

## Questions to National Research Ethics Service (NRES)

1. Does NRES control ECs only in NHS hospitals? If so, is there any system to control ECs in not-NHS hospitals?
2. Is EC set up in each institute, or in some geographical regions (or some administrative districts) ?
  - 2-1. EC in each institute
    - 1) Is there any governmental (or other public-based) registration system for EC? If there is, what kind of information is registered?
    - 2) Is there any regular monitoring or reporting system for EC to control EC activity level? Which agency does regulate it?
    - 3) If there is no regular monitoring system, how is the quality of each EC controlled?
    - 4) Is there any education system for EC members?
  - 2-2. EC in geographical regions (or some administrative districts)
    - 1) Who does manage EC? What is the funding source?
    - 2) How are the EC member recruited?
    - 3) Is there any education system for EC members?
    - 4) Are there other systems or methods for quality control of EC?
3. Administrative office for EC
  - 1) Is the administrative office exclusive for EC set up? Which division (or agency etc.) does the administrative office belong to?
  - 2) How many members are there in the administrative office? In what proportion of the administrative members are there medical service professionals ?
  - 3) Who pays for the administrative office?
4. Is there any way to approach the problem about some EC's quality?
5. What about EC's legal accountability? Is there any case in which EC's legal responsibility is pursued?
6. Does EC disclose the discussion to the public? If it does, in which way discussion is disclosed,? Is all the discussion unmasked?
7. Is there any compensation system for health hazards (without fault) occurred in commercial or non-commercial clinical trials?
8. If there is a compensation system for health hazards (without fault);

- 1) Who pays for the system?
  - 2) Is there any legal ground of the system?
  - 3) Does the system cover trial drugs of high risk (ex. anti-cancer drug, blood product, etc)?
  - 4) What kind of compensation is to be prepared?
  - 5) Are there any insurances of profit base or non-profit base for compensation in clinical trials?  
If there is, who does purchase the insurance?
9. Is central EC working for approval of non-commercial clinical trials? If so, what is the difference in role between local and central EC?
10. In which case does the central EC work?

## Ethic Committee in Paris

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## Questions to MRC

### About compensation

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If there is, who does purchase the insurance?

### Clinical research in UK after EU clinical directive

3. After EU clinical directive (2001/20/EC) has implemented in UK, of which problems does researchers complain?
4. What effort has MRC made to be clinical research conducted in a facilitated manner?

### Relationship between MRC and NHS

5. To do clinical research under NHS system, how does MRC collaborate with NHS?

### III. Executive Summary

要約と結論

## Executive Summary 要約と結論

### 調査結果

#### 1) 臨床審査のあり方に関する法的考察

臨床研究に対する倫理審査委員会での審査に関して、倫理審査は何を目的として行われ、どのような事項が、どのような水準で審査されるべきか、また、審査が不十分であった場合に損害賠償責任が生じるか、などについては、現時点で我が国では明確にされていない。つまり、研究計画に杜撰さがあり被験者に損害が生じてしまった場合や研究の遂行の過程で研究計画からの逸脱があった場合、当該研究の諮問機関である倫理審査委員会にどのような責任が生じるのか法律的に不明確である。今回、米国において、臨床研究に関して倫理審査委員会の審査が問題とされた判決事例を検討した。これらの検討によれば、倫理審査委員会での審査が行われることは法律上、被験者が保護される利益と見なされ、審査が適切に実施されなかった場合には倫理審査委員会への損害賠償が命じられた事例が存在した。

#### 2) 欧州における臨床研究（承認申請を目的としない研究者主導で実施される介入を伴う臨床研究）に対する倫理審査の状況

##### 欧州における臨床研究に対する規制について

- European Union (EU)では、平成13年5月のEuropean Community (EC)指令により、承認申請を目的とした臨床試験以外の研究者主導で実施される医薬品の臨床試験（非商業的臨床試験）においても、全ての試験について、当該国内規制当局、および倫理審査委員会の2カ所で事前の承認が必要となった。
- 上記のEC指令の内容は、臨床研究の実施において、当該国内の倫理審査委員会での審査、規制当局への臨床研究実施の承認申請、被験者の保護のための賠償・補償措置、インフォームド・コンセント、副作用報告（未知重篤の有害事象の規制当局、および倫理審査委員会への報告等）などが規定されている。
- 今回のEC指令にて対象となる承認申請を目的とした臨床試験以外の医薬品の臨床試験に対する倫理審査、および規制当局による審査は、当該国の個別に実施しており、欧州医薬品庁(EMA)での中央審査は行っていない。
- 各非商業的臨床試験における未知重篤な有害事象報告について、安全性報告中央データベース (EUDRA Vigilance) により欧州医薬品審査庁が臨床試験に関する有害事象報告を電子化、一元化する方針を打ち出しているが、このデータベースの稼働状況は現時点では良好とは言えないようである。

- ・EU域内（欧州自由貿易地3カ国を含む域30カ国）では、2004年5月から2007年8月までに、非商業的臨床試験の占める割合が臨床試験の全体の19.7%（4,470試験）であり、うち多施設共同試験が66.2%であった。
- ・非商業的臨床試験における手続きについて、当該規制当局への承認手続きに関する資料作成に膨大な労力が必要であり、医療機関における体制整備が必要となった。これに伴い、臨床研究にかかるコストが倍増した。必要な手続きの簡素化の要望が出されている。
- ・EC指令では、全ての医薬品の臨床試験において、被験者の補償手段を講ずることを規定している。ただし、無過失の補償に関する対応は、当該国の規制当局、および倫理審査委員会等の判断に委ねられている。

### 英国の状況について

- ・英国のMedical research Council (MRC) は、英国内の非商業的臨床試験の資金供給を行っている。MRC自身が実施する臨床試験における補償・賠償は国庫より支払われる。
- ・MRCは大学等の研究機関に対して臨床研究の資金を供給しているが、その臨床研究で発生した損害に対してMRCは責任を負わない。資金を供給される大学等の研究機関が臨床試験における補償・賠償をカバーする保険に自ら加入している。
- ・EC指令施行後、英国では、国内法によりEC指令を遵守しなかった医師に対して罰則（罰金や禁固）が科せられることとなった。
- ・英国の医療製品規制庁 (MHRA) は、医薬品・医療機器に関する規制を所管する機関であり、EC指令施行後に、承認申請を目的とした臨床試験、および非商業的臨床試験を合わせて年間1,000試験の申請を扱っている。
- ・MHRAでは、非商業的臨床試験の審査についても審査料を課している。
- ・MHRAでは、英国内でのgood clinical practice (GCP) 等の遵守状況について査察を実施しているが、現時点で、非商業的臨床試験に対しては査察を行っていない。
- ・英国研究倫理事業部 (NRES) は、2002年に英国National Health Service (NHS) により設置された倫理審査委員会の業務を総括する部門であり、約20名のスタッフで業務を行っている。
- ・英国では、倫理審査委員会はNHSが設置し、NRESが管理する委員会と私立の委員会が存在する。NHSが設置した委員会は、イングランド域内で120カ所存在する。それらの委員会は、各地域に一つの委員会が設置され、NHSが設置した病院が国費により運営する。
- ・倫理審査委員会の委員は基本的に無給であるが、旅費や研修にかかる費用などは支給される。委員会の委員長のみ、倫理審査に対する報酬が支払われている。
- ・NHSが設置した倫理審査委員会は、それぞれ、年間80件程度の臨床研究を審査している。また、委員会は年間10～12回開催され、1回の委員会では8件までの審議が行われる。
- ・倫理審査委員会では、臨床研究の審査について、安全性等の科学的な評価を行った上で、主に倫理事項の審査を担当する。科学的評価は主にMHRAが担当している。

- ・ NHSの設置する倫理審査委員会の業務に関して、Governance Arrangement for Research Ethics Committee (GAFREC)というガイドラインが規範とされている。そのGAFRECでは、審査委員の構成、2年毎の委員会の更新などが規定されており、各委員会はGAFRECに基づき、適切に業務が実施されているか自己点検を行い、さらにNRESによる監査を受ける。
- ・ NRESは、倫理審査委員会の委員に対する研修を提供している。医師等に対しては、継続的な専門領域、およびGCP等の教育を受けた場合に、英国保健省が研究者としての認定書を発行している。

#### フランスの状況について

- ・ フランスでは、医薬品、医療機器、化粧品、手術等の臨床研究のうち、介入研究は、研究の開始前に全て国による事前の承認が必要である。フランス医薬品庁 (AFSSAPS) が医薬品、医療機器、生物製剤、化粧品などに関連する臨床研究の審査を担当している。
- ・ 医薬品については、年間1,200件の臨床研究の申請を受理した。このうち、25%が非商業的臨床試験であった。それらの非商業的臨床試験の大多数は治療法の比較研究であり、新規化合物を扱った試験はまれであった。
- ・ フランス医薬品庁では非商業的臨床試験の審査についても審査料を課しており、申請は大半が電子申請である。
- ・ 非商業的臨床試験を担当する研究機関は、有害事象の報告に関して、AFSSAPSの支援機関である医薬品のモニタリングセンターに業務を委託することもある。
- ・ フランスでは、保健省内の倫理審査委員会統括部門が国内の倫理審査委員会を統括し、国内の7つの管轄地域毎に複数の委員会が設置されている(40委員会)。
- ・ 大半の委員会は病院、または大学に設置されており、委員会は保健省との契約により業務を行っている。
- ・ 倫理審査委員会では、EC指令で定められた医薬品以外の介入研究についても審査を行っている。
- ・ 国内で年間2,000件の新規臨床研究の審査を行っており、委員会の開催頻度は月平均1回である。
- ・ 各研究より審査手数料を徴収し、倫理審査委員会が運営されている。
- ・ 倫理審査委員会の業務に関して、現在、規制当局が品質保証に関するガイドラインを作成中である。また、倫理審査委員に対する研修に関する規定は存在しない。さらに、規制当局による倫理審査委員会に対する査察は実施されていない。
- ・ 臨床研究における賠償は、非商業的臨床試験も研究者が加入する保険により賄われる。また、補償については、国立医療事故補償公社により支払い等が検討される。



### 具体的方策の提案について

- ・倫理審査委員会の質の担保を図るために、海外で実施されているような倫理審査委員会の登録制度を我が国に導入する必要があると考えられる。

具体的には、

- ① 承認申請を目的とした臨床試験（治験）、および厚生労働省、および文部科学省にて研究費の支給をうけて行う研究者主導の臨床研究を実施する医療機関等の倫理審査委員会は、規制当局への登録を義務化する。
- ② 規制当局内に国内の倫理審査委員会統括部門を設置し、国内の倫理審査委員会の稼働状況、相談、査察等の業務を担う。
- ③ 「臨床研究に関する倫理指針」の見直しについて、原則的に臨床研究を行う医療機関等の倫理委員会は規制当局への登録が必要であることを追加する。
- ④ さらに、「臨床研究に関する倫理指針」の中に、倫理審査の基本的な方針についての事項を追加する。

- ・米国における臨床研究に関して倫理審査委員会の審査が問題とされた判決事例の検討では、倫理審査が適切に実施されなかった場合には倫理審査委員会への損害賠償が命じられた事例が存在した。今後、国内においても臨床研究に対する倫理審査の基準に関する事項（どのような水準で審査されるべきか）についてガイドライン等で示す必要があると思われる。

- ・研究者主導の臨床研究における被験者の健康被害への対応について、欧州の状況より、厚生労働省、および文部科学省にて研究費の支給をうけて行う研究に対する賠償についてカバーする公的保険の実現可能性について検討する必要があると思われる。

## IV. 資 料



European Commission



European Medicines Agency

London, 30 November 2007  
Doc. ref.: EMEA/565466/2007

**European Commission-European Medicines Agency  
Conference on the Operation of the Clinical Trials  
Directive (Directive 2001/20/EC) and Perspectives for  
the Future**

Conference held on 3 October 2007 at the EMA, London

**— REPORT ON THE CONFERENCE —**

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### *Meeting-organisation team*

Mr Rui Santos Ivo, Directorate-General for Enterprise and Industry, European Commission

Dr Fergus Sweeney, EMEA

Ms Arielle North, EMEA

Miss Katalin Almasi, EMEA

Executive Support, EMEA

Infrastructure Services, EMEA

Meeting Management and Conferences, EMEA

Reception, EMEA

Catering, EMEA

### *Team responsible for drafting the report*

Dr Fergus Sweeney, EMEA

Ms Arielle North, EMEA

Dr Ana Rodriguez Sanchez-Beato, EMEA

Dr Andrea Taft, EMEA

Dr Laurent Brassart, EMEA

Dr Roberto De Lisa, EMEA

Ms Katalin Almasi, EMEA

Document Management & Publishing Sector, EMEA

### Programme committee

<b>Title</b>	<b>Surname</b>	<b>Name</b>	<b>Represents</b>	<b>Affiliated to</b>	<b>Country</b>
Dr	Abouzeid	Christiane	European Association for Bioindustries (EuropaBio)	BioIndustry Association	United Kingdom
Dr	Beaumont	Helena	Clinical Trials Facilitation Group (CTFG)	Instituto Nacional da Farmácia e do Medicamento (Infarmed)	Spain
Dr	Belorgey	Chantal	Clinical Trials Facilitation Group (CTFG)	Agence Française de Sécurité Sanitaire des Produits de Santé (AFSSAPS)	France
Dr	Cesario	Alfredo	European Commission, Research Directorate General	European Commission, Enterprise Directorate General	
Dr	Chapuis	Francois	European Network of Research Ethic Committees (EUREC)	Hospices Civils de Lyon	France
Dr	Davis	Brian	Clinical Trials Facilitation Group (CTFG)	Medicines and Healthcare Products Regulatory Agency (MHRA)	United Kingdom
Prof	Demotes	Jacques	European Clinical Research Infrastructure Network/European Science Foundation/European Medical Research Council (ECRIN/ESF/EMRC)	Inserm	France
Dr	Ericson	Mats	European Federation of Pharmaceutical Industry Association (EFPIA)	Wyeth Research	France
Ms	Halila	Ritva	European Network of Research Ethic Committees (EUREC)	Ministry of Social Affairs and Health	Finland

<b>Title</b>	<b>Surname</b>	<b>Name</b>	<b>Represents</b>	<b>Affiliated to</b>	<b>Country</b>
Dr	Julou	Christine-Lise	European Federation of Pharmaceutical Industry Association (EFPIA)	European Federation of Pharmaceutical Industry Association (EFPIA)	Belgium
Dr	Krafft	Hartmut	National competent authority	Paul-Ehrlich Institute	Germany
Dr	Moquin-Pathey	Carole	European Science Foundation (ESF)	European Medical Research Council (EMRC)	France
Ms	North	Arielle	European Medicines Agency	European Medicines Agency	
Prof	Paál	Tamás	National competent authority	Országos Gyógyszerészeti Intézet (OGYI)	Hungary
Dr	Podoor	Monique	European Organization for Research and Treatment of Cancer (EORTC)	European Organization for Research and Treatment of Cancer (EORTC)	Belgium
Dr	Poland	John	Association of Clinical Research Organizations (ACRO)	Covance Late Stage Development Services	United Kingdom
Mr	Santos Ivo	Rui	European Commission, Enterprise Directorate General	European Commission, Enterprise Directorate General	
Dr	Sweeney	Fergus	European Medicines Agency	European Medicines Agency	
Prof	Woods	Kent	National competent authority	Medicines and Healthcare Products Regulatory Agency (MHRA)	United Kingdom
Dr	Zimova	Renata	National competent authority	State Institute for Drug Control	Czech Republic

### Abbreviations list

<b>Abbreviation</b>	<b>Definition</b>
ASR	Annual safety report
CHMP	Committee for Medicinal Products for Human Use
CRO	Contract research organisation
CTA	Clinical trial application
CTFG	Clinical Trials Facilitation Group
DG DEV	Directorate-General Development, European Commission
DG RTD	Directorate-General for Research, European Commission
DG SANCO	Directorate-General for Health and Consumer Affairs, European Commission
EDCTP	European and Developing Countries Clinical Trials Partnership
EEA	European Economic Area
EMA	European Medicines Agency
ESF-EMRC	European Science Foundation – European Medical Research Councils
EU	European Union
EVCTM	EudraVigilance Clinical Trial Module
FP7	Seventh Framework Programme
GCP	Good clinical practice
GCP IWG	Good Clinical Practice Inspectors Working Group
GDP	Good distribution practice
GMDP	Good manufacturing and distribution practice
GMDP IWG	Good Manufacturing and Distribution Practice Inspectors Working Group
GMP	Good manufacturing practice
HMA	Heads of Medicines Agencies
ICH	International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use
ICMJE	International Committee of Medical Journal Editors
IFPMA	International Federation of Pharmaceutical Manufacturers' Associations

<b>Abbreviation</b>	<b>Definition</b>
IMP	Investigational medicinal product
IMPD	Investigational medicinal product dossier
ISRCTN	International Standard Randomised Controlled Trial Number
MRFG	Mutual Recognition Facilitation Group <i>Now called 'Co-ordination Group for Mutual Recognition and Decentralised Procedures – Human', or CMD(h)</i>
NCA	National competent authority
PCWP	Patients' and Consumers' Working Party
QP	Qualified person
QWP	Quality Working Party
SMEs	Small and medium-sized enterprises
SmPC	Summary of product characteristics
SUSAR	Suspected unexpected serious adverse reactions
WHO	World Health Organization
WHO/TDR	World Health Organization/Special Programme for Research and Training in Tropical Diseases



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## **1. EXECUTIVE SUMMARY**

At the request of the European Commission, the European Medicines Agency (EMA) organised a conference on the implementation in the European Union (EU) of legislation on clinical trials of medicinal products.

The objective of the conference, which involved a wide range of interested parties, was to provide an overview of the experience to date with the existing legislation — by providing an analysis of what aspects work well and what aspects do not — and to establish recommendations for future improvement.

It was recognised by conference participants that the legislation on clinical trials has introduced a common legal framework and a legal basis for compliance with good clinical practice (GCP), and has improved the protection of individuals through procedures for ethical approval of clinical trials in the EU.

Participants stressed the importance of maintaining the general principles of protecting patients, facilitating high-quality research and promoting a favourable research environment in the European Union, whilst ensuring that the clinical-trials system is efficient and that sponsors do not bear any unnecessary burden.

It was acknowledged that, in some cases, problems that have been encountered appeared to be a consequence of different interpretations and different implementation in the national legislation of the Member States.

Conference participants felt that some of the difficulties experienced could be resolved within the current legal framework, by providing additional clarification, guidance and harmonisation, whereas others would need to be addressed through proposed changes to the legislation.

It was suggested that, since any change to the legislation is likely to take some time, work should begin immediately on tackling issues that can be resolved without such a change. The main areas in which efforts should be focused are multinational clinical trials, safety reporting and monitoring, non-commercial sponsorships/trials, CTA dossier and process, and IMP-related issues.

Other areas that will require specific attention include increased transparency and availability of information on clinical trials, and the application of ethical principles and GCP standards in developing countries.

While it is clear that further discussion amongst all interested parties is required to provide the best-possible legislative environment for clinical trials in the EU, the conference generated a very useful dialogue on the most pressing issues and put forward a series of proposals that can be taken as the starting point for immediate as well as long-term improvements, and for future action by the European Commission.

## 2. BACKGROUND

The European Commission requested the European Medicines Agency (EMA) to organise a conference, involving all interested parties, on the state of play with the implementation of the legislation related to clinical trials of medicinal products. This topic is of major importance for the protection of patients, for clinical research, for competitiveness of the pharmaceutical industry and for European research. The objectives of the conference were to provide an overview of the experience to date with the operation of Directives 2001/20/EC and 2005/28/EC and their implementing texts, to describe their impact, to specify problems encountered and to offer recommendations for the future.

The clinical trials legislation is relatively recent. Directive 2001/20/EC of the European Parliament and of the Council established specific provisions regarding the conduct of clinical trials on medicinal products for human use in the European Union, in order to ensure a common set of rules to be implemented by Member States. Commission Directive 2005/28/EC laid down principles and detailed guidelines on good clinical practice for clinical trials of investigational medicinal products for human use, as well as requirements for authorisation of the manufacture or importation of such products. Commission Directive 2003/94/EC on the principles and guidelines of good manufacturing practice extended the application of these principles to the use of investigational medicinal products in clinical trials.

The national competent authorities (NCAs), in conjunction with the ethics committees, are responsible, in each Member State, for the oversight of clinical trials and their conduct in the EU. The NCAs review and authorise clinical trials, review amendments and safety reports, conduct inspections and authorise manufacturing sites in their territories.

Subsequent to the entry into force of Directive 2001/20/EC, the European Commission established an 'Ad hoc group for the development of implementing guidelines for Directive 2001/20/EC relating to good clinical practice in the conduct of clinical trials on medicinal products for human use'. The group is composed of representatives of the NCAs and the EMA, and is chaired by the European Commission DG Enterprise and Industry. The objective of the group has been to develop the implementing measures and the guidance documents required by Directive 2001/20/EC and its implementing legislation, in order to ensure a harmonised approach amongst Member States to the conduct of clinical trials in the European Union, and to ensure that the requirements established in the Directive are observed.

At its meeting of 5 December 2006, the Pharmaceutical Committee endorsed a report on the activities of the Ad hoc group. This report confirms that experience with implementation of the legislation varies between Member States and, further, that it is not yet possible to fully assess the impact of some of the guidance prepared. Nevertheless, it appears that some of the obstacles posed by differences in implementation and by administrative burden have not yet been overcome.

Following the implementation of Directive 2001/20 /EC in May 2004, the EU Heads of Medicines Agencies (HMA) established the Clinical Trials Facilitation Group (CTFG) to coordinate the implementation of the Clinical Trials Directive across the Member States at an operational level and further improve harmonisation of regulatory requirements relating to clinical trials across the Community. Its mandate is published on the HMA website (<http://www.hma.eu>). The clinical trial units of the EEA national competent authorities (NCAs), the European Commission and the EMA are represented on the group. The