EUCOPE
European Confederation of Pharmaceutical Entrepreneurs AISBL

BREXIT CHECKLIST

September 2018

Summary of "to dos" for industry in order to prepare for a hard BREXIT

The checklist is based on the assumption of a "hard Brexit", which guidance from the EMA, CMDh and the Commission currently assumes. For the moment, it seems advisable to assume this worst-case scenario as there is no guarantee that transitional arrangements will be put in place by 30 March 2019 and the model for the future relationship remains unclear. **The checklist primarily focusses on the impact within the EU after Brexit**. Similar issues will naturally come up in the UK, but their practical relevance will depend on the political choices the UK opts for. The current and most probable arrangements for the UK market can be achieved via this link to the official UK site.

You may also wish to refer to the following guidance documents:

- EMA procedural guidance to help pharmaceutical companies prepare for the UK's withdrawal from the EU (June 2018); and the corresponding Q&A document published by the EC and the EMA.
- CMDh practical guidance for procedures related to Brexit for medicinal products for human use approved via MRP/DCP, the notice to MAHs and the corresponding Q&A (June 2018);
- MHRA update to pharmaceutical companies on exit preparations (January 2018).

Task	Legal source	Variation /submission	When	Check
1. Marketing Authorisation Holder (**MAH**) transfer to ensure EU27 legal entity for EU27 MAs and UK legal entity for UK MAs.	Dir 2001/83/EC Art 8(2) Reg 726/2004 Art 2	According to national requirements	ASAP, completed before 30.3.2019	
a) New MAA to cover EEA only; sponsor to develop strategy for dedicated UK registration. Discuss with MHRA / seek advice for validity of MAA in UK post-Brexit.				
b) Local representative mentioned in the **product information** located in the EEA		Dealt on national level	Before 30.3.2019	
2. Qualified Person for Pharmacovigilance (**QPPV**) including back-up reside and operate in the EEA.	Dir 2001/83/EC Art 8(ia) and Art 104(3)	Art 57 database update See variation guideline C.I.8	ASAP, completed before 30.3.2019	
3. Pharmacovigilance System Master File (**PSMF**) located in EEA where the QPPV operates.	Dir 2001/83/EC Art 8(ia) and Art 105	Art 57 database update, variation guideline C.I.8 In case of new PSMF variation C.I.8.a type IAIN	Completed Before 30.3.2019	
4. Reference Member State (**RMS**) switch from UK to	Dir 2001/83/EC	Liaise with previous and	ASAP, completed before 30.3.2019*	

Union Member State for all decentralised and mutually recognised products (MRP/DCP products).		future national competent authorities directly		
5. Liaise with appointed Co-/ Rapporteur Centralised Procedure products once contacted by EMA.			According to information provided by the EMA directly to the MAH	
6. Manufacturing **site** / manufacturing authorisation pharmaceuticals.	Dir 2001/83/EC Art 40 in particular see Art 40(3) and Art 41			
a) Evaluate options for alternative manufacturing site.		Introduction of new manufacturing site for active substance or finished product can be submitted as a Type II variation separately for the active substance and for the finished product, thereby replacing a large grouping of Quality IB (and IA) variations for consequential changes.	ASAP	
b) Specify authorised importer established in the EEA.	Dir 2001/83 Art 40(3); conditions Art 41 and 42	Variation Guideline, classification B.II.b.2	Completed before 30.3.2019	
c) Register QC testing site in Union member state for each product.		Variation Guideline, classification B.II.b.2 (Type IA)	No later than within 2 months after 29 March 2019 provided that MAH is established in the EEA by that time	
d) Register batch release site to a location in the EEA.	Dir 2001/83 Art 51(1)	Variation Guideline, classification B.II.b.2 b)	Completed before 30.3.2019 In case of variation type IA no later than within 2 months after 29 March 2019 provided that the MAH is established in the Union (EEA) by that time	
7. Evaluate options for any **Medical Devices** as well			ASAP before 30.3.2019	

as combination products (MP + MD) with legal manufacturer or Notified Body residing in the UK				
8. **SME** status: transfer to legal entity or consultant in the EEA.	Commission Regulation (EC) No 2049/2005	SME User Guide	Before 30.3.2019	
9. **Orphan** designation.	Regulation (EC) No 141/2000		ASAP	
a) Transfer to sponsor located in the EEA.		Letter to the EMA with copy of EC designation	Before 30.3.2019	
b) Evaluate prevalence excl. UK.			Before 30.3.2019	
10. Safety Features Get clarity on UK provisions on falsified medicines.	Dir 2001/83 Art 54 Delegated Commission Regulation 2016/161		Applicable as of 6 February 2019	
11. People			ASAP	
a) Confirm immigration status of employees. This will need to be done in conformity with **GDPR** as this is personal data and transfer has to be in line with a legal basis (likely to be contract, Article 6,1b, or legitimate interests of the controller, Article 6,1f).	GDPR (Article 6)		Before 30.3.2019 To note, GDPR is coming into force on 25.05.2018	
b) Communicate clearly with employees regarding their status and address any fears they may have.				
12. Clinical trials	Dir 2001/20 Art 19 Commission Regulation 536/20149 Art 74		Before 30.3.2019	
a) Transfer to sponsor/establish a legal representative located in the EEA.			Before 30.3.2019	
b) Apply for separate clinical trials approval in UK.			Before 30.3.2019	
c) Biosimilars and bioequivalence studies. Comparator in studies to be sourced in EEA i.e. not a UK			Before 30.3.2019	

sourced comparator. **				
d) Transfer trial to the EEA /eventually include patients from EEA.			Before 30.3.2019	
e) QP declaration to list UK sites as third country sites (importation site in EEA may have to be identified).				
13. Review **IP** portfolio with a focus on geographical validity/enforceability of IP rights, with UPC system proceeding without UK.			Before 30.3.2019	
14. **Radiological** medicinal products – check for legal provisions / mutual agreements as EURATOM may not apply.			Before 30.3.2019	
15. Official Control Authority Batch Release **(OCABR)** Certificate of examination of samples of human immunological medicinal product or a medicinal product derived from human blood or plasma performed by a EEC body.	Dir 2001/83 Art 114		Request list of official bodies at batchrelease@edqm.eu	

***** For new marketing authorisation applications via MRP / DCP with UK as RMS, if the procedure is not completed before 30 March 2019 (i.e. agreement of the concerned Member States in accordance with Article 28(4) or Article 29(3) or decision of the Commission in accordance with Article 34(1) of Directive 2001/83/EC) **the procedure is stopped and the applicant needs to submit a new application** to a new Reference Member State. Applicants are advised to take this into account already at the time of submission of the application.

** In exceptional cases where bioequivalence studies are intended for use in new applications which will be submitted before 30 March 2019 and if these bioequivalence studies have been already completed the national competent authorities **will accept submission of such studies** in order to avoid unnecessary repetition of studies in humans or animals. Furthermore, in order to avoid unnecessary repetition of studies in humans or animals, applications to extend an existing national marketing authorisation of an EU27 Member State to more EU27 Member States via the mutual recognition procedure (including so–called "repeat use procedure") may be submitted also after 29 March 2019 provided that the applicant is able to demonstrate that the medicinal product used for the studies has been authorised and the batches used for the studies have been released while the UK was a Member State of the Union.