

Based on Article 112, Paragraph 1, Item 2 of the Constitution of the Republic of Serbia,  
I issue

A decree on declaration of the Law on medicinal products and medical devices  
I declare the Law on medicinal products and medical devices, passed by the  
National Assembly of the Republic of Serbia at the Second sitting of the First regular  
session in 2010, on 5<sup>th</sup> May 2010.  
Belgrade, 7<sup>th</sup> May 2010

The President of the Republic  
Boris Tadic, personal signature

## **LAW ON MEDICINAL PRODUCTS AND MEDICAL DEVICES**

*The Law was published in the "Official Gazette of the Republic of Serbia" No. 30/2010  
dated 7<sup>th</sup> May 2010.*

### **I. BASIC PROVISIONS**

#### **Article 1**

This law determines the conditions and a medicinal product marketing authorization procedure, and/or the entry of medicinal products into the registers administered by the Medicines and Medical Devices Agency in Serbia, manufacturing and marketing of medicinal products and medical devices, as well as a control in this domain, performance of the Medicines and Medical Devices Agency in Serbia and other significant issues related to medicinal products and medical devices.

#### **Article 2**

Terms used in this Law have the following meanings, if not specified otherwise:

- 1) License for placing a medicinal product on the market (hereinafter referred to as a marketing authorisation) is a document issued by the Medicines and Medical Devices Agency in Serbia (in further text: the Agency) confirming that all the requirements for placing the medicinal product on the market are met and that the medicinal product can be marketed;
- 2) Marketing authorization holder is a medicinal product manufacturer with a medicinal product production license issued in the Republic of Serbia; agent or representative of a foreign manufacturer headquartered in the Republic of Serbia; representative of a foreign legal entity which is a marketing authorization holder in the European Union member states or countries that have the same

requirements for issuing a marketing authorisation also headquartered in the Republic of Serbia; legal entity headquartered in the Republic of Serbia with a marketing authorization transferred by the manufacturer, and/or the one who was granted the right to acquire the status of a marketing authorization holder for medicinal products from its manufacturing range;

- 3) Formal assessment of documentation is a procedure during which the Agency, in the marketing authorization procedure, and/or variations and renewals, as well as the enrolment into the registers kept by the Agency, determines whether the submitted documentation contains all the required parts in accordance with this law and regulations adopted for the enforcement of this law;
- 4) Reference medicinal product is a medicinal product for which the marketing authorisation has been issued in the Republic of Serbia or in the European Union member states based on full documentation on a medicinal product quality, safety and efficiency in accordance with the current requirements;
- 5) Medicinal product with a well-known usage of the active substance is a medicinal product with a well-known active substance the efficiency of which has been proved and its safety at the acceptable level; moreover, the medicinal product which has been used in the European Union for at least ten years as a medicinal product and the marketing authorization for which has been issued based on the bibliographic data;
- 6) Medicinal product that contains a fixed combination of active substances is a medicinal product whose fixed combination of active substances has not been used as a medicinal product for therapeutic purposes before its marketing authorisation is issued; moreover, each particular active substance of it is a part of the composition of the medicinal product being granted a marketing authorisation in the Republic of Serbia or the European Union member states;
- 7) Medicinal product with the information on the consent is a medicinal product with the same qualitative and quantitative composition in respect of the active substances and with the same pharmaceutical form for which, in the marketing authorization process, the documentation on the quality, safety and efficiency of a medicinal product which has the marketing authorization in the Republic of Serbia, with the written consent of the marketing authorisation holder, is used;
- 8) Generic medicinal product is a medicinal product with the same qualitative and quantitative composition of active substances and the same pharmaceutical form as the reference medicinal product, and whose biological equivalence in relation to the reference medicinal product has been proven through suitable investigations of biological availability. Different salts, esters, ethers, isomers, mixtures of isomers, complexes and derivatives of active substances are considered to be the same active substances of a generic medicinal product, unless they differ gravely in their safety or efficiency. Different oral medicinal product forms with immediate release are considered to have the same pharmaceutical form of the generic medicinal product;
- 9) Generic medicinal product with mixed application in the safety and efficiency documentation (hereinafter referred to as a generic hybrid medicinal product) is

a medicinal product that does not comply utterly with the definition of a generic medicinal product, and/or the one for which it is not possible to prove biological equivalence through the biological availability trial, and/or in a case of changing one or more active substances, therapeutic indications, strength, pharmaceutical form or application in relation to the reference medicinal product.

- 10) Biologically similar medicinal product is a medicinal product of biological origin similar to a reference medicinal product of biological origin which does not meet the requirements for a generic medicinal product concerning the differences in raw materials as well as the differences in manufacturing processes between that biologically similar medicinal product and the reference medicinal product of a biological origin;
- 11) Centralized procedure for obtaining a marketing authorisation in the European Union (hereinafter referred to as the Centralized Procedure) is a procedure for obtaining a marketing authorisation from the European Medical Evaluation Agency;
- 12) Name of a medicinal product is a name that can be a proprietary (trade) name which cannot be confused with the generally accepted name of the medicinal product, or it can also be an international nonproprietary name (INN), generic name, scientific or precise chemical name, and/or a generally accepted name with a mark or name of the manufacturer, and/or the marketing authorization holder, or without them;
- 13) Biological availability is the rate and degree of availability of the active substance of the medicinal product (form) determined from the concentration-time ratio within the systematic circulation or secretions;
- 14) Biological equivalency is a procedure determining that the biological availability of two medicinal products that are pharmaceutical equivalents, and/or pharmaceutical alternatives, if applied in the same molar concentration (dose) show such a degree of similarity that their activity concerning their efficiency and safety is essentially the same;
- 15) Pharmaceutical equivalents are medicinal products that contain the same quantity of the same active substance, and/or active substances in the same pharmaceutical form, and that are also applied in the same manner and meet requirements of the same, and/or comparable standards;
- 16) Pharmaceutical alternatives are medicinal products that contain the same active substance, and/or active substances but of a different chemical form (salts, esters etc.), that is different pharmaceutical form or different strength;
- 17) Pharmaceutical medicinal product form is a medicinal product form suitable for application (a tablets, capsule, ointment, solution for injection, premix etc.);
- 18) Pharmacopoeia is collection of prescribed norms and standards for substances and medicinal product production that determine their identification, characteristics, quality, way of preparing and their analysis;
- 19) Medicinal product or medical device categorization or any other product categorization is the procedure of determining whether a specific product is a medication or medical device;

- 20) Clinical trial sponsor is an individual or a legal entity that takes responsibility for commencing, conducting, and/or financing a clinical trial;
- 21) Interventional post-marketing clinical trial is a trial that implies the medicinal product application in respect to the conditions prescribed in the marketing authorisation, and that requires additional diagnostic procedures, as well as the monitoring procedures defined by the clinical trial protocol;
- 22) Non-interventional post-marketing clinical trial (pharmacoepidemiological testing) is a trial that implies the medicinal product application in respect to the conditions prescribed in the marketing authorisation and where the election of the patient is not predetermined by the clinical trial protocol but is a part of a ongoing practice of the usual type of treatment; in addition, the medicinal product prescription is clearly separated from the decision to involve the patient into the trial. Additional diagnostic procedures or the monitoring procedures are not applied, and the epidemiological methods are used to analyze the derived data;
- 23) Subject's informed consent is a subject's written statement, containing both the date and the signature, on participation in a certain clinical trial, provided by an entity capable of giving consent or, if incapable of giving consent, by its legal representative, in accordance to the Law, given voluntarily after being thoroughly informed about the nature, significance, consequences and health risks;
- 24) Ethics Committee is an independent professional body of a legal entity conducting a clinical trial, composed of professionals from the field of medicinal product and other proper fields whose responsibility is to protect the rights, safety and wellbeing of the subjects participating the clinical trial, as well as to ensure the public protection of their rights. Ethics Committee makes decisions about conducting clinical trials in accordance with this Law and regulations brought to enforce this Law.
- 25) Multi-centre clinic trial is a clinic trial which is performed in accordance with a unique protocol at multiple testing centres, conducted by a multiple investigators, regardless of the fact that the testing centres are in the same country or a different one;
- 26) Production process is any procedure applied in medicinal product production, starting from the intake of raw materials, over making and immediate packaging, to labelling and the process of storing the medicinal product into the outer packaging;
- 27) Active substance is any substance or a combination of substances used in medicinal product production and thus becoming an active ingredient of the manufactured medicinal product, whose aim is to affect the pharmacological activity or directly affect, in any other way, diagnostics, treatment, relief, care, disease prevention or affect a structure or functions of an organism;
- 28) Excipient is a substance used in medicinal product production. Since not being its active substance it aids pharmaceutical shaping of the medicinal product,

- protects, promotes and improves stability, biological availability and medicinal product tolerance, as well as, helps to identify the medicinal product;
- 29) Intermediate is a substance or a material that must undergo one of the stages in the production process, and/or making, before it becomes an intermediate;
  - 30) Semi-finished product is any product that underwent all the stages in the production process, and/or making, apart from the stage of storing the medicinal product into the outer packaging;
  - 31) Starting substance, and/or raw material for the pharmaceutical usage is any substance used in medicinal product production, and/or the making of a galenic medicinal product (both active and excipients);
  - 32) Batch is a defined quantity of starting substances (starting substances or packaging materials) or products made in one production process, and/or making, or in a series of production processes, due to which it must be homogenous. A medicinal product batch implies a total quantity of a medicinal product (of a final pharmaceutical form) produced and/or made out of the same starting quantity of raw materials during one production process, and/or making, or during one sterilization procedure. In case of continuous production, and/or making, a batch is considered to be a total medicinal product quantity produced, and/or made, in a given time period;
  - 33) Entity responsible for production is an entity with a full-time employment at the medicinal product manufacturer responsible for the preparation and implementation of the medicinal product production process;
  - 34) Entity responsible for quality control (QC) is an entity with a full-time employment at a manufacturer responsible for the quality control of every medicinal product batch, and/or responsible for the quality of the medicinal product during the medicinal product production, which includes a documentary monitoring system of all starting substances (active and excipients), packaging materials, semi-finished products, production stages, as well as, the testing of the finished product;
  - 35) Qualified pharmacist responsible for placing a medicinal product on the market (QP) is an entity with a full-time employment at a medicinal product manufacturer that makes a decision and approves batch release;
  - 36) Counterfeit medicinal product, and/or counterfeit medical device is a medicinal product, and/or a medical device produced, and/or made, and/or placed on the market, and/or is already on the market with the intention of misleading the entities using or in any way handle the medicinal product or a medical device, and that has counterfeit data about identification (about the manufacturer, place of production, marketing authorisation holder, holder of the register entry kept by the Agency, analysis certificate, as well as other data and documentation concerning the medicinal product, and/or the medical device), and/or that can contain right or wrong ingredients in accordance with the declared composition, and/or not to contain active substances, and/or not to contain the sufficient quantity of active substances, and/or to have a counterfeit packaging, as well as other medicinal products, and/or medical devices, that are considered to be

- counterfeit medicinal products, and/or medical devices, by the standards of the European Union member countries and those of the World Health Organization;
- 37) Holder of the wholesale of medicinal products is a legal entity holding a license for a wholesale issued by the competent Ministry;
- 38) Competent Ministry for medicinal products used in a humane medicinal product in terms of this Law is the Ministry competent for the health care issues, and a competent Ministry for medicinal products used only in veterinary medicine is the Ministry competent for the veterinary affairs;
- 39) Good Manufacturing Practice is a part of ensuring the quality that enables the consistent medicinal product production and medicinal product control in accordance with the quality standards relevant for their application and in accordance with the requirements for placing the medicinal product on the market, and/or product specification. A good control laboratory practice is a part of a good manufacturing practice on the basis of which a medicinal product quality control is performed;
- 40) Good Manufacturing Practice Guidelines are a system of quality assurance guidelines referring to medicinal products manufacturing organization quality, medicinal product quality control and monitoring. Guidelines on the Good Manufacturing Practice for active substances are a part of Good Manufacturing Practice Guidelines;
- 41) Guidelines on the Good Distribution Practice are a system of guidelines ensuring a medicinal product distribution organization and monitoring quality, from the manufacturer to the consumer;
- 42) Guidelines on the Good Clinical Practice are a system of guidelines which is to ensure a good quality in planning and performing clinical trials aimed at obtaining valid clinical conclusions with a proper protection of the subjects;
- 43) Guidelines on the Good Laboratory Practice are a system of guidelines ensuring good quality in organizing and carrying out laboratory practices in the stage of preclinical testing;
- 44) Ensuring the quality is a traceable process that introduces quality to all the production stages, including the documentary monitoring of all the ingredients and a particular production process, and/or quality control that includes all controls regarding the medicinal product quality. Quality control is performed in production (at the beginning and during the production process), on the finished product (on the batch), as well as, on the samples taken from the market (control performed after the product has been placed on the market);
- 45) Critical non-compliance of the medicinal product production with the Good Manufacturing Practice Guidelines is a non-compliance that has led to or can lead to production of the medicinal product that can endanger life or health of people or animals;
- 46) Pharmaceutical trial is a physicochemical, biological, and/or microbiological trial determining medicinal product quality;

- 47) Pharmacotoxicological (preclinical) trial is a trial that determines pharmacodynamic, pharmacokinetic and toxicological properties of a medicinal product;
- 48) System control is a medicinal product quality check, and/or a medical device quality check, performed on random medicinal product samples, and/or medical device samples, taken from the wholesale and retail;
- 49) Medicinal product sample is a medicinal product quantity needed for the pharmaceutical or clinical trials;
- 50) Medicinal product immediate packaging is a packaging to which a medicinal product is in direct contact;
- 51) Medicinal product outer packaging is a packaging containing the medicinal product immediate packaging;
- 52) Summary of Product Characteristics (SmPC) is a manufacturer's document containing the basic information on a medicinal product and is a required document for issuing a marketing authorisation;
- 53) Package leaflet is a document containing basic information about a medicinal product and how the medicinal product should be used properly. In addition, it must be written in clear and intelligible language;
- 54) Pharmacovigilance is a group of activities concerning gathering, discovering, evaluating, understanding and prevention of the adverse reactions to a medicinal product, as well as, other problems in connection to the medicinal product;
- 55) Risk is any risk to patient's health or to overall population health or animal health, concerning the quality, safety or efficiency of a medicinal product, as well as any risk of adverse effects on the environment;
- 56) Relationship between risk and benefit is an assessment of positive therapeutic medicinal product effects done in relation to the risks;
- 57) Adverse reaction to a medicinal product is any harmful and unintended reaction to a medicinal product that appeared on regular dose application in humans or animals (for the purposes of treatment, disease prevention, diagnosis, rehabilitation, improvements or changes in physiological function), or on the application of any dose during clinical trials;
- 58) Adverse events are unexpected experiences that occurred during the period of medicinal product application and for which cause-and-effect relationship between them and the medicinal product application need not be proven. An unexpected experience is an indicative of any unintended and undesirable signs (for example, abnormal laboratory findings), symptoms or diseases timely related to medicinal product application;
- 59) Withdrawal period is the period which must pass from the last animal administration of a medicinal product to an animal, to the time when the treated animals and their products can be used for human consumption;
- 60) Maximum Residue Limit (MRL) is the maximum concentration of medicinal product allowed to be present in traces in food obtained from treated animals;
- 61) Individual is an entrepreneur who performs work in accordance with the Law;

- 62) Statement of compliance of medical devices is a document issued by the manufacturer confirming that the medical devices are in accordance with the requirements of European Union directives and standards, and/or technical regulations;
- 63) Clinical trial of medical devices is the process of establishing or confirming that its security and efficiency are in line with the declared application defined by the manufacturer;
- 64) Vigilance of medical devices is a set of activities related to the collection, assessment, understanding and response to new knowledge about the risk arising from its use or application, and in particular the harmful activity, interaction with other substances or products, contraindications, abuse, reduced activity, failure and technical failure;
- 65) Specialized medical devices shop is a store for the retail sale of medical devices;
- 66) Manufacturer of medical devices in the process of entering the Register of Medical Devices is a physical or legal person that designs, manufactures, packages, labels, or places on the market a medical device under its own name, regardless of whether these actions are performed by the person in question or they are done by the third party in its behalf, and is responsible for quality, safety and efficiency of medical devices;
- 67) Purpose of the medical device is the intended use of a medical device defined by the manufacturer and that is printed on the outer packaging, in the instruction manual and on promotion materials;
- 68) Placing a medical device on the market is a process of supplying the market with a medical device after it is entered into the Register of Medical Devices led by the Agency;
- 69) Authorized representative is a manufacturer of medical devices or an agent, representative, manufacturer's distributor or any other natural or legal entity based in the Republic of Serbia, whom a manufacturer of medical devices authorized in writing to act on its behalf and administer the proceedings before the authorities of the Republic of Serbia in accordance with this Law and who is responsible for the quality, safety and efficiency of medical devices;
- 70) Generic name of a medicinal device is a common name for a group of medical devices that have the same or similar purpose, or the same technology that allows them to be classified on the basis of general as opposed to specific characteristics;
- 71) Disposable medical device is a medical device intended to be used only once for one patient;
- 72) Medical device in which production animal tissues or products of animal origin are used is a medical device that must meet specific requirements in terms of risk of transmitting spongiform encephalopathy (TSE) to a patient or another person under normal conditions of use;
- 73) Notified Body is a body that evaluates the compliance of medical devices that the competent authority of a certain European Union member state has registered for conformity assessment procedure of products in compliance with



- regulations of the European Union Directives at the European Commission and that has its own identification number;
- 74) Certificate of Conformity is a document issued by a Notified Body, which confirms that the product or product group of a specific manufacturer complies with the requirements of the European Directives and standards, and/or technical regulations;
- 75) Holder of the registered entry in the Register of Medical Devices is an applicant that has received a decision on entry to the said register;
- 76) European Union member states and countries with the same or similar requirements for a marketing authorisation are the countries that are members of the International Conference on Integration of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH);

## **II MEDICINES AND MEDICAL DEVICES AGENCY OF SERBIA**

### **Activities of the Medicines and Medical Devices Agency of Serbia**

#### **Article 3**

The Agency is authorized to:

- 1) issue marketing authorisations, decide on variations, renewals and transfer, as well as the termination of marketing authorisations;
- 2) enter medical devices into the Register of Medical Devices, decide on the variations, registration renewals, as well as removal of medical devices from the Register of Medical Devices;
- 3) perform registration in the Register of Traditional Herbal Medicinal products, or registration in the Register of Homeopathic Medicinal products;
- 4) issue authorizations for clinical trials of medicinal products and medical devices conduct, decide on variations of the authorisations, and/or protocols on the conduct of clinical trials, and make decisions regarding the application of clinical trials, and control the conduct of clinical trials;
- 5) monitor adverse medicinal product reactions (further on: pharmacovigilance), and adverse reactions to medical devices (further on: vigilance of medical devices);
- 6) issue certificates for the exports of medicinal products and medical devices in accordance with the recommendations of the World Health Organization;
- 7) authorise the imports of medicinal products and medical devices for a treatment of a particular patient or a group of patients, as well as medicinal products or medical devices for scientific and medical research;
- 8) perform the classification of medicinal products or medical devices;
- 9) authorise the advertising of medicinal products and medical devices;
- 10) collect and process data on marketing and consumption of medicinal products and medical devices;

- 11) provide information and suggestions for rational use of medicinal products and medical devices;
- 12) integrate into the international networks of information on medicinal products and medical devices, as well as with the agencies responsible for medicinal products and medical devices, and their associations;
- 13) participate in planning and implementation of systematic control of medicines and medical devices, and random sampling from the market;
- 14) provide opinions for the imports and exports of cell or tissue samples for clinical trials procedures of medicinal products;
- 15) perform the quality control of medicinal products and medical devices;
- 16) prepare professional publications of the Agency;
- 17) perform the other activities in accordance with the Law.

Activities in Paragraph 1, Items 1) -10) and Items 12) -14) of this Article are performed by the Agency as the assigned ones.

Law which regulated the general administrative procedure is applied to the performance of the activities referred to in the Paragraph 1, Items 1) -9) and Item 14) of this Article, unless otherwise specified.

## **Regulations Acceptable to the Operation of the Agency**

### **Article 4**

Unless this Law states otherwise, the work of the Agency is subject to the Law governing public agencies.

## **Position of the Agency**

### **Article 5**

Agency is a legal entity with rights, obligations and responsibilities stipulated by this Law, regulations passed for the implementation of this Law and by the Statute of the Agency.

Position of the Agency is a subject to the Law governing the operation of public agencies, unless regulated otherwise by this Law.

Agency has a bank account.

Agency headquarters are situated in Belgrade.

### **Article 6**

Funding of the Agency shall be provided in accordance with the Law.

## **Managing Bodies of the Agency**

### **Article 7**

Agency shall have a Managing Board and a Director.

Agency can also have a Deputy Director.

Managing Board shall have a chairperson and four members, one of which is an employee of the Agency.

Members of the Managing Board, Director and Deputy Director shall be appointed every five years, and they can be appointed for one more term of office only.

Provisions of the Law on Public Agencies are applied to the procedure and criteria for the appointment and dismissal of a director, deputy director and members of the Managing Board of the Agency, or termination of office before the expiration of the appointed mandate, unless otherwise specified by this Law.

Persons referred to in the Paragraph 4 of this Article, as well as their next of kin in the first line regardless of the degree of affinity, collateral relatives up to the second degree of affinity, an adoptive parent or an adopted child, spouses and in-laws up to the first degree of affinity, must not be either involved directly or through a third legal or physical entity as equity owners, shareholders, employees, or participate in the management bodies or conduct business as persons under contract, hold advisory, advocacy, representation and the like in the legal entity that carries out manufacturing activities, making galenic medicinal products, trade and medicinal product and medical devices testing, as well as in the legal entities that are marketing authorisation holders or holders of registration in the Register, and/or they must not perform this activity as entrepreneurs, whereof they sign a statement to prevent the conflict of private and public interest.

Scope of work of the Managing Board and Director is subject to the Law governing public agencies.

Reports on the work and financial operations of the Agency shall be submitted in accordance with the provisions of the Law governing public agencies.

## **General Acts of the Agency**

### **Article 8**

General acts of the Agency are the statute, regulations and other general acts.

Statute is the basic general act of the Agency.

Managing Board enacts the statute approved by the Government.

Statute of the Agency specifies activities of the Agency, internal organization, authority's duties in the Agency, the conditions for appointment of directors or deputy directors, business and work of the advisory and expert bodies of the Agency, as well as other issues the important for the Agency.

Minister responsible for the public health care issues and the minister in charge of veterinary affairs shall approve the document on internal organization and job classification within the Agency.

Statute of the Agency shall be published in the "Official Gazette of the Republic of Serbia."

## **Advisory Bodies of the Agency**

### **Article 9**

Agency, with prior approval of the minister responsible for public health – for medicinal products that are used in human medicinal product, and the Minister in charge of the veterinary affairs – for medicinal products used exclusively in veterinary medicine, as well as for medical devices, set up advisory bodies (hereinafter: Commission), to provide the opinion on the quality, safety and efficacy of the medicinal

product or a medical device in the process of issuing a medicinal product or medical device license.

Members of the Commission under Paragraph 1 of this Article can be permanent members of the Commission or Commission members by invitation for particular types of medicinal products.

Members of the Commission under Paragraph 1 of this Article shall be elected from among persons of distinguished experts in the field of medicinal products and medical devices who must meet the requirements from Article 7, Paragraph 6 of this Law.

Commission members are appointed for four years and can be reappointed.

Member of the Commission under Paragraph 1 of this Article shall neither, in no way, participate in the preparation of marketing authorisation documentation or entry in the register kept by the Agency, nor in drafting and producing the report on documentation evaluation.

Agency, with prior approval of the competent Minister from Paragraph 1 of this Article, shall dismiss members of the Commission in case they act contrary to Paragraph 5 of this Article, or does not perform the work of the Commission's jurisdiction, or is performing their duties negligently.

Working costs of the Commission under Paragraph 1 of this Article shall be provided from funds of the Agency.

## **List of Experts**

### **Article 10**

Agency, with prior approval of the minister responsible for public health, provides a list of experts for medicinal products and medical devices in order to assess the documentation of medicinal products and medical devices, and/or research documentation on quality, safety and efficiency of medicinal products and medical devices, and prepare the expert report in the process of issuing marketing authorisation, and/or medical device license, and for medicinal products used exclusively in veterinary medicine (in further text: veterinary medicinal product) – with the prior approval of the Minister in charge of the veterinary affairs.

Experts from the list referred to in Paragraph 1 of this Article shall be elected among experts in the field of medicinal products and medical devices and must meet the requirements of Article 7, Paragraph 6 of this Law.

Experts from the list are appointed for four years and can be reappointed.

Experts from the list referred to in Paragraph 1 of this Article shall neither, in no way, participate in the preparation of marketing authorisation documentation or entry in the register kept by the Agency, nor in drafting and producing the report on documentation evaluation.

Agency, with prior approval of the competent Minister from Paragraph 1 of this Article, shall dismiss experts from the list of experts in case they act contrary to

Paragraph 4 of this Article, or do not perform the work of their jurisdiction, or are performing their duties negligently.

Working costs of the Commission under Paragraph 1 of this Article shall be provided from funds of the Agency.

## **Fees of the Agency**

### **Article 11**

Agency publishes the tariff for providing the following services:

- 1) issuing marketing authorisations, variations, renewals, transfers and termination of marketing authorisation;
- 2) entry in the registers kept by the Agency, variations, renewal, transfer and removal from the registers kept by the Agency;
- 3) issuing the permits for the conduct of clinical trials for medicinal products and medical devices, permit variations, as well as making decisions regarding the registration of clinical trials that has a marketing authorisation or a license for a medical device registered in the Register of Medical Devices;
- 4) pharmacovigilance and vigilance of medical devices;
- 5) issuing of certificates for export of medicinal products and medical devices in accordance with the recommendations of the World Health Organization;
- 6) approval of the imports of medicinal products and medical devices for treating a particular patient or group of patients, and medicinal products and medical devices for scientific research;
- 7) categorization of medicinal products and medical devices, or determining whether a particular product is a medicinal product or a medical device;
- 8) issuing of certificates of a performed analysis of the quality of medicinal products and medical devices (hereinafter certificate of analysis);
- 9) authorization to advertise medicinal products and medical devices;
- 10) evaluation of the documentation on medicinal products or medical devices at the application of the marketing authorisation holder, or the holder of registration in the Register kept by the Agency;
- 11) provide opinions for the imports and export of cell or tissue samples for clinical trials process;

Compensation for providing services at the rate specified in Paragraph 1 of this Article shall be paid by the applicant.

Notwithstanding Paragraph 2 of this Article, the Agency does not charge tariffs for activities under Paragraph 1 of this Article related to medicinal products used for treatment of rare diseases in humans ("Orphan medicinal products"), to treatment of rare diseases in less abundant animal species (MUMS), human aid medicinal products and medical devices, as well as to effectuating affairs at the application of the competent Ministers.

Amount and payment of tariffs is determined by the Managing Board.

Government gives consent to the act of the Agency referred to in Paragraph 4 of this Article.

After the Government gives consent to the act of the Agency referred to in Paragraph 4 of this article, this act shall be published in the "Official Gazette of the Republic of Serbia".

## **Control of the Agency Performance**

### **Article 12**

Agency reports to the Government, in accordance with the law.

Ministry responsible for the health issues shall supervise the work of the Agency in performing entrusted affairs of Public Administration, and supervise professional work of the Agency. Moreover, Ministry in charge of veterinary affairs shall perform the control of the entrusted affairs of public administration and control of the professional work of the Agency concerning medicinal products used exclusively in medicines, pursuant to the Law.

Ministries referred to in Paragraph 2 of this Article, can take measures prescribed by the law governing public administration in relation to the affairs the Agency performs as entrusted tasks and pursuant to this law.

## **Appeal Proceedings in the Administrative Procedure**

### **Article 13**

Appeal can be filed through the Agency to the competent Ministry against the decisions made by the Agency in accordance with Article 3, Paragraph 1, Items 1) - 4), and 6) - 9) of this Law.

Decision of the competent Ministry shall be final.

There can be initiated an administrative litigation against the decision under Paragraph 2 of this article.

## **III MEDICINAL PRODUCTS**

### **1. Types of medicinal products**

#### *Definition of a Medicinal Product*

### **Article 14**

Medicinal product is a product that is marketed in a given strength, pharmaceutical form and packaging that contains a substance or combination of substances for which it has been shown that it has the capacity to treat or prevent diseases in humans, or animals, as well as, a substance or combination of substances that can be used or applied to humans, or animals, either with the intention to restore, improve or modify physiological function by pharmacological, immunological or metabolic action, or by setting up a medical diagnosis.

Substance related to in Paragraph 1 of this Article is any substance, regardless of origin, which can be:

- 1) of human origin (blood and blood products);
- 2) of animal origin (microorganisms, whole animals, parts of organs, animal secretions, toxins, extracts, blood products);
- 3) of plant origin (microorganisms, whole plants, plant parts, plant secretions, extracts);
- 4) of chemical origin (chemical elements, chemical substances found in nature in a given form, as well as chemical products obtained by chemical change or synthesis).

This Law does not consider blood and blood components intended for transfusion to be medicinal products.

### *Biological Medicinal Product*

#### Article 15

Biological medicinal product is a medicinal product whose active substance makes a biological substance which is considered to be a substance produced or extracted from a biological source, for whose categorization and quality control physical, chemical and biological tests are required, as well as, control and description of the production process (immunological medicinal products and medicinal products from human blood and blood plasma, medicinal products for advanced treatment, etc.).

### *Immunological Medicinal Product*

#### Article 16

Immunological medicinal product for use in the human medicine is any medicinal product that is composed of vaccines, toxins, sera or allergens.

Vaccines, toxins and sera in Paragraph 1 of this Article include:

- 1) agents that are used to generate active immunity (vaccines against tetanus, diphtheria and tetanus, vaccines against diphtheria, tetanus and whooping cough, cholera vaccine, BCG, vaccine against child polio, influenza vaccines, smallpox vaccine, a vaccine against typhus and others);
- 2) agents used for diagnosing the state of immunity (tuberculin and tuberculin PPD, toxins for Schick test and Dick test, brucellin etc.);
- 3) agents used to create passive immunity (antitoxin diphtheria, antitoxin against snake venom, anti-rabies sera, globulin against smallpox, anti-lymphocyte globulin, etc.).

Allergen in Paragraph 1 of this Article is a medicinal product intended to identify or cause specific acquired change of the immune response to the agent causing the allergic reaction (alergization agent).

Immunological medicinal product used in veterinary medicine is any medicinal product that is administered to animals in order to create their active or passive immunity, or to diagnose the state of their immunity.

### *Medicinal Products for Advanced Therapy*

#### Article 17

Medicinal products for advanced therapy are:

- 1) medicinal products for gene therapy;
- 2) medicinal products for somatic cell therapy;
- 3) medicinal products obtained from a tissue by bioengineering.

Medicinal products referred to in Paragraph 1 of this Article are considered to be biomolecules obtained by the gene transfer technology, or biologically modified cells that act as active substances or parts of the active substances.

### *Medicinal Products from Blood and Blood Plasma*

#### Article 18

In terms of this Law, medicinal products are also considered to be medicinal products produced from blood and blood plasma of human or animal origin.

Medicinal products in Paragraph 1 of this Article are manufactured in an industrial process based on blood components and include albumin, coagulation factors and immunoglobulins of human origin.

### *Radiopharmaceuticals*

#### Article 19

Radiopharmaceuticals in terms of this Law are: radiopharmaceutical medicinal products, radionuclide generators, radiopharmaceutical kits (kits) and radionuclide precursors.

Radiopharmaceutical medicinal product is a medicinal product that when prepared for usage, contains one or more radionuclides used in medical purposes (radioactive isotope).

Radionuclide generator is any system that contains a parent radionuclide out of which a derived radionuclide is produced, by elution or by some other method, and which is used in a radiopharmaceutical medicinal product.

Radiopharmaceutical kit (kit) is any product intended to be used by dissolving or in combination with radionuclides in a radiopharmaceutical medicinal product, usually just before its application.

Radionuclide precursor is any other radionuclide produced for the purposes of radiolabelling of some other substances before their application.



## *Herbal Medicinal Products*

### **Article 20**

Herbal medicinal product is any medicinal product whose active substances are exclusively one or more substances of plant origin or one or more herbal products, or one or more substances of plant origin in combination with one or more plant products.

Substances of plant origin in Paragraph 1 of this Article are all plants as a whole or in part, algae, fungi, unprocessed, dried or fresh lichens, as well as some exudates, not subjected to specific processing procedures.

Substances of plant origin in Paragraph 2 of this Article shall be determined by the used plant part and the botanical name in accordance with the binary nomenclature (genus, species, variety and author).

Herbal products in Paragraph 1 of this Article are obtained by extraction, distillation, pressing, fractionating, refining, concentrating or fermenting substances of plant origin.

Herbal products in Paragraph 1 of this Article shall also be ground or pulverized herbal substances, tinctures, extracts, oils, juices obtained by pressing, and processed exudates.

## *Traditional Medicinal Products and Traditional Herbal Medicinal Products*

### **Article 21**

Traditional medicinal product is one that might be based on scientific principles and is the result of tradition or other traditional therapeutic approaches.

Agency shall grant a marketing authorisation for the traditional medicinal product referred to in Paragraph 1 of this Article, pursuant to this Law and regulations adopted for the implementation of this law.

Traditional herbal medicinal product is one that meets the following requirements:

- 1) has indications that are specific only for traditional herbal medicinal products that are in their composition and purpose designed for use without medical control for establishing diagnosis or issuing prescriptions, or for following the course of treatment;
- 2) is designed exclusively for use in accordance with the prescribed strength and dosage;
- 3) intended for oral use, external use or inhalation;
- 4) the period of traditional use has expired, or at least 30 years of usage have passed before the date of application for a marketing authorisation, out of which at least 15 years on the European Union territory;
- 5) there are sufficient data on traditional use of a medicinal product, or it has been shown that it is not harmful at prescribed terms of use and one can expect its

pharmacological effects or its effectiveness on the basis of his long-term usage and experience.

If any herbal medicinal product contains vitamins or minerals, and its therapeutic safety is well documented, then the medicinal product can be regarded as traditional herbal medicinal product, if the effect of these vitamins or minerals is only supportable in relation to the effect of active herbal substances in view of the declared indication (or indications).

If the conditions in Paragraphs 2 and 3 of this Article are satisfied, a traditional herbal medicinal product is entered in the Register of Traditional Herbal Medicinal products kept by the Agency.

Agency can deny the application for registration in the Register of Traditional Herbal Medicinal Products if the conditions of paragraphs 2 - 4 of this Article are not satisfied, or if at least one of the following conditions is satisfied:

1) qualitative and quantitative medicinal product composition does not match the declared composition;

2) indications do not comply with the requirements of Paragraph 3 of this Article;

3) medicinal product could be harmful under normal conditions of use;

4) data on traditional use is not sufficient, especially if pharmacological effect of a medicinal product or its efficiency are not quite convincing on the basis of long-term use and experience;

5) the quality of a medicinal product is not satisfactorily proved from pharmaceutical aspects.

Agency can estimate that a traditional herbal medicinal product is not eligible for registration in the Register of Traditional Herbal Medicinal Products, but meets the requirements for issuing a marketing authorisation pursuant to this Law and regulations adopted to implement this Law.

Minister in charge of the health care issues and the Minister in charge of the the veterinary affairs agree to prescribe detailed conditions and manner of registration in the Register of Traditional Herbal Medicinal Products, as well as issuance of marketing authorisations for traditional herbal medicinal products.

## *Homeopathic Medicinal Products*

### **Article 22**

Homeopathic medicinal product, in terms of this Law, is a medicinal product made from products, substances or compounds that make homeopathic substances pursuant to a homeopathic manufacturing procedure, following the methods of the European pharmacopoeia or the pharmacopoeia valid in any European Union member state.

Homeopathic medicinal product in Paragraph 1 of this Article can contain several active principles.

Homeopathic medicinal product is entered in the Register of Homeopathic Medicinal products, kept by the Agency, if it meets the following requirements:

- 1) is intended for oral or external use;
- 2) specific therapeutic indications are not listed on its label or reflected in any other information relating to a medicinal product
- 3) there is a sufficient degree of dilution to guarantee therapeutic safety of the medicinal product, and medicinal product cannot contain more than one part of the parent tincture to ten thousand parts or more than 1 / 100 of a minimum dose used in allopathic (conventional) medicinal product, when it comes to active substances whose presence in allopathic medicinal product usually imposes the obligation of issuing prescription.

Based on changed scientific views, the Agency can decide to enter the homeopathic medicinal product in the Register of Homeopathic Medicinal Products even though it does not meet the requirements prescribed in Paragraph 3, Item 3) of this Article.

For homeopathic medicinal products that do not meet the requirements of Paragraphs 3 and 4 of this Article, one must file a application to the Agency for drug license.

Minister in charge of the health care issues and the Minister in charge of the veterinary affairs shall agree to prescribe detailed conditions and manner of registration in the Register of Homeopathic Medicinal Products, as well as issuance of marketing authorisation for homeopathic medicinal products.

## *Veterinary Medicinal Products*

### **Article 23**

Veterinary medicinal product is a medicinal product in terms of Article 14, Article 16, Paragraph 4 and Article 18 - 22 of this Law.

Premix is a pharmaceutical form of veterinary medicinal product intended to be mixed with feed.

Premix for medicated feed is a special pharmaceutical form of a veterinary medicinal product, manufactured to be used exclusively for medicated feed production.

## *Magistral and Galenic Medicinal Products*

### **Article 24**

Magistral medicinal product is a medicinal product prepared in the pharmacy and following a recipe (formula) for a particular patient or user.

Preparation of a magistral medicinal product is not considered to be production in terms of this Law.

Galenic medicinal product is a medicinal product prepared on the basis of the current pharmacopoeia or existing magistral formulas in a galenic laboratory and is intended for patients of pharmacies or other health care facilities and/or other forms of Health Services (hereinafter referred to as: private practice), when the medicinal

product for which the license was issued, under the conditions prescribed by this Law and regulations issued to implement this law, does not exist or is not available.

Galenic medicinal product in Paragraph 3 of this Article can be made in galenic laboratories of pharmacies conducting business as healthcare facilities at primary healthcare level (hereinafter referred to as: pharmacy's galenic laboratory) in small batches, up to 300 individual finished packages per batch and is intended for the dispensing, sale, or use and application for patients of those pharmacies, or pharmacies which are a part of other healthcare facilities conducting business at primary healthcare level, and/or pharmacies founded as private practices, as well as in the appropriate veterinary institution, with whom the pharmacy whose laboratory developed the galenic medicinal product, concluded the contract on delivery of certain amounts of the galenic medicinal product, and in veterinary pharmacies, with whom the pharmacy in whose laboratory the galenic medicinal product was made, concluded a contract for delivery of certain quantities of the galenic medicinal product.

Galenic medicinal product, referred to in Paragraph 3 of this Article, exclusively used in veterinary medicine, is made in galenic laboratories of veterinary pharmacies in quantities of up to 100 finished consumer packages per day. Active substances, for which there is a withdrawal period, can not be used to produce galenic and magistral medicinal products for use in veterinary medicine for the treatment of food-producing animals.

Preparation of a galenic medicinal product from Paragraphs 4 and 5 of this Article in the total amount of up to 300 individual finished medicinal product packages per batch, or up to 100 finished consumer packages per day, for use in veterinary medicine, is not considered to be production in terms of this Law.

Galenic medicinal product can also be made in a galenic laboratory of a medical institution, performing healthcare activities at the secondary and tertiary health care levels (hereinafter referred to as galenic laboratory of a hospital's pharmacy), in the amount needed to secure healthcare of patients belonging to that healthcare institution.

Preparation of a galenic medicinal product in a galenic laboratory of a hospital's pharmacy referred to in Paragraph 7 of this Article shall not be considered production in terms of this Law.

Galenic medicinal product referred to in Paragraph 7 of this Article cannot be found in wholesale and in retail.

Each batch of galenic medicinal products must have a certificate of analysis issued by the laboratory that controls the quality, and which is a part of a galenic laboratory or a laboratory that has the permission of a competent Ministry.

Minister responsible for the health care issues prescribes premises, equipment, personnel, and other conditions for the development of galenic medicinal products in a galenic pharmacy's laboratory, or in a galenic laboratory of hospital's pharmacy, as well as Good practice in developing galenic medicinal products.

Minister in charge of veterinary affairs prescribes space, equipment, personnel, and other conditions for the development of galenic medicinal products used exclusively

in veterinary medicine, as well as requirements for issuing a marketing authorisation in accordance with this Law.

Minister in charge of health issues and the Minister in charge of the veterinary affairs prescribe a list of galenic medicinal products used in human medicine and a list of galenic medicinal products used exclusively in veterinary medicine, respectively.

If pharmacies from Paragraphs 4 and 5 of this Article supply other health care institutions, private practices or veterinary organizations, based on the contract pursuant to this Law, for patients, and/or users of those healthcare facilities, private practices and veterinary organizations, such supply is considered retail in terms of the Law.

Notwithstanding Paragraph 7 of this Article, the supply of other healthcare institutions at the secondary and tertiary healthcare levels can be done for the needs of patients of those healthcare institutions, based on a contract on delivering a certain quantity of galenic medicinal products and with the consent of the Ministry responsible for healthcare issues.

## **2. Marketing Authorisation**

### *Medicinal Products Trials*

#### **Article 25**

For a medicinal product to be granted a marketing authorisation, it must undergo pharmaceutical (pharmaceutical, chemical and biological), pharmacotoxicological and clinical trials.

Even after a marketing authorisation has been issued for obtaining additional data on the medicinal product, a medicinal product can undergo pharmaceutical, pharmacological-toxicological and clinical trials.

Medicinal product is investigated in accordance with the Good Manufacturing Practice Guidelines, Good Laboratory Practice and Good Clinical Practice Guidelines. Veterinary medicinal product is investigated pursuant to the Good Clinical Practice Guidelines for veterinary medicinal products.

Legal entities that meet the requirements regarding personnel, facilities, equipment, and that comply with the Good Manufacturing Practice, can perform Pharmaceutical trials, in accordance with the law.

Pharmacological and toxicological trials are carried out in accordance with this Law and the Guidelines on the Good Laboratory Practice.

## *Guidelines*

### **Article 26**

Guidelines on the Good Manufacturing Practices, Good Laboratory Practice, Good Clinical Practice and Good Distribution Practice are published by the Ministry responsible for the health care issues, in the "Official Gazette of the Republic of Serbia".

Guidelines on the Good Clinical Practice for veterinary medicinal products are published by the Ministry in charge of veterinary affairs in "Official Gazette of the Republic of Serbia".

## *Marketing Authorisation Applicant*

### **Article 27**

Following entities shall file the application for a marketing authorisation to the Agency:

- 1) a medicinal product manufacturer who is licensed to manufacture medicinal products in the Republic of Serbia;
- 2) agent or representatives of foreign manufacturers based in the Republic of Serbia;
- 3) representative of a foreign legal entity that is not the medicinal product manufacturer, but the marketing authorisation holder in the European Union member states or in countries that have the same requirements for the issuance of a marketing authorisation for a medicinal product based in the Republic of Serbia;
- 4) legal entity based in the Republic of Serbia onto which the manufacturer, referred to in Item 1) of this Paragraph, transferred the marketing authorisation, or to whom it gave the right to acquire the properties of a marketing authorisation holder for medicinal products from its production line;

Applicant for a marketing authorisation under Paragraph 1 of this Article (hereinafter referred to as: the applicant) must have a person responsible for pharmacovigilance, as well as a person responsible for documentation in the process of obtaining the marketing authorisation, its variations and renewals, with whom it concluded a full-time employment contract for the indefinite period of time.

Persons referred to in Paragraph 2 of this Article must be graduates from the Faculty of Medicine, Dentistry or Pharmacy, or the Faculty of Veterinary Medicine for veterinary medicinal products.

In addition to the conditions specified in Paragraph 2 of this Article, the applicants referred to in Paragraph 1, Items 3) and 4) of this Article shall have the person responsible for batch release that meets the requirements of this Law and regulations adopted to implement this Law.

Applicant shall be responsible for documentation in the procedure of obtaining a marketing authorisation.

## *Marketing Authorisation Procedure*

### **Article 28**

Marketing authorisation can be obtained based on full or abbreviated documentation.

Marketing authorisation can also be obtained under special circumstances, and/or if a medicinal product has a marketing authorisation issued following a centralized procedure in the member states.

In addition to the application form for marketing authorisation issuance, medicinal product samples must also be submitted.

Minister in charge of health issues and the Minister responsible for veterinary issues agree to prescribe the contents of the application form for marketing authorisation issuance, contents of the documents necessary for obtaining a marketing authorisation, as well as the manner of obtaining the license referred to in Paragraphs 1 and 2 of this Article.

### *Procedure for obtaining Marketing Authorisation Procedure with full documentation*

### **Article 29**

Application for marketing authorisation with full documentation contains at least the following:

- 1) administrative data containing medicinal product name, INN, generic name or chemical formulae of the active substance, pharmaceutical form and medicinal product strength, the proposed summary of medicinal product characteristics, the proposed package leaflet, applicant's name and address, name and address of a manufacturer, name and address of a site of manufacturing and batch release, proof that the manufacturer has a production license issued by the competent authority, a proposal for immediate and outer packaging, proof that a medicinal product has a marketing authorisation, or that it is in the process of obtaining the marketing authorisation in the country of origin, and that it is on the market, or the reasons for its withholding from the market in that country, a list of countries where the medicinal product has the marketing authorisation, certificate of the Good Manufacturing Practices, issued by the competent Ministry pursuant to this Law or the appropriate certificate of the European Union member states or another country that has the same or similar requirements regarding the Good Manufacturing Practice;

- 2) pharmaceutical, chemical and biological data containing qualitative and quantitative data on medicinal product composition, technological process of medicinal product production, quality control of all raw materials, quality control in the production process, quality control, stability studies, as well as data on assessment of medicinal product environmental safety;

3) pharmacological and toxicological data containing information on the pharmacodynamic and pharmacokinetic medicinal product properties, data on toxicity, its impact on reproductive function, information about its embryonic, fetal and perinatal toxicity, mutagenic and carcinogenic potential, as well as information on local tolerability, and for medicinal products used exclusively in veterinary medicine - proposed withdrawal period and the maximum residue limit;

4) clinical data containing general information about trials, the performance of the trials, trial results, clinical and pharmacological data, data on biological availability or biological equivalence when necessary, information on medicinal product's clinical safety and efficacy, documentation of unexpected events during trials and on the experience gained after the issuance of a marketing authorisation in other countries;

In addition to the application for marketing authorisation for the medicinal product containing a fixed combination of active substances, the applicant shall submit the results of new preclinical or new clinical trials relating to a given combination of active substances, without the need to submit professional references for each individual active substance.

In case of submitting the application form for marketing authorisation of a medicinal product with a well-known usage of the active substance, the applicant is not obliged to submit data on preclinical and clinical trials referred to in Paragraph 1, Items 3) and 4) of this Article, but can instead of its own data provide the data from the literature published in professional publications (bibliographic data).

Medicinal product with the information on consent is considered a medicinal product with full documentation in terms of this Law.

Medicinal products referred to in Paragraphs 1-4 of this Article shall be considered a reference medicinal product in terms of this Law.

In the procedure for obtaining a marketing authorisation, the Agency can application any other information relevant for obtaining a marketing authorisation prescribed by this Law and regulations adopted to implement this Law.

In the procedure for obtaining a marketing authorisation, the Agency can exclusively require that the competent Ministry perform inspection of the manufacturing process of a medicinal product for which the application form for marketing authorisation issuance was filed, or for its variations, or renewal.

### *Marketing Authorisation Procedure with Abbreviated Documentation*

#### **Article 30**

Application for obtaining marketing authorisation with abbreviated documentation consists of at least:

- 1) generic medicinal product;
- 2) generic hybrid medicinal product;
- 3) biologically similar medicinal product.



Application form for obtaining marketing authorisation under Paragraph 1, Item 1) of this Article, contains data on the biological equivalence of generic medicinal products as compared to reference medicinal products, based on the appropriate bioavailability studies, instead of their own data in the documentation from Article 29, Paragraph 1, Items 3) and 4) of this Law.

Distinct data from the documents referred to in Article 29, Paragraph 1, Items 3) and 4) of this Law shall be submitted for medicinal products specified in Paragraph 1 Items 2) and 3) of this Article, more specifically, data on medicinal product safety and efficiency different from the corresponding reference medicinal product data or reference biological medicinal product data.

Minister in charge of the health care issues and the Minister in charge of the veterinary affairs shall agree to prescribe the contents of the application form for obtaining marketing authorisation with abbreviated documentation and the contents of the documentation necessary for obtaining marketing authorisation with abbreviated documentation.

## *Data Protection for Medicinal Products used in Human Medicine*

### Article 31

If a marketing authorisation was issued for the first time for a reference medicinal product in the Republic of Serbia or the European Union, in accordance with this Law and regulations adopted to implement this Law and in accordance with the requirements of the European Union, then every new license for the medicinal product based on changes or additions to the marketing authorisation in terms of medicinal product strength, pharmaceutical form, methods of administration, packaging, as well as all variations and claims for extension of the marketing authorisation, should be included in the first marketing authorisation and be a part of a uniform, global system of marketing authorisation issuance (hereinafter referred to as: a global marketing authorisation).

Applicant for medicinal product issuance with abbreviated documentation can apply for a marketing authorisation after at least eight years have elapsed from the date when the global license for the reference medicinal product, the applicant refers to, had been issued in Republic of Serbia, the European Union or countries that have the same or similar requirements for the issuance of the license.

After ten years from the date of issuance of the global license for the reference medicinal product have elapsed, an applicant can obtain a marketing authorisation with abbreviated documentation.

Period of ten years, specified in Paragraph 3 of this Article, is extended (cumulatively) for one more year, if, during the eight years from the issuance of the general marketing authorisation for the reference medicinal product, the marketing authorization holder of the reference medicinal product obtains a new marketing

authorisation for one or more new indications that show a significant improvement in that referent medicinal product therapy.

Period of one year mentioned in Paragraph 4 of this Article also applies to the marketing authorisation holder referred to in Article 29, Paragraph 3 of this Law, who obtained a new license for a medicinal product for one or more new indications which represent a significant improvement of the treatment, on the basis of new pharmacological, toxicological and clinical trials of the medicinal product, as well as for medicinal products for which a new classification has been established, based on significant preclinical and clinical trials in accordance with this Law.

Deadlines for data protection for medicinal products in this Article and Article 32 of this Law shall be imposed from the date the global marketing authorisation referred to in Paragraph 1 of this Article was issued.

### *Data Protection for Veterinary Medicinal Products*

#### **Article 32**

Provisions of Article 31 of this Law are applied to veterinary medicinal products, unless otherwise stipulated by this Law.

Notwithstanding Paragraph 1 of this Article, the deadline referred to in Article 31, Paragraph 4 of this Law is cumulatively extended to three years for veterinary medicinal products used for the treatment of bees, fish and other minor species, if necessary.

Notwithstanding Paragraph 1 of this Article, if a new license for the application of a reference medicinal product to another food-producing species has been issued in the period of five years from the date of issuance of the marketing authorization, the deadline referred to in Article 31, Paragraph 4 of this Law shall be extended for one more year (cumulatively), and maximum to three years if used for treatment of four or more food-producing species.,

### *Issuance of Marketing Authorisation*

#### **Article 33**

In the Republic of Serbia, a medicinal product is marketed based on marketing authorisations issued by the Agency.

Application for marketing authorisation issuance is submitted to the Agency together with the documents prescribed by this Law and regulations adopted for the implementation of this law.

Agency is obliged to make a formal assessment of the documentation for the marketing authorisation issuance prescribed by this Law and regulations adopted to implement this Law, within 30 days after the application referred to in Paragraph 2 of this Article has been received.

If the application referred to in Paragraph 2 of this Article is incomplete, the Agency shall notify the applicant to complete the application with the application data, within 30 days from the day the written notice has been received.

Within the period of 210 days, after receiving the complete application, the Agency decides whether to grant a marketing authorisation or deny a marketing authorisation application, based on the opinions and evaluation of the documentation on medicinal product quality, safety and efficacy, provided by the Agency Commission, unless this Law stipulates otherwise.

Deadline referred to in Paragraph 5 of this Article shall be temporarily suspended starting from the date the Agency applications additional information from the applicant and be resumed upon the date the application data are submitted.

Marketing authorisation is valid for five years, starting from the date the decision to grant the marketing authorisation is made, unless this Law states otherwise.

Marketing authorisation is issued for a particular strength, pharmaceutical form and packaging of the medicinal product.

Agency shall state any manufacturing site and any batch release site in the marketing authorisation for the territory of the Republic of Serbia.

Marketing authorisation for veterinary medicinal products used to treat food-producing animals is issued only if the medicinal product contains active substances that do not pose a threat to human health, or for which a maximum residue limit is determined, based on acceptable daily intake.

Minister in charge of veterinary affairs shall determine a list of active substances referred to in Paragraph 10 of this Article.

### *Marketing Authorisation Issuance according to the Accelerated Procedure*

#### **Article 34**

Marketing authorisation shall be issued following an accelerated procedure for:

- 1) medicinal product used in human medicine, and of the highest interest for public health protection, but above all, particularly in relation to therapeutic innovation;
- 2) medicinal product for which a license has already been issued following centralized procedure.

In the application for a marketing authorisation following an accelerated procedure, there must be provided all the reasons related to protection of public health, and documentation required by this law and the regulations passed for the implementation of this law, attached.

If the application for a marketing authorisation issued following an accelerated procedure is incomplete, the Agency shall notify the applicant that additional information be submitted within 30 days from the date the written notice has been received.

Within the period of 150 days, after receiving the complete application, the Agency is obliged to decide whether to grant a marketing authorisation or deny a

marketing authorisation application, based on the opinions and evaluation of the documentation on medicinal product quality, safety and efficacy.

Deadline referred to in Paragraph 4 of this Article shall be temporarily suspended from the date the Agency applications additional information from the applicant and be resumed upon the date the application data are submitted.

Marketing authorisation issued following an expedited procedure contains information listed under Article 33, Paragraphs 8 and 9 of this Law.

Marketing authorisation issued following an expedited procedure remains valid for five years, starting from the date the decision to grant the marketing authorisation is made, unless this Law stipulates otherwise.

### *Conditional Marketing Authorisation*

#### Article 35

With prior arrangement with the applicant, the Agency can issue a marketing authorisation conditioning the applicant to meet specific obligations, which the Agency inspects once every 12 months starting from the date of issuance of a conditional marketing authorisation.

Obligations to be fulfilled by the applicant listed under Paragraph 1 of this Article, as well as the time for which the conditional marketing authorisation was issued, are published on the website of the Agency within eight days from issuance date of a conditional marketing authorisation.

Conditional marketing authorisation can be issued for medicinal products used to treat, prevent or diagnose serious and life-threatening diseases, medicinal products used in emergency cases, medicinal products used to treat rare diseases, medicinal products issued following centralized procedure, as well as for other medicinal products of greater public health interest.

Marketing authorisation referred to in Paragraph 1 of this Article shall be valid for 12 months and can be renewed until the requirements listed in Article 29, Paragraph 1, Item 4) of this Law are met or if the benefit from the medicinal product application to public health outweighs the risks incurred due to the lack of specific information on clinical trials.

In urgent cases where the public health is affected, conditional marketing authorisation can exceptionally be issued without any information prescribed in Article 29, Paragraph 1 Items 2) and 3) of this Law.

Every six months during a conditional marketing authorization validity period, the marketing authorisation holder shall submit to the Agency a periodic report on safety of a medicinal product for which a conditional marketing authorisation is issued.

If the requirements referred to in Article 29, Paragraph 1, Item 4) of this Law or requirements listed in Article 29, Paragraph 1, Items 2) and 3) of this Law are met, the Agency issues a marketing authorisation valid for five years pursuant to this Law.

Conditional marketing authorisation can be issued following an accelerated procedure referred to in Article 34 of this Law.

Patient information leaflet and the summary of product characteristics must emphasize that the issued marketing authorisation is conditional.

### *Marketing Authorisation under Special Circumstances*

#### Article 36

With prior arrangement with the applicant, the Agency can, exceptionally, issue a marketing authorisation under special circumstances - for a medicinal product of special public health interest, valid for 12 months from the date the marketing authorisation issued under special circumstances is granted, with binding the applicant to fulfill the obligations related to the medicinal product safety and to inform the Agency of any undesired events that occur when using a medicinal product, as well as of undertaken security measures.

Obligations to be fulfilled by the applicant listed under Paragraph 1 of this Article, as well as the time for which the marketing authorisation issued under special circumstances was granted, are published on the website of the Agency within eight days from issuance date of a marketing authorisation issued under special circumstances.

On an applicant request referred to in Paragraph 1 of this Article, the Agency can extend marketing authorisation issued under special circumstances to an new 12 months from the day the license is issued, if requirements listed in Paragraph 1 of this Article are met.

Agency can extend a marketing authorisation issued under special circumstances to the new 12 months in accordance with Paragraph 3 of this Article until there is a special public health interest in the medicinal product for which the marketing authorisation under special circumstances is issued.

Application for re-evaluation of compliance to requirements referred to in Paragraphs 1 - 4 of this Article shall be submitted together with data justifying special public health care interest of the medicinal product, as well as other information prescribed by this Law and regulations adopted to implement this Law, not later than 90 days before a marketing authorization is issued under special circumstances expires.

### *Integral Parts of Medicinal Products Marketing Authorisation*

#### Article 37

Integral part of a marketing authorisation is a summary of product characteristics, patient information leaflet and a labelling for immediate and outer packaging. Integral part of veterinary marketing authorisations is a summary of product characteristics and patient information leaflet.

Agency shall published a marketing authorisation, together with the integral parts of the license referred to in Paragraph 1 of this the Article, on its web site not later than 30 days from the date of the marketing authorization issuance.

Minister responsible for the health care issues and the Minister in charge of veterinary affairs shall agree to prescribe the contents of a marketing authorisation.

### *Refusal of Marketing Authorisation Application*

#### Article 38

Agency can refuse an application for a marketing authorisation if it determines that:

- 1) risk-benefit ratio is not favorable at ordinary conditions of application;
- 2) medicinal product does not have a therapeutic effect or that the therapeutic effect is not sufficiently proven by the applicant;
- 3) qualitative and quantitative medicinal product composition does not match the data from the submitted documentation;
- 4) documentation is not in accordance with the requirements prescribed by this Law and regulations adopted in accordance with this Law.

### *Medicinal Products for which Marketing Authorisation is not Issued*

#### Article 39

Marketing authorisation is not issued for:

- 1) magistral medicinal products;
- 2) galenic medicinal products;
- 3) active substances used in medicinal product manufacturing;
- 4) medicinal products intended for trials during research and development;
- 5) semi-finished products intended for further processing;
- 6) whole blood, blood plasma or blood cells of human origin, except for blood plasma produced industrially;
- 7) radionuclide with a sealed source of radiation;
- 8) advanced therapy medicinal products prepared for an individual patient in the course of its treatment;
- 9) medicated feed for use in veterinary medicine, prepared exclusively with premixes with marketing authorisations, and which meets the requirements for medical feed production in accordance with the regulations governing animal feed production;
- 10) inactivated immunological medicinal products for use in veterinary medicine, derived from pathogens and antigens obtained from animals or from farm animals and used for treatment of animals in the same locality (autogenous vaccines);
- 11) traditional herbal medicinal products, unless otherwise stipulated by this Law;
- 12) homeopathic medicinal products, unless this Law states otherwise;
- 13) intermediates intended for further processing;

14) medicinal products produced by manufacturers that were granted a manufacturing license from the competent Ministry, based on the contract manufacturing, and that are not intended for market of the Republic of Serbia;

15) other medicinal products specified by the Agency, in accordance with this Law.

## *Marketing Authorisation Variations*

### **Article 40**

Marketing authorization holder is obliged to inform regularly the Agency about all new findings with regards to on the assessment of the quality, safety and efficacy of the medicinal product on the market.

Marketing authorization holder can apply to the Agency for an amendment to marketing authorisation (hereinafter referred to as: variations), pursuant to this Law and regulations adopted to implement this Law.

Agency is obliged to perform a formal assessment of the documentation for the variation approval prescribed by this Law and regulations adopted to implement this Law, within 15 days from the day the application in Paragraph 2 of this Article is received.

If the application referred to in Paragraph 2 of this Article is not complete, the Agency shall inform the applicant to complete the application with additional data, within 30 days from the day the written notice is received.

Agency makes a decision on the application referred to in Paragraph 2 of this Article within 90 days from the day it received the complete application, unless defined otherwise by this Law.

Deadline referred to in Paragraph 4 of this Article shall be temporarily suspended from the date when the Agency applications additional information from the applicant and be resumed upon the date the application data are submitted.

Marketing authorization holder is obliged to market the medicinal product in accordance with the variation approved, not later than 12 months from the date of delivery of the Agency act on approval of the variation.

Conditions, documentation contents and the manner of variation approval referred to in Paragraph 2 of this Article shall be prescribed by the Minister responsible for the health care issues and the Minister in charge of veterinary affairs by mutual consent.

## *Marketing Authorisation Transfer*

### **Article 41**

With the approval of the Agency, a marketing authorization holder can transfer the marketing authorisation to another marketing authorization holder who meets the

requirements prescribed by this Law and regulations adopted to implement this Law and who, on the day of the transfer, becomes the new marketing authorization holder.

Agency is obliged to make a formal assessment of the documentation on medicinal product-license transfer approval in accordance with this Law and regulations adopted to implement this Law, within 15 days from the day the application in Paragraph 1 of this Article is received.

Agency shall render a decision, which authorizes the transfer of a marketing authorisation to a new marketing authorisation holder or reject the application for transfer of a marketing authorisation, within 60 days from the day the complete application for transfer of a marketing authorisation referred to on Paragraph 1 of this Article is received.

Deadline referred to in Paragraph 3 of this Article shall be put to a stop from the date when the Agency requires additional information from the applicant and be (come) operational again from the date the required data are submitted.

New marketing authorization holder is obliged to place a medicinal product on the market in accordance with the approved marketing authorisation transfer, within 12 months from the date of delivery of the Agency act on the marketing authorisation transfer.

Minister responsible for the health care issues and the Minister in charge of veterinary affairs shall agree to sign conditions, documentation contents and the manner of marketing authorisation transfer referred to in Paragraph 1 of this Article.

## *Marketing Authorisation Renewal*

### **Article 42**

Marketing authorisation is renewed following the expiration of a period of five years for which the marketing authorization was issued, based on the reassessment of the risk/benefit proportion.

Marketing authorization holder shall submit the application for marketing authorisation renewal at the Agency and provide the documentation with professional reports on a medicinal product quality, safety and efficacy, as well as a list of all the variations for which the application was made at the Agency, and/or for the variations accepted, and/or approved from the date of application for license renewal.

Application referred to in Paragraph 2 of this Article shall be submitted to the Agency as early as 180 days and no later than 90 days before the expiration of a marketing authorisation.

Agency is obliged to make a formal assessment of the documentation on marketing authorisation renewal in accordance with this Law and regulations adopted to implement this Law, within 15 days from the day the application from Paragraph 3 of this Article is received.

If the application referred to in Paragraph 3 of this Article is not complete, the Agency shall notify the applicant to complete the application within 30 days.



Agency renders a decision on the application referred to in Paragraph 3 of this Article within 90 days from the day the complete application is received.

Deadline referred to in Paragraph 6 of this Article shall be temporarily suspended from the date when the Agency applications additional information from the applicant and be resumed upon the date the applicationed data are submitted.

Marketing authorization holder is obliged to place the medicinal product on the market in accordance with the approved marketing authorisation renewal, within 12 months from the date of delivery of the Agency decision on the marketing authorisation renewal.

Minister responsible for the health care issues and the Minister in charge of veterinary affairs shall prescribe by mutual consent the contents of documentation needed for marketing authorisation renewal and the manner of marketing authorisation renewal.

### *Permanent Marketing Authorisation Issuance*

#### **Article 43**

If the Agency determines that a medicinal product, for which a marketing authorisation is granted pursuant to this Law and regulations passed for the implementation of this Law, is safe, based on data on pharmacovigilance in the period of five years from the date of issuance or renewal of the medicinal product, the Agency shall issue a permanent marketing authorisation.

If the Agency, within the deadline referred to in Paragraph 1 of this Article, establishes, based on pharmacovigilance, that the medicinal product is not safe, it shall deny an application for issuance of a permanent marketing authorisation, and in this case the Agency shall decide on the renewal of the license for the period of five years.

Agency can only once renew a marketing authorisation in accordance with Paragraph 2 of this Article, and if it finds, based on data on pharmacovigilance, that there still exist reasonable grounds to suspect that a medicinal product is unsafe, it shall terminate the marketing authorisation.

Agency is obliged to decide on revocation of a permanent marketing authorisation if, having granted a permanent marketing authorisation and based on the pharmacovigilance data, finds that a medicinal product is not safe for life and health of humans and animals.

### *Termination of Marketing Authorisation*

#### **Article 44**

Marketing authorisation becomes invalid upon passing the expiration date for which it was issued or at the application of the marketing authorisation holder.

Marketing authorisation also becomes invalid if the Agency establishes that:

- 1) medicinal product is harmful under normal conditions of use;

- 2) medicinal product has no therapeutic efficacy;
  - 3) risk-benefit ratio is not favorable under typical application conditions (that during treatment therapeutic results can not be achieved);
  - 4) qualitative and quantitative medicinal product composition does not match the declared composition of the medicinal product;
  - 5) marketing authorisation was issued on the basis of incomplete or counterfeit information, or if data are not changed and amended in accordance with this Law;
  - 6) marketing authorisation holder no longer meets the prescribed requirements.
- Decision on marketing authorisation termination in cases specified in Paragraphs 1 and 2 of this Article is made by the Agency.
- Agency shall inform the competent Ministry of the cases referred to in Paragraph 2 of this Article.

### *Other Cases in which Agency renders the Decision on Marketing Authorisation Termination*

#### **Article 45**

Agency also brings a decision to terminate a marketing authorisation if:

- 1) medicinal product was not marketed in the Republic of Serbia for three years from the date of marketing authorisation issuance,
- 2) medicinal product that was on the market in the Republic of Serbia for some time after the marketing authorization for the medicinal product has been issued, but was afterwards withdrawn from the market in the Republic of Serbia for three consecutive years.

Before making a decision referred to in Paragraph 1 of this Article, the Agency is obliged to inform the competent Ministry that the conditions for marketing authorisation termination have been reached.

In order to protect the health of citizens and animals, the competent Ministry can suggest to the Agency not to decide in favor of the marketing authorisation termination in cases referred to in Paragraph 1 of this Article.

Provisions in Paragraph 1 of this Article shall not apply to medicinal products that the marketing authorization holder markets exclusively outside the territory of the Republic of Serbia.

### *Notification on Marketing of Medicinal Products that Marketing Authorisation is issued for*

#### **Article 46**

Marketing authorization holder of a medicinal product whose price is determined in accordance with Article 58, Paragraphs 1 and 5 of this Law is obliged to inform the Ministry responsible for health care issues and the Agency on the date the

medicinal product is placed on the market, within 60 days from the date of medicinal product price determination or the date the acts of the Government concerning medicinal product prices become operational.

Marketing authorization holder of a medicinal product whose price is determined pursuant to Article 58, Paragraph 2 of this Law is obliged to inform the Ministry responsible for health care issues and the Agency of the date the medicinal product is placed on the market, within 60 days from the date the marketing authorisation is delivered.

Marketing authorization holder of a veterinary medicinal product is obliged to inform the Ministry responsible for veterinary affairs and the Agency of the date the medicinal product is placed on the market, within 60 days from the date the marketing authorisation is delivered.

If the marketing authorization holder decides to cease supplying the market of the Republic of Serbia, it is obliged to inform the competent Ministry and the Agency, within 12 months before the proposed date of medicinal product circulation cessation.

On the request of the competent Ministry, a marketing authorization holder shall submit data on the total medicinal product sale for which the marketing authorisation was issued, as well as the sale of individual medicinal products obtained only with a prescription.

### *Medicinal Product with the expired Marketing Authorisation*

#### **Article 47**

Manufactured or the imported medicinal product, whose marketing authorisation has expired and has not been renewed, can be on the market until the end of the medicinal product expiration date, and maximum of six months from the marketing authorisation expiration date.

Production or the imports of medicinal products whose marketing authorisation has expired and has not been renewed is prohibited within the period specified in Paragraph 1 of this Article.

Marketing authorization holder of medicinal products referred to in Paragraph 1 of this Article shall inform the competent Ministry and the Agency that it will not initiate the proceedings for medicinal product renewal, 60 days before a marketing authorisation expires.

### *Termination of Marketing Authorisation Holder Rights prior to the expiry of Marketing Authorisation*

#### **Article 48**

If a marketing authorization holder rights are terminated for any reason before the expiry of the marketing authorisation, and a marketing authorisation transfer has not been performed in accordance with this Law, the marketing authorisation holder is obliged to inform promptly the competent Ministry and the Agency, as well as any legal entities engaged in the wholesale of the very medicinal product in the Republic of Serbia, and to take all the necessary measures the medicinal product to be withdrawn from the market within 30 days from the day of marketing authorisation holder capacity termination.

If the marketing authorization holder does not act in the manner prescribed in Paragraph 1 of this Article, the competent Ministry shall render a decision on how to treat the medicinal product.

### *Ownership and Archiving of Medicinal Product Documentation*

#### **Article 49**

Documentation attached to the application for a marketing authorisation is a property of the applicant and it is treated as a classified information.

Documentation specified in Paragraph 1 of this Article is permanently stored in the Agency.

### *Temporary Marketing Authorisation*

#### **Article 50**

In cases of an epidemic, natural disaster or emergency, the Agency can, on the basis of the request of the Ministry responsible for the health care affairs, issue a temporary marketing authorisation for a certain type and quantity of medicinal products before the conditions for marketing authorisation issuance are met, in accordance with this Law and regulations passed in for the implementation of this Law.

Temporary marketing authorisation for a veterinary medicinal product shall be issued by the Agency upon the request of the Minister in charge of veterinary affairs, in case of epizootic outbreaks, natural disasters and/or emergencies, implementation of state programmes for control and eradication of infectious animal diseases.

Temporary marketing authorisation is issued for the time the circumstances referred to in Paragraphs 1 and 2 of this Article last.

### *Medicinal Products Classification*

#### **Article 51**

In the procedure of marketing authorization issuance, the Agency performs the classification of medicinal products, and/or determines the regime of dispensing medicinal products as:

- 1) medicinal products that are issued upon prescription;
- 2) over-the-counter medicinal products.

Minister responsible for the health care issues prescribes form and contents of prescriptions for medicinal products issued upon prescription, as well as a way of dispensing and prescribing medicinal products.

Minister in charge of veterinary affairs prescribes form and contents of prescription for veterinary medicinal products, as well as a manner of dispensing and prescribing veterinary medicinal products.

### *Medicinal Products Dispensed Strictly Upon Prescription*

#### **Article 52**

In the process of marketing authorisation issuance, the Agency decides a medicinal product to be dispensed on prescription only if:

- 1) there exists a strong possibility that a medicinal product usage without medical control poses a danger, be that direct or an indirect one, even with proper application of a medicinal product;
- 2) often used improperly and in large amounts, and therefore poses a direct or indirect threat to human health;
- 3) it contains substances or products made from these substances, whose effects or adverse reactions to them require additional research;
- 4) it is a medicinal product prescribed by a doctor for parenteral use.

### *Medicinal Products Subcategories Dispensed Upon Prescription Only*

#### **Article 53**

In the process of marketing authorisation issuance, the Agency can determine specific sub-categories for medicinal products issued strictly on prescription referred to in Article 52 of this Law; those being:

- 1) medicinal products issued upon prescription for repeated (renewable) and single issue;
- 2) medicinal products issued with a special medical prescription;
- 3) medicinal products issued upon prescription, with the restrictions of usage in certain specialized areas.

In the case referred to in Paragraph 1, Item 2) hereof, the Agency determines that a medicinal product be issued upon a special medical prescription if:

1) a medicinal product contains substances that fall under narcotic or psychotropic substances, in quantities greater than allowed, in accordance with the regulations governing the use of narcotic medicinal products and psychotropic substances, and international conventions;

2) there exists a strong possibility that, even if properly applied, it poses a significant risk of medical abuse, which can lead to addiction or medicinal product usage for illegal purposes;

3) a medicinal product contains a substance that could, because it is new or because of its properties, be considered to belong to the group of medicinal products referred to in Item 2) of this Paragraph.

In the case referred to in Paragraph 1, Item 3) of this Article, the Agency determines a medicinal product sub-category, taking into consideration:

1) that a medicinal product is intended for treatment exclusively carried out in a hospital setting because of its pharmaceutical characteristics or because it is new, or because it is of interest to population's health.

2) a medicinal product used to treat conditions that need to be diagnosed in hospitals or in institutions with appropriate diagnostic facilities, if the medicinal product application and a patient condition can subsequently be followed in other localities;

3) a medicinal product intended for patients in outpatient treatment, but that its use can lead to very serious adverse reactions for which a doctor - a specialist of a certain branch of medicinal product issues a prescription on its use in a particular case with a special monitoring of patients during their treatment.

### *Medicinal Products Being Dispensed Without Prescription*

#### **Article 54**

Medicinal products that have low toxicity, high therapeutic range, safety in overdose, minimal interaction, whose indications are well known to a patient or user and that are used for self-treatment, or whose application is not related to risks referred to in Article 52 of this Law, shall be dispensed without a prescription.

### *Prohibitions on Medicinal Products Dispensation and/or Sale*

#### **Article 55**

Medicinal product issuance or medicinal product sale, contrary to the performed classification of medicinal products pursuant to Articles 51-54 of this Law and contrary to the mode of issuance of medicinal products specified in a marketing authorisation, is prohibited.

Person, who, pursuant to the Law, has the right to prescribe medicinal products, is prohibited to be an owner or co-owner of pharmacies, and a private practice, unless otherwise provided by the Law.

Dispensation or sale of veterinary medicinal products, used in treating food-producing animals without prescription, is prohibited.

Authorized body shall revoke the approval for independent work, issued in accordance with the Law, if a person who issues a medicinal product acts contrary to Paragraph 1 of this Article.

### *Submission of Agency Decisions to the Competent Ministry*

#### Article 56

Agency shall notify the competent Ministry that it has issued a marketing authorisation, variations, a license renewal, a license termination, as well as, a marketing authorisation transfer, within 15 days from the date the decision has been made.

### *Publication of Data on Medicinal Products that Marketing Authorisations are issued for*

#### Article 57

The Agency publishes a list of medicinal products for which a marketing authorisation, variation, or license renewal is issued, and a list of medicinal products for which a marketing authorisation has expired, as well as, a list of medicinal products for which the marketing authorisations has been transferred onto a new marketing authorisation holder, on its website, within 15 days from the day the decision is made.

## **3. Determining medicinal products prices**

#### Article 58

Government sets the criteria for the pricing of medicinal products that are granted marketing authorisation and that are used in human medicinal product, and whose mode of issuing is on prescription, as well as, the highest prices of these medicinal products, based on a joint proposal of the Minister responsible for health issues and the Minister in charge of trade issues.

Marketing authorization holder sets the prices of medicinal products used in human medicinal product, and whose mode of issuing is without a prescription, and is obliged to supply the Ministry responsible for health care issues with the data on the prices of these medicinal products, at least once during the calendar year, not later than March 1<sup>st</sup> for the previous year, in the form of reports prescribed by the Minister in charge of health care affairs.

In order to prepare a draft of the proposal, referred to in Paragraph 1 of this Article, the Agency is obliged to provide information on medicinal product trade and medicinal product consumption, collected and processed pursuant to this Law, to the Ministry responsible for health care affairs, as well as, all other required information at

the application of the Ministry responsible for health issues, not later than March 31<sup>st</sup> of a current year for the previous calendar year.

Marketing of a medicinal product for which the Government has not legislated a price, in accordance with Paragraph 1 of this Article, is baned in the Republic of Serbia.

Exception to Paragraph 4 of this Article, the Ministry responsible for health issues, at the application of a marketing authorisation holder, can decide on determining the highest price of a medicinal product based on the criteria in Paragraph 1 of this Article applicable at the time of filing the required, in the case of urgent need of usage of medicinal products for which a marketing authorisation is issued or in the case of protection of public health interests and prevention of harmful consequences to life and health of patient or groups of patients.

Medicinal product costs, determined pursuant to Paragraph 5 of this Article, are applicable until the medicinal product pricing in accordance with Paragraph 1 of this Article is performed.

Health care institution in whose galenic pharmacy laboratory a galenic medicinal product, referred to in Article 24 Paragraphs 3 - 5 of this Law, is made, shall determine the price of the galenic medicinal product.

Health care institutions where a magistral medicinal product is produced, determines the price of the magistral medicinal product.

## **4. Clinical Trials**

### *Clinical Trial Goal*

#### **Article 59**

Clinical trial is a medicinal product examination performed on humans there to be determined or confirmed clinical, pharmacological or pharmacodynamic effects of one or more investigational medicinal products, and/or to be identified any adverse reactions to one or more investigational medicinal products, and to be examined the absorption, distribution, metabolism and excretion of one or more medicinal products, in order their safety and efficacy to be determined.

Goals of clinical trials referred to in Paragraph 1 of this Article, shall also apply to clinical trials of medicinal product used in veterinary medicine, on animals, according to species, breed, age and category of animals.

Provisions of this Law and regulations adopted to implement this Law are applied to clinical trials of medicinal products used in veterinary medicine.

Clinical trials referred to in Paragraph 1 of this Article shall be conducted pursuant to the Law governing animal welfare.

Clinical trials include clinical trials of bioavailability, and bioequivalence as well.



Clinical trials of medicinal products are conducted in accordance with the Guidelines of Good Clinical Practice in Clinical Trials and Guidelines of Good Clinical Practice for veterinary medicinal products.

### *Subjects Protection in Clinical Trials*

#### Article 60

Subjects rights, safety and interests must be prioritized in relation to the interests of science and society as a whole.

Clinical trials must be planned and conducted so that pain, discomfort, fear and any other foreseeable risk to the subjects health (risk threshold and pain level are particularly defined and constantly monitored) are reduced to the least possible measure.

### *Conditions for Conducting Clinical Trials*

#### Article 61

Clinical trial can be conducted if:

- 1) medicinal product use of a medicinal product under the trial is greater than its possible risks to life and health of subjects;
- 2) the Ethics Committee of a legal entity, in which the clinical trial is being conducted, ruled that the therapeutic benefit of a medicinal product under the trial, and its importance for the protection of life and health of a subject, justify its potential risks;
- 3) subjects, or their legal representatives, are completely informed, in writing and language they can understand, about the clinical trial and of their right to withdraw their consent to participate in the clinical trial at any time;
- 4) a subject right to physical and psychological integrity, privacy, and protection of personal data in the procedure of the clinical trial are ensured;
- 5) subjects or their legal representatives, after being fully informed on the nature and significance of the clinical trial and possible risks in appropriate language, give a written consent for participation in the clinical trial,. The written consent must be signed and dated;
- 6) illiterate subjects gave verbal consent for participation in the clinical trial in the presence of at least one witness.

Conducting clinical trials related to gene therapy and those causing changes in the genetic structure of the subjects germinal lines, are forbidden.

### *Care for a Subject*

#### Article 62

During a medicinal product trial, a physician or a dentist, depending on the type of a clinical trial, cares for a subject and renders medical decisions concerning the subject,

### *Restrictions on Clinical Trials Conduction*

#### **Article 63**

Clinical trials must not be conducted on:

- 1) healthy individuals under the age of 18;
- 2) healthy pregnant and breast feeding women;
- 3) persons placed in social care institutions;
- 4) persons placed in health care institutions or detention institutions by court decision;

5) persons who can be coerced or otherwise induced into giving their consent for participation in a clinical trial, and giving a free consent for participation in a clinical trial.

If necessary, and under special precautionary measures, clinical trials can be performed, , on persons under the age of 18, and pregnant and breast feeding women , suffering from a disease or condition for which a medicinal product being clinically investigated, is intended to.

Notwithstanding the provisions of Paragraph 1, Item 1) of this Article, clinical trials can be performed on healthy persons under the age of 18, if it is in their interest, and with a written consent of parents or guardians.

### *Protection of Underage Subjects in Clinical Trials*

#### **Article 64**

Clinical trials, in which underage subjects are involved, are conducted under conditions prescribed by this Law and regulations adopted to implement this Law.

Clinical trials on underage subjects can be conducted if:

1) a parent or guardian gives a written consent (written consent must represent the presumed desire of an underage person and can be withdrawn at any time, without harming an underage person);

2) an underage person has received the information concerning course of clinical trials, risks and benefits to subjects' health, in a language he can understand, from a person who has experience working with underage persons

3) A written consent is given without inducement to take part in clinical trials by offering or giving any material or other benefits;

4) Ethics Committee estimates that clinical trials on underage subjects provides a direct benefit to a particular group of patients, as well as, that such a trial is pertinent to the assessment data obtained in clinical trials of persons capable of independently providing a written consent;

5) Ethics Committee made a positive decision on the implementation of clinical trials, based on the opinion of a pediatric specialist, with special emphasis on clinical, ethical and psychosocial problems in clinical trials conduct.

### *Withdrawal of Consent or Waiver of Underage Person from being engaged in Clinical Trials*

#### Article 65

During the conduct of clinical trials, underage persons, who are capable of forming an opinion and evaluating information received about the participation in clinical trials, can at any time withdraw consent, or withdraw from clinical trials, about which they shall inform the principal investigator or a member of the investigator's team.

### *Protection of adults who are not able to give written consent for participation in clinical trials*

#### Article 66

Clinical trials on the adult subjects who are unable to give written consent (unconscious state, limited physical or mental ability, etc.) and the adult subjects who did not refuse to give consent to participate in clinical trials prior to their disability are carried out according to this Law and regulations adopted to implement this Law.

Clinical trials referred to in Paragraph 1 of this Article can also be conducted if:

1) a legal representative of adult subjects, who are unable to give a written consent, gives a written consent (a written consent must be assumed to represent the subjects' desire and can be revoked at any time, without harming subjects);

2) adult subjects, who are unable to give a written consent, received information in accordance with their ability to understand, on the course of clinical trials, and risks and benefits to subjects' health, from a person who has experience in working with such persons.

3) a written consent is given without inducement to take part in clinical trials by offering or giving any material or other benefits;

4) it is estimated that clinical trials performed on that person provides a direct benefit to the group of patients whose disease or condition corresponds to its disease or condition;

5) Ethics Committee made a positive decision on the implementation of clinical trials, based on the opinion of a specialist for a particular disease or condition of the subjects, and/or for population of patients for which clinical trials are intended, with special emphasis on the clinical, ethical and psychosocial problems in the conduct of clinical trials.

## *Withdrawal of consent, or wavier of an adult from being engaged in clinical trials*

### **Article 67**

During the conduct of clinical trials, adults who are incapable of giving a written consent but are capable of forming an opinion and estimating information received about the participation in the clinical trials, can at any time withdraw the consent, or withdraw themselves from the clinical trials, about which they shall inform the principal investigator or a member of the investigator's team.

## *Production of medicinal product being clinically investigated*

### **Article 68**

For the medicinal product under a clinical trial, a medicinal product manufacturer must have a manufacturing license issued by the competent authority based on regulations of the state where the manufacturing site of the investigational medicinal product is located.

Manufacturer referred to in Paragraph 1 of this Article must also have a certificate of the Good Manufacturing Practice (GMP certificate).

## *Conditions to be met by medicinal product under trial*

### **Article 69**

Medicinal product under trial must be manufactured in accordance with the Guidelines to Good Manufacturing Practice, it must have a certificate of analysis and it must be labelled with inscription: "for clinical trials."

Medicinal product specified in Paragraph 1 of this Article shall be labelled in the Serbian language pursuant to this Law and regulations passed for its implementation.

Medicinal product undergoes a clinical trial after pharmaceutical, pharmacological and toxicological tests are performed.

## *The imports of medicinal product under clinical trial*

### **Article 70**

For the medicinal product under trial, the importer of the medicinal product must have a wholesale license.

The Agency issues the approval for the imports of medicinal products under clinical trials in accordance with this Law and regulations passed for its implementation.

## *Sponsor of clinical trials*

## Article 71

Clinical trial sponsor can be a manufacturer, legal or physical entity (hereinafter referred to as a sponsor), who is responsible for the initiation, management, quality and financing of the clinical trial conduct.

Sponsor can transfer a part or all of its obligations in relation to clinical trials conduct to a contract research organization based in the Republic of Serbia, which is responsible for the activities the sponsor has transferred onto them, in the procedures for approval and conduct of clinical trials on the territory of the Republic of Serbia.

Sponsor is responsible for the activities transferred to the contract research organization.

Sponsors who are not based in the Republic of Serbia can have a legal entity as a representative, or an agent based in the Republic of Serbia, who is responsible for the sponsor's activities in the approval and conduct processes of medicinal products clinical trials in the Republic of Serbia.

Sponsor shall submit a application for a medicinal product clinical trial conduct to the Agency and it is a clinical trial marketing authorisation holder.

Sponsor must have a person responsible for documentation in the process of granting approval for medicinal products clinical trials, its variations, and pharmacovigilance, who he has concluded a full-time employment contract for the indefinite period of time with, on which it must inform the Agency.

## *Insurance of persons subjected to a medicinal product clinical trial*

## Article 72

Prior to the commencement of a clinical trial, the sponsor of a clinical trials must insure the persons subjected to the clinical trials in case damages occur as to the health of those persons, where the damage is caused by the clinical trial of medicinal product, pursuant to the Law, as well as to determine by the contract the amount of necessary costs that belong to the persons participating in the clinical trial.

Sponsor of clinical trials of veterinary medicinal products must specify in the contract the amount of compensation to be paid to the animal owners, in case of the damage caused by the clinical trial.

## *Ethics Committee*

## Article 73

Before the commencement of the clinical trials, the Ethics Committee makes a decision on conducting the clinical trials.

Before reaching a decision under Paragraph 1 of this Article, the Ethics Committee shall consider:

- 1) justification for clinical trials, and/or the assessment of anticipated benefits and risks to subjects health;
- 2) protocol;
- 3) expertise of the principal investigator and the investigator's team;
- 4) brochure for an investigator;
- 5) capabilities of the legal entity to conduct clinical trials;
- 6) whether the form, containing information given to subjects to obtain their written consent is adequate and complete;
- 7) whether it is justified to conduct clinical trials on subjects who are unable to give a written consent;
- 8) whether it is justified to conduct clinical trials on healthy women during fertile period, pregnant women, nursing mothers, elderly and severely ill patients, as well as, on particular age groups of patients (e.g. children, the elderly), or whether clinical trials can be conducted on other persons;
- 9) mode of subjects selection;
- 10) evidence that sponsors insured subjects in the event of health damage caused by clinical trials (injury or death of subjects);
- 11) amount of funds that clinical trials sponsors provide for the conduct of clinical trials, for the needs of a principal investigator and investigator's team members;
- 12) other issues relevant for make a positive decision about the conduct of clinical trials.

### *Ethics Committee decision-making*

#### **Article 74**

Ethics Committee considers applications for the conduction of clinical trials, with documentation and renders a decision within 60 days from the day the application is evaluated to be complete.

If the application referred to in Paragraph 1 of this Article is incomplete, the Ethics Committee shall notify a sponsor to complete the application with additional data within 30 days the notice is received.

Deadline to make a decision on clinical trial conduction shall be temporarily suspended from the date when the Ethics Committee applications additional information from a sponsor and be resumed upon the date the sponsor submits the required data.

If a sponsor fails to submit additional data in due course, Ethics Committee rejects the application for conduction of a clinical trial as incomplete

### *Extension of deadline for Ethics Committee decision-making*

#### **Article 75**

Deadline for a decision referred to in Article 74 of this Law can be extended for a maximum of 30 days, or in total of up to 90 days, if clinical trials relate to medicinal products for gene therapy or somatic cell therapy or medicinal products containing genetically modified organisms.

The deadline of 90 days can be extended for another 90 days, if professional consultations of expert groups are needed, in the country or abroad.

### *Informing clinical trial sponsor and the Agency by the Ethics Committee*

#### Article 76

The Ethics Committee is obliged to inform a sponsor of clinical trials and the Agency on decisions they reached, within 15 days.

If Ethics Committee does not make a positive decision on the conduct of clinical trials, the Agency will not issue a approval for clinical trials conduct.

### *Exceptions to deadlines for making decisions on clinical trials*

#### Article 77

In the decision-making process for clinical trials related to xenogenetic cell treatment, deadlines, referred to in Articles 74 and 75 of this Law, do not apply, that is, deadlines for decision-making are not limited.

### *Clinical Trials Conduct Approval*

#### Article 78

Before the start of the conduct of clinical trials for medicinal products that does not have a marketing authorisation or medicinal products for which a usage, not prescribed in the approved summary of product characteristics, is proposed, sponsors of clinical trials must apply for the approval of clinical trials and submit documentation at the Agency, in accordance with this Law and regulations adopted to implement this Law.

Sponsor, along with the application for approval of clinical trials of medicinal products that does not have a marketing authorisation or medicinal products that have a new indication or a new manner of dosage, shall submit documentation containing: a summary of the nature and properties of a medicinal product, summary of conducted studies to define its pharmacological and toxicological properties, clinical experience, proposed trial protocol, a list of all investigators and institutions involved in a trial, as well as a positive decision of Ethics Committee.

Minister responsible for the health care issues and, when it comes to veterinary medicinal products, the Minister in charge of veterinary affairs, shall prescribe the

contents of the application, documentation for approval of clinical trials, and the manner of conduct of clinical trials.

### *Approving interventional post-marketing clinical trials*

#### Article 79

Agency issues a approval for conducting interventional post-marketing clinical trials pursuant to all the laws and regulations enacted to implement this Law.

### *Deadlines for reviewing applications and issuing approvals for the conduct of clinical trials*

#### Article 80

Agency reviews an application for the approval of the conduct of clinical trials and issues the approval; within 60 days from the day the application is evaluated to be complete.

If the application, referred to in Paragraph 1 of this Article, is incomplete, the Agency shall notify the sponsor in writing, that it applications additional data within 30 days from the date the notice is received.

Deadline to make a decision on clinical trial conduction shall be temporarily suspended from the date when the Agency applications additional information from a sponsor and be resumed upon the date the sponsor submits the required data.

If a sponsor fails to submit additional data in due course, the Agency rejects the application for implementation of clinical trials as incomplete.

### *Extension of Deadline for Issuing Approval for Clinical Trials*

#### Article 81

Deadline for issuing approvals, referred to in Article 80 of this Law, can be extended for a maximum of 30 days, or in total of up to 90 days if clinical trials relate to medicinal products for gene therapy or somatic cell therapy or medicinal products containing genetically modified organisms.

Deadline of 90 days can be extended for another 90 days, if professional consultations of expert groups are needed, in the country and abroad.

### *Exceptions to an Application of the Prescribed Deadlines in Issuing an Approval for Conduction of Clinical Trials*

#### Article 82



In the process of issuing licenses for conducting clinical trials related to xenogenetic cells therapy deadlines, referred to in Articles 80 and 81 of this Law do not apply, that is, deadlines for issuing approvals are not limited.

### *Issuing an Approval for Clinical Trials Conduction*

#### Article 83

If the conditions prescribed by this Law and regulations adopted to implement this law are met, the Agency issues an approval for conduction of a clinical trial.

Agency keeps the documentation attached to approval-for-clinical-trials application, in accordance with the Agency's act on classified information.

### *Obligations of Clinical Trials Sponsors*

#### Article 84

Sponsor is required to provide the same documentation, on the basis of which the Agency approved the conduct of clinical trials, as well as the Agency's approval for conducting clinical trials, to the principal investigator of the clinical trials.

### *Revisions of Protocols, or Approvals for Clinical Trials Conduct*

#### Article 85

Sponsor follows technological and scientific development occurring in the profession, the results of pharmacovigilance and other relevant information and, based on them, reports administrative and substantive revisions of the protocol, or licenses for the conduction of clinical trials to the Agency, pursuant to this Law and regulations adopted to implement this Law.

Sponsor reports to the Agency administrative amendments of the protocol, or the approval for the clinical trials conduct, about which the Agency issues verification, on the day the application is submitted.

If during the conduct of clinical trials, there occur the fundamental changes, that could significantly affect the safety, or physical and psychological integrity of the subjects, the scientific validity of clinical trials, the future course conducting clinical trials, as well as the quality and safety of a medicinal product under a clinical trial, sponsor shall submit to the Agency the application for the approval of substantial revisions of the protocol, or the approval for the clinical trials conduct.

Agency reviews the application for approval of substantial revisions of the protocol, or the approval for the clinical trials conduct, and makes a decision on the matter within 30 days from the date the application is submitted.

If the Agency requires any additional data from the sponsor, the deadline referred to in Paragraph 4 of this Article, shall be temporarily suspended from the date when the Agency requires any additional information from the sponsor and be resumed upon the date the sponsor submits the required data.

### *Registration of non-interventional post-marketing clinical trials*

#### Article 86

Clinical trial sponsor is required to report the conduction of a non-interventional post-marketing clinical trial for a medicinal product with a marketing authorisation, when the trial is performed in accordance with the approved summary of product characteristics of the medicinal product.

In the application for the conduction of a non-interventional post-marketing clinical trial, a sponsor states the name of the medicinal product being investigated, the testing procedure, sample size, number of investigators and institutions where the trials are being conducted.

Approval issued by the Agency is not required for clinical trials referred to in Paragraph 1 of this Article.

Agency acknowledges the reception of the application referred to in Paragraph 1 of this Article within 30 days of its reception.

### *Reporting on serious and unexpected adverse reactions and serious adverse events in the conduct of clinical trials*

#### Article 87

If serious and unexpected adverse reactions or serious adverse events during the conduction of a clinical trial occur, a sponsor shall immediately notify the Agency and Ethics Committee of a legal entity in which the clinical trial is being conducted.

Agency can propose to the competent Ministry to suspend or prohibit the conduct of a clinical trial, in the cases referred to in Paragraph 1 of this Article, especially if it was determined that there occurred a violation of the relevant procedures in the clinical trial protocol or Guidelines to Good Clinical Practice.

Competent Ministry suspends or prohibits the conduct of clinical trials, referred to in Paragraphs 1 and 2 of this Article, based on a performed inspection, pursuant to the Law.

### *Clinical Trials Control*

#### Article 88

Agency performs control over the conduction of clinical trials pursuant to this Law and regulations adopted to implement this law, clinical trial protocol, Guidelines to

Good Clinical Practice and Guidelines to Good Clinical Practice for veterinary medicinal products.

Sponsor can require the Agency to perform control of the clinical trials conduct at the sites where clinical trials are conducted.

### *Informing sponsor and principal investigator on conducting control over clinical trials*

#### Article 89

Before the beginning of the control over the clinical trials conduct, the Agency shall notify a sponsor and principal investigator on the control of the clinical trials.

Agency shall report on the performed control over the clinical trials conduct to the sponsor.

### *Eliminating irregularities in conducting clinical trials*

#### Article 90

In the process of performing control over conduct of clinical trials, at localities where it is performed, the Agency can order, in writing, that certain irregularities in the conduct of clinical trials be removed within 60 days.

Agency can propose to the competent Ministry to suspend or prohibit the conduct of clinical trials, if irregularities are not corrected within the period specified in Paragraph 1 of this Article, if it determines that the conduct of clinical trial is not performed in accordance with this Law, regulations passed to implement this Law, clinical trial protocol, Guidelines to Good Clinical Practice and Guidelines to Good Clinical Practice for veterinary medicinal products.

Competent Ministry suspends or prohibits the conduction of clinical trials, referred to in Paragraph 2 of this Article, based on performed inspection, in accordance with the Law.

### *Suspension or prohibition of clinical trials for the sake of subjects' health, or if it is in the interest of science and society as a whole*

#### Article 91

If it is in the interest of the subjects health, or if it is in the interest of science and society as a whole, the competent Ministry can suspend or prohibit the conduct of clinical trials for which licenses for conducting clinical trials in the Republic of Serbia are issued, on the Agency proposal or by proceeding according official duties.

Competent Ministry suspends or prohibits the clinical trials conduct referred to in Paragraph 1 of this Article, based on the performed inspection, in accordance with the Law.

If the Agency, based on performed control, determines that a termination of an initiated clinical trial is not urgent due to protection of the subjects health, or the interests of science and society as a whole, it is obliged to require additional data on the conduction of the clinical trial, from the sponsor or principal investigator.

Sponsor or principal investigator shall, within 8 days from the day the data are required, provide the Agency with all the required information, based on which, the Agency notifies the sponsor, principal investigator and the Ethics Committee on the proposed measures, pursuant to this Law.

### *Reporting on progress of clinical trials*

#### **Article 92**

Sponsor is required to report quarterly to the Agency about the conduct of a clinical trial, and in case of early termination or interruption of the clinical trial, the sponsor is required to notify the Agency and the Ethics Committee within 15 days from the date of termination, and/or early completion of the conduct of the clinical trial.

Sponsor is required to notify the Agency and the Ethics Committee of the completion of the clinical trials conduct within 90 days from the day the clinical trials conduct is completed.

Sponsor prepares a final report on the results of clinical trials that it submits to the Agency, within one year after the completion of clinical trials.

Report referred to in Paragraph 3 of this Article must include both positive and negative results of clinical trials, in detail and properly presented, so that it is possible to assess objectively the relationship between benefits and risks and that of safety and efficacy of a medicinal product.

### *Multi-centre Clinical Trials*

#### **Article 93**

Multi-centre clinical trials are carried out in accordance with the provisions of this Law.

## **5. Pre-clinical Trials by the Guidelines**

### *Good Laboratory Practice*

#### **Article 94**

Pre-clinical trials of medicinal products for use in human and/or veterinary medicine, as well as testing of safety of substances contained in the medicinal products, pesticides, cosmetic products, food additives, feed additives and industrial chemicals

(hereinafter referred to as laboratory testing) are performed in accordance with the Guidelines on the Good Laboratory Practice.

Results of laboratory testing that enable assessment of potential risks to human or animal life and health, or the environment, are used in the procedures of obtaining marketing authorization for medicinal products, as well as in the administrative procedures prescribed for marketing authorization of pesticides, cosmetic or similar products, food additives, feed additives, and chemicals, pursuant to special laws governing the marketing of these products.

Laboratory that has performed laboratory testing, pursuant to the Guidelines on the Good Laboratory Practice, is obliged, along with the results of testing, to submit a certificate of the Good Laboratory Practice issued by the Ministry responsible for the health care issues in accordance with this Law, and/or the appropriate certificate issued by the competent authority of another country which determines the compliance of the laboratory with the Guidelines on the Good Laboratory Practice.

Laboratory testing of bioavailability and bioequivalence in the clinical trials procedure is carried out in accordance with the Guidelines on the Good Laboratory Practice.

Laboratory which performs laboratory testing is obliged to report the scope of laboratory testing to the Ministry responsible for the health care issues.

Ministry responsible for the health care issues shall keep a register of laboratories referred to in Paragraph 4 of this Article.

Manner of registration, contents of the application form and costs of registration into the register referred to in Paragraph 5 of this Article shall be determined by the Minister responsible for the health care issues.

## **6. Manufacturing of Medicinal Product**

### **Article 95**

Manufacturing of medicinal products implies the entire process of medicinal products manufacturing or certain parts of that process, production of active substances, procurement of raw materials, manufacturing process, medicinal products quality control, as well as batch release, storage and distribution of medicinal products.

Manufacturing of medicinal products can be performed only by a legal entity that holds a license for manufacturing medicinal products issued by the competent Ministry pursuant to this Law, regardless of whether a produced medicinal product is intended to be released onto the domestic market or for the exports.

### *Manufacturer of Medicinal Products*

### **Article 96**

Manufacturer of medicinal products is a legal entity that produces a certain medicinal product and the one which can release a certain medicinal product batch on the market.

Manufacturer can have more than one manufacturing site in which case it must have at least one seat for a medicinal product batch release.

At the manufacturing site for which the manufacturer submitted an application for a medicinal product manufacturing license, manufacturer must provide at least a part of the manufacturing process related to the medicinal product packaging and batch release of the medicinal product from the manufacturing site.

Manufacturer who performs a subcontracted production service is not obliged to release a batch of the produced medicinal product on the market.

## *Manufacturing of Active Substances*

### **Article 97**

Manufacturing of active substances implies the entire process of production or certain parts of the process, or the processing of active substances, as well as the process of measuring, packaging and labelling of the substances prior to their use in medicinal products manufacturing, including re-packaging or re-labelling of active substances.

Manufacturer of active substances carries out the production of active substances that constitute a medicinal product, in accordance with the Guidelines on the Good Manufacturing Practices for active substances as well as the Guidelines on the Good Distribution Practice.

Manufacturer of active substances that constitute a medicinal product is obliged to report the industry of active substances manufacturing to the competent Ministry.

Competent Ministry shall keep a register of manufacturers of active substances.

Method and procedure of registration, registration form contents and the costs of the registration into the register referred to in Paragraph 4 of this Article, shall be prescribed by the Minister responsible for the health care issues .

## *Requirements for Obtaining a License for Medicinal Products Manufacturing*

### **Article 98**

Competent Ministry shall issue a license for medicinal products manufacturing to a legal entity that meets the requirements in regard to space, equipment, personnel and other requirements prescribed by this Law and the regulations adopted to implement this Law, based on the verification of the data from the application and the inspection supervision.

Minister in charge of the health care issues shall prescribe the requirements referred to in Paragraph 1 of this Article.

## *Responsible Person and Qualified Pharmacist*

## Article 99

In order to be granted a license for medicinal products manufacturing, a medicinal product manufacturer is obliged to have the following:

- 1) a person responsible for the manufacturing process,
- 2) a qualified pharmacist responsible for a medicinal product batch release (QP);
- 3) adequate space, equipment and personnel for manufacturing, testing and medicinal product quality control.

If a manufacturer has its own control laboratory, it is also obliged to have a qualified pharmacist responsible for quality control, and/or for specific types of medicinal products - a responsible person of appropriate qualifications for quality control (QC).

If a manufacturer does not have its own control laboratory, a qualified pharmacist responsible for a batch release (QP), is also responsible for the affairs of a qualified pharmacist responsible for quality control (QC).

Manufacturer is obliged to conclude a full-time employment contract on the open-end time basis with persons referred to in Paragraph 1 Items 1) and 2), and in Paragraph 2 of this Article.

Manufacturer of the medicinal product is obliged to provide the continuous availability of the persons referred to in Paragraph 1 Items 1) and 2) and Paragraph 2 of this Article, and/or it can appoint other persons authorized to perform the affairs referred to in Paragraph 1, Items 1) and 2) hereof or in Paragraph 2 of this Article.

Manufacturer of medicinal products is obliged to enable the person referred to in Paragraph 1, Item 2) hereof, to perform the activities of a medicinal product batch release independently, as well as to provide all the means necessary for it.

## *Duties of a Qualified Pharmacist responsible for Medicinal Products Batch Release (QP)*

## Article 100

Qualified pharmacist is obliged to:

1) ensure that the manufacturing and control of each medicinal product batch is carried out in accordance with the Law and by-laws adopted for the implementation this Law, as well as pursuant to the requirements for obtaining a marketing authorisation;

2) verify, in the batch release procedure, in the Registry or an equivalent document designated therefore that each produced batch of a medicinal product is manufactured pursuant to this Law and regulations adopted to implement this Law.

Register or an equivalent document referred to in Paragraph 1, Item 2) of this Article shall be regularly updated and made available to competent authorities.

## *License of a Qualified Pharmacist Responsible for Batch Release (QP)*

### **Article 101**

Qualified pharmacist responsible for batch release (QP) is obliged to have a license to perform the affairs of a qualified pharmacist responsible for a batch release of certain types of medicinal products in certain pharmaceutical forms.

License referred to in Paragraph 1 hereof, shall be issued by the Minister responsible for the health care issues or the Minister in charge of veterinary affairs, when the veterinary medicinal products are in question.

Republic administrative fee is paid for the issuance of the license under Paragraph 1 of this Article.

Minister responsible for the health care issues or the Minister in charge of veterinary affairs can dispossess the license referred to in Paragraph 1 of this Article, under the conditions prescribed by this Law and regulations adopted to implement this Law.

Minister responsible for the health care issues and the Minister in charge of veterinary affairs shall by mutual consent prescribe the programme and the manner for obtaining a license, as well as the manner of cancellation of licenses referred to in Paragraph 1 of this Article.

Minister responsible for the health care issues and the Minister in charge of veterinary affairs can also issue a license referred to in Paragraph 1 hereof, based on the recognition of relevant certificates issued by a competent authority or other competent body in the European Union member states, and/or another country that has the same or similar requirements for medicinal products marketing authorisation.

## *Application for Medicinal Products Manufacturing License*

### **Article 102**

Application for the issuance of a medicinal product manufacturing license is submitted to the competent Ministry.

Application in Paragraph 1 of this Article shall at least consist of:

- 1) name and seat of a manufacturer, and a medicinal product manufacturing site;
- 2) place of quality control, as well as batch release site;
- 3) list of medicinal products and pharmaceutical forms which a manufacturing license is requested for;
- 4) description of the procedure or a part of the medicinal products manufacturing procedure which the license is requested for;



5) name of a person responsible for the manufacturing process, name of a qualified pharmacist in charge of batch release and a name of a person responsible for quality control;

6) list of equipment for medicinal products manufacturing and medicinal products quality control with the documentation on the equipment qualification, as well as a ground plan and description of the premises where the operations are carried out;

7) information on handling of waste products and environment protection;

8) other information relevant for obtaining a medicinal product manufacturing license pursuant to this Law and regulations adopted to implement this Law.

### *Issuance of Medicinal Products Manufacturing License*

#### **Article 103**

License for medicinal products manufacturing is issued following the decision of the competent Ministry for a particular manufacturing site and certain pharmaceutical form manufactured at that manufacturing site.

Competent Ministry shall name the site of batch release in the license specified in Paragraph 1 of this Article, if the manufacturer shall release the medicinal product on the market.

Medicinal product manufacturing license form is an integral part of the decision referred to in Paragraph 1, hereof.

Medicinal product manufacturing license can be related to a medicinal product manufacturing procedure, or parts of the procedure.

Medicinal product manufacturing licenses are issued for an unlimited period of time .

Manufacturer which has obtained a medicinal product manufacturing license is obliged to perform the medicinal product manufacturing in accordance with the medicinal product manufacturing license.

Contents of an application form for a medicinal product manufacturing license which is an integral part of a decision in accordance to which the marketing authorisation is issued, shall be prescribed by the Minister responsible for the health care issues, and in case of veterinary medicinal products, the Minister in charge of veterinary affairs.

### *Register of Issued Medicinal Products Manufacturing Licenses*

#### **Article 104**

Competent Ministry shall keep a Register of licenses issued for medicinal product manufacturing.

At a request of a medicinal product manufacturer, or other legal or physical entities with legal interest, there shall be issued a certificate on the data entered in the Register referred to in Paragraph 1, by the competent Ministry.

Minister responsible for the health care issues and, in case of veterinary medicinal products, the Minister in charge of veterinary affairs, shall define which data are to be entered in the Register of licenses issued for medicinal products manufacturing, as well as the manner of their entry.

### *Deadline for Issuance of Medicinal Products Manufacturing Licenses*

#### Article 105

If the requirements prescribed by this Law and regulations adopted to implement this law are met, the competent Ministry shall issue a medicinal product manufacturing license, within 90 days from the day it received the full application referred to in Article 102 of this Law.

Deadline specified in Paragraph 1 hereof, shall be temporarily suspended from the date when the competent Ministry requires the necessary information from an applicant, and be resumed upon the date the required data are submitted.

### *Changes in Medicinal Product Manufacturing License*

#### Article 106

If a manufacturer changes the conditions from a medicinal product manufacturing license, it is obliged to submit the application for changing the medicinal product manufacturing license to the competent Ministry.

Competent Ministry shall issue a decision on amending a manufacturing license, based on verification of application and inspection data, within 30 days or in exceptional cases within 90 days from the date when a complete application is received.

Deadline specified in Paragraph 2 hereof, shall be temporarily suspended from the date when the competent Ministry requires the necessary information from an applicant, and be resumed upon the date the required data are submitted.

### *Reasons for revoking decision according to which medicinal product Manufacturing license was issued*

#### Article 107

Competent Ministry can grant an order discharging the order granting a medicinal product manufacturing license if:

1) a manufacturer does not manufacture in accordance with a medicinal product manufacturing license, or if it changes the conditions under which the medicinal

product manufacturing license is issued, in accordance with this Law and regulations adopted to implement this Law, but does not notifying the competent Ministry of it;

2) a manufacturer no longer meets the requirements prescribed by this Law and regulations adopted to implement this Law for medicinal products manufacturing;

3) in due time does not eliminate work deficiencies and irregularities determined by a competent inspection, pursuant to this Law;

4) a manufacturer submits an application for manufacturing termination.

On making a decision, referred to in Paragraph 1 hereof, a medicinal product manufacturing license shall cease to have effect.

### *Medicinal Products Manufacturing in Compliance with the Good Manufacturing Practice and Good Distribution Practice*

#### **Article 108**

Manufacturer which has been granted a medicinal product manufacturing license by the competent Ministry, is obliged to manufacture medicinal products in accordance with the medicinal products manufacturing license, Good Manufacturing Practice and Good Distribution Practice, as well as to use only those active substances and certain excipients, produced according to the Guidelines on the Good Manufacturing Practices for active substances, in producing a medicinal product.

Minister responsible for the health care issues or the Minister in charge of veterinary affairs, shall publish a list of excipients, referred to in Paragraph 1 hereof, that must be made in accordance with the Guidelines on the Good Manufacturing Practices for active substances.

### *Prohibition of Medicinal Products Manufacturing*

#### **Article 109**

There is prohibited a production of:

1) medicinal products that do not have a marketing authorisation or that are not entered in the Register kept by the Agency, unless this Law states otherwise;

2) medicinal products manufactured by a legal entity, or any other person who is not licensed for production;

3) medicinal products that are not manufactured pursuant to a medicinal product manufacturing license;

4) medicinal products that do not have appropriate documentation on quality;

5) counterfeit medicinal products;

6) veterinary medicinal products manufactured from substances that can not be used in manufacturing of these medicinal products.

## *Reporting to Competent Ministry*

### **Article 110**

Medicinal product manufacturer is obliged to inform the competent Ministry on any change concerning of place of production, place of quality control and batch release, qualified pharmacist responsible for batch release, person responsible for quality control, as well as significant modifications concerning space and equipment, without delay.

Medicinal product manufacturer is obliged to inform the competent Ministry on any accident or error in medicinal product manufacturing, as well as on other situations that can cause one to question medicinal product quality, safety and efficiency.

In cases referred to in Paragraph 1 and 2 hereof, the competent Ministry can suspend and prohibit medicinal product manufacturing or medicinal product marketing or order withdrawal of a medicinal product from the market, in accordance with this Law.

Medicinal product manufacturer is obliged to file in the report on medicinal products manufacturing, medicinal product supplies, as well as the volume of production for all individual medicinal products (per packages), on the competent Ministry's application, in the Republic of Serbia.

Report, referred to in Paragraph 4 hereof, represents classified information, and the processed data on total medicinal product sale are available to the public.

Medicinal product manufacturer or a licensee is obliged to file in a list of medicinal products from its program which will supply the market in the following calendar year, and for which he has been granted marketing authorisations, to the competent Ministry, not later than 1<sup>st</sup> October of the current year.

Medicinal product manufacturer or licensee is obliged to continuously supply the market with the medicinal products, referred to in Paragraph 6, hereof.

Medicinal product manufacturer is obliged to request the competent Ministry's consent for the supervisor for foreign medicinal products to perform the inspection of a manufacturing site which the competent Ministry has granted the manufacturing license for.

## *Manufacturer's or Holder's Responsibility*

### **Article 111**

Medicinal product manufacturer that produces medicinal products is responsible for a medicinal product manufacturing process, and if the manufacturer releases a medicinal product batch onto the market, it is also responsible for medicinal product quality, safety and security.

Holder is responsible for medicinal product quality, safety and efficiency.

## Determination and control of Medicinal Products Manufacturing or active substances compatibility, as well as of laboratory testing with the Guidelines on the Good Manufacturing Practice or Good Laboratory Practice

### Article 112

Competent Ministry organizes and carries out the definition and control of medicinal products manufacturing or active substances compatibility with the Guidelines on the Good Manufacturing Practice.

Ministry responsible for the health care issues organizes and carries out the determination and control of laboratory tests compatibility with the Guidelines on the Good Manufacturing Practice.

Competent supervisor determines and controls medicinal products manufacturing or active substances compatibility with the Guidelines on the Good Manufacturing Practice, and/or compatibility of laboratory testing with the Guidelines on the Good Laboratory Practice referred to in Paragraphs 1 and 2, hereof, in the process of inspection.

In order to assess medicinal product manufacturing compatibility, active substances or laboratory tests with the Guidelines on the Good Manufacturing Practice, and/or Good Laboratory Practice (in further text: compatibility determination procedure), the Ministry responsible for the health care issues shall determine specialists that can participate in the compatibility determination procedure by adopting a list of experts for the compatibility determination procedure.

Specialists from the list of experts for the compatibility determination procedure can participate in the compatibility determination procedure strictly in the presence of the competent supervisor.

### *Compatibility Determination Procedure*

### Article 113

Compatibility determination procedure is performed at medicinal product manufacturers, and/or the laboratory's application, for the Good Manufacturing Practice, and/or Good Laboratory Practice certificate issuance.

Compatibility determination procedure is performed through inspection.

In the process of inspection, the supervisor is obliged to make a report on medicinal product manufacturing, or laboratory medicinal product testing, or testing of any other product referred to in Paragraph 1 of Article 94 of this Law, compatibility with the Guidelines on the Good Manufacturing Practice or Good Laboratory Practice.

Report referred to in Paragraph 3 of this Article is submitted to a medicinal product manufacturer, and/or the laboratory, within 30 days from the day the inspection is performed.

Medicinal product manufacturer, and/or the laboratory, can file complaints, or suggestions, concerning the report referred to in Paragraph 3 of this Article, to eliminate irregularities fixed in the conducted inspection, within 15 days from the day the report is filed.

Upon the assessment of the proposal, or the complaint, referred to in Paragraph 5 of this Article, a supervisor composes a final report containing the conclusion on the medicinal product manufacturing or laboratory tests compatibility with the Guidelines on the Good Manufacturing Practice, and/or Good Laboratory Practice.

Competent Ministry issues a certificate on the Guidelines to the Good Manufacturing Practice application based on the final report, referred to in Paragraph 6 of this Article, and/or the Ministry responsible for the health care affairs shall issue a certificate on the Guidelines to the Good Laboratory Practice application, pursuant to this Law.

Issuance of the certificate, referred to in Paragraph 7, hereof, shall confirm the medicinal products manufacturing, or laboratory testing compatibility with the Guidelines on the Good Manufacturing Practice, and/or the Guidelines on the Good Laboratory Practice.

### *Issuance of Certificate on the Good Manufacturing Practice in Compatibility Determination Procedure*

#### **Article 114**

Applicant shall submit the certificate on manufacturing a certain pharmaceutical form, and/or a certain medicinal product, compatibility with the Guidelines on the Good Manufacturing Practice, along with a marketing authorisation issuance application, and/or an application for issuing a certificate on pharmaceutical product.

Competent Ministry shall grant the certificate on the Good Manufacturing Practice by issue a decision to a medicinal product manufacturer who produces a medicinal product, and/or who has adjusted its production to the Guidelines on the Good Manufacturing Practice.

Good Manufacturing Practice certificate is issued based on the manufacturer's application and a conducted compatibility determination procedure, in accordance with this Law.

Certificate referred to in Paragraph 2, hereof, is issued for each manufacturing site, and/or place of quality control and for placing a certain pharmaceutical medicinal product form onto the market, within 90 days from the day the manufacturer filed the application.

Certificate referred to in Paragraph 2, hereof, is issued for the period of three years and it ceases to be valid in case the manufacturing process, and/or quality control and a certain pharmaceutical medicinal product form, listed in the certificate, release changes.

Minister responsible for the health care issues and the Minister in charge of veterinary affairs shall prescribe the contents of the certificate form on changes in the

Guidelines to the Good Manufacturing Practice for medicinal products used in humane medicine and for medicinal products used in veterinary medicine, respectively.

Competent Ministry shall keep a record of the issued certificates on the implementation of the Guidelines on Good Manufacturing Practice in the Register, referred to in Article 104, of this Law.

### *Issuance of Certificate on Implementation of the Good Laboratory Practice Guidelines*

#### Article 115

Laboratory that has performed laboratory tests pursuant to the Guidelines to the Good Laboratory Practice is obliged to file in the Guidelines to the Good Laboratory Practice a certificate, along with the results of the testing, to an applicant, as well as to the competent Ministries and organizations with public authorization in the field of chemical management, due to the implementation of a medicinal product marketing authorisation issuance procedure and administrative procedures of placing on the market the other products, referred to in Paragraph 1 of Article 94, on the market, in accordance with special laws that govern marketing of these products.

Ministry responsible for the health care issues shall grant orders on issuing the Guidelines on the Good Laboratory Practice application certificate to a laboratory that conducts laboratory testing, and/or that adjusts laboratory testing to the Guidelines on the Good Laboratory Practice within 90 days from the day the application is submitted.

Certificate referred to in Paragraph 2, hereof, is issued for the period of two years, based on the laboratory's application and the performed inspection, pursuant to this Law.

Ministry responsible for the health care issues shall prescribe the contents of the Good Laboratory Practice certificate form.

Ministry responsible for the health care issues keeps the Register of issued certificates on the Guidelines to the Good Laboratory Practice application.

Competent Ministry shall issue a verification of the data listed in the Register, referred to in Paragraph 5, hereof, at the applications of manufacturers, laboratories or other legal and physical entities with an indisputable legal interest.

Minister responsible for the health care issues shall prescribe which information is to be entered in the Register of the issued Guidelines on the Good Laboratory Practice application certificates, as well as the manner of keeping the Register.

### *Control of Compatibility with the Guidelines on the Good Manufacturing Practice or Good Laboratory Practice*

#### Article 116

After the issuance of the Guidelines on the Good Manufacturing Practice, or Good Laboratory Practice application certificate, due to the compatibility check, a control of the compatibility with the Guidelines on the Good Manufacturing Practice or Good Laboratory Practice can be a regular or an emergency control.

Inspection of the competent Ministry shall implement a regular and an emergency compatibility control.

Regular compatibility control is performed based on the yearly schedule of compatibility check-ups, composed by the competent Ministry until the end of the current year for the following calendar year.

Regular compatibility control is performed every two years starting from the date the Good Manufacturing Practice certificate, or the Good Laboratory Practice certificate, is issued.

Emergency compatibility control is performed on the application of the competent body, organization or other interested person, as well as in a case of a reported doubt concerning medicinal product quality and safety, reported accident or error in medicinal product manufacturing, and/or other situations that can have affected medicinal product quality or safety, or other products referred to in Paragraph 1, Article 94 of this Law.

If the competent inspection determines medicinal product or active substances production or laboratory testing incompatibility with the Guidelines on the Good Manufacturing Practice, and/or Good Laboratory Practice, in the process of a regular or an emergency control, it is obliged to prescribe measures for overcoming discrepancy (hereinafter referred to as corrective measures).

Competent supervisor shall assess a production or laboratory testing compatibility with the Guidelines on the Good Manufacturing Practice, and/or Good Laboratory Practice, and makes a final report containing the conclusion on medicinal product or active substances production, or laboratory testing with the Guidelines on the Good Manufacturing Practice, and/or Good Laboratory Practice, in the process of repeated control, performed due to establishing whether the prescribed measures for overcoming discrepancy are implemented.

### *Cancellation of Certificate on Implementation of the Good Manufacturing Practice Guidelines*

#### **Article 117**

Based on the regular or emergency control report, the competent Ministry can grant an order discharging the order to issue the Guideline on the Good Manufacturing Practice application certificate to the manufacturer who carries out the production in a manner that is not compatible with the Guidelines on the Good Manufacturing Practice, after having been granted the certificate.

Competent Ministry shall keep a record of issued orders on cancellation of decisions to issue the Guidelines on the Good Manufacturing Practice application certificate.



## ***Cancellation of Certificate on Implementation of the Good Laboratory Practice Guidelines***

### **Article 118**

If a laboratory ceases to perform testing, and/or if it did not adjust a laboratory testing to the Guidelines on the Good Laboratory Practice, it is obliged to inform the Ministry responsible for the health care issues in writing.

Based on the notification referred to in paragraph 1, hereof, and/or based on the inspection, the Ministry responsible for the health issues shall make a decision on cancellation of the decision to issue the Guidelines on the Good Laboratory Practice application certificate.

Competent Ministry shall keep record of issued decisions on cancellation of decisions to issue the Guidelines to the Good Laboratory Practice application certificate.

## **7. Marketing of Medicinal Products**

### ***Marketing of Medicinal Products***

#### **Article 119**

Marketing of medicinal products, in terms of this Law, can be conducted as a wholesale or retail, under conditions prescribed by this Law and regulations passed to implement this Law.

Marketing of medicinal products that is in opposition to Paragraph 1, hereof, is prohibited.

### ***Medicinal Products Wholesale***

#### **Article 120**

Medicinal products wholesale, in terms of this Law, shall mean purchase, storage, distribution, the imports and/or the exports of medicinal products.

Legal entity that has been granted a medicinal product wholesale license by the competent Ministry can perform medicinal products wholesale if it meets the requirements prescribed by this Law and regulations passed to implement this Law.

Legal entity referred to in Paragraph 2, hereof, can perform medicinal products wholesale only of the medicinal products that the Agency has issued a marketing authorisation for, unless otherwise stipulated by this Law.

Medicinal products manufacturer can distribute medicinal products listed in its production programme to legal entities that perform medicinal products wholesale to

pharmacies, health care and veterinary institutions and private practices, without a medicinal product wholesale license, in accordance with this Law.

Legal entity that performs only the activities of the imports and the exports of medicinal products can perform that activities provided it conducts the imports and customs clearance activities on behalf of and for the account of a medicinal product wholesale license holder to the site of the goods free marketing, in accordance with the customs regulations.

Legal entity, referred to in Paragraph 5, hereof, is not obliged to possess a medicinal product wholesale license issued by the competent Ministry and it is not considered to be a holder of medicinal products wholesale license, in terms of this Law.

Site where the goods are released on the free market, referred to in Paragraph 5, hereof, shall mean a place of storage of medicinal products for which a medicinal product wholesale license is issued by the competent Ministry in accordance with this Law, and/or the customs warehouse where the medicinal products are kept (stored), and which performs its activities in accordance with the customs regulations.

Wholesale of medicinal products for a humanitarian aid is also considered to be a medicinal products wholesale.

## *Requirements for Medicinal Products Wholesale License Issuance*

### Article 121

Competent Ministry shall issue a medicinal products wholesale license to a legal entity that meets the requirements concerning space, equipment, personnel, as well as other requirements prescribed by this Law and regulations passed to implement this Law.

Legal entity referred to in Paragraph 1, hereof, is obliged to have:

1) pharmacist responsible for medicinal product reception, medicinal product storage, medicinal product keeping and delivery, and a pharmacist or a doctor of veterinary medicine in case of veterinary medicinal products;

2) suitable facilities, equipment and personnel, as well as other conditions for medicinal product wholesale.

Holder of a medicinal product wholesale license is obliged to conclude a full-time employment contract for indefinite period with the persons from Paragraph 2, Item 1), hereof.

Holder of a medicinal product wholesale license is obliged to ensure constant availability of the persons referred to in Paragraph 2, Item 1), hereof, and/or can appoint other persons with a suitable qualifications and who are in possession of licenses to perform the affairs of the persons referred to in Paragraph 2, Item 1), hereof.

Minister responsible for the health care issues shall prescribe the requirements referred to in Paragraph 1, hereof.

The Customs warehouse where medicinal products are placed (stored), and which performs activities in accordance with the customs regulations, must also meet the requirements referred to in Paragraph 1, hereof.

Competent Ministry shall issue a license confirming that the requirements, referred to in Paragraph 6, hereof, are met.

### *Medicinal Products Wholesale Issuance Application*

#### **Article 122**

Medicinal products wholesale issuance application is submitted to the competent Ministry.

Application from Paragraph 1, hereof, contains at least:

- 1) legal person's name and seat and the medicinal product storage location;
- 2) list of type and group of medicinal products for which the medicinal product wholesale license is applied;
- 3) name of a responsible pharmacist or a doctor of veterinary medicine, under whose control the reception and storage is performed;
- 4) statement on medicinal products supply territory;
- 5) plan for an urgent withdrawal of medicinal products from the market;
- 6) proof that a field vehicle for medicinal product transport is at disposal;
- 7) other information significant for medicinal product wholesale license issuance, pursuant to this Law.

### *Medicinal Products Wholesale License Issuance*

#### **Article 123**

Competent Ministry grants an order to issue a medicinal product wholesale license for a certain type or group of medicinal products, as well as for a certain territory that a legal person, performing the medicinal product wholesale, would supply.

Medicinal product wholesale license can be issued for all wholesale activities referred to in Paragraph 1, Article 120, of this Law, or for some of those activities.

Medicinal product wholesale license is issued for an indefinite period.

Holder of a medicinal product wholesale license that has been granted a medicinal product wholesale license is obliged to perform the medicinal product sale in accordance with the license.

### *Register of Issued Medicinal Products Wholesale Licenses*

#### **Article 124**

Competent Ministry shall keep the Registry of issued medicinal product wholesale licenses.

Competent Ministry shall issue a certificate with the information listed in the Register referred to in Paragraph 1, hereof, at the application of a legal person that has been granted a medicinal product wholesale license, or other legal or physical entities with an indisputable legal interest.

Minister responsible for the health care issues and the Minister in charge of veterinary affairs – when it comes to veterinary medicinal products – shall prescribe which information is to enter the Register of issued medicinal product wholesale licenses, as well as the manner of registration.

### *Medicinal Products Wholesale License Issuance Deadline*

#### **Article 125**

Competent Ministry shall issue a wholesale marketing authorisation within 90 days starting from the complete application reception date if the required conditions prescribed by this Law and regulations pass to implement this Law are met.

Deadline from Paragraph 1, hereof, can be temporarily suspended starting from the day the Ministry demands necessary information from the applicant, and can be resumed upon the information submission day.

### *Medicinal Products Wholesale License Variation*

#### **Article 126**

In case of changing the license conditions, the holder of a medicinal product wholesale license is obliged to submit an application to the competent Ministry for a wholesale license change.

Competent Ministry shall reach a decision within 30 days, or 90 days in exceptional cases, concerning the wholesale license changes based on the thorough information check and inspection.

Deadline mentioned in Paragraph 2 of this Article can be paused starting from the day the Ministry demands necessary information from the applicant, and can be resumed upon the information submission day.

### *Cancellation of Decision on Medicinal Products Wholesale License Issuance*

#### **Article 127**

In case a wholesale license holder does not follow the conditions prescribed by the wholesale license issued pursuant to this Law and regulations passed to implement

the law; that is, in case the holder changes the wholesale license conditions, the competent Ministry can grant an order to cancel the wholesale license issue order.

Upon reaching the decision from Paragraph 1 of this Article, the Wholesale marketing authorisation is no longer valid.

### *Reasons for Cancellation of Decision on medicinal Products Wholesale License Issuance*

#### **Article 128**

Competent Ministry can grant an order to cancel a wholesale marketing authorisation if one of the following reasons is apparent:

- 1) wholesale license holder fails to satisfy the conditions prescribed for marketing products based on which the holder has been issued the license;
- 2) holder fails to eliminate flaws and inadequacies recognized by the inspection in accordance with this Law;
- 3) holder does not fulfill its obligation to continuously supply the market with medicinal products for which it has been given the marketing authorisation, in accordance with this Law;
- 4) legal person, performing medicinal product wholesale applies for the cancelation of medicinal product wholesale.

If the private customs warehouse fails to satisfy the medicinal product storage conditions authorized by the competent Ministry, pursuant to the Article 121, Paragraph 6 and 7 of the Law, the competent Ministry is required to inform the Customs authority which has granted the order to open the customs warehouse.

### *Medicinal Products Wholesale Marketing in Accordance with the Guidelines on the Good Distribution Practice*

#### **Article 129**

Medicinal products wholesale license holder who has been given the approval from the Ministry for medicinal product wholesale marketing is obliged to perform the wholesale in accordance with the Guidelines on the Good Distribution Practice.

### *Starting Substances Wholesale*

#### **Article 130**

Legal person performing wholesale can market starting substances for production, and/or for galenic and magistral medicinal product manufacturing, in the manufacturer's original packaging exclusively.

A separate law regulates marketing of substances that fall under opiates, psychotropic substances and precursors.

### *The Imports and The Exports of Medicinal Products*

#### **Article 131**

Holder of medicinal products wholesale license can perform the imports and the exports of medicinal products according to the Law.

Medicinal products manufacturer can perform the imports or the exports of medicinal products from its production programme, raw materials and substances for production, interim products, semi-finished products, in accordance with the manufacturing license, medicinal products marketing authorisation, that is to say, subcontracted production services.

### *Obligation of Continuous Market Supplying*

#### **Article 132**

Legal person marketing medicinal products is obliged to continually supply the market with medicinal products, pursuant to the wholesale license.

Legal person mentioned in the Paragraph 1 of this Article is obliged to distribute medicinal products to health care organizations, private practices and veterinary organizations within a tight deadline so as not to harm the life and health of people or animals.

In order to continually supply the market with medicinal products, a legal person is obliged to acquire adequate medicinal product supplies which the legal person has been granted the permit for by the competent Ministry; that is to start supplying the market, the imports and certifying the Agency analysis in due course, so as not to interrupt the medicinal product supply prescribed by the license issued by the Ministry.

Marketing authorization holder is obliged to sign a wholesale contract with all the legal persons performing wholesale, as well as to deliver a list of those legal persons at a request of the competent Ministry.

### *Medicinal Product Quality Certificate*

#### **Article 133**

Legal entity performing wholesale must keep the copies of certificates of analysis for each medicinal product batch for which it has been granted a wholesale license by the competent Ministry, as well as to indicate the information on the accompanying documentation of the medicinal product that the batch of the imported medicinal product holds the certificate of analysis issued by the Agency, as well as the analysis certificate number.

## *Prohibition of Sale*

### Article 134

Sale of medicinal product shall be prohibited:

- 1) if a medicinal product has no medicinal product permit, and/or if it is not registered in the Agency's registry in accordance with this Law, and/or of a galenic medicinal product which is on the market contrary to the Law, unless specified otherwise by this Law;
- 2) for a medicinal product produced by an unlicensed legal person, and/or a medicinal product produced by a legal person with no license for the production of galenic medicinal products;
- 3) for medicinal products that are not labeled in accordance with the Law, unless specified otherwise by this Law;
- 4) for medicinal products with improper quality control documentation;
- 5) for medicinal products past their expiration date listed on the packaging or failure to meet the medicinal product quality demands;
- 6) for counterfeit medicinal products;
- 7) via the Internet;
- 8) for veterinary medicinal products produced using unauthorized medicinal product substances;
- 9) via post, sending medicinal product samples excluded, in accordance with this Law.

Medicinal product retail or rent, outside pharmacies, private practices or other health care institutions, is strictly prohibited, unless otherwise stipulated by the health protection and health insurance laws.

Notwithstanding Paragraph 2 of this Article, a doctor of veterinary medicine can sell or administer veterinary medicinal products necessary in the treatment of animals and which has been acquired via pharmacies, pursuant to the law.

Minister in charge of veterinary affairs shall compose a list of substances not to be used in production of medicinal products used for treating food-producing animals, and/or prescribe the conditions necessary for using veterinary medicinal products and substances referred to in Paragraph 1, item 8 of this Article.

Ministry in charge of veterinary affairs shall determine the substance from Paragraph 1, Item 8, hereof, that cannot be used in veterinary medicinal product manufacturing.

## *Withdrawal of Medicinal Products*

### **Article 135**

Competent Ministry must prohibit and order withdrawal of medicinal products if:

- 1) a specific medicinal product is harmful when applied in normal conditions, as suggested by the Agency;
- 2) no therapeutic efficiency is noted in a medicinal product, as suggested by the Agency;
- 3) if the benefits and risks ratio is inconvenient at the approved conditions for medicinal product usage; as suggested by the Agency;
- 4) if a medicinal products qualitative and quantitative composition does not relate to the prescribed one; as suggested by the Agency;
- 5) if a prescribed medicinal product quality control and production control steps are not properly conducted, or if some other law or regulations concerning the license issue are not fulfilled, as suggested by the Agency;
- 6) if medicinal products have been produced by a legal person who is not in the possession of a permit for medicinal product manufacturing or galenic medicinal product manufacturing, issued by the Ministry;
- 7) if the marketed medicinal product is not licensed by the Agency, that is, if the medicinal product has not been entered into the Registry kept by the Agency, unless otherwise stipulated by the Law;
- 8) if no adequate medicinal product quality documentation is found;
- 9) if the marketed medicinal product is an counterfeit one; as suggested by the Agency;
- 10) if the expiration date is past due;
- 11) in other cases in accordance with this Law.

Competent Ministry shall withdraw only certain medicinal product series that do not meet some of the requirements referred to in Paragraph 1 of this Article, or it shall completely withdraw a medicinal product from the market.

Legal person, performing medicinal product wholesale, must withdraw the marketed medicinal product, and/or abolish the marketing of the medicinal product prohibited and withdrawn by the competent Ministry.

## *RECORDS Keeping*

### **Article 136**

Holder of a wholesale license is in obligation to keep a Record of medicinal product type and sold medicinal product quantity in the Republic of Serbia, as well as of the imported and exported medicinal products per package whose trade is in accordance with the Law.

The Record from Paragraph 1 of this Article consists of:



- 1) medicinal product name, classification and identification code (ATC, ATCvet and EAN-code), medicinal product shape, dosage and packaging;
- 2) international non-proprietary medicinal product name; generic name or active substance chemical formula
- 3) manufacture's name and address;
- 4) Licensee's name and address;
- 5) medicinal product quantity;
- 6) License issue number; license the imports number for the treatment of specified patients or group of patients, or for medicinal and scientific research;
- 7) the imported, exported and sold medicinal product batch number;
- 8) legal person's name who the medicinal product is imported from;
- 9) other information in accordance with the Law, at the application of the competent Ministry and the Agency;

### *Collecting and Processing Data on Medicinal Products Marketing and Consumption*

#### **Article 137**

Agency gathers and processes medicinal product marketing and consumption data within one calendar year.

Wholesale license holder is obliged to submit an annual medicinal product marketing and consumption report to the Agency based on the Article 136 hereof, not later than 15<sup>th</sup>, February of the current year.

Report from Paragraph 2 of this Article is considered classified information, and the processed data are available to the public.

### *Plan for Urgent Withdrawal of Medicinal Products*

#### **Article 138**

Wholesale license holder must have an urgent medicinal product withdrawal plan that will help conduct an efficient medicinal product withdrawal based on the competent Ministry's, manufacturer's or licensee's application.

### *Notification to the Competent Ministry*

#### **Article 139**

Wholesale marketing authorisation holder is obliged to promptly inform the Ministry of:

- 1) any significant changes concerning staff, space and equipment;

- 2) any kind of incident or accident which might affect medicinal product quality or safe handling;
- 3) any kind of problem concerning the continuous marketing of medicinal products referred to in Article 132 of this Law.

In cases referred to in Paragraph 1 of this Article, the competent Ministry can abolish or prohibit medicinal product marketing or withdraw the medicinal product from the market, that is, cancel the decision for wholesale license issue, pursuant to this Law.

## *Marketing Prohibition*

### Article 140

Medicinal product manufacturer is forbidden to sell medicinal products from their production program to other legal persons, except to those in possession of a manufacturing license, wholesale marketing license, pharmacies, and other health care organizations, private practices and veterinary organizations.

Wholesale license holder is forbidden to sell medicinal products to other legal persons, except to those in the possession of a manufacturing license, wholesale marketing license, pharmacies, and other health care organizations, private practices, and veterinary organizations.

Pharmacies, or private practices, are forbidden to offer any other kind of medicinal product marketing except retail services for the needs of patients, other health care organizations, private practice, veterinary organizations that it supplies with medicinal products in accordance with the Law.

In case of the pharmacy referred to in Article 24, Paragraph 4, distributes medicinal products to other health care organizations, private practice, and veterinary organizations, based on a contract pursuant to the Law, for patients' needs, or health care organization beneficiary, private practice, and veterinary organization, such supplying is considered retail marketing in terms of this Law.

## *The Imports of Medicinal Product with no Marketing Authorisation*

### Article 141

Agency can authorize the imports of certain unauthorised medicinal product for a treatment of people or animals, which is prescribed within pharmacies, health care or veterinary organizations; and for which the Agency estimates, considering the number of patients, used medicinal product quantity and other specific conditions, that there is no justified reason for the medicinal product to be licensed under conditions prescribed by this Law.

Agency can also authorize the imports of an unlicensed medicinal product intended for medicinal or scientific testing.

Wholesale license holder who distributes medicinal products to pharmacies, health care and veterinary organizations must submit a application for medicinal product the imports referred to in Paragraph 1 and 2 of this Article.

Amount of the imported medicinal product from Paragraph 1 of this Article must not exceed the annual veterinary or health care organization need that is decided on by the Agency when authorizing unlicensed medicinal product the imports.

Amount of the imported medicinal product from Paragraph 2 of this Article must be constituent with the medicinal or scientific research.

Agency is obliged to submit the information about the type and quantity of the imported medicinal products to the competent Ministry by March, 1st of the current year, which have been approved for the imports by the Agency, and to the wholesale license holders who have the imported medicinal products referred to in Paragraph 1 and 2 hereof, during the previous year.

Competent Ministry is in charge of conducting medicinal product usage control of the medicinal products referred to in Paragraph 1 and 2, hereof.

Notwithstanding Paragraphs 1-7, hereof, the Agency can authorize unlicensed medicinal product and medical devices the imports, and/or medical devices that are not registered in the Register of Medical Devices, for the development and needs of the Serbian Military Forces, in accordance with a list created by the Minister responsible for the defense affairs.

Ministry responsible for the health care issues and the Ministry responsible for veterinary affairs, shall prescribe documentation necessary for the imports of an unlicensed medicinal product as well as the manner of the imports of the unlicensed medicinal products.

Ministry responsible for defense issues is in charge of the control of medicinal products referred to in Paragraph 8 of this Article.

### *The Imports of the Samples of the Unauthorised Medicinal Products*

#### **Article 142**

Medicinal product manufacturer or applicant can import medicinal product samples, substances and other materials necessary in the marketing authorization procedure, based on the opinion of the Agency.

### *Medicinal products for personal usage on entering and leaving the country*

#### **Article 143**

Persons entering or leaving the Republic of Serbia can carry a certain amount of medicinal products, not exceeding a six-month need within one calendar year,

necessary for their personal usage or the usage for the animal traveling with them, depending on the type and length of an illness they or animals are suffering from.

Upon entrance into or exit from the Republic of Serbia, the person from Paragraph 1 of this Article must show a competent Ministry approval for bringing in or carrying out medicinal products for personal use to the Customs Authority.

Competent Ministry, based on the patient-personal doctor, issues the approval referred to in Paragraph 2 of this Article.

Provisions listed in Paragraphs 1-3 of this Article do not apply if a person is bringing in or carrying out the amount of drugs for personal use not exceeding a 15-day need.

In case a person entering or leaving the country carries medicinal products containing opiates, psychotropic substances, the provisions governing Opiates and psychotropic substances Law are enforced.

Provisions listed in Paragraphs 1-5 apply if a person brings in or carries out medicinal products necessary for treatment of minor family members.

## *Medicinal Products Disposal*

### **Article 144**

Medicinal products, starting substances, as well as other material used in medicinal product manufacturing and wholesale process, galenic and magistral medicinal product manufacturing, expired medicinal products and medicinal products with unsatisfactory quality standards, prohibited medicinal products, withdrawn medicinal products must be disposed of in accordance with the Law.

Provisions of this Law and regulations passed to implement this Law are applied to the procedure of medical devices disposal not defined by the Law governing waste disposal.

Ministry in charge of the health care issues shall prescribe the way, procedure and conditions for disposal of medicinal products, medical devices, starting substances and other materials used in the manufacturing process and wholesale of medicinal products and medical devices, and/or medical devices retail in specialized shops, as well as galenic and magistral medicinal product production referred to in Paragraphs 1 and 2 of this Article.

Legal or physical entity who conducts manufacturing and wholesale of medicinal products and medical devices or medical devices retail, as well as galenic and magistral medicinal product production, is obliged to organize medicinal product disposal and medical device disposal pursuant to Paragraphs 1-3 of this Article.

## *Medicinal Products Retail*

#### Article 145

Medicinal products retail, as a health protection component, is conducted within a pharmacy founded as a health care institution, and within a pharmacy founded as a private practice.

Veterinary medicinal products retail is conducted within veterinary pharmacies in accordance with the Law.

Separate law prescribes the conditions necessary for the pharmaceutical trade referred to in Paragraphs 1 and 2 of this Article.

### *Responsibilities of Retail Pharmacist and Doctor of Veterinary Medicine*

#### Article 146

Responsible pharmacist is responsible for medicinal products retailing, medicinal products manufacturing and handling within pharmacies from Article 145, Paragraph 1 of this Law.

Responsible pharmacist or a doctor of veterinary medicine is responsible for medicinal products retailing, medicinal product manufacturing and handling within pharmacies from Article 145, Paragraph 2 of this Law.

Pharmacy referred to in Article 145, Paragraphs 1 and 2, hereof, or a private practice, is obliged to note the first and last name of a responsible pharmacist or a doctor of veterinary medicine referred to in Paragraphs 1 and 2, of this Article, and to submit the information to the competent Ministry.

## **8. Medicinal Products Quality Control**

### *Medicinal Products Quality Standards*

#### Article 147

Agency shall perform the medicinal products quality control, and/or it shall determine whether a medicinal product meets the defined medicinal product quality standards, based on the medicinal products laboratory quality control, and/or medicinal product quality documentation assessment in accordance with the Law and regulations enacted for the Law enforcement.

Quality control referred to in Paragraph 1 for the purposes of issuing the certificates of analysis, is performed through:

- 1) laboratory testing;
- 2) evaluation of certificate of analysis of medicinal product quality issued by a manufacturer or a professional body responsible for medicinal products quality control in the European Union member states, or some other countries with the same or similar requirements for the marketing authorisation.

Medicinal product quality control referred to in Paragraph 2, Item 2 of this Article, in terms of this Law, is considered to be a documentation quality control procedure in the process of certificate of analysis issuing, and it is a process of accepting technical requirements for products as well as conformity evaluation, pursuant to the Law.

Medicinal product quality control referred to in Paragraph 1 of this Article is conducted in accordance with the European or National pharmacopoeia, or other recognised pharmacopoeias, or verified methods of analysis, and/or magistral formulaes.

National pharmacopoeia and magistral formulaes from Paragraph 4 of this Article shall be established by the Minister in charge of health care issues, on the proposal of the Agency.

Acts of the minister referred to in Paragraph 5 of this Article are published in the *"Official Gazette of the Republic of Serbia"*.

Medicinal product quality control procedure referred to in Paragraph 2 of this Article is established by the Minister in charge of the health care issues.

## *Medicinal Product Quality Standard Deviations*

### Article 148

If a medicinal product does not comply with the medicinal product quality standard established upon the medicinal product quality control, the Agency shall issue a certificate of analysis which confirms that the medicinal product deviates from the medicinal product quality standard, and informs the competent Ministry, and/or it provides the Ministry with a proposal to suspend or ban the marketing, or withdraw the medicinal product batch from the market.

## *Types of Medicinal Products Quality Control*

### Article 149

Agency shall perform the following medicinal product quality controls:

- 1) medicinal product quality control prior to marketing authorisation granting and medicinal product marketing, which includes:
  - a. medicinal product quality control during the marketing authorisation procedure, if necessary,
  - b. medicinal product quality control during the variation procedure, as well as marketing authorisation renewal, if necessary,
  - c. quality control of the first batch of the medicinal product upon the marketing authorisation granting,

- d. mandatory quality control of each medicinal product batch of vaccines, sera, toxins, allergens, medicinal products derived from blood and blood plasma,
  - e. quality control of a new immunological medicinal product or an immunological medicinal product produced by a new or modified production technology, and/or technology new to a certain manufacturer,
  - f. quality control of a medicinal product being granted a conditional marketing authorisation, and/or a marketing authorisation under specific circumstances;
- 2) medicinal product quality control upon marketing authorisation granting and medicinal products marketing, which includes:
- a. random sampling (market surveillance),
  - b. identified problems solving (specific control),
  - c. sensitive medicinal product quality control, and/or medicinal products whose pharmaceutical-chemical-biological properties indicate increased risk to health;
- 3) quality control of magistral and galenic medicinal product.

Prior to the imported medicinal product marketing, for the purpose of the medicinal product quality control, a wholesale license holder is obliged to submit to the Agency the samples of the very imported medicinal product batch accompanied with the medicinal product manufacturer certificate of analysis or a certificate of analysis of a professional body for quality control of medicinal products from another country.

Agency shall perform the documentation quality control of a medicinal product exclusively, pursuant to Article 147, Paragraph 2, Item 2, if the medicinal product quality certificate referred to in Paragraph 2, hereof, has been issued by the manufacturer or professional body for quality control of medicinal products from the European Union member states or some other countries with the same or similar requirements for the marketing authorisation.

For specific laboratory controls that are not performed by the Agency, there could be signed contracts on performing the above mentioned controls with another legal entities; provided that the certificates of analysis are issued by the Agency in accordance with the conditions prescribed by this Law and regulations enacted for the Law enforcement.

Costs of a medicinal product quality control performed by the Agency pursuant to this Article shall be borne by the applicant for the medicinal product quality control.

Medicinal product quality control procedure is established by the Minister in charge of the health care issues.

### *Certificate of Analysis Issuance*

In respect of the quality control referred to in the Article 149 of this law, the Agency shall issue a certificate of analysis which determines that the medicinal product meets the defined medicinal product quality standards

### ***Deadlines in which the Agency issues Certificates of the Medicinal Products Quality Control***

#### **Article 151**

Agency is obliged to issue a certificate of the medicinal product quality control, not later than 30 days from the day of the application submission, in cases in which the medicinal product quality control is being performed, unless otherwise stated by the Law.

In the case referred to in of the Article 149, Paragraph 3, of this Law, the Agency is obliged to issue a certificate of the medicinal product quality control not later than 8 days from the day the certificate of a medicinal product quality and medicinal product samples, are delivered.

In the case referred to in the Article 149, Paragraph 4, of this Law, the Agency is obliged to issue a certificate of the medicinal product quality control not later than 45 days from the day the medicinal product samples are delivered to another legal entity that will perform a laboratory quality control of the medicinal product.

In the case referred to in the Article 149, Paragraph 1, Items 1(d)- 1(f), of this law, the Agency is obliged to issue a certificate of the medicinal product quality control not later than 60 days from the day the medicinal product samples are delivered to the Agency.

## **9. Labelling of Medicinal Products**

#### **Article 152**

Outer packaging of a medicinal product, as well as the immediate packaging of a medicinal product that is at the same time the outer packaging of a medicinal product, has to be labelled in the Serbian Cyrillic, as well as in the Latin, in accordance with the marketing authorisation and the Summary of Product Characteristics.

Data written on the outer and immediate packaging of a medicinal product have to be legible, comprehensible and undeletable.

Contents and the form of the medicinal product immediate and outer packaging labelling, the additional medicinal product labelling, as well as the contents of the patient information leaflet of the medicinal product, are by agreement, signed by the Minister responsible for the public health care issues and the Minister in charge of veterinary affairs.

### ***Labelling of Medicinal Products Outer Packaging***



## Article 153

Outer packaging of a medicinal product that is on the market has to have at least the following data:

- 1) name of the medicinal product and the international non-proprietary name of the active pharmaceutical ingredient, if any, or generic or chemical name;
- 2) active pharmaceutical ingredients, expressed qualitatively or quantitatively per dosage unit;
- 3) pharmaceutical dosage form, strength (contents related to the mass, volume or number of doses) and packaging;
- 4) list of excipients with proven effects, and all the excipients for the medicinal products in the form of injections, medicinal products for the local application and preparations for eyes shall be given;
- 5) route of administration of the medicinal product;
- 6) warning that a medicinal product must be kept out of the reach of children, as well as other necessary warnings;
- 7) expiry date of the medicinal product (month/ year);
- 8) medicinal product storage conditions, if there are any specific storage conditions;
- 9) special precaution measures for medicinal products disposal and destroying, if necessary;
- 10) name and address of a marketing authorisation holder;
- 11) number of a marketing authorisation;
- 12) medicinal product batch number and EAN-code;
- 13) method of administration for the **over-the-counter** medicinal products;
- 14) Anatomical-therapeutic-chemical classification (ATC), and for veterinary medicinal products ATC-vet;
- 15) other data pursuant to this Law and regulations that are adopted to this Law enforcement.

Name of a medicinal product has to be written in the Braille's alphabet as well, and upon the application of patients associations whose aim is the protection of the blind and the sight impaired, the marketing authorisation holder is obliged to provide the association with the medicinal product patient information leaflet written in Braille's alphabet.

By way of derogation of Paragraph 2 of this Article, the name of the medicinal product used exclusively in the in-patient medical institutions, and medicinal products used in medical institutions under the control of physicians in accordance with the marketing authorisation, does not have to be written in Braille's alphabet.

Veterinary medicinal products must be labelled in the Serbian language: 'For use in animals', and the packaging of the medicinal products used in food-producing animals has to be labelled with the withdrawal period, even in cases when there is not a withdrawal period prescribed.

### *Additional Labelling of Medicinal Product Outer Packaging*

#### Article 154

Minister responsible for health issues and the Minister in charge of veterinary affairs can agree to prescribe, by Article 152, Paragraph 3 of this Law, some other markings on medicinal product packaging that can relate to:

- 1) a reimbursement of the expenses from the compulsory health insurance;
- 2) a method of medicinal product issuance (with or without a prescription);
- 3) establishing the identification and authenticity of a medicinal product packaging;

### *Labelling of Medicinal Product Immediate Packaging*

#### Article 155

Immediate packaging of a medicinal product that is on the market has to contain at least the following information:

- 1) the medicinal product name and non-patent international name, if it exists, or generic or chemical name;
- 2) medicinal product strength and pharmaceutical form;
- 3) expiration date ( month/ year);
- 4) medicinal product's batch number;

Applicant can, in the process of obtaining marketing authorisation, and/or the variation procedure, and/or renewal, require the immediate medicinal product packaging in the form of blisters or small immediate medicinal product packaging not to be labelled with data in the Serbian language, which the Agency shall make a decision on.

### *Patient Information Leaflet of Medicinal Product*

#### Article 156

Patient information leaflet of a medicinal product is enclosed in the medicinal product packaging and it has to be in compliance with the approved Summary of Products Characteristics.

Leaflet has to be in the Serbian language and comprehensible.

Withdrawal period has to be indicated in the package leaflet for veterinary medicinal products.

In order to supply health care or veterinary institutions with necessary medicinal products, for the shortage of which can jeopardize the health of humans, or the one of animals, the competent Ministry can pass a decision to place onto the market a

medicinal product for which the Agency has granted a marketing authorisation, but in the packaging that is not labelled in accordance with this Law and regulations adopted to implement this Law.

Medicinal product referred to in Paragraph 4 hereof, as well a medicinal product which does not have a marketing authorisation and the imports of whose is approved by the Agency in accordance with this Law and regulations adopted to implement this law, must have a package leaflet of the medicinal product in the Serbian language.

### ***Labelling of Substances and Combinations of Substances and Galenic Medicinal Products***

#### **Article 157**

Marketed substance and a combination of substances have to be labelled with the information referred to in Article 153, Paragraph 1, Items 1), 6), 7) ,8), 9) and 12), with the exception of EAN-code referred to in Item 12) of the same Article hereof, of this Law.

Marketed galenic medicinal product has to be labelled with the information referred to in Article 153, Paragraph 1 hereof, with the exception of the data referred to in Items 10) and 11) and the EAN-code referred to in Item 12), as well as the data referred to in Item 14) of the same Article of this Law.

## **10. Pharmacovigilance**

### ***Marketing Authorisation Holder Obligations***

#### **Article 158**

Marketing authorisation holder has the obligation to organize a continuous monitoring of all adverse medicinal product reactions.

In order to monitor the adverse medicinal product reactions, the marketing authorisation holder shall have permanently and continuously at his disposal an appropriately qualified person responsible for pharmacovigilance.

Marketing authorisation holder is obliged to keep records of all suspected adverse reactions to medicinal product, that have been reported to the Republic of Serbia, to the European Union member states or some third countries, and, as a rule, send them to the Agency via electronic mail in the form of reports.

Marketing authorisation holder is obliged to keep records of all suspected serious adverse reactions to medicinal product that have been reported by health or veterinary professionals, or of which he can reasonably be expected to be aware, and that meet the criteria for reporting pursuant to this Law and regulations adopted to implement this law, as well as to promptly report this information to the Agency no later than 15 days following receipt of the information.

Marketing authorisation holder is obliged to ensure that the Agency is timely informed of all the cases of suspected serious and unexpected adverse medicinal product reactions and transmission of infectious agents through a medicinal product occurring in the territory of the European Union member states, or some third country, not later than 15 days following receipt of the information.

Marketing authorisation holder that has been given a temporary license, or that has received license under special conditions, is obliged to inform the Agency of all adverse reactions to medicinal product, by providing periodic safety update report on medicinal product safety every six months, as well as at the application of the Agency.

Holder of a marketing authorisation can not communicate information relating to pharmacovigilance concerns to the general public in relation to its authorised medicinal product without giving prior or simultaneous notification to the Agency.

Marketing authorisation holder is obliged to ensure that the information given about pharmacovigilance concerns of a particular medicinal product is presented objectively and that it is not misleading.

### *Periodic Safety Update Reports on Medicinal Products*

#### **Article 159**

Marketing authorisation holder is obliged to submit periodic safety update reports on medicinal product every six months, for the first two years starting from the medicinal product launch date, after that, once a year, for following two years, at the application of the Agency.

After the expiration of the deadline specified in Paragraph 1 of this Article, the Marketing authorisation holder provides the Agency with periodic safety update reports in three-year intervals or immediately after receiving the information about any adverse reactions to a medicinal product.

Periodic safety update report must also include an expert assessment of the risk–benefit balance of the medicinal product.

Marketing authorisation holder is obliged to use the established international medical terminology when reporting the adverse reactions to a medicinal product.

### *Obligations of Persons Responsible for Pharmacovigilance with Marketing Authorisation Holders*

#### **Article 160**

Person responsible for pharmacovigilance has to fulfill the following duties with the marketing authorisation holder:

- 1) establish and maintain a system which ensures that the information on all suspected adverse reactions to a medicinal product, that is reported to the marketing authorisation holder, as well as health and veterinary professionals, is collected and systematized in order to be available.

2) prepare reports on records kept by the marketing authorisation holder in relation to pharmacovigilance;

3) send additional information necessary for the assessment of the benefits and risks of a medicinal product usage, and is also responsible for providing a timely answer, including the information about the sales volume or number of prescriptions issued for a certain medicinal product;

4) provide the authorities with the information necessary for assessing the benefits and risks of a medicinal product usage, including the information about post-marketing clinical trials on medicinal product safety.

### *Organization and Monitoring of Pharmacovigilance conducted by the Agency*

#### Article 161

Agency shall organize and monitor the collection and assessment of adverse reactions to a medicinal product, as well as the processing and evaluation of the obtained data, and in order to protect public health, make the correct information available to health and veterinary professionals, and if necessary, even to the public, with the exception of medicinal products that are entered into the appropriate registers by the Agency.

Based on the data of Paragraph 1 of this Article, the Agency can modify the terms from a marketing authorisation or to make a decision on termination of a marketing authorisation, or to temporarily revoke a marketing authorisation.

In case of Paragraph 2 of this Article, the Agency is obliged to, without delay, and not later the next working day, inform the competent Ministry about its decision.

In case of Paragraph 2 of this Article, the Agency can suggest the competent Ministry to put a stop or prohibit the marketing, or withdraw a medicinal product from the market.

Agency shall gather, process, select and provide the data about the adverse reactions to medicinal products.

Data and information about the adverse reactions to medicinal products, as well as the measures taken, are placed on the website of the Agency.

In the process of organization of pharmacovigilance for veterinary medicinal products, the Agency shall monitor the safety system of animals, the safety of persons who administer medicinal products to animals, the safety of consumers of animal products, as well as the environmental protection.

Manner of reporting, gathering and monitoring of the adverse reactions to medicinal products, as well as the way of providing the regional centres of pharmacovigilance or the Agency with the data by health or veterinary institutions, are prescribed by the Minister responsible for the health care issues, and for veterinary medicinal products, the Minister in charge of veterinary affairs.

## *Cooperation of the Agency with Authorized Centres for Pharmacovigilance*

### **Article 162**

Agency is obliged to, in order to gain data on pharmacovigilance of the medicinal product that is in the process of getting a license, as well as medicinal products that are on the market in the Republic of Serbia, gather and exchange data with the authorized centre for pharmacovigilance of the World Health Organization, as well as with other organizations and institutions.

In the process of gathering and exchanging data on pharmacovigilance, according to Paragraph 1, hereof, the Agency is obliged to gather and exchange data on the misuse or abuse of medicinal products that can influence the assessment of the benefits and risks of a particular medicinal product usage.

## *Regional Pharmacovigilance Centres*

### **Article 163**

Ministry responsible for the health care issues, or the Ministry in charge of veterinary affairs shall make a decision which determines the health institutions from the Network of health institutions plan, made by the Government, or the veterinary institutions that gather, process and provide the Agency with the data on serious or unexpected adverse reactions to medicinal products for a certain territory of the Republic of Serbia (hereinafter referred to as: regional pharmacovigilance centres)

Health care institutions, as well as private practice, or veterinary facilities, health and veterinary professionals are obliged to inform the regional centre in charge about serious or unexpected adverse reaction to a medicinal product that they have noticed.

Health institutions, as well as private practice, or veterinary institutions, health and veterinary professionals, apart from the regional centre in charge, can directly inform the Agency about serious or unexpected adverse reaction to a medicinal product that they have noticed.

Paragraph 1 of this Article determines health institutions, as well as private practice or veterinary institutions that are obliged to provide a particular pharmacovigilance centre with data.

Agency shall provide the regional pharmacovigilance centre with the compensation for effectuation of affairs concerning gathering, processing, providing and assessing data on adverse reactions to medicinal products.

According to Paragraph 5, hereof, the criteria for determining compensation and the amount of compensation are determined by the Managing Board of the Agency.

## **11. Medicinal product advertising**

### *Form of Advertising*

#### **Article 164**

Medicinal product advertising, in terms of this Law, shall represent every form of providing general and professional public with the accurate information about a medicinal product in order to encourage the prescribing of medicinal products, supply, sale and consumption.

In terms of Paragraph 1, medicinal product advertising includes:

- 1) medicinal product advertising through the media, including the Internet, advertising in public areas and other forms of advertising (mail, visits, etc.);
- 2) promotion of medicinal products to health and veterinary professionals who prescribe medicinal products, at professional conferences, in professional journals and other forms of promotion;
- 3) giving free samples to the professional public;
- 4) sponsoring scientific and promotional meetings that involve professional public (by paying travel expenses, accommodation, food, as well as the costs of mandatory participation in scientific and promotional meetings).

Stating the name of a medicinal product, or INN, or trademark if it serves only as a reminder is not considered to be advertising.

Agency shall give permission for the use of promotional materials and other documentation which refer to medicinal product advertising in accordance with Paragraph 2, Items 1) and 2) of this Article.

Agency is obliged to provide the Ministry with the permission referred to in Paragraph 4 within 15 days from the day the permission is granted, and at the application of that Ministry, and is obliged to provide the material used for medicinal product advertising pursuant to Paragraph 2, Items 1) and 2) of this Article.

If the Agency does not grant permission for the use of promotional materials and other documents referred to in Paragraph 4 of this Article, a marketing authorization holder is obliged to stop the preparation of promotional materials and other documentation that refer to medicinal product advertising.

In case referred to in Paragraph 6 of this Article, the Agency informs the competent Ministry to implement the monitoring and to take statutory measures.

According to Paragraph 1 of this Article, professional public is considered to be: health and veterinary professionals that prescribe medicinal products, pharmacists and other professionals in the field of medicinal product production and trade in wholesale and retail trade, as well as in the organization of compulsory health insurance.

Minister responsible for the health care issues shall provide a manner of advertising the medicinal products.

## *Medicinal Product Promotion to Professional Public*

### **Article 165**

Promotion of a medicinal product to the professional public has to contain basic data about a medicinal product from the license, or data that are consistent with the Summary of Product Characteristics, as well as the information relating to the mode of medicinal product issuance.

Information from Paragraph 1, hereof, has to be accurate, updated, confidential, and sufficiently complete as to provide the recipient with the possibility of forming his opinion on the therapeutic value of a certain medicinal product, as well as to contain a date when it was made and when it was last reviewed.

In order to inform the professional public about the characteristics of a new medicinal product that is introduced on the market, it is permitted to give a minimal package of a new medicinal product containing a note: 'A free sample is not for sale.'

## *Advertising of medicinal products issued without a prescription*

### **Article 166**

Medicinal products that are issued without a prescription can be advertised through the media or in some other way or can provide the information on their effects only pursuant to the Summary of Product Characteristics that is an integral part of a marketing authorisation.

Advertising as specified in Paragraph 1 of this Article must be objective and must not be misleading.

Agency provides a list of medicinal products as specified in Paragraph 1 of this Article.

According to Paragraph 3 of this Article, the list of medicinal products is published in 'The Official Gazette of the Republic of Serbia.'

## *Ban on Medicinal Product Advertising*

### **Article 167**

It is forbidden to advertise medicinal products that do not have a marketing authorisation, or whose marketing authorisation has expired.

It is forbidden to advertise a medicinal product that is misleading, and suggests that the safety and efficacy of a medicinal product are secured by its natural origin, or that describe the disease and success of a treatment as to suggest an individual treatment, as well as to advertise the success of a medicinal product treatment in an inadequate and spectacular way, by displaying pictures, etc.

It is forbidden to advertise a medicinal product that suggests that a medicinal product can be classified as food, cosmetics, or other items that have general use.



It is forbidden to advertise a medicinal product in order to encourage prescribing and issuing of a medicinal product by giving or promising financial, material or other benefits.

### *Medicinal product advertising to general public*

#### Article 168

It is forbidden to advertise the following medicinal products to the general public:

- 1) medicinal products that are issued with a prescription;
- 2) medicinal products that are issued at the expense of health insurance;
- 3) medicinal products containing opiates or psychotropic substances;
- 4) medicinal products for tuberculosis;
- 5) medicinal products for sexually transmitted diseases;
- 6) medicinal products for infectious diseases
- 7) medicinal products for chronic insomnia;
- 8) medicinal products for diabetes and other metabolic diseases

Apart from the medicinal products specified in Paragraph 1 of this Article, the Minister responsible for the health care issues can decide on some other medicinal products that should not be advertised, and this decision is published in the "Official Gazette of the Republic of Serbia."

It is forbidden to advertise medicinal products that are used for the treatment of children, by directly addressing children.

It is forbidden to give free samples to the general public.

Sponsorship of scientific and promotional meetings worth more than necessary costs, or providing greater financial, material or other benefits from Article 164, Paragraph 2, Item 4) of this Law, is also forbidden.

### *Informing citizens about medicinal product use*

#### Article 169

Ministry responsible for the health care issues, or the Ministry in charge of veterinary affairs, can inform the public about the use of medicinal products that are issued with prescription through the media or in some other way, if it were in the public interest (preventing epidemic outbreaks and the like).

## **12. Medicinal product application in animal treatment**

#### Article 170

For the treatment of a particular animal species, a veterinary medicinal product can be used only if it has a marketing authorisation, and if it is intended for the

treatment or prevention of diseases, the improvement or change of physiological functions or the achievement of other medically justified goals in certain animal species.

If there is no medicinal product for the treatment of a certain animal species specified in Paragraph 1 of this Article, a medicinal product of the similar or same properties that is used in other animal species, can be used in this case, if a license has been issued for such a medicinal product and if there are no contraindications to its use.

If there is no veterinary medicinal product for the treatment of a certain animal species specified in Paragraphs 1 and 2 of this Article, a medicinal product intended for use in human medicinal product can be used in a certain animal species, if a license has been issued for such a medicinal product and if there are no contraindications to its use.

If there is no suitable medicinal product for the treatment of a certain animal species specified in Paragraphs 1-3 of this Article, a suitable galenic or magistral medicinal product can be used if there are no contraindications to their use.

If the medicinal products specified in Paragraphs 2 and 3 of this Article are prescribed for the animals intended for human consumption, a withdrawal period has to be established that cannot be shorter than:

- 7 days for milk
- 7 days for eggs
- 28 days for meat, fat and offal of poultry, birds and mammals
- 500 degree days for fish meat

If the medicinal products specified in Paragraphs 1 - 4 of this Article are used for the treatment of animals intended for human consumption or producing food for people, these medicinal products must contain as an active substance, exclusively the substances specified in Article 33, Paragraph 10 of this Law, as well as the established withdrawal period in accordance with the regulations adopted to implement this Law.

## **IV MEDICAL DEVICES**

### **Types of medical devices**

#### **Article 171**

Types of medical devices are as follows:

- 1) general medical devices;
- 2) in-vitro diagnostic medical devices;
- 3) active implantable medical devices.

### **General medical devices**

#### **Article 172**

General medical devices mean any instruments, apparatuses, appliances, and products intended to be used for human beings, whether they are used alone or in combination, including the software necessary for their proper application, for the purposes of:

- 1) diagnosis, prevention, monitoring, treatment or alleviation of disease;

- 2) diagnosis, monitoring, treatment and alleviation of or compensation for an injury or handicap;
- 3) investigation, replacement or modification of the anatomy or of a physiological process;
- 4) control of conception.

According to Paragraph 1 of this Article, a medical device is also a device which does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, but which can be assisted by the substances in its composition functioning by such means.

General medical devices include accessories, that are not medical devices by the definition, and that refer to products that, in combination with a medical device, enable proper functioning pursuant to their purposes intended by a manufacturer.

General medical devices include Custom-Made-Devices, which are specifically made in accordance with a duly qualified medical practitioner's written prescription and is intended for a sole use of a particular patient.

Prescription for a Custom-Made-Device, referred to in Paragraph 4 of this Article, shall be made out by a person authorized by the Law, and/or a person with adequate professional qualifications.

Mass-produced medical devices that should be adapted to meet the specific requirements of the particular health care professional are not considered as Custom-Made-Devices according to Paragraphs 4 and 5 of this Article.

Active medical devices are products whose actions depend on the source of electricity or any other energy sources that are not powered directly from the human body or gravity.

Minister responsible for the health care issues shall provide the rules for the classification of general medical devices.

## **In-Vitro Diagnostic Medical Devices**

### **Article 173**

In-vitro diagnostic medical devices shall include any reagents, reagent products, control and calibration materials, reagent kits, instruments, apparatuses, equipment or systems used independently or in combination intended to be used in-vitro for the examination of samples derived from the human body including human blood and tissues, in order to obtain the information:

- 1) concerning physiological or pathological state;
- 2) concerning congenital abnormalities;
- 3) required for determining the safety and compatibility with potential recipients;
- 4) required for monitoring therapeutic measures.

Specimen receptacles are considered to be in-vitro medical devices, whether vacuum-type or not for the primary containment and preservation of specimens derived from the human body for the purpose of in-vitro diagnostic examination.

Device for self-testing means any in-vitro diagnostic medical device intended to be used by lay persons in a home environment.

Device for performance evaluation means any in-vitro diagnostic medical device intended to be a subject of one or more studies for performance evaluation performed in any medical analysis laboratories, or any other appropriate environment outside their own premises.

Calibrators and control materials shall refer to any substances, materials, or products intended for determining measuring proportions, or testing performance features of a device in relation to the originally intended purpose.

In-vitro diagnostic medical devices do not refer to products intended for general laboratory use; unless these products are intended by the manufacturer to be specifically used in in-vitro diagnostic testing.

### **Active implantable medical devices**

#### **Article 174**

Active implantable medical devices are the products whose actions depend on the source of electricity or any other energy sources that are not powered directly from the human body or gravity, that are intended to be either totally or partially introduced into the human body by surgical intervention., or permanently introduced into a natural orifice.

### **Classification of general medical devices**

#### **Article 175**

General medical devices referred to in Article 172 of this Law shall be classified:

- 1) According to the risk for a user:
  - Class I – medical devices with the low degree of risk for a user;
  - Class II(a) – medical devices with a medium degree of risk for a user;
  - Class II(b) – medical devices with a high degree of risk for a user;
  - Class III – medical devices with the highest degree of risk for a user.
- 2) According to the nature of a medical device, type of connection to an energy source, and other characteristics:
  - Noninvasive;
  - Invasive, and;
  - Active.
- 3) According to the duration of the application to an external or internal part of the human body, on medical devices of:
  - Transient use (intended for continuous use for less than 60 minutes);
  - Short term use (intended for continuous use for not more than 30 days);
  - Long term use (intended for continuous use for more than 30 days).

### **Classification of in vitro diagnostic medical devices**

#### **Article 176**

In vitro diagnostic medical devices referred to in Article 173 of this Law are classified in the following manner:

1) LIST A:

- Reagents and reagent products including the materials for control and calibration used for determination of the following blood types: The ABO blood group system, Rhesus Factor (C, c, D, E, e) "anti-Kell;"

- Reagents and reagent products including the materials for control and calibration that are used for detection, confirmation, and quantitation of markers of HIV infection (HIV 1 and 2), HTLV I and II, and Hepatitis B, C, D in human specimens;

2) LIST B:

- Reagents and reagent products, as well as the materials for control and calibration used for determination of the following blood types: "anti-Duffy" and "anti-Kidd;"

- Reagents and reagent products, as well as the materials for control and calibration used for detection of the unacceptable anti-erythrocyte antibodies;

- Reagents and reagent products, as well as the materials for control and calibration used in detecting and quantifying similar infections: Rubella, Toxoplasmosis, and the like in human specimens;

- Reagents and reagent products, as well as the materials for control and calibration used for diagnosis of hereditary diseases (Phenylketonuria);

- Reagents and reagent products, as well as the materials for control and calibration used for detecting human infections (Cytomegalovirus and Chlamydia);

- Reagents and reagent products, as well as the materials for control and calibration used for determination of HLA tissue groups (DR, A, B);

- Reagents and reagent products, the materials for control and calibration, as well as the control materials for determination of tumor markers (PSA);

- Reagents and reagent products, as well as the materials for control and calibration, and the software for determination of the specificity of the hereditary risk for trisomy 21;

- Products for self-diagnosis, as well as the materials for control and calibration (products intended for measuring the blood sugar level);

3) devices for self-testing;

4) other in vitro diagnostic medical devices.

## **Registration of medical devices in the Register of Medical Devices**

### **Article 177**

Upon completed registration of a medical device in the Register of Medical Devices a medical device can be placed on the market in the Republic of Serbia. To obtain the registration it is necessary to submit the following documents:

1) certificate of Conformity issued by the authorized Notified Body, or Declaration of Conformity;

2) Marketing Authorization for a medical device not in compliance with the European Union Medical Devices Directive on the market.

Minister competent for the public health care affairs determines the procedure regulating the registration of medical devices referred to in Paragraph 2 of this Article in the Register of Medical Devices, as well as the contents of the applications for the registration of medical devices in the Register of Medical Devices, including the variations and renewal of the registration along with the procedure guiding the cancelation of the registration of medical devices in the Register of Medical Devices, including the validity period of a Marketing Authorization for a medical device, depending on the type of a medical device.

### **Applicants for registration in the Register of Medical Devices**

#### **Article 178**

Application for registration and entry of a medical device in the Register of Medical Devices shall be submitted to the Agency by:

- 1) a manufacturer of a medical device licensed to produce the medical device in the Republic of Serbia;
- 2) an authorized representative.

Applicant submitting the application referred to in Paragraph 1 of this Article (henceforth: the Applicant) must provide an entity authorized for medical device vigilance, as well as an entity authorized for the documentation required by the procedure regulating the terms of registering and inserting a medical device into the Register of Medical Devices, the variations made to the registration in the Register of Medical Devices, and/or renewal of the registration; the latter two entities must be employed by the applicant with full-time employment contracts for an indefinite period of time.

Applicant will be held responsible for documentation required by the procedure of registration of a medical device in the Register of Medical Devices.

Applicant will be held responsible for any damage caused by medical device and will be obliged to provide the Product Liability Insurance.

### **Issuance of decision on registration of medical device in the Register of Medical Devices**

#### **Article 179**

Decision on registration of a medical device in the Register of Medical Devices is issued by the Agency.

For medical devices registered in the Register of Medical Devices on the grounds of the Certificate of Conformity issued by the authorized Notified Body a decision on registration in the Register of Medical Devices will be issued to remain valid for 90 days from the date of expiration of the first period of validity of the Certificates of Conformity.

Medical devices referred to in Paragraph 2 of this Article can be placed on the market for not more than 90 days from the expiration date stipulated in the decision on registration in the Register of Medical Devices.

In relation to medical devices registered in the Register of Medical Devices on the grounds of marketing authorisation that has been issued by the Agency, decision on the registration in the Register of Medical Devices will be issued and valid until the expiration date of the marketing authorisation for the medical device.

Marketing authorisation for medical devices referred to in Paragraph 4 of this Article will be issued for the period of time that is no longer than three years from the date of issuance of the marketing authorisation for the medical device, depending on the risk level of the medical device for the user.

Agency is obliged to complete the registration of the medical device in the Register of Medical Devices not later than the date of issuance of the marketing authorisation referred to in Paragraph 4 Article 179.

Decision on registration of a medical device in the Register of Medical Devices will be published on the web site of the Agency within 15 days from the date of issuance of the decision on registration.

## **Procedure for Registration in the Register of Medical Devices**

### **Article 180**

Application for registration of a medical device in the Register of Medical Devices shall be submitted to the Agency along with other documentation required by the Law and regulations adopted to enforce the Law.

Agency is obliged to carry out a formal assessment of the documentation submitted for the purpose of registration of the medical device in the Register of Medical Devices not later than 30 days from the date of the submission of the application referred to in Paragraph 1 Article 180; the assessment must be pursuant to this Law and regulations passed in for the implementation of this Law.

Agency shall issue decision on registration of the medical device in the Register of Medical Devices within 60 days from the date of reception of a complete application.

If the application for the registration of a medical device in the Register of Medical Devices is incomplete, or in case the submitted application is not accompanied by the required data and documents, the applicant for the registration of a medical device in the Register of Medical Devices will be notified in writing by the Agency of the 30-day period starting from the date of reception of the notification within which they can remove the inconsistencies described in the notification and submit the required data and documents to the Agency.

Period referred to in Paragraph 3 Article 180 will cease to be valid from the date of delivery of the notification referred to in Paragraph 4 until the date of submission of all required data.

## **Variations to Registration of Medical Devices in the Register of Medical Devices**

### **Article 181**

Holder of the registration of a medical device in the Register of Medical Devices is required to report variations to the original documentation on the grounds of which the registration in the Register of Medical Devices was made by the Agency.

Agency is required to carry out formal assessment of documentation related to the variation to the registration of a medical device in the Register of Medical Devices within not later than 15 days from the date of reception of the application referred to in Paragraph 1, hereof, and in accordance with this Law and regulations passed in for the implementation of this Law.

Agency shall issue decision on the variation of the registration of the medical device in the Register of Medical Devices not later than 30 days from the date of reception of the complete application.

If the application is incomplete, or in case the submitted application fails to present the required data and documents, the applicant for the registration of a medical device in the Register of Medical Devices will be notified in writing by the Agency of the 30-day period starting from the date of reception of the notification within which they can remove the inconsistencies described in the notification and submit the required data and documents.

Period referred to in Paragraph 3, hereof, will cease to be valid from the date of delivery of the notification referred to in Paragraph 4 until the date of submission of all the required data.

On the web site of the Agency, there are published the decisions on the registration variations in the Register of Medical Devices not later than 15 days from the date of issuance of the decision to registration variations.

## **Renewal of Registration of Medical Devices in the Register of Medical Devices**

### **Article 182**

Application for a renewal of a registration of a medical device in the Register of Medical Devices, as well as the application for a renewal of a marketing authorisation can be submitted to the Agency not later than 60 days before the expiration of the period of time referred to in Article 179 of the present Law.

Agency is required to issue formal assessment of the documentation for renewal of the registration of a medical device in the Register of Medical Devices, not later than 15 days from the date of reception of the application referred to in Paragraph 1 Article 182, and pursuant to this Law and regulations passed in for the implementation of this Law.



Agency shall issue a decision on renewal of the registration of a medical device in the Register of Medical Devices, not later than 30 days from the date of reception of a complete application.

If the application is incomplete, or in case the submitted application fails to present the required data and documents, the applicant will be notified in writing by the Agency of the 30-day period starting from the date of reception of the notification within which they can remove the inconsistencies described in the notification and submit the required data and documents.

Period of time referred to in Paragraph 3, hereof, will cease to be valid from the date of delivery of the notification referred to in Paragraph 4, hereof, until the date of submission of all required data.

On the web site of the Agency, there are published the information about the renewal of the registration in the Register of Medical Devices not later than 15 days from the date of issuance of the decision.

### **Medical Devices not Registered in the Register of Medical Devices**

#### **Article 183**

The following medical devices are not registered in the Register of Medical Devices:

- 1) devices approved for clinical trial;
- 2) devices intended for continuation of therapy for individual use by a patient as suggested by competent health care worker;
- 3) custom-made devices;
- 4) devices intended for scientific research and development.

### **Cancellation of Registration of a Medical Device in the Register of Medical Devices**

#### **Article 186**

Agency shall issue decision on cancelation of a medical device out from the Register of Medical Devices upon establishing one of the following conditions:

- 1) medical device is unacceptably harmful under prescribed conditions;
- 2) data contained in documentation for registration of a medical device in the Register of Medical Devices are incorrect;
- 3) data regarding the holder of the registration of medical device in the Register of Medical Devices are incomplete and incorrect;
- 4) expired 90 days from the date of expiration of validity period issued for a decision on registration of a medical device in the Register of Medical Devices;
- 5) expired 30 days from the date of expiration of validity period mentioned in the evidence guaranteeing risk-free application of a medical device.

Upon a written application of the holder of registration in the Register of Medical Devices and the manufacturer's written notification on termination of production/placing on the market a certain medical device, the Agency shall cancel out the medical device from the Register of Medical Devices.

Agency shall issue the decision on cancellation of the medical device out from the Register of Medical Devices, not later than 30 days from the date of establishing the facts referred to in Paragraphs 1 and 2 Article 184.

## **Medical Devices Manufacturing**

### **Article 185**

Medical device manufacturing includes processes or parts of the processes of designing, producing, packaging and labelling, quality control, placing on the market, storage and distribution.

Medical device manufacturing can be administered solely by the legal or physical entities in possession of the production licenses issued by the Ministry competent for the public health care affairs.

## **Application for granting license for medical device manufacturing**

### **Article 186**

Application for granting a license for medical device manufacturing must contain the following items:

- 1) name of a manufacturer, seat and site of manufacturing;
- 2) list of manufactured medical devices;
- 3) description of a manufacturing process, or a part of the manufacturing process, which the license is applied for;
- 4) name of the entity responsible for manufacturing, as well as the name of a qualified entity responsible for the quality of the manufactured medical device;
- 5) list of certified manufacturing equipment;
- 6) information on waste management and environment protection;
- 7) other data relevant for granting a license for manufacturing.

Application from Paragraph 1, hereof, must also be submitted for those medical devices that are not registered in the Register of Medical Devices and are intended for the exports solely.

Application referred to in Paragraph 1 of this Article is to be submitted to the Ministry responsible for the public health care affairs.

## **Conditions for Medical Devices Manufacturing**

### **Article 187**

Legal or physical entities manufacturing medical devices must fulfill the requirements regarding facilities, equipment, and the personnel in compliance with the manufacturing quality system for medical devices and the Good Manufacturing Practice Guidelines.

Persons referred to in Paragraph 1, hereof, must engage a person responsible for the manufacturing and a qualified person responsible for the quality of the manufactured medical device.

Minister competent for the health care issues prescribes the conditions for medical devices production in relation to premises, equipment and personnel.

### **Prohibition on Medical Devices Manufacturing**

#### **Article 188**

There is banned the manufacturing of;

- 1) medical devices not registered in the Register of Medical Devices, unless otherwise stipulated by this Law;
- 2) medical devices manufactured by a legal or physical entity not holding the license for manufacturing;
- 3) medical devices devoid of the appropriate proof of quality;
- 4) medical devices not manufactured in compliance with the production license;
- 5) counterfeit medical devices.

### **Issuance of a License for Medical Devices Manufacturing**

#### **Article 189**

If all the conditions stipulated by this law and regulations adopted for the law enforcement are met, the Ministry competent for the public health care affairs shall issue a license for medical devices manufacturing within 90 days from the date of reception of a complete application.

If the application is incomplete, or in case the submitted application fails to present the required data and documents, the application applicant will be notified in writing by the Ministry competent for the health care affairs of a 15-day period starting from the date of reception of the notification within which they can correct the inconsistencies described in the notification and submit the required data and documents.

Period of time referred to in Paragraph 1, hereof, will cease to be valid from the date of delivery of the notification issued by the Ministry competent for the public health care affairs and referred to in Paragraph 2, hereof, until the date of submission of all the required data.

License for medical device manufacturing can refer to the process or parts of the process of medical devices manufacturing.

License for medical devices manufacturing is valid for an indefinite period.

Manufacturer of a medical device being granted a license for medical devices manufacturing is obliged to perform the medical devices manufacturing process in accordance with the license for manufacturing.

### **Variations to a License for Medical Device Manufacturing**

#### **Article 190**

Holder of a license for medical devices manufacturing who has made some variations to the conditions in the license for manufacturing is obliged to submit an

application for amending the license for medical devices manufacturing to the Ministry competent for the public health care affairs.

Competent Ministry referred to in Paragraph 1, hereof, based on the data verification as well as inspection monitoring, shall grant a decision on variations to the license for medical devices manufacturing within 30 days from the date of submission of a complete application, or 90 days in exceptional cases.

Period of time referred to in Paragraph 2, hereof, shall cease to be valid from the date the applicant is required by the competent Ministry to submit the additional data, and it shall continue to be valid from the date of the submission of the required data.

### **Implementation of the Existing Stipulations**

#### **Article 191**

If not otherwise stipulated by the Articles 185-191 of this Law, the provisions of the present Law on Manufacturing of Medicinal Products shall be fully implemented to the medical devices manufacturing.

### **Marketing of Medical Devices**

#### **Article 192**

Marketing of medical devices includes wholesale and retail of medical devices in accordance with this Law and regulations passed in for the implementation of this Law.

### **Wholesale of Medical Devices**

#### **Article 193**

In terms of this law the wholesale of medical devices involves the acquisition, storage, distribution, the imports, and the exports of medical devices.

Wholesale of medical devices can be performed by a legal person who has obtained a license for wholesale of medical devices issued by the Ministry competent for the public health care affairs upon meeting all the conditions stipulated by this Law and regulations passed in for the implementation of this Law.

Legal person being granted the license for the wholesale of medical devices is obliged to perform the wholesale of medical devices in compliance with the license for the wholesale of medical devices and the Guidelines on the Good Distribution Practice.

Legal person referred to in Paragraph 3, hereof, can perform the wholesale of those medical devices that are registered in the Register of Medical Devices, exclusively, unless otherwise stipulated by this Law.

### **Issuance of a License for the Wholesale of Medical Devices**

#### **Article 194**

If all the conditions stipulated by this Law and regulations adopted for the law enforcement are met, the Ministry competent for the public health care affairs shall issue a license for the wholesale of medical devices within 90 days from the date of reception of a complete application.

If the application is incomplete, or in case the submitted application fails to present the required data and documents, the applicant will be notified in writing by the Ministry competent for the public health care affairs of a 15-day period starting from the date of reception of the notification within which they can correct the inconsistencies described in the notification and submit the required data and documents.

Period of time referred to in Paragraph 1, hereof, shall cease to be valid from the date of delivery of the notification issued by the Ministry competent for the public health care affairs and referred to in Paragraph 2, hereof, until the date of submission of all the required data.

License referred to in Paragraph 1 Article 194 is valid for an indefinite period of time.

Minister competent for the public health care affairs determines the conditions of the wholesale of medical devices.

## **The Imports of Medical Devices Not Registered in the Register of Medical Devices**

### **Article 195**

In exceptional cases, the Agency can grant approval for the imports of a medical device not registered in the Register of Medical Devices intended for a treatment of a patient or a group of patients in case of a risk to their lives.

Minister competent for the public health care affairs determines the conditions, forms, and procedures for the imports of medical devices not registered in the Register of Medical Devices.

## **Retail of Medical Devices**

### **Article 196**

Retail of medical devices is performed in those pharmacies and private medical practices that operate in compliance with the law regulating health care issues.

Retail of medical devices is also operated in specialized stores pursuant to this Law and regulations passed in for the implementation of this Law.

Certain types of medical devices can also be retailed in other indoor outlets where the retail is performed in compliance with the stipulations regulating the trade and commerce.

Minister competent for the public health care affairs determines conditions of the retail of medical devices in specialized stores.

List of medical devices that can also be retailed on the other sites referred to in Paragraph 3 Article 196, shall be published by the Agency.

List referred to in Paragraph 5, hereof, shall be published in the "Official Gazette of the Republic of Serbia."

Specialized store shall be issued a retail license referred to in Paragraph 2, hereof, by the competent Ministry.

## **Conditions for Marketing of Medical Devices**

### **Article 197**

Medical device can be placed on the market if the following conditions are met:

- 1) medical device is to be manufactured by a legal or physical entity holding the license for the medical devices manufacturing;
  - 2) medical device is registered in the Register of Medical Devices kept by the Agency and in accordance with this Law and regulations passed in for the implementation of this Law;
  - 3) quality control testing of a medical device is performed in compliance with this Law;
  - 4) marketed medical devices are labelled according to the provisions of this Law and regulations passed to implement this Law;
  - 5) medical device expiry date indicated on the packaging is still valid or if there are not determined any deviations considering the defined quality;
  - 6) marketing of medical device is performed in compliance with this Law.
- Marketing of medical devices which is performed contrary to this Law shall be banned.

## **Implementation of the Existing Stipulations**

### **Article 198**

If not otherwise stipulated by the Articles 193-198 of this law, marketing of medical devices shall be operated in compliance with the provisions of the current Law on Marketing of Medicinal Products.

## **Clinical Trials of Medical Devices**

### **Article 199**

Clinical trials of a medical device is a procedure for establishing the efficiency of the medical device in line with the application declared by the manufacturer.

Approval for the clinical trial referred to in Paragraph 1 Article 199, is issued by the Agency pursuant to this Law and regulations passed in for the implementation of this Law.

Minister competent for the public health care affairs regulates the way of conducting a clinical trial of a medical device, as well as the contents of documentation submitted for the approval of the proposed clinical trial of the medical device.

Clinical trial of a medical device is to be conducted in accordance with the provisions of the current Law on conducting clinical trials of medicinal products, unless otherwise stipulated by this Law.

## **Medical device labelling and medical device instruction manual**

### **Article 200**

Every medical device placed on the market must be labelled in accordance with a decision on registration of the medical device in the Register of Medical Devices; the label must contain:

- 1) medical device name;
- 2) name and address or name and seat of the manufacturer;
- 3) name and address or name and seat of the authorized representative;
- 4) quantitative composition of the active component of a medical device (if necessary);
- 5) instruction manual for a medical device, if necessary;
- 6) storage conditions;
- 7) expiration date (labeled on both overpack and individual package);
- 8) lot and serial number;
- 9) date and method of sterilization (for sterile products);
- 10) label indicating that a device is sterile, non-toxic, apyrogenic, and disposable;
- 11) necessary labels such as "Custom-made" and "for clinical trials";
- 12) labeling of standards for certain types of products;
- 13) valid identification code (EAN code) if required;
- 14) reference number of the decision on registration of a medical device in the Register of Medical Devices.

Instruction manual for a medical device must be enclosed with every medical device, either in the packaging itself or provided with the medical device.

Instruction manual for a medical device must be in the Serbian language and in complete compliance with the original text of the instruction manual as issued by the manufacturer.

Both immediate and outer packaging of medical devices intended for individual use must be labelled in the Serbian language.

Contents and form of labelling of outer and immediate packages of medical device, as well as the contents of medical device instruction manual is to be determined by the Minister competent for the public health care affairs.

## **Quality Standards and Quality Control Methods for Medical Devices**

### **Article 201**

Quality control of a medical device is performed in accordance with the referent standards and methods for the field of medical devices, and in compliance with the law.

Quality control of a medical device refers to determining the quality prescribed for medical devices in accordance with this Law and regulations passed in for the implementation of this Law.

In case the Agency establishes a deviation from a quality standard for a medical device referred to in Paragraph 1 of this Article, the Agency shall hereof notify the Ministry competent for the public health care affairs.

Upon the performed quality control referred to in Paragraph 1. of this Article, the Agency shall issue a certificate of analysis on the quality of the medical device.

## **Quality Control of Marketed Medical Devices**

### **Article 202**

Agency shall perform a quality control testing of the marketed medical devices as follows:

- 1) by taking random samples (market surveillance);
- 2) by conducting clinical trials of every batch of medical devices not in compliance with the regulations of the European Union or those countries that have the identical or similar requirements for placing medical devices on the market;
- 3) by solving detected problems (emergency control).

In case of specific laboratory control tests that are not conducted by the Agency, this body can contract another legal entity to conduct such control testing; the final certificate of quality for such medical devices shall be issued by the Agency.

Minister competent for the public health care affairs determines the procedure regulating the control of quality for medical devices.

## **Vigilance of Medical Devices**

### **Article 203**

Agency will organize and conduct vigilance of marketed medical devices by collecting information regarding the quality, safety, and efficacy of medical devices upon their marketing authorisation, as well as the frequency of existent and detection of new adverse reactions.

Health care institutions as well as private practices, and/or veterinary institutions, human and veterinary health care professionals, are obliged to notify as soon as possible both competent regional centres founded in compliance with this Law and the Agency about any unexpected reaction to a medical device.

Agency shall process, select, and provide data on adverse reactions to medical devices.

Data and information on unexpected reactions to medical devices and measures taken accordingly, are to be put on the Agency web site.

Minister competent for the public health care affairs regulates the form of reporting, gathering, and conducting vigilance of unexpected reactions to medical devices by the manufacturers, holders of the registration in the Register of Medical Devices, health care institutions as well as private practices, and/or veterinary institutions, human and veterinary health care professionals, regional centres and the Agency.

## **Advertising of Medical Devices**

### **Article 204**



Advertising of medical devices shall be performed in compliance with the regulations referred to in Articles 164-169 of this Law.

## **Medical Devices for Use in Veterinary Medicinal product**

### **Article 205**

Medical devices for use in the veterinary medicine comprise the following:

1) any instrument, apparatus, gear, device, including software for correct application, is intended to be applied on animals and which, either independently or in combination, is intended for:

- diagnosis, prevention, monitoring, treatment, or alleviation of disease;
- diagnosis, monitoring, treatment, or alleviation of injury or handicap;
- investigation, replacement, or modification of the anatomy or a physiological

process;

- diagnostics of gravidity;
- animal labelling and identification.

2) any diagnostic medical device in vitro for use in the veterinary medicine which comprise reagent, reagent product, control and calibration material, reagent kit, instrument, apparatus, equipment or system intended to be used independently or in combination for in vitro application for the sample testing, as reference materials, as diagnostic kits;

3) auxiliary device which, by definition, is not a medical device for use in the veterinary medicine, but refer to those products which, when combined with a medical device, enable its operation in accordance with its purpose.

Medical devices for use in the veterinary medicine can be placed on the market only if they do not pose a threat to the health and safety of animals, veterinary physicians, and other persons, and if they are properly manufactured, installed, stored, and applied pursuant to their purpose and the manufacturer's manual.

Medical devices for use in the veterinary medicine can be used if the following conditions are met:

- 1) fulfillment of prescribed requirements for medical devices;
- 2) fulfillment of required international and domestic quality standards for the appropriate medical devices;
- 3) completed registration and entry in the Register of Veterinary Medical Devices kept by the Agency.

Medical devices for use in the veterinary medicine that can be placed on the market in the Republic of Serbia must be registered and entered in the Register of Veterinary Medical Devices.

Application for the registration of a medical device for use in the veterinary medicine in the Register of Veterinary Medical Devices referred to in Paragraph 4 of this Article can be submitted by:

- 1) a medical device manufacturer with the seat in the Republic of Serbia;
- 2) an agent, distributor, or authorized representative of an alien medical device manufacturer, with the seat in the Republic of Serbia.

Registration and entry in the Register of Veterinary Medical Devices is performed on the grounds of submitted registration application enclosing additional documentation.

Agency issues a decision on registration and entry in the Register of Veterinary Medical Devices.

Minister competent for veterinary affairs determines the procedure regulating the registration and entry, the contents of application, as well as the documentation to be submitted along the application for the registration and entry of medical device in the Register of Veterinary Medical Devices, and also for the amendments to the registration and entry, the renewal, and cancellation of the entry in the Register of Veterinary Medical Devices, the labelling and the contents of instruction manuals, and the vigilance and the advertising of medical devices for use in the veterinary medicines.

Stipulations referred to in Article 178-202 all apply to medical devices for use in the veterinary medicine.

## **V. Emergency Cases**

### **Article 206**

In case of epidemics or/and epizootics, as well as in all the other cases of emergency in order to prevent the occurrence of serious outcomes for the health of the human and animal population, the Government can determine the other form, procedure, and conditions for the issuance of a medicinal products marketing authorization, and/or the registration in the Registry of medicinal products or medical devices kept by the Agency, or a medical device in the Register of Medicinal products and the Register of Medical Devices respectively, as well as to regulate the clinical trials, manufacture, marketing, quality control for medicinal products, marking and labelling, pharmacovigilance and/or vigilance, advertising, and application of medicinal products in animal treatment otherwise than stipulated in this Law.

## **VI. Information Confidentiality**

### **Article 207**

Employees of the Agency, members of the bodies and advisory boards of the Agency, experts from the list of experts, as well as the employees of the competent Ministries are obliged to treat as classified all the data in the documentation enclosed within an application for a marketing authorisation as well as in other procedures processed by the Agency and/or competent Ministries, particularly if:

- 1) data are confidential, and/or which as a whole or in a precise form and set of its components are not generally known or easily available to persons usually dealing with such kind of information;

- 2) data have a commercial value due to their confidentiality, during the period of confidentiality;

3) data for which an applicant for a medicinal product marketing authorisation, variations, and/or its renewal, under the circumstances, takes reasonable measures to keep them confidential.

Persons referred to in Paragraph 1 of this last Article shall also keep as a business secret all the data in the documentation submitted along with the application for the issuance of a medicinal product marketing authorisation, variations and/or a renewal that refer to undetached tests (examinations) of pharmaceutical products using new chemical solutions, or whose generation requires considerable efforts as classified.

For the purpose of controlling unfair competition, employees and persons referred to in Paragraph 1 of this Article shall not disclose the information from the documentation submitted during the procedure of obtaining a marketing authorisation, as well as in other procedures handled by the Agency and/or relevant Ministries, except by the consent of the applicant for a marketing authorisation, and/or the applicant in some other procedures handled by the Agency or relevant Ministries, as well as with the exception of the data available to the general public and expert groups with the purpose of providing the information on a medicinal product or medical device that is necessary for their use or handling, or required for the protection of health in humans and animals.

In case of violation of the stipulations referred to in Paragraphs 1, 2, and 3 of this Article, the regulations in relation to the protection of business secrets shall be applied.

Protection of the data referred to in Paragraph 2 of this Article shall be regulated by the regulations on the protection of industrial property.

## **VII. Medicinal products and medical devices surveillance**

### **Article 208**

Surveillance of the enforcement of this Law and the regulations passed in for the implementation of this Law is to be executed by the Ministry competent for the public health care affairs via medicinal products and medical devices inspectors (hereinafter: the Inspector), as well as by the Ministry in charge of the veterinary affairs – for veterinary medicinal products via the veterinary inspectors.

Surveillance of the performance of affairs conferred by this Law shall be executed by the competent Ministry.

In performing the surveillance referred to in Paragraph 1 of this last Article, the Inspector is authorized to:

1) affirm and verify the employment of the Guidelines to Good Manufacturing Practice, Good Laboratory Practice, Good Clinical Practice, and Good Distribution Practice;

2) affirm the fulfillment of the conditions for medicinal products or medical devices manufacturing, galenic medicinal products manufacturing, wholesale of medicinal products or medical devices, retail of medical devices in specialized retail outlets, as well as medicinal products testing with regard to facilities, equipment, and trained personnel pursuant to this Law and regulations passed in for the implementation of this Law;

3) ban a legal or physical person from manufacturing medicinal products or medical devices, marketing medicinal products or medical devices, manufacturing galenic medicinal products, and performing laboratory testing of medicinal products when the conditions stipulated by this Law and regulations passed in for the implementation of this Law are not met;

4) order a legal or physical person to harmonize their business by removing inconsistencies in relation to the conditions stipulated by this Law and regulations passed in for the implementation of this Law within a period of time not shorter than 15 days or longer than six months from the date of the reception of the decision pursuant to the said stipulations;

5) ban a legal or physical entity referred to in Item 3) of this last Paragraph from performing medicinal products or medical devices manufacturing, engaging in wholesale of medicinal products or medical devices, retail of medicinal products or medical devices, galenic medicinal products manufacturing, and performing laboratory testing of medicinal products and chemicals if they failed to harmonize their business by removing inconsistencies referred to in Item 4) of this last Paragraph in due time, or when a critical conflict with the Guidelines on the Good Manufacturing Practice occurs;

6) ban a legal or physical entity from releasing a medicinal product or batch of medicinal products when they fail to fulfill the conditions stipulated by this Law and regulations passed in for the implementation of this Law;

7) abort a release of a medicinal product or batch of medicinal products which are not in accordance with the conditions stipulated by this Law and regulations passed in for the implementation of this Law;

8) order a withdrawal of a medicinal product or batch of medicinal products from the market in accordance with the conditions stipulated by this Law and regulations passed in for the implementation of this Law;

9) order a defective medicinal product or certain medical devices to be destroyed in accordance to this Law;

10) abort or ban a conduct of clinical trials of a medicinal product that are carried out in conflict with this Law and regulations passed in for the implementation of this Law, acting upon the Agency's proposal and/or in accordance with their line of duty;

11) ban the advertising of medicinal products and medical devices which is performed contrary to the conditions stipulated by this Law and regulations passed in for the implementation of this Law by all legal or physical entities involved in the advertising procedure, as well as to, pursuant to data which the Agency submits to the competent Ministry in accordance with this Law, order a ban of advertising or deployment of materials used in advertising of medicinal products and medical devices, as well as other documentation used for advertising of medicinal products and medical devices;

12) inspect documentation and evidence in possession of a marketing authorization holder, or a holder of register in the Register of Medical Devices with regard to all entered and admitted data as regards pharmacovigilance or vigilance of medical devices, as well as with regard to all official complaints submitted to the Agency, health care institutions, and veterinary institutions;

13) take other measures pursuant to this Law.

#### Article 209

For the medicinal products used in human medicinal product, duties of the Inspector can be performed by a person holding a Bachelor degree in Medical or Pharmaceutical Science, a Medical or Pharmaceutical License obtained in accordance with the law regulating health care and medical or pharmaceutical licensing who has already passed the civil service examination required for the work in central government bodies/agencies in addition to having obtained a minimum of three years of working experience in the field.

For the medicinal products used in animal medicinal product alone, duties of the Inspector can be performed by a person holding a Bachelor degree in Veterinary Medicine, a Veterinary License obtained in accordance with the law regulating the field of veterinary medicine who has already passed the civil service examination required for working in central government bodies/agencies in addition to having obtained a minimum of three years of working experience in the field, or a minimum of five years of working experience in the field of border veterinary inspection.

#### Article 210

Inspector shall be supplied with a special ID, which is an identification document that must be produced upon application of an accountable person or any other interested party while performing the inspection.

Form and the contents of the ID referred to in Paragraph 1 of this Article shall be determined by the Minister responsible for the public health care issues, or the Minister competent for veterinary affairs.

#### Article 211

Inspector can perform their duties independently within the authority constraints as stipulated by this Law and regulations passed in for the implementation of this Law, whereof they shall be held accountable.

In performing the surveillance referred to in Article 208 of this Law, an Inspector is authorized to:

- 1) inspect general and particular acts, evidence acts, and other documentation in relation to medicinal products and medical devices manufacturing, galenic medicinal products manufacturing, medicinal products and medical devices marketing, medicinal products and medical devices advertising, testing and quality control for medicinal products and certain types of medical devices, as well as the documentation in relation to the implementation of the Guidelines on the Good Manufacturing Practice, Good Laboratory Practice, and Good Distribution Practice;

- 2) hear and note statements made by the accountable and other interested parties;

- 3) inspect business facilities, buildings, plants, appliances, equipment, as well as documentation regarding the professional staff requirements in relation to the medicinal products and medical devices manufacturing, galenic medicinal products

manufacturing, marketing, as well as testing and control of medicinal products and/or certain types of medical devices;

4) directly insight into the deployment of the Guidelines on the Good Manufacturing Practices, Good Laboratory Practice, and Good Distribution Practice, as well as the standard and operational procedures in these fields;

5) collect medicinal products samples, and/or samples of certain types of the marketed medical devices, and/or in the manufacturing phase in order to determine their quality;

6) collect photocopies of the inspected documents, as well as obtain the evidence of the established facts by taking snapshots of buildings, manufacturing facilities, equipment, etc.;

7) undertake other measures and steps in relation to the object of surveillance pursuant to this Law.

## Article 212

Inspector is obliged to produce a written record about the conditions it encountered in the field containing the account of the inspection- and surveillance-related procedures performed during the inspection.

Written record referred to in Paragraph 1 of this Article must be handed without fail to the surveillance subject.

Based on the written record referred to in Paragraph 1 of this last Article the Inspector shall issue a decision binding the surveillance subject to act accordingly.

Any complaint about the decision referred to in Paragraph 3 of this last Article is to be submitted to the Minister competent for the public health care affairs, or the Minister competent for veterinary affairs – for veterinary medicinal products.

Minister's decision referred to in Paragraph 4 of this last Article is to be regarded as a final administrative act against which a lawsuit can be filed.

Based on the written record produced by the Inspector regarding the conditions for the medicinal products and medical devices manufacturing, retail of medical devices, galenic medicinal products manufacturing, wholesale, laboratory testing, as well as the certification procedure for the Good Manufacturing Practice and Good Laboratory Practice, the Minister competent for the public health care affairs, or the Minister competent for veterinary affairs –veterinary medicinal products, shall issue a decision.

Minister's decision referred to in Paragraph 6 of this Article is to be regarded as a final administrative act against which a lawsuit can be filed.

If the Inspectors determine that the surveillance subject has committed breaking of the law, economic offense, or a violation by acting or failing to act pursuant to the surveillance, they are required to file immediately either an official report about the committed violation or economic offense to the authorities, or an official request for legal prosecution of the subject in question.

## Article 213

Conformity with the Guidelines on the Good Manufacturing Practice or Good Laboratory Practice, is to be established in the following manners:

- 1) surveillance performed with the aim of issuance of the Certificate on the Good Manufacturing Practice or the Certificate of Good Laboratory Practice upon an application of a manufacturer or a laboratory;
- 2) periodic surveillance performed on the three-year basis from the date of issuance of the last Certificate on the Good Manufacturing Practice, or the two-year basis from the date of issuance of the last Certificate on the Good Laboratory Practice for the purpose of verifying the conformity with the Guidelines on the Good Manufacturing Practice and/or Good Laboratory Practice;
- 3) special surveillance performed upon a request of the competent bodies or organizations which the Certificate on the Good Manufacturing Practice and/or Good Laboratory Practice is submitted to, within the procedure for issuance of a marketing authorisation, medicinal products registration, application or issuance of a license for chemicals marketing and usage;
- 4) surveillance performed in the case of emergency.

#### Article 214

Legal and physical entities whose professional engagement is the subject of supervision, are obliged to provide the Inspectors with free access and supervision performance pursuant to this Law, regardless of whether the inspection is announced or not, as well as to make at their disposal without compensation a sufficient number of medicinal product samples subject to the analysis, and/or to provide them with all the necessary data available.

Costs of sampling medicinal products and/or certain types of medical devices, shall be borne by a holder of a marketing authorisation and/or a holder of the registration in the register books kept by the Agency, health care institutions, private medical practices, veterinary organizations, and legal entities engaged in the wholesale of medicinal products or medical devices.

Inspector is obliged to perform its job in accordance with this Law and the regulations passed in for the implementation of this Law in a responsible and unbiased manner, as well as to secure confidentiality of data encountered while performing surveillance.

#### Article 215

Within the marketing authorization issuance procedure, the Agency can, in exceptional cases, file a request to the competent Ministry thereby for a surveillance procedure of a manufacturer of a medicinal product which there has been made an application for the issuance of marketing authorisation or variation and/or renewal.

#### Article 216

All the expenses of the surveillance inspection performed with the aim at establishing the conformity of manufacturing process, and/or laboratory testing with

the Guidelines on the Good Manufacturing Practice or Good Laboratory Practice respectively, that occur in the procedure performed upon the application procedure, shall be borne by the applicant.

Minister competent for the public health care affairs, and/or the Minister competent for the veterinary affairs for veterinary medicinal products, shall determine the amount of expenses referred to in Paragraph 1 of this Article.

Income generated by charging the expenses referred to in Paragraph 2 of this last Article, shall render an income in the budget of the Republic of Serbia.

## **VIII Penal measures**

### **Corporate offence**

#### **Article 217**

Fine of 1,000,000 to 3,000,000 dinars shall be imposed on a legal entity for a corporate offence in case if someone:

- 1) manufactures, i.e. distributes medicinal products or medical devices contrary to this Law: (Article 95, Paragraph 2, Article 97, Paragraph 3, Article 99, Paragraphs 1, 4 and 5, Article 100, Article 101, Paragraph 1, Article 103, Paragraph 6, Article 108, Paragraph 1, Articles 109 and 119, Article 120 Paragraph 3, Article 121, Paragraph 4, Article 123, Paragraph 4, Articles 132 and 133, Article 134, Paragraphs 1-3, Articles 158-160, Paragraph 170, Article 177, Paragraph 1, Article 185, Paragraph 2, Article 187, Paragraphs 1 and 2, Article 188, Article 193, Paragraphs 2 and 3, Article 197);
- 2) acts contrary to Article 207, Paragraphs 1 - 3 of this Law.
- 3) acts contrary to Article 144, Paragraph 4 of this Law.

For the corporate offence referred to in Paragraph 1 of this Article, a responsible person of a legal entity shall be fined 100,000 to 200,000 dinars.

#### **Article 218**

Fine of 800,000 to 2,000,000 dinars shall be imposed on a legal entity for a corporate offence if:

- 1) someone manufactures galenic, i.e. magistral medicinal products, i.e. distributes them contrary to Article 24 of this Law;
- 2) applicant for a marketing authorisation, i.e. an applicant for registering a medical device in the Register of Medical Devices kept by the Agency, does not have a responsible person for pharmacovigilance, i.e. a person responsible for documenting the procedure of obtaining a marketing authorisation, its variations, additions and updates with a full time employment contract for indefinite period, i.e. a person responsible for batch release (Article 27, Paragraphs 3 and 4);
- 3) marketing authorisation holder, within 12 months from the deliverance of the Agency's files on approval of a variation, does not put a medicinal product on the market in accordance with the approved variation (Article 40, Paragraph 7);



4) marketing authorisation holder, within 12 months from the deliverance of the Agency's files on approval of a marketing authorisation transfer, does not put the medicinal product on the market in accordance with the approved marketing authorisation transfer (Article 41, Paragraph 5);

5) marketing authorisation holder, within 12 months from the deliverance of the Agency's files on approval of a marketing authorisation renewal, does not put the medicinal product on the market in accordance with the approved marketing authorisation renewal (Article 42, Paragraph 8);

6) medicinal product continues to be on the market after the medicinal product expiration date, i.e. after a maximum of six months from the marketing authorisation expiration, or if such a medicinal product is produced or imported, i.e. if one fails to notify the Ministry of competent jurisdiction and the Agency that one shall not initiate the proceedings for medicinal product renewal 60 days before the marketing authorisation expiration date but the medicinal product continues to be on the market (Article 47);

7) in the case of distribution of medicinal products in the Republic of Serbia for which the Government has not legislated price in accordance with this Law (Article 58, Paragraph 4);

8) medicinal product or medical device which is in a clinical trial procedure is not labelled in accordance with this Law (Article 69, Paragraphs 1 and 2, and Article 199);

9) importer of medicinal products or medical devices under a clinical trial is not licensed for the wholesale distribution (Article 70, Paragraph 1, and Article 199);

10) clinical trial sponsor does not have a person responsible for documenting the procedure of obtaining a marketing authorisation for conducting clinical trials and its variations, as well as for pharmacovigilance, with a full-time employment contract for the indefinite time period, which the Agency is informed, i.e. is not informed about (Article 71, Paragraph 6, and Article 199);

11) clinical trial sponsor, prior to clinical trials, does not ensure a person that shall undergo the clinical trial to assess the eventual damage to the health of that person caused by the clinical trial, in accordance with the law, or if he fails to determine in the contract the amount of compensation in the event of injury to the patient participating in the clinical trial, i.e. in the contract for clinical trials of veterinary medicinal products or medical devices does not state the amount of compensation to the owner of animals in case of any damage caused by the clinical trial (Articles 72 and 199);

12) legal person which performs a laboratory testing, does not inform the Ministry competent for the health care issues about the conduct of laboratory testing (Article 94, Paragraph 5);

13) wholesaler of medicinal products and medical devices does not act in accordance with the sale prohibition imposed by the Ministry (Article 135, Paragraph 3);

14) medicinal product manufacturer, i.e. a wholesaler does not notify the competent Ministry or the Agency, or if it does not keep records prescribed by this Law (Article 110, Article 136, Article 137, Paragraph 2, Article 139, Paragraph 1);

15) wholesale licensee does not have a plan for immediate withdrawal of medicinal products from the market which ensures the effective withdrawal of medicinal products from the market at the application of the competent Ministry, producers and licensees (Article 138);

16) medicinal product manufacturer, or a licensee distributes medicinal products contrary to the Article 140, Paragraphs 1 and 2 of this Law;

17) if the quantity of the imported medicinal product without a marketing authorisation is greater than the one year requirement of health care or veterinary organizations, i.e. if it does not match the need for scientific or medical research (Article 141, Paragraphs 4 and 5);

18) medicinal product importer, i.e. a distributor puts the imported medicinal product on the market without submitting samples of the medicinal product to the Agency for quality control (Article 149, Paragraph 2);

19) labelling of medicinal products and medical devices is performed contrary to Articles 152, 153, 155, 157 and 200 of this Law;

20) medicinal product without a marketing authorisation, whose the imports was approved by the Agency, does not have a package leaflet in Serbian language (Article 156, Paragraph 5);

21) advertising of medicinal products and medical devices is contrary to this Law (Articles 166 - 168 and Article 204);

22) holder of registration does not report any variations of the documentation which the Agency used for making a registration in the Register of Medical Devices (Article 181, Paragraph 1).

For the corporate offence referred to in Paragraph 1, hereof, the responsible person of the legal entity shall be fined 80,000 to 150,000 dinars.

### Article 219

Concurrently with the fines from Articles 217 and 218 of this Law, injunctive release against the objects of the company shall be imposed on a legal person in duration of three to ten years.

Medicinal products and medical devices subjects of litigation shall be dispossessed without compensation.

## Corporate minor offence

### Article 220

A fine of 300,000 to 1,000,000 dinars shall be imposed on a legal person for a corporate minor offence:

1) if one issues or sells medicinal products contrary to the regime of issuing medicinal products specified in the marketing authorisation, or if one acts contrary to Article 55, Paragraphs 2 and 3 of this Law (Articles 51-54 and Article 55, Paragraph 2 and 3);

2) if a sponsor of clinical trials of medicinal products and medical devices does not submit to the lead investigator participating in the clinical trials the same documents on account of which the license for conducting clinical trials was granted by the Agency, as well as if he fails to submit the license for conducting clinical trials and medical devices issued by the Agency (Article 84 and 199)

3) if a sponsor or a lead investigator of clinical trials of medicinal products and medical devices does not submit information required by the Agency within eight days from receiving the application (Article 91, Paragraph 4 and Article 199);

4) if a clinical trial sponsor does not submit the report to the Agency, and/or if he does not inform the Agency and the Ethics Committee about the completion or termination of a clinical trial, and/or if he does not submit the final report on the results of the clinical trials on medication and medical devices (Article 92, Paragraphs 1 - 3 and 199);

5) if a pharmacy or private practice performs wholesale instead of retail sale of medicinal products to patients, other health care institutions, private practices, or veterinary facilities which they supply with medicinal products according to this Law (Article 140, Paragraph 3);

6) if a pharmacy or a private practice does not display in a visible place the name and surname of the responsible pharmacist or graduate veterinarian, as well as if these data are not submitted to the competent Ministry (Article 146, Paragraph 3);

7) if the retail sale of medical devices is performed contrary to the Article 196, Paragraphs 1-3;

For a corporate minor offence referred to in Paragraph 1 of this Article, the responsible person of a legal entity shall be fined 10,000 to 50,000 dinars.

For a corporate minor offence referred to in Paragraph 1 of this Article, a natural person shall be fined 20,000 to 50,000 dinars.

#### Article 221

If acts referred to in Article 217, Paragraph 1, item 3 and Article 220 of this Law is performed by a contractor, he shall be fined for the offence 200,000 to 500,000 dinars.

Concurrently with the fine from Paragraph 1 of this Article, injunctive release against part of the objects of the company can be imposed on the contractor in duration of six months to three years, and medicinal products and medical devices, subjects of litigation, can be dispossessed without compensation.

### IX Interim arrangements and final provisions

#### Article 222

Legal and physical entities who manufacture, and/or perform wholesale of medicinal products and medical devices, and/or perform retail sale of medical devices, are obliged to harmonize their operations with the provisions of this Law within 18 months from the time the Law comes into operation.

To the exclusion of Paragraph 1 of this Article, legal entities that manufacture medicinal products and that are in the process of harmonizing production with Good Manufacturing Practice Guidelines in accordance with the Law on Medicinal products and Medical Devices ("The Official Gazette of the Republic of Serbia", no. 84/04, 85/05 and 36/09 - state law), and/or legal entities that are in the process of privatization on the day the Law comes into operation, and/or manufacturers that have been established as a health facility in accordance with the Law, are obliged to harmonize their production with Good Manufacturing Practice Guidelines during a period not exceeding three years from the time this Law comes into operation.

If the manufacturer of medicinal products or medical devices, and/or legal entity that performs wholesale distribution of medicinal products and medical devices, and/or retail sale of medical devices, do not harmonize his operations with the regulations of this Law within the period referred to in Paragraph 1 of this Article, the competent Ministry through competent inspectors shall grant discharge of the order which ascertained compliance with the conditions for manufacturing medicinal products or medical devices, and/or wholesale of medicinal products and medical devices, and/or retail of medical devices, in accordance with the regulations that were valid until this Law comes into operation.

Legal persons that manufacture active substances and legal persons that perform pre-clinical safety testing of substances are required to harmonize manufacture, and/or laboratory trials, with Guidelines to Good Manufacturing Practice, and/or Good Laboratory Practice, within three years starting from the date this Law comes into operation.

#### Article 223

Inspection of the competent Ministry is obliged, within three years from the day this Law comes into operation, to conduct a medical inspection and ascertain compliance with the conditions for the manufacture, and/or wholesale of medicinal products and medical devices.

Based on the results of the inspection specified in Paragraph 1 this Article, the MP of competent jurisdiction shall decide on issuing a new license for the manufacture, and/or wholesale of medicinal products and medical devices, in accordance with this Law and provisions enacted for enforcing this Law.

#### Article 224

Marketing authorisation with a Certificate of conformity issued in accordance with regulations that are valid until this Law comes into operation, are valid for 90 days from the expiration date on the Certificate of conformity on the grounds of which the marketing authorisation was issued.

#### Article 225

The proceedings initiated on application submitted to the Ministry of competent jurisdiction or the Agency shall be executed based on the regulations of the Law which is valid at the time the application is made until the day this Law comes into action.

To the exclusion of Paragraph 1 of this Article, the requirements for issuing a marketing authorisation submitted to the Agency until the day this Law comes into action, shall be treated as applications for making an entry into the Register of Medical Funds, if the applicant submits, and/or completes the necessary documentation in accordance with this Law.

#### Article 226

Marketing authorisation holder is obliged to label the medicinal product in accordance with this Law and regulations enacted for enforcing this Law, as well as with provisions of the regulations enacted for enforcing the Law on Medicinal products and Medical Devices ("The Official Gazette of the Republic of Serbia", no. 84/04, 85/05 and 36/09 - state law) which regulate the contents and the proper way of labelling outer and immediate packaging, as well as the contents of package leaflet which are not contrary to the provisions of this Law within 12 months since this Law comes into action.

#### Article 227

Galenic laboratory that produces galenic medicinal products is obliged to harmonize its activities with the provisions of this Law and regulations for the enforcement this Law within 2 years since this Law comes into action.

#### Article 228

The laboratory that performs clinical trials, on account of the authorization issued on the day this Law comes into action, is obliged to harmonize its activities with the provisions of this Law within 2 years since this Law comes into action.

#### Article 229

Regulations for enforcing this Law shall be passed within 12 months as of the effective date of since this Law.

Until the adoption of the regulations referred to in Paragraph 1 of this Article, there are enacted the regulations having been in force until the effective date of this Law, and which are not contrary to the provisions of this Law.

#### Article 230

Provisions of Article 31 and 32 of this Law for medicinal product manufacturers with the seat in the Republic of Serbia shall be applicable as of a day the Republic of Serbia accession to the EU.

Until the accession of the Republic of Serbia to the European Union, a manufacturer of medicinal products with a seat in the Republic of Serbia, who is a marketing authorisation holder, can be granted a marketing authorisation upon the expiry of six years as of the date of being granted the first marketing authorisation for the reference medicinal product, and/or after the expiry of the ten-year period as of the date of being granted the first marketing authorisation for a biotechnological medicinal product.

#### Article 231

On the day this Law comes into effect, the Law on Medicinal Products and Medical Devices (the "Official Gazette of the Republic of Serbia", No. 84/04, 85/05 and 36/09 - state law) shall be superseded.

#### Article 232

This Law shall come into effect eight days after its publication in the "Official Gazette of the Republic of Serbia", except for the provisions of Article 101 that shall come into effect on 1<sup>st</sup> January 2012.