FIFARMA

Oct 2020

Considerations for effective regulatory reliance by Health Authorities in the Latin America Region- Industry Perspective

FIFARMA members represent the innovative pharmaceutical industry and national trade associations in the Latin American Region.

FIFARMA is committed to engage in the development of policies that foster the access to high quality pharmaceutical innovations that prolong, preserve, and improve life for patients in Latin America.

The importance of reliance to support the strengthening of regulatory systems in Latin America

"*Regulatory reliance is increasingly being used by National Regulatory Authorities (NRAs) of all maturities with different regulatory systems. This concept is actively promoted by organizations such as World Health Organization (WHO)* [1] *, the Pan American Health Organization (PAHO)*[2] *as a mechanism for NRAs to better manage resource capacity issues whilst simultaneously strengthening regulatory systems.*"[3]

Regulatory reliance is anchored in the overarching Good Regulatory Practices (GRP) [4] [5]and provides a process for sound and effective regulation of medical products (i.e. medicines, vaccines, blood and blood products and medical devices including in vitro diagnostics and other health products), as an important part of health system strengthening. Countries with efficient regulatory systems will serve their patients ensuring that safe, quality, and effective medical products will be approved and accessible in a timely manner. Clear public health priorities based on medical needs, availability of medical innovation and regulatory capacity assessments should guide NRAs approaches regarding regulatory reliance. FIFARMA supports the use of reliance across life cycle management of medicines and

[1] WHO- Working Document QAS/20.851/Rev.1 - Good Reliance Practices in Regulatory decision making for medical products: high level principles and considerations. Consulted August 20, 2020

[2] PAHO (2018), Regulatory Reliance Principles: concept note and recommendations

3 IFPMA Position Paper Regtory Reliance- 21 Jun 2019, Consulted August 20, 2020

4 FIFARMA Position Paper Good Regulatory Practices in Latin America; consulted August 20 2020

5 WHO- Working Document- Good Regulatory Practices for regulatory oversight of medicinal products; consulted August 20 2020

encourages NRAs in the region to continue exploring and enabling the use of this regulatory pathway.

Reliance is defined as the act whereby the NRA in one jurisdiction may take into account and give significant weight to assessments performed by another NRA or trusted institution, or to any other authoritative information in reaching its own decision. The relying authority remains independent, responsible and accountable regarding the decisions taken, even when it relies on the decisions and information of others.

Practical Considerations for a successful implementation of Regulatory Reliance

• Regulatory reliance should be considered by NRAs across the region in search of regulatory efficiencies, regardless of their resource or capacity level and independent of their maturity. Reliance is relevant for all resource settings as reliance can be used for different reasons.

• NRAs should be transparent in publishing a list of accepted reference authorities, and the rationale for relying on a specific entity should be disclosed and understood. Authorities being relied upon should possess and maintain competencies and operate within a robust and transparent regulatory system, underpinned by globally accepted international standards and a well-functioning quality system.

One suggested approach is relying on NRAs that have been identified by WHO as regulatory systems operating at advanced level of performance and continuous improvement, based on an established benchmarking exercise and additional performance evaluation process[6].

•While an NRA would have many accepted Regulatory Reference Authorities, only one Reference Authority should be selected. The individual reliance-based regulatory procedure should only require regulator-generated information from one reference NRA, and not upon information from 2 or more reference NRA countries.

It is ultimately up to the individual NRA and its government to make the determination on who constitutes a trusted/reference authority. However, the decision should be informed by robust science based data rather than other considerations such as reputation or historical international alignments.

[6] WHO- Working Document QAS/19.828/Rev.1, Evaluation and Publicly Designating regulatory authorities as WHO listed Authorities, consulted Aug 2020

• Regulatory reliance can be implemented at many stages in the product lifecycle and should result in a reduction of regulatory burden and offer an opportunity for faster and more predictable decision-making. When regulatory reliance is implemented effectively, reducing the effort for both

NRA and Industry, applicants will be more likely to use reliance-based regulatory procedures ahead of standard pathways.

• Regulatory reliance should also be transparent regarding standards and processes. NRAs should provide guidance on:

- What documents are required beyond a standard regulatory submission e.g. industry supplied confirmation of sameness, regulator-generated information created by the reference authority (i.e. inspection reports, public assessment reports, etc);
- How these documents will be used for the specific reliance process, and
- Who should provide these documents.

- Possible approaches for information sharing to support reliance mechanisms:

  - Where possible, NRA's should use publicly available information to support reliance processes. However, different reliance mechanisms (unilateral reliance vs. mutual reliance vs. work-sharing processes) [7] may require different approaches to the supply of information[8].
    - In situations where non-public information is requested, the process should make clear the confidentiality basis under which the restricted information will be supplied. Reliance processes that request non-publicly available information to be submitted may require sponsors or NRAs to enter into confidentiality agreements with the reference NRA to regulate the exchange, management, and disclosure of such information. It should always be exchanged using secure channels or information-sharing platforms.

[7] WHO- Working Document QAS/ 20.851/Rev.1.Good Reliance Practices in Regulatory Decision Making for medical products: high-level principles and considerations

[8] Some may be supported through the exchange of regulator-generated information directly between NRAs whereas some may, when possible, require that the applicant supplies copies of regulator-generated information.

FIFARMA

• When products are approved through reliance-based regulatory procedures, then post-approval changes should also be managed through reliance-based procedures[9]

• The timeline from reference authority approval to submission of dossiers in a reliance-based regulatory procedure should be flexible. Country filing decisions are based on multiple factors - not only regulatory considerations. Reliance-based regulatory procedures that require submissions within a defined time of reference authority approval may limit the usefulness of the procedure.

• Agencies of equivalent maturity should consider engaging in work-sharing, which provides an alternative mechanism to implement reliance.

• Pilot programs for reliance-based regulatory procedures will provide initial practical experience for NRAs and applicants. Robust evaluation of results from these programs, including feedback and dialogue between NRA and Industry, could swiftly capture opportunities to improve processes and procedures leading to increased trust and acceptability by all stakeholders.

Opportunities when implementing Reliance

- Reliance represents a functional and practical way of regulating medical products in a modern world of globalization, growing public health needs, limited resources, and demand for more, faster, and better treatments.
    - A good reliance practice should be the production and public availability of assessment reports by the reference agency and the reliant agency.

- Regulatory reliance can benefit multiple stakeholders including patients, consumers, industry, and international development partners by facilitating and accelerating access to safe, effective, and quality-assured medical products.
    - In public heath emergencies, reliance can help in regulatory preparedness and response.

[9] According to WHO "Good reliance practices in regulatory decision-making: high-level principles and recommendations", if an NRA has relied upon another NRAs decision for its initial approval, there is a strong benefit for similar reliance measures for post-authorization changes and pharmacovigilance activities.

- Reliance strategies and approaches strengthen regulatory systems and build capacity by incorporating new approaches and trends, while maintaining sovereignty over decision-making. Regulatory reliance enables a sustainable learning and experience-sharing in the longer term.

- Collaboration and dialogue between all stakeholders participating in regulatory reliance activities will promote regulatory convergence, create, and build trust and acceptable reliance standards.

Work-sharing mechanisms can offer an additional opportunity to share best practices, strengthen regulatory science and develop capacity in reviewing novel technologies across the region.

Conclusión

FIFARMA is supportive of the implementation of regulatory reliance in the Latin America Region. If regulatory reliance is implemented effectively it will contribute to the regulatory system strengthening and capability of the National Regulatory Authorities of the region and ultimately benefit patients, healthcare providers and industry.