Pursuant to Article 149 paragraph 2 of the Law on Medicines („Official Gazette of Montenegro“ No 80/20), the Ministry of Health issues

RULEBOOK

ON MORE DETAILED CONDITIONS FOR THE ISSUANCE OF IMPORT AUTHORISATION FOR A MEDICINE THAT DOES NOT HAVE MARKETING AUTHORISATION

(„Official Gazette of Montenegro“ No 019/24 from 5 March 2024)

Subject matter

Article 1

This Rulebook prescribes in more details the conditions for the issuance of import authorisation for a human, or veterinary medicine that does not have marketing authorisation (hereinafter: medicine that does not have the marketing authorisation).

Usage of the gender sensitive language

Article 2

Terms used in this Rulebook for natural persons in masculine gender shall include the same terms in feminine gender.

Meaning of the terms

Article 3

The terms used in this Rulebook shall have the following meaning:

1) safety of the medicine shall mean an acceptable ratio of the efficacy and the harm of the medicine;

2) Centralised procedure shall mean the procedure of the issuance of marketing authorisation in the European Medicines Agency

3) efficacy of the medicine is the property of the medicine proved within the clinical trials conducted in accordance with the Law on medicines (hereinafter: Law);

4) European Medicines Agency is an agency of the European Union established in accordance with the Regulation 726/2004/EC;

5) pharmaceutical form shall mean form of the medicine suitable for the administration (tablets, capsules, ointments, solution for injection, premix etc.)

6) patient group (synonyms: cohort, collective use, prescription for a group of patients or special treatment program, etc.) is a group consisting of two or more patients who would benefit from the treatment of a specific condition

7) chronic or seriously debilitating disease, i.e. a disease that is considered life-threatening (e.g. cancer, HIV/AIDS, neurodegenerative disorders and autoimmune diseases) shall mean a disease the severity of which, i.e. its chronic nature, seriously debilitating nature, i.e. threat to life is assessed on the basis of objective and measurable medical or epidemiological data (when assessing which conditions are considered chronic and seriously debilitating, the connection of the condition with morbidity that has a significant impact on daily functioning of the patient and which will advance if left untreated should

be taken into account. Chronic or severe debility or fatal outcome should be a predominant feature of the target disease);

8) international non-proprietary name (generic name) of the medicine shall mean an international non-proprietary name (INN) recommended by the World Health Organization (hereinafter: WHO) or, if one does not exist, the usual common name;

9) strength of the medicine shall mean the content of the active substance expressed quantitatively per dosage unit, per unit of volume or weight according to the dosage form;

10) quality of the medicine shall mean the characteristic which can be determined by examining the quality of all ingredients of the medicine and represents acceptable physical, chemical, biological, pharmaceutical-technological and other characteristics of the medicine, in accordance with the requirements from the marketing authorisation

11) medicines containing narcotics shall mean medicines of specific qualitative and quantitative composition in a specific pharmaceutical form which are used for medical, veterinary, educational, laboratory and scientific purposes in accordance with special laws;

12) name of a medicine shall mean the name which may be either new, generic or scientific name. A trademark, or the name of the manufacturer, or the marketing authorisation holder shall be added to generic, or scientific name, while the new name shall differ from generic and shall not be misleading;

13) labelling of the medicine shall mean information on the immediate or outer packaging;

14) a patient who cannot be treated with a medicine that is authorised for marketing in Montenegro is a patient who is left without the possibility of treatment or a patient whose disease does not provide the response or the relapse occurs in case of an available treatment method or for whom the treatment is contraindicated or inadequate;

15) manufacturer of a medicine shall mean a legal person holding the manufacturing authorisation issued by the competent authority for the medicine and/or the medicine that is clinically tested;

16) protocol of a clinical trial shall mean a document that describes the objectives, design, methodology, statistical considerations and organization of a trial. The term protocol refers to the protocol, successive versions of the protocol and protocol amendments;

17) compassionate use shall mean administering the medicine containing a new active substance which belongs to the significant therapeutic-scientific-technical innovation and which is in the process of obtaining marketing authorisation in the European Union Member States or in the process of clinical trial in the EU for the purposes of obtaining marketing authorisation, which is intended for patients with a serious disease that cannot be treated satisfactorily with medicines that already have the marketing authorisation in Montenegro or the European Union or the countries of the European Economic Area (hereinafter: EEA), or in countries having a mutual recognition agreement with the EU countries;

18) Summary of the Product Characteristics shall mean a summary of expert information on a medicine which has been approved through the marketing authorisation procedure and which is intended for healthcare professionals;

19) certificate for the purpose for export of the medicine (CPP certificate) shall mean a document issued by the competent authority of the country of the manufacturer issued in accordance with the recommendations of the WHO;

20) outer packaging shall mean the packaging into which is placed the immediate packaging;

21) immediate packaging shall mean the container or other form of packaging immediately in contact with the medicine;

22) package leaflet shall mean a leaflet containing information for the user, which accompanies the medicine;

23) countries that have the same or similar requirements for the issuance of marketing authorisation for a medicine are countries having their regulations in compliance with the standards of the European Union and the countries that are members of the International Conference on Harmonization of technical requirements for issuance of marketing authorisation.

Import of the medicine that does not have marketing authorisation

Article 4

The Institute for medicines and medical devices (hereinafter: Institute) may, in accordance with the Law, issue the import authorisation for the medicine that does not have a marketing authorisation in the case of:

1) medicines intended for research purposes including veterinary medicines used to obtain the results referred to in Article 47 paragraph 1 item 4) of the Law;

2) medically justified need to protect health, in case of an epidemic, epizootic, natural disasters or other emergency states;

3) treatment of an individual patient or a group of patients, with a medicine that was, by taking personal responsibility, prescribed by a medical doctor or dental medicine doctor who conducts the treatment;

4) treatment of an individual animal or a group of animals with a medicine prescribed by a veterinarian who conducts the treatment;

5) medicines for compassionate use.

Conditions for the issuance of import authorisation for a medicine that does not have marketing authorisation

Article 5

The Institute may issue import authorisation for a medicine that does not have marketing authorisation if the following conditions are met:

1) a patient, or an animal cannot be treated with the medicine that has marketing authorisation in Montenegro;

2) there is no medicine on the market in Montenegro with the same international non-proprietary name (INN), the same strength and the same pharmaceutical form, for which the marketing authorisation has been issued, which can be used to treat the specific patient or group of patients, or the specific animal or group of animals;

3) the medicine has been authorised for marketing in one of the European Union Member States or in the country with the same or similar requirements for the issuance of the marketing authorisation;

4) marketing authorisation for the medicine in question has not been revoked or the application for the marketing authorisation has not been rejected due to quality, safety or efficacy issues, i.e. the medicine has not been withdrawn from market in Montenegro or in the European Union Member State or the country with the same or similar requirements for the issuance of marketing authorisation.

Proposing the import and submitting the application for import authorisation for the medicine that does not have marketing authorisation

Article 6

The import of a medicine that does not have marketing authorisation may be proposed by a health institution, a scientific research institution, social and child protection institution that provides health care, humanitarian organization, state administration body responsible for defense affairs, state administration body responsible for health affairs, state administration body responsible for internal affairs, state administration body responsible for veterinary affairs, a legal person who performs veterinary activity in accordance with the law regulating veterinary medicine and a legal person that possesses the wholesale authorisation for veterinary medicines (hereinafter: import proposer).

The application for import authorisation for the medicine that does not have marketing authorisation (hereinafter: application) shall be submitted to the Institute by the legal person possessing the wholesale authorisation (hereinafter: wholesaler) on behalf and for the account of the import proposer.

The application may be submitted for the import of one medicine that does not have marketing authorisation for the needs of several import proposers or for several medicines that do not hav marketing authorisation for the needs of one import proposer.

The application, along with the justified proposal of the import proposer (hereafter: proposal) shall be submitted using the forms published on the portal of the Institute.

Required documentation for the import of the medicine that does not have marketing authorisation

Article 7

The wholesaler shall, along with the application and the proposal, submit to the Institute the following documentation:

1) table containing the list of medicines to be imported completed in line with the Instruction published on the portal of the Institute;

2) confirmation from the regulatory body from the European Union or a country that has the same or similar requirements for the issuance of marketing authorization that a medicine has the marketing authorisation in the country which approved the package for which the application for import into Montenegro was submitted or the CPP certificate – in English or translated into Montenegrin;

3) Summary of Product Characteristics (SmPC) and Package Leaflet (PIL) approved by the competent authority of the country from the item 2 of this paragraph (in English or translated into Montenegrin) as well as the Mock-up, approved along with the SmPC and PIL, i.e. developed in line with approved

labelling for immediate and outer packaging; if the mock-up is not available, it is necessary to submit the photos of the package (the photos of all sides of the package are required);

4) Evidence from the competent authority that a medicine has been manufactured in accordance with Guidelines on Good Manufacturing Practice (GMP certificate issued by competent authority of one of the EEA Member States or countries that have signed mutual recognition agreements (MRA) with European Union Member States regarding GMP inspections);

5) Batch release certificate, including the Certificate of analysis for each batch the import of which is applied for;

6) Pro-forma invoice, or invoice of the supplier;

7) statement on the additional risk minimisation measures for a medicine for human use that does not have marketing authorisation, if necessary;

8) other documentation at the request of the Institute.

Notwithstanding the paragraph 1 of this Article, with the purpose of public health protection, if there is no other treatment possibility, the Institute may issue import authorisation for the medicine that does not have marketing authorisation even without the documentation from paragraph 1 items 4 and 5 of this Article, if the wholesaler provides the evidence that the batch of the medicine to be imported into Montenegro has been placed on the market in the European Union Member State or in the country that has signed mutual recognition agreement with the European Union regarding GMP inspections.

If the wholesaler submitted the documentation from paragraph 1 of this Article to the Institute during the first, i.e. previous import of the medicine that does not have marketing authorisation, it is not necessary to submit the same documentation when submitting new applications for the import of the same medicine as long as the documentation is valid and relates to the specific batches which are the subject of the import into Montenegro, except for the proposal and the documentation from paragraph 1 items 1, 6 and 7 of this Article.

Regarding the medicines that do not have marketing authorisation, and which are provided from the funds of compulsory health insurance, the wholesaler does not have to submit the proposal, but may submit other evidence that the proposed quantities of medicines are to be imported for the purposes of compulsory health insurance.

The manufacturer of the medicine, i.e. the wholesaler, shall label the medicine that does not have marketing authorisation in accordance with the provisions of the regulation governing the content and the method of labelling the outer and immediate package of the medicine and the content of the package leaflet and provide reference information about the medicine in a language understandable to healthcare and veterinary professionals, patients and persons who administer the medicine to animals in Montenegro.

Documentation required for the import of the medicine containing narcotic drugs or psychotropic substances that does not have the marketing authorisation

Article 8

Required documentation for the import of the medicine containing narcotic drugs and psychotropic substances that does not have the marketing authorisation shall, in addition to the

documentation from Article 7 paragraph 1 of this Rulebook, include also the documentation prescribed by the Law governing the control of the manufacture and marketing of the substances that may be used in the manufacture of the narcotic drugs and psychotropic substances.

Documentation required for the import of the immunological medicine, or the medicine derived from human blood or plasma that does not have the marketing authorisation

Article 9

Required documentation for the import of the immunological medicine, or the medicine derived from human blood or plasma that does not have marketing authorisation shall, in addition to the documentation from Article 7 paragraph 1 of this Rulebook, include also the certificate of analysis issued by one of the laboratories belonging to the Official Medicines Control Laboratory network, or the countries that have signed the agreement with the European Union Member States regarding the recognition of batch certification, for the same batch/es for which the manufacturer's certificate from Article 7 paragraph 1 item 5 of this Rulebook has been submitted.

When the import of the vaccines is applied for, in addition to the certificates from paragraph 1 of this Article, it is necessary to submit the control summary protocol for the batch/es for which the manufacturer's certificate from Article 7 paragraph 1 item 5 has been submitted.

Notwithstanding the paragraph 1 of this Article, when the immunological veterinary medicine is in question, if the certificate from paragraph 1 of this Article is not available, it is necessary to submit the evidence that the batch of the medicine was placed on the market in the European Union, by specifying the European Union Member State in the submitted certificate of analysis of the manufacturer or by the statement of the qualified person of the manufacturer that the specific batch has been placed on the market in the European Union Member State.

If the batch of the immunological veterinary medicine is not placed on the market in the European Union, it is necessary to submit the statement by the qualified person of the manufacturer that the batch of the medicine has been manufactured and controlled in line with the documentation approved within the procedure of the issuance of marketing authorisation in the European Union Member State.

Documentation required for the import of medicines intended for the research purposes

Article 10

In order to obtain import authorisation for the medicine intended for the research purposes that does not have marketing authorisation, the wholesaler shall, in addition to the application and the proposal, submit the following documentation:

1) documentation from Article 7 paragraph 1 items 1 and 6 of this Article;

2) document by the authorised person of the import proposer that conducts the research statin the following:

- that the medicine will be used solely for the research purposes;
- that the medicine will not be used for the clinical trial, i.e. that it will not be used in patients, i.e. that the medicine for veterinary use will not be used in animals, except in experimental animals on which the research is conducted in accordance with the regulation governing the protection of animal welfare
- that the medicine will not be used for commercial purposes;

3) evidence that the import proposer may conduct the research activity .

The quantity of the medicine from paragraph 1 of this Article shall correspond to the needs of the research work.

Documentation for the import of the medicine in case of epidemics, epizootics, natural disasters or other emergency states

Article 11

Regarding the import of the medicine that does not have the marketing authorisation, in the event of epidemics, epizootics, natural disasters or other emergency states, for the purpose of health protection, the wholesaler shall, in addition to the documentation from Article 7 paragraph 1 of this

Rulebook, also submit a purchase contract, i.e. a donation or humanitarian aid contract, as well as the donation recipient's statement about its acceptance.

Import of the medicine for compassionate use
Article 12

The application for the import of the medicine for compassionate use may be submitted for the following medicines:

1) the clinical trial of which (the third phase) is conducted in the European Union Member State or in the country that has the same or similar requirements for the issuance of the marketing authorisation;
2) the clinical trial of which is completed in the European Union Member State or in the country that has the same or requirements for the issuance of the marketing authorisation;
3) for which the application for marketing authorisation has been submitted under the Centralised procedure;
4) for which the marketing authorisation has been issued under the Centralised procedure.

The application for import of the medicine from paragraph 1 of this Article may not be submitted for the medicine the clinical trial of which was suspended or forbidden in Montenegro or in the European Union Member State or in the country that has the same requirements for the issuance of the marketing authorisation.

The Institute may issue import authorisation for the medicine for compassionate use that does not have the marketing authorisation for the needs of a secondary or tertiary health institution, in the name of the specific patient or the group of patients in case of use for a new indication for which a clinical trial is being conducted in Montenegro, if the patient or group of patients do not meet the conditions for participation in the clinical trial.

Regarding the import of the medicine for compassionate use that does not have the marketing authorisation, the wholesaler shall in addition to the documentation from Article 7 paragraph 1 items 1, 4, 5, 6 and 7 of this Rulebook also submit the following documentation:

1) the decision of the Ethics committee of the health institution on medical justification of the use of the medicine in accordance with the professional ethics principles;
2) the protocol of the clinical trial of the medicine in case from paragraph 1 items 1 and 2 of this Article, or the translation of the summary of product characteristics and the package leaflet to Montenegrin in case from paragraph 1 items 3 and 4 of this Article;
3) the evidence, i.e. the statement that the similar programme (ex. name patient program, compassionate use, etc.) has been conducted or was conducted in one of the European Union Member States or in the country that has the same or similar requirements for the issuance of marketing authorisation;
4) the evidence that the clinical trial has been approved and is being conducted (the third phase), or that it has been completed in the European Union Member State or in the country that has the same or similar requirements for the issuance of marketing authorisation or the evidence that the application for marketing authorisation has been submitted or the marketing authorisation has been issued under the Centralised procedure.

Origin of the medicine for compassionate use
Article 13

The import authorisation from Article 12 of this Rulebook may be issued if the import of the medicine in one of the following packages has been proposed:

1) that was used in the clinical trial approved in the European Union Member State or in the country that has the same or similar requirements for the issuance of the marketing authorisation;
2) that contains at least the data as well as the package from item 1 of this paragraph, and which is intended for the donation or the humanitarian aid to the patient or the group of patients (ex. name patient program, compassionate use, etc.) that is being conducted in the European Union Member

State or in the country that has the same or similar requirements for the issuance of the marketing authorisation;
3) that has been approved within the procedure of the issuance of marketing authorisation in the European Union Member State or in the country that has the same or similar requirements for the issuance of the marketing authorisation.

Content and the validity period of the import authorisation
Article 14

The import authorisation for the medicine that does not contain marketing authorisation shall contain the following:
1) name of the medicine, its pharmaceutical form, strength and package size
2) name of the manufacturer of the medicine
3) batch number;
4) unit of measure (ex. box, vial)
5) quantity of the medicine
6) name of the supplier
7) name of the user.

In case that it is not possible to submit some of the data from paragraph 1 of this Article, the Institute may issue a temporary authorisation, in accordance with the law.

The import authorisation for the medicine that does not have marketing authorisation shall be valid until the entire approved quantity of that medicine is imported, which may not be larger than the needs of the import proposer.

The import authorisation for the veterinary medicine that does not have marketing authorisation shall be valid until the entire approved quantity of that medicine is imported, but no longer than 3 months from the date of the issuance of the import authorisation.

Entry into force
Article 15

This Rulebook shall enter into force on the 8th day from its publishing in the "Official Gazette of Montenegro".

No 5-40/24-225/3
Podgorica, 1 March 2024
Minister,
dr Vojislav Šimun, m.p.