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From:	Presidency
To:	Delegations
No. prev. doc.:	14066/22 REV 1, 11061/23, 10846/23, 11432/23
Subject:	Proposal for a Regulation 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 *- Examination of the Presidency compromise text*

Delegations will find in Annex a compromise text prepared by the incoming Presidency on the above-mentioned subject to be examined in the Working Party on Public Health on 24 July 2023.

Text marked in **bold and underlined** and in ~~strikethrough~~ reflects changes made in this text compared to the Commission proposal with the following specificities:
The Presidency is presenting the definitions on SoHO establishment (Article 3(40)) and import (Article 3(20)) based on the debate during previous meetings. Changes proposed to Article 3(40) and 3(20) as presented in 11061/23 are highlighted in green shading. Changes proposed to Article 3(27) as presented in 10846/23 are highlighted in yellow shading. Changes proposed to other definitions in Article 3 as presented in 14066/22 REV1 are highlighted in grey shading. References in the text to provisions presented in earlier Presidency compromises (10846/23, 11061/23, 11432/23) reflect the numbering presented therein.

Besides that, the Presidency is presenting the text of the following subsections including related definitions:

Section VII – Authorisation of SoHo preparations: Articles 3(12), 3(25), 20, 40, 21, 41, 22, 23, 24;

Section VIII – Vigilance: Articles 3(26), 3(27), 3(27a), 3(28), 3(28a), 3(29), 3(49), 3(50), 3(51), 3(52), 3(53), 3(54), 35, 47, 36.

Section IX – Remaining articles of Chapter III to V plus Article 61: Articles 3(16), 3(21), 3(34), 3(56), 3(56a), 37a, 38, 39, 61, 49a, 50, 51.

ANNEX

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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)

SECTION II – AUTHORISATION OF SoHO ESTABLISHMENTS: Related definition: 3(40)

Article 3

Definitions

(40) 'SoHO establishment' means a SoHO entity that

(new a) carries out ~~both~~ **any of the following activities, separately or not:** processing**,** ~~and~~ storage **or import** of SoHOs **and**

(new b) **releases SoHO**~~**s or either one of these activities combined with release**~~;

SECTION III – REGISTRATION OF SoHO IMPORTERS:

Related definition: 3(20).

Article 3

Definitions

(20) 'import' means activities carried out to bring SoHOs ~~or SoHO preparations~~ into the Union from a third country, ~~including the organisation of such activities and physical verification of coherence with associated documentation, the appropriateness of transport conditions, the integrity of packaging and the adequacy of labelling~~ ~~before release~~;

SECTION VII – AUTHORISATION OF SoHO PREPARATIONS: Related definitions: 3(12), 3(25) and articles 20, 40, 21, 41; 22, 23, 24.

CHAPTER I

GENERAL PROVISIONS

Article 3

Definitions

(12) 'SoHO preparation' means a ~~particular~~ type of SoHO that:

(a) has been subjected to one or more SoHO activities, **as listed in Article 2(1a), at least,** including processing, in accordance with defined quality**,** ~~and~~ safety **and effectiveness** parameters; **and**

(b) ~~meets a pre-defined specification; and~~

~~(c)~~ is intended for application to a **SoHO** recipient for a specific clinical indication or is intended for distribution for manufacture of a product regulated by other Union legislation, **as referred to in Article 2(3)** ~~or as the starting and raw material thereof~~;

~~/~~(25) '~~SoHO preparation authorisation' means the formal approval by a competent authority of a SoHO preparation, including the approval of the chain of activities carried out to obtain the SoHO preparation;/~~

CHAPTER III

SoHO SUPERVISORY ACTIVITIES

Article 20

SoHO preparation authorisation system

1. **SoHO C**~~c~~competent authorities shall establish and maintain a system for **granting** ~~receiving and processing requests for the~~ authorisation**s** of SoHO preparations **to SoHO entities located on their territory**. The system **shall include the reception and processing of requests and the approval of clinical outcome monitoring plans for the generation of evidence, where necessary, and** shall allow for the suspension or withdrawal of authorisations.

2. **SoHO c**~~C~~ompetent authorities shall authorise SoHO preparations pursuant to Articles 21, 22 and, where applicable, Article 23.

3. SoHO preparation authorisations shall be valid throughout the Union for the period defined in ~~the terms of~~ the authorisation~~, when such a time period has been defined~~ **pursuant to Article 21(2), point (d)**, or until ~~a~~ **the SoHO** competent authority has suspended or withdrawn the authorisation. Where a Member State has adopted a more stringent measure, in accordance with Article 4, which relates to a specific SoHO preparation, that Member State may decline to recognise the validity of the SoHO preparation authorisation of another Member State **until it has verified compliance with that more stringent measure** ~~pending verification that the more stringent measure has been met~~.

~~4. The Commission may adopt implementing acts concerning the compatibility and comparability of the SoHO preparation authorisation system.~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).~~

CHAPTER IV

GENERAL OBLIGATIONS ON SOHO ENTITIES

Article 40

SoHO preparation authorisation

1. SoHO entities shall not release or, in an autologous context **as referred to in Article 2(2)(a)**, prepare and apply immediately to a **SoHO** recipient, SoHO preparations without prior SoHO preparation authorisation. ~~In cases where a SoHO entity modifies an activity carried out for an authorised SoHO preparation, it shall obtain an authorisation for that modified SoHO preparation.~~

2. SoHO entities may request **an opinion** ~~advice~~ from their **SoHO** competent authorities on the applicability of the authorisation requirements in this Regulation to their SoHO activities prior to submitting an application for a preparation authorisation.

3. SoHO entities may request to their **SoHO** competent authorities a derogation from the requirement for a SoHO preparation authorisation in the **emergency situations** ~~exceptional circumstances~~ referred to in Article 64.

CHAPTER III

SoHO SUPERVISORY ACTIVITIES

Article 21

Authorisation of SoHO preparations

1. **SoHO c**~~C~~ompetent authorities shall ~~have procedures in place to allow that applications for the authorisation of SoHO preparations are submitted in accordance with Article 41. They shall~~ provide guidelines and templates for the submission of applications for SoHO preparation authorisation**, in accordance with Article 41, including those for the design of clinical outcome monitoring plans that are proportionate to the level of risk assessed by the applicant**. When developing these guidelines and templates, **SoHO** competent authorities **shall use the models and** shall **take into account** ~~consult~~ the relevant best practices agreed and documented by the SCB as referred to in Article 68(1), point (c). **SoHO** ~~C~~**c**ompetent authorities may establish simplified procedures for applications concerning modifications to previously authorised SoHO preparations.

SoHO competent authorities may use the secure communication channel on the EU SoHO Platform for the exchange, with the SoHO entity, of documents relating to the application and authorisation of SoHO preparations, including those for the design of clinical outcome monitoring plans that are proportionate to the level of risk.

2. Upon receipt of an application for the authorisation of a SoHO preparation, **SoHO** competent authorities shall:

(a) acknowledge receipt of the application **without undue delay** ~~within 14 working days~~;

(b) assess the SoHO preparation pursuant to Article 22 and examine agreements between the applicant ~~SoHO entity~~ and **SoHO entities or** ~~any~~ third parties contracted ~~by~~ **to perform** ~~that SoHO entity concerning~~ SoHO activities **in relation to the SoHO preparation**, where applicable;

(ba) request to the applicant SoHO entity to provide supplementary information, if needed;

(c) grant **or refuse the approval for** ~~a conditional authorisation for the use of the SoHO preparation in all cases where~~ clinical outcome **monitoring plans, as appropriate** ~~data is required for authorisation~~, pursuant to Article 22(4), points (d) and (e)**, and indicate any conditions that may apply and a time limit for the applicant to submit the results of the approved clinical outcome monitoring**;

(d) grant or refuse the authorisation for the SoHO preparation, as appropriate**, taking into account the assessment performed in point (b), and the results of the clinical outcome monitoring referred to in point (c), if required, indicating which conditions apply, if any**.

3. **SoHO c**~~C~~ompetent authorities shall submit information regarding **the granted authorisation of the** SoHO preparation ~~authorisations, including a summary of the evidence used to authorise each SoHO preparation,~~ to the EU SoHO Platform ~~referred to in Chapter XI~~, and, for each SoHO preparation, amend accordingly the authorisation **information** ~~status~~ of the SoHO entity **concerned** ~~to which the SoHO preparation is linked to in the EU SoHO Platform, including the name and contact details of the SoHO preparation authorisation holder~~.

4. **SoHO c**~~C~~ompetent authorities shall conclude the SoHO preparation authorisation ~~steps~~, referred to in paragraph 2 of this Article, **without undue delay and** ~~within 3 months from receipt of the application,~~ **in accordance with national legislation,** excluding the time needed for clinical outcome monitoring or **for the performance of additional validation or the generation of additional quality data as requested by the SoHO competent authority prior to the authorisation** ~~studies~~. **SoHO competent authorities**~~They~~ may suspend this time limit for the duration of the consultation processes referred to in Article 14(1) and (2) **and in case of a request for additional information to the SoHO entity**.

4a. For SoHO preparations that incorporate a medical device as an integral part, as referred to in Regulation (EU) 2017/745 Annex IX(5)(3)(1), and where the device has an action that is ancillary to that of the SoHO preparation, SoHO competent authorities shall verify appropriate certification of the device.

5. Upon receipt of a request for an opinion in course of the conformity assessment procedure pursuant to Article 52 of Regulation (EU) 2017/745, **of a medical device that incorporates a SoHO preparation as an integral part, and where the device has an action that is principal,** the **SoHO** competent authorities receiving the request shall **provide an opinion regarding compliance of the SoHO preparation part with the provisions of this Regulation, pursuant to Annex IX (5)(3)(1) of Regulation (EU) 2017/745** ~~follow the relevant procedure of that Regulation~~, and inform the SCB of the opinion provided.

6. **SoHO c**~~C~~ompetent authorities may, in accordance with national legislation, suspend the authorisation of a SoHO preparation **in circumstances where** ~~if~~ SoHO supervisory activities demonstrate or give reasonable ground for suspecting that **such SoHO preparation, or any activities performed for that preparation**:

   (a) ~~such preparation, or any of the activities performed for that preparation,~~ do not comply with the conditions of its authorisation**,** or ~~the requirements of this Regulation; and~~

(b) **do not comply with the provisions of this Regulation and such** ~~that~~ non-compliance**, or suspected non-compliance,** implies a risk to the safety of SoHO donors, recipients or offspring from medically assisted reproduction**, or unnecessary wastage of SoHO preparations**.

SoHO c~~C~~ompetent authorities shall specify a period of time for the investigation of the suspected non-compliance and for SoHO entities to rectify a confirmed non-compliance, during which the suspension will remain in place.

7. In cases where SoHO **competent authorities have** ~~entities are not able to rectify~~ confirmed non-compliances referred to in paragraph 6 **and SoHO entities are not able to rectify them** in the specified time period, **SoHO** competent authorities shall, in accordance with national legislation, withdraw the authorisation of the SoHO preparation **from the SoHO entities** concerned.

8. **SoHO c**~~C~~ompetent authorities may, in accordance with national legislation, withdraw the authorisation of a SoHO preparation if the **SoHO** competent authorities have confirmed that the SoHO preparation in question does not comply with subsequently updated criteria for authorisation or the SoHO entity has repeatedly failed to comply with the conditions of its authorisation**, and that a risk to SoHO donors, recipients or offspring from medically assisted reproduction is identified and that risk cannot be resolved during a suspension**.

9. In cases of authorisation suspension or withdrawal, as referred to in paragraphs 6, 7 and 8, **SoHO** competent authorities shall, without undue delay, amend accordingly the authorisation **information for** ~~status of~~ the SoHO entity concerned in the EU SoHO Platform ~~as referred to in Chapter XI~~.

9a. By way of derogation from this Article, SoHO competent authorities may authorise, at the request of a prescribing physician of the SoHO entity responsible for that application, the SoHO preparations within their territory in cases where the procedures referred to in this Article have not been carried out, provided that:

(a) the use of those SoHO preparations is foreseen for a given SoHO recipient, in cases where that SoHO recipient has no therapeutic alternative, where treatment cannot be postponed or where the SoHO recipient's prognosis is life-threatening;

(b) the safety and effectiveness of the SoHO preparation is presumed on the basis of the available clinical data; and

(c) there is a the conformity of the SoHO establishment responsible for the SoHO preparation.

SoHO competent authorities shall indicate the period of time for which the authorization is granted.

SoHO competent authorities shall inform the SoHO National Authority of the authorisation.

10. ~~Competent authorities shall consult the relevant best practices agreed and documented by the SCB as referred to in Article 68(1), point (c).~~

11. The Commission may adopt implementing acts concerning the procedures to authorise SoHO preparations pursuant to this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).

CHAPTER IV

GENERAL OBLIGATIONS ON SOHO ENTITIES

Article 41

Application for the authorisation of SoHO preparations

1. SoHO entities shall send applications for the authorisation of a SoHO preparation to their **SoHO** competent authorities **of their territories**. ~~The applicant shall provide the name and contact details of the prospective SoHO preparation authorisation holder responsible for the application. This paragraph shall be without prejudice to Article 38(1).~~

2. The **applications for SoHO preparation authorisation**~~applicant~~ shall **include** ~~provide~~ the following:

(-a) the name and contact details of the prospective SoHO preparation authorisation responsible for the SoHO preparation authorisation;

(a) ~~a SoHO preparation dossier describing the~~ details of the SoHO activities performed for that SoHO preparation and including at least:

(-i) a description of the SoHO used for the preparation;

(i) **a summary of** ~~any specific~~ SoHO donor eligibility or SoHO donor testing procedures;

(ii) **a summary of** ~~any specific~~ SoHO collection procedures **and any specific controls carried out on the collected SoHO prior to processing**;

(iii) a description of the **steps of the** processing applied including **details of relevant materials and equipment used, environmental conditions and the process parameters and controls at each step** ~~details of the air quality standards maintained in the processing facilities and the rationale for the air quality standard applied~~;

(iv) a description of equipment, reagents and materials **coming into direct contact with the SoHO during processing**~~used~~ and their certification status in accordance with Regulation (EU) 2017/745 **and in the case of the use of in-house developed equipment, reagents or materials, a validation of their quality**;

(v) any specific storage **and transport** conditions and storage time limits **including validation of those conditions and limits**;

(vi) **a specification of the SoHO preparation including** ~~any~~ quality control and**, where relevant,** release parameters;

(vii) data ~~concerning procedures performed for~~ **resulting from** process validation and equipment qualification;

(viii) details of any **SoHO entities or** third parties contracted by the SoHO entity to perform activities **or relevant steps of the processing applied** for the SoHO preparation;

(ix) the clinical indications for which the SoHO preparation is to be applied **and the scientific rationale justifying this indication**;

(b) the results of a risk assessment conducted on the combination of SoHO activities performed for the SoHO preparation, together with the intended clinical indication for which it is **authorised** ~~intended~~ to be applied, taking into account:

(i) whether the SoHO preparation is described in, and aligned with, an EDQM SoHO monograph included in the technical guidelines referred to in Article 59(4), point (a);

(ii) whether the SoHO preparation meets the defined quality criteria in the EDQM SoHO monograph referred to in point (i) and is intended to be used for the indication and with the mode of application to which that monograph refers, where such details are provided in that monograph;

(iii) information regarding previous use and authorisation of the SoHO preparation in other SoHO entities, as available in the EU SoHO Platform;

(iv) **where available, clinical functionality** evidence generated as part of the process of certification, in accordance with Regulation (EU) 2017/745, of **a** certified medical device **that is critical to the specific processing** ~~used~~ of the SoHO preparation, where available;

(v) documentation of a **standardised** ~~systematic~~ process of identification, quantification and evaluation of any risks to **a SoHO** ~~the~~ donor**, a SoHO** ~~or the~~ recipient **or the offspring from medically assisted reproduction** arising from the chain of activities performed for the SoHO preparation **and taking into account the technical guidelines published by EDQM for the performance of such risk assessments, as referred to in Articles 56(4)(a) and 59(4)(a)**;

(c) in cases where the indicated risk is other than negligible, a **proposed plan** ~~proposal~~ for clinical outcome monitoring ~~to demonstrate safety, quality and efficacy~~ **for providing evidence, where necessary,** of the SoHO preparation, in line with the results of the risk assessment **and pursuant to Article 22(4a)**;

(d) an indication of the data which should be regarded as proprietary accompanied by verifiable justification, where appropriate.

3. In the **proposed clinical outcome monitoring plan** ~~proposal~~ referred to in paragraph 2, point (c), the applicant shall **take into account the guidance from their SoHO competent authority as referred to in Article 21(1).** ~~propose a clinical outcome monitoring plan as follows:~~ **If the application for SoHO preparation authorisation includes recording the results of the clinical outcome monitoring in an existing clinical registry, as referred to paragraph 2 point (c), the applicant shall request approval for the use of such registry.**

~~(a) in cases of low risk, clinical follow-up of a defined number of patients;~~

~~(b) in cases of moderate risk, in addition to point (a), a clinical investigation study of a statistically significant number of patients assessing pre-defined clinical endpoints;~~

~~(c) in cases of high risk, in addition to point (a), a clinical investigation study of a statistically significant number of patients assessing pre-defined clinical endpoints with a comparison to standard therapy.~~

4. SoHO entities shall perform the clinical outcome monitoring **plan as approved** ~~once a conditional authorisation has been granted~~ pursuant to Article 21(2), point (c), and submit the results **and their analysis** to their **SoHO** competent authorities **according to the timeline set in the approval**. ~~In conducting the clinical investigation study as referred to in paragraph 3, points (b) and (c), for the SoHO preparation concerned, the applicant may use an existing clinical registry to record its results provided that their competent authorities have verified that the registry has data quality management procedures in place that ensure accuracy and completeness of data.~~

5. SoHO entities shall not make any **significant** change **in the** ~~to the chain of~~ **steps of the processing applied or in the** activities performed for SoHO preparation **subject to the authorisation**, without the prior written **authorisation** ~~approval~~ of the **SoHO**~~ir~~ competent authorities.

   SoHO entities shall also **provide, without under delay, to**~~inform~~ their **SoHO**competent authorities **any** changes **that might affect the authorisation, including the changes related to** ~~in~~ the SoHO preparation authorisation **responsible's**~~holder's~~ details.

6. The SoHO preparation authorisation **responsible** ~~holder~~ shall be based in the Union **in the Member State where the application is submitted**. ~~In cases where other SoHO entities carry out one or more of the processing steps for the SoHO preparation, the SoHO entity that holds the SoHO preparation authorisation shall be responsible for the release and shall supervise it, even if the release physically takes place at the site of the other SoHO entities.~~

CHAPTER III

SoHO SUPERVISORY ACTIVITIES

Article 22

Assessment of SoHO preparations

1. The assessment of a SoHO preparation, shall include a review of all SoHO activities that are performed for that SoHO preparation and that might influence the safety, quality and **effectiveness** ~~efficacy~~ of the SoHO preparation.

2. The assessment of SoHO preparations shall be carried out by **SoHO preparation** assessors meeting the requirements set out in Article 24.

3. In cases where the SoHO preparation subject to the application for authorisation pursuant to Article 21 has been duly authorised in another SoHO entity in the same or in another Member State, **SoHO** competent authorities may authorise that SoHO preparation in the applicant SoHO entity, provided that the **SoHO** competent authorities have verified that the SoHO activities performed **and the steps of the processing applied** for the SoHO preparation are carried out by the applicant SoHO entity in a manner such that the safety, quality and **effectiveness**~~efficacy~~ results **of the SoHO preparation** will be equivalent to those demonstrated in the SoHO entity where the SoHO preparation was first authorised.

4. In cases where the SoHO preparation, subject to the application for authorisation pursuant to Article 21, has not been duly authorised in another SoHO entity, **or the SoHO competent authority chooses not to take SoHO preparation authorisation in another Member State into account, SoHO** competent authorities:

   (a) shall assess **the adequacy of** ~~all~~ the information provided by the applicant pursuant to Article 41**(2), point (a)**;

(b) ~~shall review the SoHO preparation dossier referred to in Article 41(2), point (a);~~

(c) shall initiate the consultation described in Article 14(1), if during the review of the **information** ~~SoHO preparation dossier~~ referred to in point (**a**~~b~~), questions arise as to whether the SoHO preparation falls, in part or fully, within the scope of this Regulation or other Union legislation, taking into account the activities performed for the SoHO preparation and the intended human application;

(d) shall ~~review and~~ evaluate the **results of a** risk assessment **carried out** ~~per~~formed by the applicant as pursuant to Article 41(2), point (b);

(e) shall evaluate the plan for clinical outcome monitoring and its proportionality to the level of risk of the SoHO preparation **according to paragraph 4a** ~~as referred to in Article 41(3), points (a), (b) and (c), as applicable~~;

(f) **shall**~~may~~ consult the SCB, pursuant to Article 68(1) on the evidence necessary and sufficient for the authorisation of a particular SoHO preparation **where the guidance referred to in paragraph 7 is not sufficient**;

(g) shall assess, in the case of **an approved clinical outcome monitoring plan** ~~a conditional authorisation~~ pursuant to Article 21(2), point (c), the results of the clinical outcome monitoring **upon submission by the applicant**.

4a. When evaluating clinical outcome monitoring plans, as referred to in paragraph 4 point (e), SoHO competent authorities shall verify that the plan proposes clinical outcome monitoring as follows:

(a) in cases of low risk, pro-active clinical follow-up of a defined number of SoHO recipients;

(b) in cases of moderate risk, in addition to point (a), a clinical study of a pre-defined number of SoHO recipients assessing pre-defined clinical endpoints;

(c) in cases of high risk, in addition to point (a), a clinical study of a pre-defined number of SoHO recipients assessing pre-defined clinical endpoints with a comparison to standard therapy.

5. When assessing the SoHO preparation pursuant to paragraph 4, points (e) and (g), **SoHO** competent authorities shall **verify** ~~consider~~, in the cases where the applicant has proposed to record, and recorded, the results of the clinical outcome monitoring in an existing clinical registry, that this ~~is an acceptable method, provided that those competent authorities have verified that the~~ registry has data quality management procedures in place that ensure accuracy and completeness of data.

6. **SoHO c**~~C~~ompetent authorities shall conduct the assessment ~~steps~~ referred to in paragraphs 3 and 4 of this Article by means of a ~~remote~~ document review. **SoHO c**~~C~~ompetent authorities may also, as part of the SoHO preparation assessment, carry out inspections pursuant to Articles 29, 30 and 31. **Member States shall ensure communication and cooperation between SoHO preparation assessors and inspectors pursuant to Articles 13.**

7. When conducting the assessment ~~steps~~ referred to in paragraph 4 **and 4a** of this Article, **SoHO** competent authorities shall **take into account** ~~consult~~ the best practices agreed and documented by the SCB as referred to in Article 68(1), point (c).

Article 23

Joint SoHO preparation assessments

1. At the request of one or more **SoHO** competent authorities, **via their SoHO National Authority to another SoHO National Autority, or a SoHO entity,** SoHO preparation assessments as referred to in Article 22 may be carried out by **SoHO preparation assessors assigned by** ~~competent authorities from~~more than one Member State, as a joint SoHO preparation assessment.

2. **With the previous consent of the SoHO National Authority, t**~~T~~he **SoHO** competent authority receiving a request for a joint SoHO preparation assessment **shall make all reasonable efforts to accept such request, taking into account their available resources**~~may accept such a request, and coordinate and support that assessment, where that competent authority agrees that there are reasonable grounds for conducting a joint assessment~~.

3. **The SoHO c**~~C~~ompetent authorities participating in a joint assessment shall conclude a prior written agreement **to carry out**~~on~~ the joint assessment. **Such written**~~The~~ agreement shall **specify** at least ~~defines~~ the following:

   (a) the scope of the joint assessment;

   (b) the roles of the participating assessors during and following the assessment~~, including the designation of an authority leading the assessment~~;

   (c) the powers and responsibilities of each of the **SoHO competent** authorities **involved**.

   The authorities participating in the joint SoHO preparation assessments shall commit themselves in that agreement to jointly accept the results of the assessment.

   The agreement shall be signed by all the participating SoHO competent authorities, including the respective SoHO National Authorities, according to the requisites developed by the SCB.

4. Member States may set up joint assessment programmes to facilitate frequent or routine joint assessments. **Member States may operate such programmes under a single written agreement as referred to** ~~In such cases, competent authorities may sign a single written agreement provided that agreement meets the requirements~~ in paragraph 3.

4a. For the purposes of coordinating and performing joint SoHO preparation assessments, as referred to in this article, SoHO competent authorities shall take into account the relevant best practices agreed and documented by the SCB, as referred to in article 68(1), point(c).

~~5. On completion of a joint SoHO preparation authorisation, the competent authority in the territory where the SoHO preparation authorisation holder is based shall submit the information, as pursuant to Article 21(3), regarding the new authorised SoHO preparation in the EU SoHO Platform.~~

Article 24

Specific obligations concerning SoHO preparation assessors

1. **SoHO preparation** ~~A~~**a**ssessors shall:

   (a) **be in** possess**ion of** a diploma, certificate or other evidence of formal qualifications in the field of medical**, pharmaceutical** or **life**~~biological~~ sciences awarded on completion of a university course of study or a course qualification recognised as equivalent by the Member State concerned.

   (b) have expertise in the processes being assessed and the human applications for which the SoHO preparations will be used.

2. The assessment of SoHO preparations as referred to in Article 22 may be done jointly by a team of persons which collectively have the qualifications and experience set out in paragraph 1.

3. In exceptional cases, **SoHO** competent authorities may consider that a person's considerable and relevant experience may exempt this person from the requirements set out in paragraph 1.

4. Before assessors take up their duties, **SoHO** competent authorities shall provide assessors with a specific induction training on the procedures to be followed for the assessment of SoHO preparations in accordance with Article 22.

5. **SoHO** ~~C~~**c**ompetent authorities shall ensure that the specific induction training is complemented by specialised training for assessment of processing methods and technologies used for specific types of SoHO preparations and by continuous training, as appropriate, throughout the career of the assessors. **SoHO** ~~C~~**c**ompetent authorities shall make all reasonable efforts to ensure that assessors that participate in joint assessments have completed the relevant Union training referred to in Article 69(1) and are included in the list referred to in Article 69(5).

6. Assessors may be assisted by technical experts provided that **SoHO** competent authorities ensure that those experts comply with the requirements of this Regulation, in particular with the obligations set out in Articles 7**, 75** and 76.

Section VIII – Vigilance: Articles 3(26), 3(27), 3(27a), 3(28), 3(28a), 3(29), 3(49), 3(50), 3(51), 3(53), 3(54), 35, 47, 36.

CHAPTER I
GENERAL PROVISIONS

Article 3

Definitions

(26) 'vigilance' means a set of organised surveillance and reporting procedures relating to adverse ~~occurences~~ **reactions and events;**

(27) 'adverse **reaction**~~occurrence~~' means any incident ~~**linked to any SoHO activity as listed in Article 2(1)**~~ **reasonably associated with the collection of SoHO or with the quality or safety of SoHO applied to a SoHO recipient** that caused harm to a living SoHO donor, harm to a SoHO recipient or to offspring from medically assisted reproduction ~~or that implied a risk of such harm~~.

(27a) 'adverse event' means any incident linked to the quality or safety of SoHO that implies a risk of harm to a living SoHO donor, to a SoHO recipient or to offspring from medically assisted reproduction.

(28) 'serious adverse **reaction**~~occurrence~~' (SA**R**~~O~~) means an adverse **reaction** ~~occurrence~~ that resulted in, ~~or implied a risk of,~~any of the following ~~**as described in Article [35]/[47]:**~~

~~/~~(a) death;~~/~~

~~/~~(b) life-threatening, disabling or incapacitating condition, including transmission of a pathogen**, or a toxic substance** that might cause such condition;~~/~~

~~/~~(c) transmission of a genetic condition to offspring from medically assisted reproduction with third party donation**, or, within couple use, as a result of a pre-implantation genetic test error, that might result in life-threatening, disabling or incapacitating condition**~~/~~

~~/~~(d) hospitalisation or prolongation of hospitalisation;~~/~~

~~/~~(e) the need for a clinical intervention to prevent **or reduce the effects of** any of the above;~~/~~

~~/(f) loss of a quantity of SoHOs that causes human applications to be postponed or cancelled;/~~

~~/(g) loss of highly matched or autologous SoHOs;/~~

~~/(h) a mix-up of reproductive cells in such a way that an oocyte is fertilised with sperm from an individual other than the intended individual or reproductive cells are inseminated or transferred to the uterus or fallopian tube of a woman other than the intended recipient;/~~

~~/~~(i) prolonged sub-optimal health of a SoHO donor following single or multiple donations;~~/~~

(28a) 'serious adverse event' (SAE) means an adverse event that implies a risk in any of the following:

(a) inappropriate SoHO distributed

(b) implications for other SoHO recipients or SoHO donors because of shared practices, services, supplies critical equipment or donors;

(c) loss of a quantity of SoHOs that causes human applications to be postponed or cancelled;

(d) loss of highly matched or autologous SoHOs;

(e) a mix-up of reproductive SoHO in such a way that an oocyte is fertilised with sperm from an individual other than the intended individual or reproductive SoHO are applied to a recipient other than the intended recipient;

~~/~~(29) 'SoHO rapid alert' means a communication regarding a SA**R or a SAE**~~O~~, a communicable disease outbreak or other information that might be of relevance to the safety and quality of SoHOs in more than one Member State and is to be transmitted rapidly between **SoHO National** ~~competent A~~authorities and the Commission to facilitate the implementation of mitigating measures;~~/~~

~~/~~(49) 'SA**R or SAE**~~O~~ notification' means the communication from a SoHO entity~~, a SoHO establishment or a SoHO donor or recipient~~ to a **SoHO** competent authority, of a **confirmed or suspected** serious adverse ~~occurrence~~ **reaction or event** ~~or a suspected serious adverse occurrence~~ associated with a SoHO ~~donation or human application;~~/

~~/~~(50) 'SA**R/SAE**~~O~~ investigation report' means the report from a SoHO entity ~~or a SoHO establishment~~ to a **SoHO** competent authority on a specific **notification** ~~SAO~~, describing the outcome and including an assessment of the seriousness and the level of imputability, **if applicable, and** the likely cause and any corrective action taken;~~/~~

(51) 'imputability' means the likelihood that a**n** ~~serious~~ adverse **reaction** ~~occurrence~~, in a SoHO donor, is **associated with** ~~related to~~ the ~~donation~~ **collection** process or, in a **SoHO** recipient~~,~~ **or ~~an~~ offspring from medically assisted reproduction,** to the application of the SoHOs;

(52) 'seriousness' means the degree of severity of an adverse **reaction** ~~occurrence~~, involving harm to a **living** SoHO donor, **a SoHO** recipient or offspring from medically assisted reproduction **or for public health in general**, ~~at and above which the occurrence shall be notified to a competent authority~~;

~~/(53) 'self-reporting' means the notification of a SAO by a SoHO recipient or a SoHO donor directly to the competent authorities;/~~

~~/~~(54) 'Annual SoHO Vigilance Report' means the annual report published by the Commission aggregating the summaries from the SoHO National Authorities on SA**R and SAE**~~O~~ notifications ~~and SAO investigation reports received;~~/

CHAPTER III

SoHO SUPERVISORY ACTIVITIES

Article 35

Vigilance

1. **SoHO c**~~C~~ompetent authorities shall be responsible for the ~~management~~ **supervision** of vigilance associated with SoHO activities.

1a. **SoHO competent authorities** ~~They~~ shall provide guidance and templates for the submission of **SAR or SAE** ~~SAO~~ notifications and ~~of SAO~~ investigation reports as referred to in Article 47. **The guidance and templates provided shall take into account the best practices established by the SCB, as referred to in Article 68(1) point (c). They shall also establish procedures for the receipt of SAR or SAE, pursuant to Article 47.**

2. Upon receipt of a **SAR or SAE** ~~SAO~~ notification **pursuant to Article 47(3)**, **SoHO** competent authorities shall:

   (a) ~~acknowledge receipt of the SAO notification;~~

   (b) verify that the ~~SAO~~ notification includes the information referred to in Article 47(3**a**);

   ~~(c) assess the adequacy of the investigation planned to establish imputability and root cause;~~

   (d) respond to the submitting SoHO entity ~~without undue delay~~ **if additional documentation or corrections are required.**

3. **Upon receipt of a SAR or SAE notification pursuant to Article 47(3), SoHO** ~~C~~**c**ompetent authorities may**:**

   (a) provide advice on the investigation planned by the SoHO entity**;** ~~.~~

   (b) ~~In preparing such advice, competent authorities may~~ request contributing advice from the SCB pursuant to Article 68(1).

   In case the **SAE or SAR notification** ~~SAO~~ concerns a**n outbreak** ~~suspected transmission~~ of a communicable disease, **Member States** ~~competent authorities~~ shall inform the ECDC and take into account any advice or information provided by the ECDC or its SoHO expert network.

4. Upon receipt of a ~~SAO~~**SAE or SAR** investigation report, **SoHO** competent authorities shall:

   (a) ~~acknowledge receipt of the SAO investigation report~~;

   (b) verify that the ~~SAO~~ investigation report includes the information pursuant to Article 47(5);

   (c) assess the results of the investigation and of the corrective and preventive actions described;

   (d) inform the submitting SoHO entity of the conclusion of the ~~SAO~~ assessment**, if additional documentation or corrections are required**.

5. **SoHO** ~~C~~**c**ompetent authorities may carry out inspections, pursuant to Articles 29 or 30, as appropriate, when the **SAE or SAR** ~~SAO~~ notification or **the** ~~SAO~~ investigation report received indicates, or gives reasonable grounds for suspecting, that requirements of this Regulation have not been complied with, or to verify an accurate implementation of corrective and preventive actions planned **or in case of a public health threat**.

6. Upon receipt of a **SAE or SAR** ~~SAO~~ notification with implications for safety, quality or supply of a product manufactured under other Union legislation from **a** ~~that~~ SoHO ~~or SoHO preparation~~, **SoHO** competent authorities shall inform, without undue delay, **via their SoHO National Authority,** the relevant authorities competent for that product, pursuant to Article 14(5).

6a. Upon receipt of information regarding a serious incident according to Regulation (EU) 2017/745, or information regarding a serious adverse reaction according to Directive 2001/83/EC, associated with a product manufactured from a SoHO and indicating a possible association with the quality or safety of the SoHO used to manufacture that product, the SoHO competent authorities shall communicate the information to the SoHO establishment that supplied the SoHO without undue delay to facilitate possible actions to prevent further distribution of the SoHO~~,~~ implicated in the serious incident or adverse reaction.

7. Upon receipt of information regarding a serious incident and field safety corrective action according to Regulation (EU) 2017/745, **and Regulation 2017/746 concerning a medical device or in-vitro diagnostic device,** the **SoHO** competent authorities receiving such information shall **communicate it to** ~~inform~~ the SoHO entities **that may be affected** ~~concerned~~. The **SoHO** competent authorities shall submit that information to their National SoHO Authority, provided that the incident meets the definition of a SA**E**~~O~~.

8. ~~Competent authorities shall provide a channel for self-reporting of SAOs by SoHO recipients and donors. Upon receipt of such notifications, competent authorities shall inform, as appropriate, the relevant SoHO entities or SoHO establishments thereof, and ensure that an adequate investigation of the occurrence is initiated by the SoHO entities or establishments concerned and that adequate corrective and preventive action have been taken by the SoHO entities or establishments concerned when necessary, and respond to the recipient or donor concerned.~~

9. **SoHO c**~~C~~ompetent authorities **or Member States,** shall ensure that the procedures referred to in paragraphs 1 to 5 provide for an adequate interconnection between the ~~SAO~~ notifications pursuant to this Article and the reporting system established in accordance with Article 11 of Directive 2010/53/EU, for instances where ~~SAO~~ **SAE or SAR** notifications relate to SoHO donations ~~after death,~~ by donors that also donated organs.

10. **SoHO c**~~C~~ompetent authorities shall submit to their SoHO National Authorities an annual summary of the **SAE and SAR** ~~SAO~~ notifications and **the** ~~SAO~~ investigation reports ~~**of confirmed SAR or SAE** received~~. **This report shall include recommendations, arising from an analysis of the SAE and SAR reported, where necessary.**

10a. The SoHO National Authorities shall submit an annual summary of those ~~SAO~~ notifications and investigation reports **of confirmed SAR or SAE** to the EU SoHO Platform ~~referred to in Chapter XI~~ before 3**0 June** ~~1 May~~ of the subsequent year and shall make an aggregated version of that summary available to the public in their Member State, including on the internet. They shall include in the annual summary the numbers and types of those **notifications**~~SAO~~ reported to them that meet thresholds of seriousness and imputability that are agreed ~~at Union level within the SCB.~~ **and documented as best practice by the SCB, as referred to in Article 68(1), point (c).**

11. The Commission shall aggregate the annual summaries of the SoHO National Authorities, prepare and publish an annual SoHO vigilance report after having shared the report with the SoHO National Authorities for review and approval. **This report should include overall pattern analysis and recommendations.**

12. ~~For the development of the guidance and templates referred to in paragraph 1 of this Article, and for the submission of the annual summaries referred to in paragraph 10 of this Article, competent authorities shall consult the best practices agreed and documented by the SCB as referred to in Article 68(1), point (c).~~

13. The Commission may adopt implementing acts concerning the procedures to be followed for consultation and coordination between competent authorities and the ECDC concerning relevant ~~SAO~~ notifications and investigations.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).

CHAPTER IV
GENERAL OBLIGATIONS ON SOHO ENTITIES

Article 47

Vigilance and reporting

1. SoHO entities shall maintain a system for detecting, investigating and recording information concerning adverse **reactions** ~~occurrences~~ **and events**, including ~~adverse~~ **those reactions** ~~occurrences~~ detected during clinical outcome monitoring **plans** as part of a SoHO preparation authorisation application as referred to in Article 41.

2. ~~Where applicable,~~ SoHO entities shall make all reasonable efforts to encourage prospective parents of children born from third party donation ~~to commit~~ to communicate information concerning any genetic conditions **as soon as they** ~~that~~ emerge~~, as those children grow up~~, to the SoHO entity where they were treated. Th~~at~~**e SoHO** entity shall communicate, without undue delay, the information to the SoHO e~~ntity~~**stablishment** that **released**~~distributed or applied~~ the reproductive ~~cells~~**SoHO for application or distribution** with a view to **investigating the suspected SAR and** preventing further distribution of SoHO from the implicated SoHO donor**, in accordance with national legislation on the storage and use of reproductive SoHO**.

3. In cases where SoHO entities detect or suspect that an adverse **reaction or event** ~~occurrence~~ meets the definition of a **SAR or a SAE** ~~serious adverse occurrence (SAO)~~, they shall submit a ~~SAO~~ notification to their **SoHO** competent authorities with**out**~~in~~ **undue delay and** ~~five working days. SoHO entities~~ shall include the following **information**~~in the notification~~:
   (a) a ~~full~~ description of the suspected SA**R or SAE**~~O~~;
   (b) a preliminary assessment of the level of imputability**, if applicable** ~~of the suspected SAO~~;

~~(c) a plan for an investigation to establish the level of imputability and the root cause;~~

(d) **details of any immediate steps taken to limit harm, where relevant**~~proposed mitigation strategies~~;

(e) a preliminary assessment of the seriousness of the consequences of the SA**R**~~O for a donor, a recipient or the offspring from medically assisted reproduction or for public health in general.~~

3a. Upon receipt of information regarding a serious incident and field safety corrective action according to Regulation (EU) 2017/745 or Regulation (EU) 2017/746, concerning a medical device or in-vitro diagnostic device that is used by a SoHO entity, the SoHO entity receiveing such information shall communicate it to its SoHO competent authority.

4. SoHO entities shall have in place a procedure to accurately, efficiently and verifiably withdraw from distribution or use those SoHOs affected by adverse **reactions or events**~~occurrence~~ referred to in paragraph **3**~~1~~, as appropriate **and in the case of reproductive SoHO, in accordance with national legislation.**

5. SoHO entities shall conduct an investigation of each SA**R or SAE**~~O~~ detected. On completion of **that**~~an~~ investigation ~~of a SAO~~, SoHO entities shall provide a**n** ~~SAO~~ investigation report to their **SoHO** competent authorities pursuant to Article 35(4). The SoHO entities shall include in the report:

(a) a full description of the investigation and the final assessment of the imputability ~~of the SAO~~ to the donation or application of the SoHO**, if applicable**~~;~~

(b) the final assessment of the seriousness of the consequences ~~of the SAO~~ for a **SoHO** donor, a **SoHO** recipient or the offspring of medically assisted reproduction or for public health in general**, including a risk assessment of the likelihood of the recurrence risk**;

(c) a description of the corrective or preventive actions that have been taken to limit any harm or to prevent recurrence.

6. SoHO entities shall **communicate** ~~report~~ information concerning a SA**R** to other SoHO entities engaged in the collection, processing, testing, storage and distribution of SoHO collected from the same **SoHO** donor, or otherwise possibly affected ~~by the SAO concerned~~. They shall only report information necessary and appropriate in order to facilitate traceability and ensure quality and safety in such cases, and shall, in particular, limit the information to details necessary to take mitigating actions. **A risk assessment of the seriousness and likelihood of recurrence shall be included in the communication.** SoHO entities**, where relevant,** shall also **communicate** ~~report~~ such information to organ procurement organisations in cases where **the SoHO** ~~a~~ donor who is implicated in the SA~~O~~**R** has also donated organs **and to manufacturers of products from distributed SoHOs from the implicated SoHO donor**.

CHAPTER III
SoHO SUPERVISORY ACTIVITIES

Article 36

SoHO rapid alerts

1. **SoHO c**~~C~~ompetent authorities shall, upon receipt of a notification of a S**AR or a SAE**~~AO~~ or other information with implications for safety or quality or supply of SoHOs in ~~one or~~ more **than one** Member State~~s~~, **inform their SoHO National Authorities, which shall, in turn** launch a SoHO rapid alert on the EU SoHO Platform ~~referred to in Chapter XI~~.

2. **SoHO National** ~~Competent~~ **A**~~a~~uthorities shall launch a SoHO rapid alert in particular in the following circumstances:
   (a) a risk to the quality or safety of SoHOs has been identified concerning SoHOs that have been distributed from their Member State to at least one other Member State;
   (b) an outbreak of a communicable disease has occurred in their Member State and they have put in place donor deferral or testing measures to mitigate the risks of transmission by SoHOs;

(c) a defect or serious supply interruption has occurred concerning equipment, devices, materials or reagents that are critical for the collection, processing, storage or distribution of SoHOs and that might be used in other Member States;

(d) other information is available to the **SoHO National** ~~competent a~~**A**uthorities that could reasonably be considered useful in other Member States to reduce risks to the safety or quality of SoHOs and where the launch of a SoHO rapid alert would be proportionate and necessary.

3. The ECDC, with the support of its SoHO expert network, may also launch an alert in the EU SoHO Platform when surveillance of communicable diseases indicates a new risk to the safety of SoHOs. The ECDC may indicate in such an alert that it has provided guidelines on the mitigation of risks associated with communicable disease outbreaks, in particular concerning the eligibility and testing of SoHO donors.

4. **SoHO National c**~~Competent a~~**A**uthorities that receive a SoHO rapid alert shall communicate **relevant** information to **SoHO competent authorities in their Member State and to** the relevant ~~organisations representing groups of~~ SoHO entities ~~or professionals~~ without undue delay with a view to ensuring that risk mitigating actions can be taken promptly and that relevant information available **among professionals** ~~at~~ **in** the SoHO **sector** ~~professional level~~ can be shared with the **SoHO** competent authorities. **SoHO National** ~~Competent a~~**A**uthorities may also supplement the information provided in the alert with further information such as details of relevant mitigating actions taken in their Member State.

5. **SoHO National** ~~Competent a~~**A**uthorities and the ECDC shall **take into account** ~~consult~~ the relevant best practices agreed and documented by the SCB as referred to in Article 68(1), point (c), when launching and handling a SoHO rapid alert.

Section IX – Remaining articles of Chapter III to V plus Article 61: Articles 3(16), 3(21), 3(34), 3(56), 3(56a), 37a, 38, 39, 61, 49a, 50, 51.

CHAPTER I

GENERAL PROVISIONS

Article 3

Definitions

(16) 'quality control' means ~~several~~ **a pre-defined test, set of** tests or checks to confirm that ~~a SoHO activity or SoHO preparation meets~~ pre-defined quality criteria **are met**;

(21) 'export' means ~~distribution of~~ **activities carried out to send** SoHOs ~~or SoHO preparations~~ to ~~a~~ third countr~~y~~ies;

~~/~~(34) 'quality management system'means a formalised system that documents processes, procedures, and responsibilities to support achieving defined quality standards in a consistent manner;~~/~~

~~/~~(56) 're**leasing**~~sponsible~~ **officer** ~~person~~' means **a** ~~the~~ nominated individual in a SoHO e**stablishment**~~ntity~~ that has responsibility for SoHO release;~~/~~

(56a) 'responsible person' means the nominated individual in a SoHO entity that has the responsibility of ensuring compliance with the Regulation;

CHAPTER IV

GENERAL OBLIGATIONS ON SOHO ENTITIES

Article 37a

SoHO Entity Responsible Person

1. SoHO entities shall designate a person responsible for ensuring that SoHO activities carried out by the SoHO entity comply with the requirements of this Regulation and that registration and reporting obligations, as relevant to the SoHO activities carried out, are fulfilled.

2. SoHO entities shall inform their SoHO competent authority of the name of the responsible person referred to in paragraph 1. Where the responsible person is permanently or temporarily replaced, the SoHO entity shall inform without undue delay their SoHO competent authorities of the name of the new responsible person and the date on which the duties of that person commence.

Article 38

Re~~**sponsible person for release of SoHOs**~~**leasing officer**

1. In cases where a SoHO e~~ntity~~**stablishment** releases SoHOs ~~or SoHO preparations~~ **for human application,** for distribution for human application, or for the manufacture of products regulated by other Union legislation, ~~or as the starting and raw material thereof,~~ as referred to in Article 60, that ~~entity~~**establishment** shall designate **one or more releasing officers**~~a person responsible for release~~.

1a. The nominated releasing officer shall be communicated to the SoHO competent authority.

2. **A releasing officer** ~~The responsible person for release of SoHOs~~ shall be in possession of a diploma, certificate or other evidence of formal qualifications in the field of medical**,** **pharmaceutical** or ~~biological~~ **life** sciences awarded on completion of a university course of study or a course **qualification** recognised as equivalent by the Member State concerned and shall have at least 2 years of experience in **a** ~~the~~ relevant field.

3. **A releasing officer** ~~The responsible person for release of SoHOs~~ may delegate the tasks **to carry out the activity** specified in paragraph 1 to other persons who shall be qualified by training and experience to perform such tasks. In such cases, that person shall perform those tasks under the responsibility of the **releasing officer who will always be responsible for the release.** ~~responsible person for release of SoHOs.~~ **The responsibility of releasing SoHOs may be delegated to an alternate in case of short term absence of a releasing officer, on condition that the alternate meets the requirements specified in paragraph 2.**

Article 39[1]

Export

new 1. SoHO e**stablishments**~~ntities~~ shall ensure that SoHOs ~~or SoHO preparations~~ **released for export** ~~exported or re-exported from the Union~~ comply with the ~~relevant~~ requirements of this Regulation**.**

~~unless the SoHO entity can demonstrate **SoHO** that the authorities of the importing country or the laws, regulations, standards, codes of practice or other legal and administrative procedures as may be in force in the importing country indicate that a deviation from the requirements of this Regulation is acceptable.~~

[1] Article 39 will be moved to the articles related to establishments in Chapter V as export requires a previous release and according to the SoHO establishment definition they are not entities anymore but establishments.

new 2. By derogation from paragraph -1, SoHOs not complying with all the relevant standards and guidelines referred to in Articles 58 and 59 may be released for export in the circumstances of exceptional release pursuant to Article 61(new 3).[2]

SoHO e**stablishments** ~~ntities~~ shall**, also in these circumstances,** not deviate from the standards referred to in Chapter VI~~.~~**, as well as those related to vigilance and traceability.**

CHAPTER VII
SOHO RECIPIENT AND OFFSPRING PROTECTION

Article 61

Exceptional release

new 1. The physician referred to in Article 51 may authorise ~~the responsible person~~ **a releasing officer** ~~for release of SoHOs~~ pursuant to Article 38, to release **for distribution** a certain SoHO preparation for application to a certain **SoHO** recipient in cases where that SoHO preparation does not meet all of the relevant standards and guidelines referred to in Article**s 58 and** 59, **or has been imported under the derogation referred to in Article 28(9),** when the ~~significant~~ potential benefit for the recipient outweighs the risks and no alternative is available.

new 2. The physician shall authorise such an exceptional release only when the physician treating the intended **SoHO** recipient is in agreement. The physician referred to in Article 51 shall document the decision process in a risk-benefit assessment. In such circumstances, the intended **SoHO** recipient shall be informed of the exceptional release and shall give consent in accordance with national legislation prior to the SoHO application.

new 3. Exceptional release, as referred to in paragraph new1, may also be applied in the case of release for export, on the basis of a documented request from a treating physician, or from a regulatory authority, in a third country, where such a request includes a confirmation of full knowledge of any deviation from the provisions of this Regulation.

[2] Reference to Article 61(-3) will be reviewed when Chapter VII will be drafted.

CHAPTER V

GENERAL OBLIGATIONS ON SoHO ESTABLISHMENTS

Article 49a

SoHO Establishment Responsible Person

1. SoHO establishment authorisation holders shall designate a person responsible for ensuring that SoHO activities carried out by the SoHO establishment comply with the requirements of this Regulation and that reporting obligations, as relevant to the SoHO activities carried out, are fulfilled.

2. SoHO establishments shall inform their SoHO competent authority of the name of the responsible person referred to in paragraph 1. Where the responsible person is permanently or temporarily replaced, the SoHO establishment shall inform without undue delay their SoHO competent authorities of the name of the new responsible person and the date on which the duties of that person commence.

Article 50[3]

Quality management system

1. SoHO e**ntities**~~stablishments~~ shall establish, maintain and update, as necessary, a quality management system**, appropriate to its activities,** achieving a high level of quality of SoHOs~~by following, in particular, the Good Practice Guidelines published by the EDQM and which are included in the technical guidelines referred to in Article 56(4), point (a), and Article 59(4), point (a)~~.

[3] Article 50 will be moved to the articles related to entities in Chapter IV.

2. SoHO e**ntities**~~stablishments~~ shall design the quality management system to ensure that SoHO activities are carried out in a consistent manner, by personnel that **have documented and periodically assessed competence**~~are competent~~ to perform the tasks allocated to them and in facilities that are designed and maintained in a manner that prevents SoHO contamination, or cross-contamination **between SoHO**, ~~with infectious agents~~ or loss of traceability. **In so doing, SoHO entities shall take into account the technical guidelines for quality management published by the EDQM, together with the EDQM Good Practice Guidelines, as indicated in the EU SoHO Platform. Alternative approaches to the design of the quality management system may be applied where SoHO entities can demonstrate that they achieve an equivalent level of quality.**

3. SoHO e**ntities**~~stablishments~~ shall put in place procedures and specifications covering**, when applicable to their activities,** the following:

(a) documentation of roles**,** ~~and~~ responsibilities of personnel **and organization**;

(b) selection, training and competence assessment of personnel;

(c) **the procurement qualification, validation and monitoring of** premises**, materials** and equipment, ~~procurement, qualification and monitoring~~**including information technology systems**;

(ca) documentation;

(d) quality control, ~~as applicable,~~ of SoHO activities;

(da) quarantine and release, if applicable;

(e) withdrawal of SoHOs from the inventory of released SoHOs and recall**s**~~of unused SoHOs following distribution~~;

(f) internal audits;

(g) management of contracted third parties;

(h) management of ~~identified~~ cases where **procedures have not been followed** ~~personnel have not followed procedures~~ or specifications have not been **met** ~~complied with~~

(ha) complaints;

(hb) management of traceability and vigilance, pursuant to Articles 45, 46 and 47;

(hc) continuity planning.

4. SoHO e**ntities**~~stablishments~~ shall review the quality management system at regular intervals to verify its effectiveness and introduce corrective **and preventive** measures if deemed necessary.

5. The Commission may adopt implementing acts regarding further details on the procedures and specifications of the quality management system in order to ensure uniform quality management.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).

Article 51

Responsible ~~P~~physician

1. Each SoHO establishment shall designate a **responsible** physician who resides and carries out its tasks in the same Member State and who shall at least fulfil the following conditions and have the following qualifications:

(a) possession of formal qualification as a physician

(b) at least two years' practical experience in **a** relevant field~~s~~.

2. The responsible physician referred to in paragraph 1 shall be responsible for at least the following tasks:

(a) development, review and approval of policies and procedures for establishing and applying SoHO donor eligibility criteria**, procedures for SoHO collection** and criteria for the allocation of SoHOs ~~and SoHOs preparations~~;

(aa) supervision of the implementation of policies and procedures referred to in point (a) when they are carried out by SoHO entities contracted by the SoHO establishment;

(b) **the clinical aspects of** investigation of suspected adverse **reactions** ~~occurrences~~ in SoHO donors**, SoHO** ~~and~~ recipients **and offspring from medically assisted reproduction from the perspective of the SoHO establishment.**

(c) design and supervision**, in collaboration with treating physicians,** of clinical data collection activities to support evidence gathering to support applications for SoHO preparation authorisations pursuant to Article 41;

(d) other tasks of relevance to the health of **SoHO** donors**,** ~~and~~ **SoHO** recipients **and offspring from medically assisted reproduction** of SoHOs collected or supplied by the SoHO establishment.

2a. The responsible physician may delegate the tasks specified in paragraph 2 to other persons who shall be qualified by training and experience to perform such tasks. In such cases, that person shall perform those tasks under the responsibility of the responsible physician.

~~3. By derogation from paragraph 2, in the case of SoHO entities that are authorised as SoHO establishments in accordance with Article 25(3), the physician shall be responsible for those tasks that are relevant to the SoHO activities performed by the SoHO entities and that have a direct influence on the health of SoHO donors and recipients~~