IPAC-RS
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October 23, 2020

IPAC-RS COMMENTS ON THE MHRA GUIDELINES FOR THE "POST-TRANSITION" REGULATIONS IN THE UK[i]

Submitted to: devices.regulatory@mhra.gov.uk

The International Pharmaceutical Aerosol Consortium on Regulation & Science (IPAC-RS) reviewed the MHRA announcements and guidelines for the post-transition period and would like to offer some considerations below.

IPAC-RS is a non-profit association of companies that develop, manufacture or market pharmaceutical products for delivery via the respiratory tract - such as metered dose inhalers (MDIs), dry powder inhalers (DPIs), nasal sprays, and other product types - with the goal of advancing science-based and data-based regulations, standards, and practices for these products. Current IPAC-RS members are AstraZeneca, Boehringer Ingelheim, Catalent, Chiesi, GlaxoSmithKline, Hovione, Kindeva Drug Delivery, Lupin, Merck, Mylan, Novartis, Sunovion, Teva, Vectura; and associate members are Amcor Flexibles, Aptar Pharma, Copley Scientific, H&T Presspart, Oxford Lasers, Proveris Scientific Corporation, and Team Consulting Ltd. Further information is available at http://ipacrs.org.

Orally inhaled and nasal drug products (OINDPs) are drug-device combinations. The regulatory changes affecting devices, therefore, are of particular concern to IPAC-RS members. In particular, with the European Union moving to implement the new Medical Device Regulations from May 2021 and the United Kingdom not following that route, a rather challenging situation is envisioned with diverging requirements, which will complicate the development, review and authorization of new products in the UK market, negatively impacting all parties but most unfortunately of all, the patients.

IPAC-RS encourages MHRA to keep UK requirements aligned and harmonized with European Union's procedures and other international guidance documents.

Specific Comments

- **Devices**: the post-transitional information has raised an independent standard for the UK with separate required UK conformance requirements. The UK will no longer be expected to follow the EU Medical Device Regulation as it will be in effect after the UK leave the EU and will therefore no longer be part of UK law. Resolution of the Medical & Medical Device Bill and updates to appropriate UK regulations are needed quickly to completely understand and detail the specific UK requirements for medical devices in detail so industry can plan and comply with requirements needed. No timelines for the new regulatory expectations have been provided.

- **CE vs UKCA marking**. MHRA is taking a pragmatic approach in recognizing CE marking for devices until 30 June 2023. But the requirement for a UKCA marking needs to be in place after this date will still require additional administrative burden and cost. More clarity on the timing and process is still required. If at all possible, we would encourage MHRA to accept CE marking as equivalent also in the long term.

- **Comparator product in bioequivalence (BE) and therapeutic equivalence (TE) studies.**

    - This guidance covers the data to be provided to show comparability of non UK reference products to the UK reference products. However, further discussion and guidance is needed for BE/TE studies performed prior to 1st Jan 2021 which used EU-sourced/approved reference product and if this comparability data still needs to be provided when submitted in applications after 1st Jan 21 in the UK.

    - For studies performed after Jan 1st, where it can be demonstrated that the UK and EU product come from the same assessment route (i.e CP) and where no changes have been made since Brexit, is comparative testing still needed?

- **Impact Assessment**. Will MHRA be conducting an impact assessment for the implementation of a set of UK Regulations that are different to the EU. This assessment should consider the administrative burden and cost on UK (and non-UK) manufacturers of complying with the Regulations and the potential impact on the availability of medical products for UK patients.

- **Public consultations**.

    - The fact that the UK will not implement MDR and that the MHRA will develop a domestic regulatory regime for devices following consultation with stakeholders to be applicable from 1 July 2023, raises significant concerns, as this is likely to impact on products currently under development, and any new or additional requirements could have a substantial negative impact on the industry's ability to bring new products to the UK patients in a timely manner.

    - Industry would also like to understand how UK-wide marketing authorizations will be managed in a situation when Northern Ireland conforms to the EU legislation but Great Britain follows GB-specific regulations.

    - IPAC-RS hopes that public consultations would involve a broad range of stakeholders and will be provided with a sufficient time and structure to enable a meaningful dialogue among all parties, so that all relevant perspectives could be thoughtfully considered and the most optimal way forward could be identified. IPAC-RS is committed to discussing these matters further with MHRA as needed.

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[i] **Medicines and Healthcare products Regulatory Agency**. Collection: MHRA post-transition period information: Guidance for industry and organisations to follow from 1 January 2021. Published 1 September 2020. Last updated 1 October 2020 https://www.gov.uk/government/collections/mhra-post-transition-period-information Accessed October 2, 2020.