Medicines for Europe submission

Proposals for regulatory cooperation activities between the EU and the US

Introduction

Medicines for Europe welcomes the European Commission interest in strengthening a regulatory cooperation with the US within the context of building a strong trading relationship across the Atlantic. Medicines for Europe represents the generic, biosimilar and value added medicines industries across Europe. Its vision is to provide sustainable access to high quality medicines, based on 5 important pillars: patients, quality, value, sustainability and partnership.

As our position paper will outline, regulatory cooperation on pharmaceutical products between EU-US offers tremendous opportunity to solve major challenges for patient access to medicines, the sustainability of healthcare systems, avoiding redundant and unethical duplication of scientific studies for regulatory approval and greater synergies for the pharmaceutical sector.

There is a growing concern in the US and the EU over access to medicines as is clearly manifested in the debate over medicine prices. We recognise this concern and believe that closer regulatory cooperation across the Atlantic could help significantly to improving access to medicines by improving regulatory science to reduce the cost of drug development for both markets and at the same time contribute to the achievement of Universal Health Coverage (UHC) by 2030.

If agreed and enacted, our proposals would have a material impact on access to medicines for patients in Europe and in America. The future of our industry is to supply patients with access to complex follow on medicines: complex generic medicines, biosimilar medicines and value added medicines which are improved versions of known molecules. These medicines are by far the most important medicines for public health as they cover the majority of modern medical treatments for patients and they are the mainstay of chronic disease management.

- Generic medicines account for 90% in the US and 67% in Europe of the volume of prescription medicines.
- Biosimilar medicines which are successfully competing in Europe but are still to succeed in the US are the most important option for governments on both sides of the Atlantic to increase access to biological therapies at sustainable cost to patients and health insurers.
- Value added medicines improve on existing standards of care to address many of the challenges that patients face such as better adherence to treatment, reduced side-effects and improved overall health outcomes.

The impact of our proposals will therefore be important for our industries and, more importantly, to address the main concerns regarding healthcare sustainability that our governments are currently grappling with. We are also convinced that our proposals are eminently achievable for regulators on both sides of the Atlantic based on patent experience.
Scope of the EU- US regulatory cooperation proposed by Medicines for Europe:

1. Single EU/US Development Programmes

As stated above, EU and US governments are concerned about the sustainability of access to medicines for their citizens. To address this concern, we need to increase regulatory efficiency and lower the development cost of medicines while maintaining the high scientific standards expected by our citizens in terms of regulatory approvals. We therefore propose that the EU and the U.S. set up a single development framework for future follow-on complex drug development. This will materially lower the cost of development, stimulate competition in highly complex product markets and improve the shared science of drug development and regulatory convergence.

Biosimilar medicines

In regard to biosimilar medicines, a strong coordination for amending the respective guidelines to allow a first phase of a single development programme took place between DG Sante/EMA and FDA during the Transatlantic Trade and Investment Partnership (TTIP) discussions. Indeed, it was agreed that a biosimilar sponsor can use a Foreign Reference Product (FRP) as comparator product for biosimilar development under the condition that a scientific bridge is established between the foreign and the local reference products and the FRP has been approved by a regulatory authority with similar scientific and regulatory standards as the EMA and FDA. Medicines for Europe would like to build on that achievement and allow bridging studies to be waived in specific circumstances based on core scientific and regulatory principles established for current products. By advancing in this cooperation, the EU and the US will avoid unnecessary and therefore unethical clinical bridging studies. By eliminating the multiplication of the same bridging studies by different sponsors it will support true global development, reduce development and approval timelines and thereby improve patient access and affordability for health systems overall and increase competition. This effort, we should note, will not only benefit the EU and the US because it will create a framework for true global development.

Complex follow-on (generic/hybrid/value added) medicines

A Single EU/US Development Programme for complex follow-on medicines instead of the duplication of clinical studies (coherent with the approach for biosimilars already introduced into the respective EU and US guidelines) creates a potential for cutting inefficiencies in development programmes and responding better to the needs of patients. In regard to a single development framework for generic, hybrid and value added medicines between the EU and the US, the discussion is ongoing and there have been several interactions over the last years. However, unfortunately no progress has been reached yet.

In June 2018, the European Commission/EMA-FDA bilateral meeting acknowledged an explicit intention of starting a concrete collaboration on this matter. On the EMA website, the message included: “The opportunity was taken to better understand the fundamentals of legal, regulatory and scientific requirements for approving
generic and hybrid applications on both sides and to identify possible ways of streamlining the scientific requirements for such approvals with a particular focus on complex generics (FDA) and hybrids (EU).”¹

Following these developments, in October 2018, a statement from the former FDA Commissioner Scott Gottlieb, M.D. on “new efforts to advance the development of generic copies of complex drugs to improve patient access to medicines”, was published on the FDA website. “We have made a new commitment to develop product specific guidance documents laying out how to develop a generic copy of a branded medicine for any currently marketed, branded complex medicine in an effort to advance a more efficient and effective framework for developing generic copies of complex drugs.”²

Single EU/US development for complex generics would bring a clear benefit by not repeating unnecessary, unethical and extremely costly scientific studies i.e.

- Long Acting Injectables: A cost saving of up to 7.5 Million USD per product could be anticipated by single development program
- Transdermal Patches: A cost saving up to 2.1 Million USD per product could be anticipated by single development program
- Respiratory products (inhalers): A cost saving up to 3.3 Million USD per product could be anticipated by single development program.

Therefore, considering the already high interest showed by the two regulatory bodies FDA and EMA/European Commission, an inclusion of a section on pharmaceutical products with a focus on complex generic and biosimilar medicines in the broader regulatory cooperation would come naturally in our view.

2. Mutual Recognition Agreement on Good Manufacturing Practices (GMP) inspections

The EU and the US have a longstanding cooperation in regulatory matters related to pharmaceuticals. The latest important achievement in this field was obtained in November 2017 when a Mutual Recognition Agreement (MRA) on GMP inspections was agreed and is currently in the process of being implemented with documented reviews of respective inspectorate practices. We are pleased to note the rapid progress of this implementation thanks to the combined efforts of the FDA, Commission and the network of European medicine agencies. This agreement and its swift implementation prove that cooperation is not only achievable but that it is also amenable to the needs of regulators on both sides of the Atlantic.

The Mutual Recognition Agreement (MRA) between the US and the EU was signed on the 1st of March 2017 and entered into force on 1st November 2017. The MRA between FDA and European Union allows to rely upon information from each other’s inspections conducted in the two regions.

The FDA is finalizing the inspections in each Member State of the EU to determine the manufacturers’ suitability for the US market. The process should be closed by July 2019.

² Statement from FDA Commissioner Scott Gottlieb, M.D. on new efforts to advance the development of generic copies of complex drugs to improve patient access to medicines https://bit.ly/2y8nZoM
Medicines for Europe welcomes this kind of initiative that is extremely beneficial for the whole pharmaceutical sector – but especially for large volume manufacturers as our industry is. It would be important to expand the scope of the MRA and include also to pre-approval GMP inspections. By enlarging the scope of the MRA, pharmaceutical manufacturers would get a faster and safer approval of their products both for the European and American markets.

3. Greater convergence to the development programme

It would be also favourable to have a thorough convergence to the development programme between EU and US in form of continues dialog and regular exchange of scientific views between Regulators on both sides of the Atlantic. This kind of objective could be achieved via the scientific advice/cluster discussion, amending the guidelines in longer term in bilateral regulatory dialogue between EU-US.

Conclusions

Medicines for Europe confirms once again its full support to the European Commission initiative and looks forward to providing additional background information and contributing to even strengthening DG Sante/EMA and FDA cooperation to streamline generic and biosimilar medicines development for increased patient access to high quality medicines. This is an opportunity for patient access, for regulatory science and for our industries to improve on the efficiency of healthcare across the Atlantic region.

To conclude, Medicines for Europe calls for the regulatory cooperation activities between the EU and the US covering:

- a single EU-US development framework for future follow-on complex drug development
- an expansion of the MRA on GMP inspections that includes also the pre-approval phase
- a greater convergence to the development programme for complex follow-on medicinal products in form of continues dialog and regular exchange of scientific views between EU-US Regulators