000	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall not be considered as orphan designations and shall not be entered in the Register of Designated Orphan Medicinal Products.	shall not be considered as orphan designations and shall not be entered in the Register of Designated Orphan Medicinal Products.	shall not be considered as orphan designations and shall not be entered in the Register of Designated Orphan Medicinal Products.	
Article 180(7)				
1612	7. The 7-year validity of an orphan designation referred to in Article 66 of this Regulation for orphan medicinal products granted before [Note to the OP: Please insert the date of application of this Regulation], entered in and not removed from the Community Register of Orphan Medicinal Products in accordance with Article 5 (8) and (12), respectively, of Regulation (EC) No 141/2000 and not granted a	7. The 7-year validity of an orphan designation referred to in Article 66 of this Regulation for orphan medicinal products granted before [Note to the OP: Please insert the date of application of this Regulation], entered in and not removed from the Community Register of Orphan Medicinal Products in accordance with Article 5 (8) and (12), respectively, of Regulation (EC) No 141/2000 and not granted a	7. The 7-year validity of an orphan designation referred to in Article 66 of this Regulation for orphan medicinal products granted before [Note to the OP: Please insert the date of application of this Regulation], entered in and not removed from the Community Register of Orphan Medicinal Products in accordance with Article 5 (8) and (12), respectively, of Regulation (EC) No 141/2000 and not granted a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	marketing authorisation in accordance with those Article 7(3) of Regulation (EC) No 141/2000 corresponding to the orphan designation shall begin to run from [Note to the OP: Please insert the date of application of this Regulation].	marketing authorisation in accordance with those Article 7(3) of Regulation (EC) No 141/2000 corresponding to the orphan designation shall begin to run from [Note to the OP: Please insert the date of application of this Regulation].	marketing authorisation in accordance with those Article 7(3) of Regulation (EC) No 141/2000 corresponding to the orphan designation shall begin to run from [Note to the OP: Please insert the date of application of this Regulation].	
Article 180(8)				
1613	8. The procedures concerning orphan designations which were initiated in accordance with Article 5, paragraphs 1, 11 or 12 of Regulation (EC) No 141/2000 before [Note to the OP: Please insert the date of application of this Regulation] and were pending on [OP please insert the date = the day before the date	8. The procedures concerning orphan designations which were initiated in accordance with Article 5, paragraphs 1, 11 or 12 of Regulation (EC) No 141/2000 before [Note to the OP: Please insert the date of application of this Regulation] and were pending on [OP please insert the date = the day before the date	8. The procedures concerning orphan designations which were initiated in accordance with Article 5, paragraphs 1, 11 or 12 of Regulation (EC) No 141/2000 before [Note to the OP: Please insert the date of application of this Regulation] and were pending on [OP please insert the date = the day before the date	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of application], shall be completed in accordance with Article 5, paragraphs 1, 11 or 12 of Regulation (EC) No 141/2000 as applicable on [OP please insert the date = the day before the date of application].	of application], shall be completed in accordance with Article 5, paragraphs 1, 11 or 12 of Regulation (EC) No 141/2000 as applicable on [OP please insert the date = the day before the date of application].	of application], shall be completed in accordance with Article 5, paragraphs 1, 11 or 12 of Regulation (EC) No 141/2000 as applicable on [OP please insert the date = the day before the date of application].	
Article 180(9), first subparagraph				
1614	9. When a paediatric investigation plan, a waiver or a deferral has been granted in accordance with Regulation (EC) No 1901/2006 before [Note to the OP: Please insert the date of application of this Regulation], it shall be considered to comply with this Regulation.	9. When a paediatric investigation plan, a waiver or a deferral has been granted in accordance with Regulation (EC) No 1901/2006 before [Note to the OP: Please insert the date of application of this Regulation], it shall be considered to comply with this Regulation.	9. When a paediatric investigation plan, a waiver or a deferral has been granted in accordance with Regulation (EC) No 1901/2006 before [Note to the OP: Please insert the date of application of this Regulation], it shall be considered to comply with this Regulation.	
Article 180(9), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1615	The procedures concerning the application for a paediatric investigation plan, a waiver or a deferral submitted before [date of entry into application], shall be completed in accordance with Regulation (EC) No 1901/2006.	The procedures concerning the application for a paediatric investigation plan, a waiver or a deferral submitted before [date of entry into application], shall be completed in accordance with Regulation (EC) No 1901/2006.	The procedures concerning the application for a paediatric investigation plan, a waiver or a deferral submitted before [date of entry into application], shall be completed in accordance with Regulation (EC) No 1901/2006.	
Article 180(10)				
1616	10. Regulations (EC) No 2141/96, (EC) No 2049/2005, (EC) No 507/2006 and (EC) No 658/2007 shall remain in force and continue to apply unless and until repealed.	10. Regulations (EC) No 2141/96, (EC) No 2049/2005, (EC) No 507/2006 and (EC) No 658/2007 shall remain in force and continue to apply unless and until repealed.	10. Regulations (EC) No 2141/96, (EC) No 2049/2005, (EC) No 507/2006 and (EC) No 658/2007 shall remain in force and continue to apply unless and until repealed.	
Article 180(11)				
1617	11. Regulation (EC) No 1234/2008 shall continue to apply	11. Regulation (EC) No 1234/2008 shall continue to apply	11. Regulation (EC) No 1234/2008 shall continue to apply	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	unless and until repealed as regards medicinal products for human use that are covered by Regulation (EC) No 726/2004 and Directive 2001/83/EC and that are not excluded from the scope of Regulation (EC) No 1234/2008 pursuant to Article 23b, paragraphs 4 and 5 of Directive 2001/83/EC.	unless and until repealed as regards medicinal products for human use that are covered by Regulation (EC) No 726/2004 and Directive 2001/83/EC and that are not excluded from the scope of Regulation (EC) No 1234/2008 pursuant to Article 23b, paragraphs 4 and 5 of Directive 2001/83/EC.	unless and until repealed as regards medicinal products for human use that are covered by Regulation (EC) No 726/2004 and Directive 2001/83/EC and that are not excluded from the scope of Regulation (EC) No 1234/2008 pursuant to Article 23b, paragraphs 4 and 5 of Directive 2001/83/EC.	
Article 180(12)				
1618	12. Commission Regulation (EC) No 847/2000[1] shall continue to apply unless and until repealed as regards orphan medicinal products that are covered by this Regulation. __________	12. Commission Regulation (EC) No 847/2000[1] shall continue to apply unless and until repealed as regards orphan medicinal products that are covered by this Regulation. __________	12. Commission Regulation (EC) No 847/2000[1] shall continue to apply unless and until repealed as regards orphan medicinal products that are covered by this Regulation. __________	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Commission Regulation (EC) No 847/2000 of 27 April 2000 laying down the provisions for implementation of the criteria for designation of a medicinal product as an orphan medicinal product and definitions of the concepts 'similar medicinal product' and 'clinical superiority' (OJ L 103, 28.4.2000, p. 5).	1. Commission Regulation (EC) No 847/2000 of 27 April 2000 laying down the provisions for implementation of the criteria for designation of a medicinal product as an orphan medicinal product and definitions of the concepts 'similar medicinal product' and 'clinical superiority' (OJ L 103, 28.4.2000, p. 5).	1. Commission Regulation (EC) No 847/2000 of 27 April 2000 laying down the provisions for implementation of the criteria for designation of a medicinal product as an orphan medicinal product and definitions of the concepts 'similar medicinal product' and 'clinical superiority' (OJ L 103, 28.4.2000, p. 5).	
Article 180(13)				
1619	13. By way of derogation from Article [Duration of application of Chapter III] vouchers granted until [Note to OP: insert the date of 15 years after the date of entry into force of this Regulation] or until the date when the Commission has granted a total of 10 vouchers in accordance with Chapter III, whichever date is the earliest, shall	13. By way of derogation from Article [Duration of application of Chapter III] vouchers granted until [Note to OP: insert the date of 15 years after the date of entry into force of this Regulation] or until the date when the Commission has granted a total of 10 vouchers in accordance with Chapter III, whichever date is the earliest, shall	13. By way of derogation from Article [Duration of application of Chapter III] vouchers granted until [Note to OP: insert the date of 15 years after the date of entry into force of this Regulation] or until the date when the Commission has granted a total of 10 vouchers in accordance with Chapter III, whichever date is the earliest, shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	continue to be valid according to the conditions set out in Chapter III.	continue to be valid according to the conditions set out in Chapter III.	continue to be valid according to the conditions set out in Chapter III.	
Article 180(14)				
1619a			**14. Marketing authorisations of human medicinal products authorised in accordance with Article 6(1) of Directive 2001/83/EC shall be deemed to have been issued in accordance with Article 5(1) [revised Directive 2001/83/EC], irrespective of whether those products are covered by Annex I to [Revised Regulation (EC) No 726/2004.**	
Article 181				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1620	Article 181 Entry into force	Article 181 Entry into force	Article 181 Entry into force	
Article 181, first paragraph				
1621	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 181, second paragraph				
1622	It shall apply from [Note to the OP: Please insert the date of 18 months after its entry into force. The date should be identical to the date for the application of the Directive].	It shall apply from [Note to the OP: Please insert the date of 18 months after its entry into force. The date should be identical to the date for the application of the Directive].	It shall apply from [Note to the OP: Please insert the date of ~~18~~ **36** months after its entry into force. The date should be identical to the date for the application of the Directive].	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 181, third paragraph				
1623	However, Article 67 shall apply from [Note to the OP: Please insert the date of 2 years after the date of adoption/entry into force/application of this Regulation].	However, Article 67 shall apply from [Note to the OP: Please insert the date of 2 years after the date of adoption/entry into force/application of this Regulation].	However, Article 67 shall apply from [Note to the OP: Please insert the date of 2 years after the date of adoption/entry into force/application of this Regulation].	
Article 181, third paragraph a				
1623a		***The provisions in Chapter III shall apply from ... [the date of entry into force of this Regulation].***		
Article 181, fourth paragraph				
1624	This Regulation shall be binding in its entirety and directly	This Regulation shall be binding in its entirety and directly	This Regulation shall be binding in its entirety and directly	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	applicable in the Member States in accordance with the Treaties.	applicable in the Member States in accordance with the Treaties.	applicable in the Member States in accordance with the Treaties.	
Formula				
1625	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
1626	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
1627	The President	The President	The President	
Formula				
1628	For the Council	For the Council	For the Council	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1629	The President	The President	The President	