

# MEDICINAL PRODUCTS IN HUMAN MEDICINE ACT

*In force from 13.04.2007*

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## **Chapter one. GENERAL PROVISIONS**

### **Section I. GENERAL PROVISIONS**

Art. 1. This Act shall provide for the terms and procedure for:

1. authorisation for use or registration of medicinal products designated for the human medicine, which are industrially manufactured or the manufacturing method, which includes industrial process;
2. (amend. – SG, 102, in force from 21.12.2012) authorisation of manufacturing and import of medicinal products;
  - 2a (new – SG, 102/2012, in force from 21.12.2012) manufacturing, import and wholesale trade with active substances;
  3. approval and conducting clinical trials;
  4. wholesale of and retail trade in medicinal products;
  5. parallel import of medicinal products;
  - 5a (new – SG, 102/2012, in force from 21.12.2012) intermediation in the area of medicinal products
  - 5b (new – SG 18/14) export of medicinal products according to the provisions of Chapter Nine “b”;
6. advertising medicinal products;
7. follow-up of the safety of the medicinal products released on the market;
8. classification of the method of prescribing and dispensing medicinal products;
9. control of the manufacture and import, wholesale and retail trade, conducting clinical trials, advertising, and the system for the follow-up of the safety the medicinal products released on the market;
10. pricing of medicinal products;
11. development of Positive Medicines List.
12. (new - SG 67/20) monitoring the effect of drug therapy.

Art. 2. The purpose of this Act is to create conditions for providing the release on the market of medicinal products, which comply with the requirements relating to quality, safety, and efficacy.

Art. 3. (1) Medicinal product in human medicine shall be:

1. any substance or combination of substances, which are intended for treatment or prophylactic of diseases in humans, or

2. any substance or combination of substances, which may be used or applied to humans with the aim of:

a) recovery, correction, or modification of physiological functions in humans by means of pharmacological, immunological or metabolic action, or

b) diagnostic purposes.

(2) Substance is any matter, the origin or which could be:

1. human (human blood, human blood products, and others);

2. animal (microorganisms, animal organs, extracts, secretions, toxins, blood products, and others.);

3. vegetal (microorganisms, plants and parts thereof, plant extracts, secretions, and others.);

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4. chemical (elements, natural chemical materials, synthetic and semi synthetic substances, and others).

Art. 4. Where a product meets simultaneously the characteristics of both medicinal product and another product regulated by other law, the provisions of this Act shall apply.

Art. 5. Medicinal products shall be classified according to the anatomic-therapeutic-chemical classification in accordance with the requirements of the World Health Organisation (WHO).

Art. 6. This Act shall not be applicable to:

1. hermetically closed radionuclides;

2. blood, plasma, or blood cells derived by a method including an industrial process.

Art. 7. (1) Only the manufacture of, import, wholesale and retail trade in, advertising of and treatment, prophylaxis, and diagnosis with medicinal products, which have received marketing authorisation, shall be permitted under terms of:

1. this Act or

2. Regulation (EC) N 726/2004 of the European Parliament and of the Council.

(2) The import of, trade in, treatment, prophylaxis and diagnosis with medicinal products beyond their expiry date shall be prohibited.

(3) Possession of a marketing authorisation or certificate of use, manufacture, and clinical trials of medicinal products issued in accordance with this Act shall not constitute ground for discharge according to the legislation in force.

Art. 8. Marketing authorisation according to this Act shall not be required for:

1. medicinal product prepared according to magisterial recipe in a pharmacy;

2. medicinal product prepared according to pharmacopoeia recipe in a pharmacy;

3. intermediate products designated for industrial processing by a person who has received

authorisation for manufacture under the terms of this Act;

4. active and auxiliary substances;

5. medicinal products in the course of development and/or test;

6. medicinal products designated for export.

7. (new - SG 71/2008, in force from 12.08.2008, amend. – SG, 102/2012, in force from 21.12.2012) medicinal product for modern therapy, prepared for a certain patient upon an individual medical prescription, in reference to specific standards for quality and is applied in a medical institution to the explicit professional responsibility of the physician.

Art. 8a (new – SG, 102/2012, in force from 21.12.2012) In manufacture of medicinal products, intended only for export, of intermediate products, active substances and of assisting substances , the relevant provisions of Chapter Five shall apply.

Art. 9. (1) The treatment of a specific patient a medicinal product, which has not been authorised under the terms of Chapter Three, can be applied according to a special procedure for therapeutic establishment for hospital care under the terms and procedures as set out in an ordinance issued by the Minister of Health.

(2) The manager of the healthcare establishment shall be responsible for the treatment according to para 1.

(3) (New - SG 84/18, in force from 12.10.2018) The treatment with a compassionate medicinal product according to Art. 83 of Regulation (EC) № 726/2004 of the European Parliament and of the Council shall be carried out under the conditions and procedure laid down in the Ordinance under Para. 1.

Art. 10. (1) The Minister of Health can authorise for certain period of time treatment with a medicinal product which has not been authorised according to Chapter Three, by an order on the basis of reasoned proposal from chief state health inspector coordinated with the director Bulgarian Drug Agency (BDA) wherever there is a declared epidemic in the country caused by pathogenic microorganisms or toxins or there is suspected or confirmed dissemination of chemical agents or nuclear radiation and there is no suitable medicinal product authorised for use.

(2) In the cases under para 1, the marketing authorisation holders, manufacturers, and medical specialists shall not bear civil or administrative and penal

responsibility for the consequences of the use in an unauthorised indication of a medicinal product or of a medicinal product, which has not been authorised according to Chapter Three.

(3) para 2 does not exclude the responsibility for defective products according to the Consumer Protection Act.

Art. 11. (1) The Minister of Health may, due to reasons relating to the protection of the health of the population, instruct by way of order the Executive Director of the BDA to authorise the use of a medicinal product, which has not been authorised for use on the territory of the Republic of Bulgaria and for which no application for issuing of an authorisation has been submitted but which has been authorised in another Member State.

(2) In the cases under para 1, the director of BDA, or his authorised representative shall:

1. inform the holder of the marketing authorisation for the medicinal product on the initiation of a procedure for the authorisation of the medicinal product for use;

2. register the person referred to in point 1 as a holder of the issued authorisation;

3. demand from the regulatory body of the Member State that has issued the marketing

authorisation a copy of the assessment report and a copy of the marketing authorisation.

(3) (suppl. – SG, 102/2012, in force from 21.12.2012) The Bulgarian Drug Agency shall be obliged to ensure compliance of the label, patient information leaflet, classification, advertising, and follow-up of the safety of the medicinal product released on the market according to Para. 1 with the requirements of this Act. The information on the packing and in the leaflet of the medicinal product under Para. 1 shall not be obligatorily in the Bulgarian language.

(4) The Executive Director of BDA shall inform the European Commission about the authorisation issued according to para 1, the name and address of the authorisation holder, as well as about the date of termination of the validity thereof.

Art. 12. (1) The official pharmacopoeia of the Republic of Bulgaria shall be the European Pharmacopoeia

(2) The official pharmacopoeia may be supplemented with the requirements of the Bulgarian pharmacopoeia.

(3) The Minister of Health shall determine by way of order the dates of entry into effect of the current edition of the official pharmacopoeia and the annexes thereof.

(4) The order according to para 3 shall be promulgated in the State Gazette and published on the internet site of BDA.

Art. 13. (1) The monographs of the European Pharmacopoeia shall be obligatory for all substances, preparations, and pharmaceutical forms contained therein. In the cases where there is no monographs in the European Pharmacopoeia, the requirements of the current editions of the pharmacopoeias of the Member States, the U.S.A, and Japan provided that these are in compliance with the general rules of the European Pharmacopoeia.

(2) Where the specification contained in a monograph of the European Pharmacopoeia or other national pharmacopoeia is insufficient to ensure the quality of the substance or pharmaceutical form, the Bulgarian Drug Agency can require supplementation of the specification by the applicant/marketing authorisation holder.

## **Chapter two. MANAGING AND FINANCING BODIES**

### **Section I. Managing Bodies**

Art. 14. (1) The medicinal product policy in the Republic of Bulgaria is part of the State health policy and is implemented by the Minister of Health.

(2) The Minister of Health shall:

1. be the national coordinator for the problems of medicinal product;
2. take part in international bodies and organisations carrying out activities in the domain of the medicinal products;

3. (repealed – SG, 60/2011, in force from 05.08.2011 new – SG, 102/2012, in force from 21.12.2012) organize provision of public information to the patient organisations and to the consumers organisations about the actions, undertaken against falsification of medicinal products.

4. Carry out other activities set out by a law.

When activities according para 2, point 3 carried out, the Ministry of Health collect taxes in amount, determined in tariff according to Art. 21, para 2.

(3) (repealed – SG, 60/2011, in force from 05.08.2011)

Art. 15. (1) Pharmacopoeia Committee shall be established with the Minister of Health as a consulting body on issues relating to the current pharmacopoeia.

(2) The Minister of Health shall, on the grounds of a proposal of the Executive Director of the BDA determine by an order the composition of the Pharmacopoeia Committee and the expert groups thereto and shall approve the regulation relating to their activity.

(3) The activity of the Pharmacopoeia Committee shall be financed by the budget of the Ministry of Health.

Art. 16. (1) (suppl. - SG 91/18, amend. – SG 67/20) Higher Council of Pharmacy shall be established to the Minister of Health as a consulting body on issues relating to pharmacy. It shall be composed by five representatives appointed by the Minister of Health, five representatives from Bulgarian Pharmaceutical Union, one representative of the Bulgarian Association of Assistant Pharmacists, two representatives from National Health Insurance Fund (NHIF) and one representative from Faculty of pharmacy of the higher schools. The Minister of Health is a chairman of the council without right of vote.

(2) The Higher Council of Pharmacy is consultative body, which discuss and provide statements for:

1. Basic approaches and priorities in the pharmaceutical area;
2. Ethical problems of the pharmacy;
3. Projects for normative acts, related with the pharmacy;
4. The scientific priorities in the area of pharmacy;
5. Programs for organisation of social educational campaign in the area of medicinal products.

(3) (repealed – SG, 60/2011, in force from 05.08.2011)

(4) The organisation and the activity of the Higher Council of Pharmacy are settled with ordinance issued by the Minister of Health, after proposal of Higher Council of Pharmacy.

Art. 17. (1) The Bulgarian Drug Agency shall be a specialised body at the Minister of Health for the surveillance on the quality, safety, and efficacy of the medicinal products.

(2) (amend. SG 15/13, in force from 01.01.2014) The Bulgarian Drug Agency shall be a legal entity budget financed with registered office in the city of Sofia with the Minister of Health.

(3) The Bulgarian Drug Agency shall be managed and represented by an Executive Director who shall be appointed under the terms of the Administration Act.

(4) The structure, functions, and work organisation of the Bulgarian Drug Agency shall be regulated by statutes adopted by the Council of Ministers.

(5) The Bulgarian Drug Agency shall:

1. issue manufacture authorisation for medicinal products;
2. issue marketing authorisations and registration certificated for medicinal products;
3. issue authorisations for wholesale of medicinal products;
4. issue authorisations for parallel import of medicinal products;
5. (amend. – SG, 60/2011, in force from 05.08.2011), issue, refuse or terminate authorisations for retail trade with medicinal products;

5a (new – SG, 102/2012, in force from 21.12.2012) enters the producers, importers and wholesale traders with active substances;

5b (new – SG, 102/2012, in force from 21.12.2012) keeps register of the persons, carrying out intermediation activity in the area of the medicinal products;

6. issue authorisations to conduct clinical trials of medicinal products;

7. carry out assessment of the quality, efficacy, safety of medicinal products in relation with their marketing authorisations;

8. issue authorisations for the advertising of medicinal products;

9. exert control on the manufacture, import, storage, wholesale and retail trade, clinical trials, safety, and advertising of medicinal products;

10. carry out laboratory analysis in case of doubt of deviation in the quality, efficacy, and safety of the medicinal products and shall undertake the measures provided by law;

10a (new – SG, 102/2012, in force from 21.12.2012) carries out the functions of a competent body for vigilance medicinal safety;

11. (amend. - SG, 102/2012, in force from 21.12.2012) organize and maintain a system for vigilance the medicinal safety;

12. issue certificates according to the certification system of the World Health Organisation;

12a. (new – SG 18/14) issue certificates of Good Distribution Practice;

13. Issue Good Manufacturing Practice certificates;

14. (amend. – SG 18/14) consult investment projects for the construction of new and/or refurbishing of existing sites relating to the manufacture of medicinal products in accordance with the rules of Good Manufacturing Practice;

15. execute the functions of national coordinator and consulting body on the issues relating to the quality, efficacy, and safety of medicinal products;

16. carry out consulting, scientific, information, and publishing activity in the domain of the medicinal sector;

17. coordinate and participate in activities relating to the European Pharmacopoeia and the development of the Bulgarian Pharmacopoeia;

18. take part in activities in the field of the medicinal products relating to the work of the European Medicines Agency, the European Directorate of the Quality of the Medicinal Products and Healthcare, of international bodies and organisations, as well as relating to the fulfillment of international treaties in which Bulgaria is a party to;

18a (new – SG, 102/2012, in force from 21.12.2012) participate in the international harmonisation and standardisation of the technical measures, referring to vigilance the medicinal safety under the coordination of the European Medicines Agency;

18b (new – SG, 102/2012, in force from 21.12.2012) establish and maintain a national internet portal for medicinal products;

19. carry out other activities provided by a law.

(6) (amend., - SG 98/10, in force from 01.01.2011, amend. – SG 67/20) The Bulgarian Drug Agency coordinates the activity in the field of the control on the medicinal products together with the Regional health inspectorates (RHIs).

(7) (new – SG, 102/2012, in force from 21.12.2012) The implementation of this act measures, related to prevention of entering and dissemination of falsified medicinal products shall be carried out in cooperation between the Bulgarian Drug Agency and the customs authorities.

(8) (New - SG 84/18, in force from 12.10.2018) The Bulgarian Drug Agency may carry out joint inspections with the National Revenue Agency, the Customs Agency, the National Health Insurance Fund, the Ministry of Health and the National Council on Prices and Reimbursement of Medicinal Products in performing its functions in the area of control over medicinal products.

Art. 17a (New – SG, 60/2011, in force from 05.08. 2011) The Regional health inspectorates shall issue authorisations for registration of drug stores.

Art. 17b. (new – SG 18/14) (1) (Amend. and suppl. – SG 67/20) Expert drug retail trade council shall be set up subordinated to the Managing Director of the BDA including three representatives of Bulgarian Pharmaceutical Association, one representative of the Bulgarian Association of Assistant-Pharmacists, one representative of every Pharmaceutical department of Higher Schools and four representatives of the BDA. The members of the council shall be appointed by an order of the Managing Director of BDA agreed by the Minister of Health.

(2) The council referred to in par. 1 is a consultancy unit, which shall:

1. issue opinions on the submitted to the BDA applications and documents under Art. 228, par. 1 and 5 which they are submitting to the Managing Director of BDA;

2. make justified proposals to the Minister of Health through the Managing Director of BDA for improvement of the access of individuals to drugs.

(3) The organization and the activity of the expert council under par. 1 shall be regulated by regulations issued by the Managing Director of BDA upon council's proposal.

(4) The members of the expert council referred to in par. 1 shall not get paid for the participation in council meetings.

(5) The expert council referred to in par. 1 shall report on their activity on an annual basis to the Minister of Health.

Art. 17c. (new – SG 18/14) Cannot be members of the expert council referred to in Art. 17b, par.1 persons who are:

1. owners, members of managing and supervisory bodies of business companies or sole traders with a scope of business production, import, wholesale or retail trade with drugs;

2. partners or shareholders holding more than 5 per cent of the equity of business companies with a scope of business production, import, wholesale or retail trade with drugs or working under a full time employment agreement in such companies.

## **Section II. Registers**

Art. 18. (Repealed - SG, 60/2011, in force from 05.08. 2011)

Art. 19. (1) The Bulgarian Drug Agency shall keep registers of:

1. (amend. – SG, 102/2012, in force from 21.12.2012) manufacturers and importers of medicinal products on the territory of the Republic of Bulgaria and qualified persons according to Art. 148, point 2, and Art. 161, Para. 2, p. 1;

2. (amend. – SG, 102/2012, in force from 21.12.2012) the manufacturers, importers and the wholesale traders of active substances;

3. (suppl. – SG 67/20) the medicinal products authorized for use and the registered medicinal products on the territory of the Republic of Bulgaria and the medicinal products authorized for use under a centralized procedure by the order of Regulation (EC) № 726/2004 of the European Parliament and of the Council;

4. wholesalers of medicinal products on the territory of the Republic of Bulgaria;

4a (new - SG, 102/2012, in force from 21.12.2012) the intermediaries in the field of medicinal products;

5. (amend. - SG, 60/2011, in force from 05.08. 2011) the issued permits for retail trade with medicinal products;

6. the authorised clinical trials;

7. issued permits for parallel import;

8. (new – SG 18/14, revoked - SG 84/18, in force from 12.10.2018)

(2) (Amend. - SG 84/18, in force from 12.10.2018) The data of the registers according to Para. 1, items 1 - 7 shall be published within 14 days from issuance of the respective permit on the internet site of the Bulgarian Drug Agency.

(3) (New – SG 67/20, revoked - SG 103/20, in force from 01.01.2021)

(4) (New – SG 67/20, amend. - SG 103/20, in force from 01.01.2021) Bulgarian Drug Agency connects the national identification number under Art. 259<sup>1</sup>, para. 1 with the product code in the sense of Art. 4, letter b), sub-point iii) of Commission Delegated Regulation (EU) 2016/161 of 2 October 2015 supplementing Directive 2001/83/EC of the European Parliament and of the Council by laying down detailed rules for the safety features appearing on the packaging of medicinal products for human use (OJ, L 32/1 of 9 February 2016), hereinafter referred to as "Delegated Regulation (EU) 2016/161", for medicinal products as defined in Delegated Regulation (EU) 2016/161.

(5) (New – SG 67/20, revoked - SG 103/20, in force from 01.01.2021)

(6) (New – SG 67/20) The registers under Para. 1 shall support interoperability and an automated interface providing the information in a machine-readable format, through which it can be used by other information systems.

(7) (Previous Para. 3 – SG 67/20) The Bulgarian Drug Agency shall maintain systems for electronic data exchange with the regulatory bodies of the other Member States, the European Commission and the European Medicines Agency.

Art. 19a. (New - SG, 60/2011, in force from 05.08. 2011) (1) The relevant Regional health inspectorates (RHI) shall keep and maintain public registers for the issued by them authorisations for registration of drug stores.

(2) Within 7-day term from the issuance of an authorisation for registration of a drug store, the relevant RHI shall submit information to the Ministry of Health about the issued act.

(3) The Ministry of Health shall keep and maintain on its internet site a public national register of the issued authorisations for registration of a drug store.

### **Section III. Financing**

Art. 20. (1) The activity of the Bulgarian Drug Agency is financed from the budget funds and its own activity.

(2) (amend. SG 15/13, in force from 01.01.2014) Budget funds shall be ensured by a subsidy from the state budget through the budget of the Ministry of Health.

Art. 21. (1) The Bulgarian Drug Agency shall be the administrator of the revenues of its own activity, namely:

1. chemico-pharmaceutical examinations;

2. laboratory analyses and tests;



3. assessment of documentation and issue of authorisations, certificates, and other documents set forth in this Act;

4. evaluation by the renewal, variation and cease of marketing authorisation approval and certificate for registration of medicinal product;

5. maintenance of marketing authorisations of medicinal products;

6. fines and property sanctions imposed by penal ordinances issued for infringements of this Act;

7. consulting, publishing, and research activities in the field of the drug sector;

8. coordination of investment projects for the construction of new and/or refurbishing of existing sites relating to the manufacture of medicinal products;

9. conduct of inspections in connection with assessment of compliance of the manufacturing conditions with the requirements of Good Manufacturing Practice;

10. (new - SG 84/18, in force from 12.10.2018) carrying out inspections of authorized clinical trials;

11. (new - SG 84/18, in force from 12.10.2018) carrying out inspections related to the issuance of a certificate of Good Manufacturing Practice or of Good Distribution Practice at the request of the inspected person;

12. (previous item 10 - SG 84/18, in force from 12.10.2018) other sources.

(2) (Amend. - SG 84/18, in force from 12.10.2018) During the execution of the activities according to para 1, points 1 – 5, points 7 – 11, the Bulgarian Drug Agency shall collect fees to the amounts as defined in a tariff adopted by the Council of Ministers.

(3) (New - SG 71/2008, in force from 12.08.2008) The tariff under para 2 shall have determined lower and various in amount fees for realisation of the procedures on permission for usage, production and import of medicinal products for small and medium enterprises in the pharmaceutical sector in the meaning of the Small- and Medium-Size Enterprises Act.

Art. 22. (1) The funds according to Art. 21 shall be spent for:

1. control activity of the BDA;

2. Payment of the activities according to Art. 21, Para. 1, p. 1 and 2, when The BDA is assigned their execution of another persons by contract;

3. (revoked – SG 38/12, in force from 01.07.2012)

4. establishment and maintenance and update of the registers according to Art. 19, Para. 1;

5. maintenance of systems for electronic data exchange with the regulatory bodies of the other Member States, with the European Commission, with and the European Medicines Agency;

6. (suppl. – SG, 102/2012, in force from 21.12.2012) information and publishing activities relating to the quality, efficacy, and safety of the medicinal products and vigilance medicinal safety;

7. (suppl. - SG 84/18, in force from 12.10.2018 (\*)) provision of the activity of the specialised commissions according to Art. 47, Par. 1 and 2, the commission under Art. 103, Para. 1, and the council according to Art. 251, Para. 3;

8. (revoked – SG 38/12, in force from 01.07.2012)

9. participations in international and national inter-laboratory tests;

10. (amend. – SG. 60/2011, in force from 5. 8. 2011; revoked – SG 38/12, in force from 01.07.2012)

(2) ( suppl. SG 71/2008, in force from 12.08.2008; amend. and suppl. – SG 12/11, in force from 08.02. 2011, amend. – SG, 60/2011, in force from 5.8.2011, amend. – SG, 102.2012, in force from 21.12.2012, amend. - SG 84/18, in force from 12.10.2018 (\*)) The funds according to Art. 259, Para. 5 shall be spent for:

1. (amend. – SG, 60/2011, in force from 5.8.2011).
2. activities of the Pharmacopoeia Committee;
3. (amend. – SG, 60/2011, in force from 5.8.2011, amend. – SG, 102.2012, in force from 21.12.2012, amend. - SG 84/18, in force from 12.10.2018 (\*)) activities of the Transparency Commission;
4. (revoked – SG 38/12, in force from 01.07.2012)
5. (suppl. – SG 71/08, in force from 12.08.2008; amend. – SG 12/11, in force from 08.02.2011, amend. – SG, 60/2011, in force from 5.8.2011; revoked – SG 38/12, in force from 01.07.2012)

## **Chapter three.**

### **PLACING MEDICINAL PRODUCTS ON THE MARKET**

#### **Section I.**

#### **General Provisions**

Art. 23. (1) An industrially manufactured medicinal product or a medicinal product obtained by a method involving an industrial process may only be placed on the market after a marketing authorisation or a registration certificate has been issued under the terms of:

1. this Act or
2. Regulation (EC) 726/2004 of the European Parliament and the Council.

(2) A marketing authorisation within the meaning of para 1 shall also be required for a radionuclide generator, radionuclide precursor, or a kit.

(3) Types of procedures according to para 1 shall be:

1. centralised procedure;
2. mutual recognition /decentralised procedure;
3. national procedure.

(4) (New - SG 71/2008, in force from 12.08.2008) On the territory of the Republic of Bulgaria may be placed on the market only medicinal products, whose owner of permission for usage/certificate for registration has been established on the territory of a Member State.

Art. 24. (1) Marketing authorisation shall not be required for radiopharmaceuticals prepared immediately before use from authorised radionuclide generators, radionuclide precursors, or kits in accordance with the manufacturer's instructions.

(2) The products according to para 1 shall be prepared by qualified persons I laboratories or institutes authorised for such activity under the terms of the Safe Use of Nuclear Energy Act.

(3) The preparation, use, and administration of the products according to para 1 shall be performed in compliance with the nuclear medicine standard.

Art. 25. (1) The criteria for the determination of a medicinal product designated for the treatment, prophylaxis, or diagnostics of rare diseases are laid down in Regulation (EC) N 141/2000 of the European Parliament and of the Council.

(2) The conditions and order for granting of a marketing authorisation of the medicinal products according to para 1 are laid down in (EC) N 726/2004 of the European Parliament and of the Council.

Art. 26. (1) A marketing authorisation of a medicinal product, a registration certificate for the

authorisation of a homeopathic medicinal product according to Art. 35, or a registration certificate for the authorisation of a traditional herbal medicinal product according to Art. 37 on the territory of the Republic of Bulgaria shall be issued by the executive director BDA to a natural or legal person established on the territory of a Member State or a state member of the European Economic Area.

(2) Where the person according to para 1 is not established on the territory of the Republic of Bulgaria, it shall designate a representative.

(3) The marketing authorisation holder takes responsibility for the medicinal products placed on the territory of the Republic of Bulgaria. The designation of a person according to para 2 shall not release the marketing authorisation holder from responsibility according to the acting legislation in Republic of Bulgaria.

## **Section II.**

### **Requirements Relating to the Documentation for Granting a Marketing Authorisation**

Art. 27. (1) For granting a marketing authorisation of a medicinal product, the person according to Art. 26, para 1, shall submit to the BDA a formal application accompanied by a dossier in the format of the Common Technical Document, which shall contain:

1. name and address of management and/or permanent address of the applicant according to Art. 26, para 2; where the applicant is a person other than the manufacturer(s) – address of the manufacture sties;

2. name of the medicinal product;

3. qualitative and quantitative particulars of the medicinal product, including its international non-proprietary name (INN) recommended by the WHO, where an INN for the medicinal product exists, or the relevant chemical name;

4. therapeutic indications, contraindications and adverse drug reactions;

5. posology, pharmaceutical form, method and route of administration and expected shelf-life;

6. precautions and safety measures during storage of the medicinal product, its administration to patients and for the disposal of waste products together with an indication of potential risks for the environment;

7. description of the method of manufacture;

8. description of the control methods employed by the manufacturer;

8a (new – SG, 102/2012, in force from 02.01.2013) declaration, that the audit results under Art. 160, Para. 2, conducted by the manufacturer of the medicinal product confirm that the active substance has been produced in compliance with the principles and directives for good production practice; the declaration shall indicate the date on which the audit is conducted;

9. assessment of the potential risks presented by the medicinal product for the environment for every individual case and measures for the limitation thereof;

10. results of:

a) pharmaceutical (physico-chemical, biological or microbiological) tests;

b) preclinical (toxicological and pharmacological) tests;

c) clinical trials;

11. declaration that the ethic principles of the Good Manufacturing Practice have been complied with in the clinical trials conducted outside the territory of the Member States;

12. (amend. – SG, 102/2012, in force from 21.12.2012) a summary of the pharmacovigilance system, which includes the following elements:

a) the name of the qualified person under Art. 191, curriculum vitae - education, professional experience gained in the field of pharmacovigilance and qualification for the fulfillment of his duties under

Chapter Eight;

- b) each Member state in which the qualified person fulfils his/her duties;
  - c) address, tel. fax, e-mail address of the person under letter "a";
  - d) address, at which the basic document is kept of the system for vigilance medicinal safety;
  - 12a. (new - SG, 102/2012, in force from 21.12.2012) declaration by the applicant that he/she has the needed means for fulfilling the obligations under Chapter Eight;
  - 13. (amend. -SG, 102/2012, in force from 21.12.2012) plan for risk management with a description of the system for risk management, which the applicant will introduce for the relevant medicinal product with the plan summary;
  - 14. summary of product characteristics according to Art. 34;
  - 15. mock-up of the immediate and outer packaging of the product and a proposed package leaflet in compliance with the requirements of Chapter Six;
  - 16. copy of the manufacturing authorisation issued by the regulatory authority of the country where manufacture is performed accompanied by a Good Manufacturing Practice certificate or a certificate evidencing that the manufacture of the medicinal product and the active substances contained in its composition has been performed in compliance with standards, which are at least equivalent to the standards of the Good Manufacturing Practice;
  - 17. copy of a document evidencing that the medicinal product is designated for treatment, prophylaxis, or diagnostics of rare diseases accompanied by a copy of the opinion of the European Medicines Agency;
  - 18. copies of all marketing authorisations issued in other Member States or in a third state of the medicinal product applied for marketing authorisation;
  - 18a. (new -SG, 102/2012, in force from 21.12.2012) a copy of summary of the safety data, including the data, contained in the periodical updated safety reports and if any – the signals for suspected unacceptable medicinal reactions;
  - 19. list of the Member States where an application for marketing authorisation the medicinal product has been submitted;
  - 20. copy of the summary of product characteristics proposed by the person according to Art. 26, para 1, or a copy of the summary of product characteristics approved by a regulatory authority of a Member State/ states members of the European Economic Area, which has already issued a marketing authorisation;
  - 21. copy of a refusal for a marketing authorisation in a Member State or a third state accompanied by motives; information for temporary suspension or termination of the effect of the marketing authorisation;
  - 22. copy of the proposed package leaflet accompanied by a summary of the results of the assessment of the level of comprehensibility of the contents of the package leaflet by a target patient group selected by the applicant or a copy of a leaflet approved by a regulatory authority in a Member State, which has already issued a marketing authorisation;
  - 23. document of paid fee in amounts up in the tariff according to Art. 21, para 2.
- (2) (suppl. – SG 18/14) The documents according to para 1, item 18 and 18a, relating to the Member States, and point 19, respectively, shall only be submitted in the procedures according to Section VII.
- (3) To radionuclide generators, the following documents shall be added to the data according to para 1:
- 1. description of the system together with a detailed description of its components, which may affect the composition or quality of the daughter radionuclides;
  - 2. qualitative and quantitative particulars of the eluate or the sublimate.
- (4) The documents and data from pharmaceutical tests, preclinical and clinical trials shall be accompanied by summarised reports prepared by experts with the required technical and professional

qualification. To the reports a curricula vitae report of the experts shall be applied.

(5) The dossier of the medicinal product shall be submitted in the Bulgarian and/or English language.

(6) (new – SG, 102/2012, in force from 21.12.2012) The risk management system under Para. 1, p. 13 should be proportional to the identified and to the potential risks of the medicinal product and to the need of collecting safety data of post-marketing researches.

(7) (new – SG, 102/2012, in force from 21.12.2012) The holder of the authorisation for use shall update the data of the file under Para. 1. For each change in the file the provisions of Chapter Three, Section VI shall apply, where applicable.

Art. 28. (1) The person according to Art. 26, para 1, insofar as he does not infringe industrial and commercial property rights, shall not submit to the BDA the data according to Art. 27, para 1, point 10, letters "b" and "c" provided that he can prove that the medicinal product indicated in the application is generic of a reference medicinal product, which is or has been authorised to market for not less than 8 years in a Member State or in a state member of the European Economic Area.

(2) The marketing authorisation holder of a generic product according to para 1 may not place it to market until 10 years from the initial marketing authorisation of the reference medicinal product have elapsed.

(3) Under observance of the conditions of para 1 and 2, the person according to Art. 26, para 1, may submit to the BDA an application for marketing authorisation of a medicinal product, which is generic of a reference medicinal product, even where the reference product has never had marketing authorisation on the territory of the Republic of Bulgaria.

(4) In the cases according to para 3, the person according to Art. 26, para 1, shall indicate in the application according to Art. 27, para 1, the Member State where the reference product is or has been authorised to market.

(5) In the cases according to para 3, the BDA shall request from the regulatory authority of the Member State indicated in the application according to Art. 27, para 1, a confirmation of the information according to para 4, the qualitative and quantitative composition of the reference product and, if necessary, additional documentation.

(6) At the request of a regulatory authority of a Member State where the application for a medicinal product generic to a referent medicinal product, which is or has been authorised to market on the territory of the Republic of Bulgaria, is submitted, the BDA shall submit the requested information according to para 5 within one month from the request date.

(7) The ten-year period according to para 2 may be extended by maximum one year at the request of the marketing authorisation holder of the reference medicinal product provided that during the first 8 years from the issue of the marketing authorisation of the reference medicinal product its marketing authorisation holder has received authorisation for a new therapeutic indication the significant clinical advantages of which versus the existing therapeutic opportunities are scientifically well-grounded.

(8) (new – SG 12/11, in force from 08.02.2011) Where for a medicinal product an initial marketing authorisation has been issued according to Art. 23, regarding each change of the strength of the active substance, in the pharmaceutical form, of the quantity per package, of the administrative route of the medicinal product, as well as regarding all other changes or extensions of the range of the marketing authorisation, an authorisation according to the requirements of this Act shall be also issued or the initial marketing authorisation shall be supplemented. All these authorisations shall be considered belonging to a general marketing authorisation of the medicinal product for the purposes of application of this Article.

Art. 29. (1) The person according to Art. 26, para 1, shall submit to the BDA the results of the

required preclinical and/or clinical trials in the cases where the medicinal product indicated in the application:

1. cannot be defined as generic or
2. the bioavailability tests do not prove bioequivalence, or
3. there is a change in the active substance(s), therapeutic indications, pharmaceutical form, and/or posology compared with the reference medicinal product, or
4. is offered in dosage units, which are different compared with the reference medicinal product.

(2) Where a biological medicinal product indicated in the application as similar to a reference biological medicinal product does not comply with the conditions to be determined as a generic medicinal product due to different method of manufacture or different starting materials compared with the reference product, or for other reasons, the applicant shall submit to the BDA the results of the required preclinical and/or clinical trials associated with these conditions.

(3) In the cases according to para 1 and 2 the documentation as laid down in the regulation according to Art. 42 shall also be submitted.

Art. 30. (1) The person according to Art. 26, para 1, insofar as he does not infringe the industrial and commercial property, shall not submit to the BDA the data according to Art. 27, para 1, point 10, letters "b" and "c" provided that he can prove that the conditions laid down in the regulation according to Art. 42 to the effect that the active substance included in the composition of the medicinal product applied for marketing authorisation has a well-established use in the medical practice and possesses acknowledged efficacy and acceptable safety level. In these cases, the results from the tests and tests may be replaced by the relevant scientific publications.

(2) The person according to para 1 shall submit the results from the required preclinical and clinical trials in case that the medicinal product containing active substances with well-established use, which have not been used for therapeutic use in the proposed combination. In this case, the documentation relating to each active substance shall not be submitted.

(3) Where an active substance within the meaning of para 1 has a proven new therapeutic indication on the basis of significant preclinical or clinical data associated with the new indication, the next applicant may not refer to the data for the new indication of the active substance more than once in a year.

Art. 31. In case, when medicinal product containing active substances used in the composition of authorised medicinal products but which are not used in the proposed combination for therapeutic purposes, the person according to Art. 26, para 1, shall submit the results of the preclinical trials and clinical trials associated with this combination. In

this case the applicant shall not submit documentation relating to the safety and efficacy of each separate active substance.

Art. 32. The marketing authorisation holder of a medicinal product may authorise the use of the pharmaceutical, preclinical and clinical documentation contained in the dossier of the medicinal product for the assessment of subsequent applications for medicinal products with the same qualitative and quantitative composition with respect to the active substances and with the same pharmaceutical form.

Art. 33. Conducting the necessary studies and tests for the purpose of preparing the documentation for marketing authorisation and the subsequent practical requirements in connection with the authorisation to market of medicinal products according to Art. 28 and Art. 29 shall not be regarded as breach of patent rights or to supplementary protection certificates of medicinal products.

Art. 34. (1) The summary of product characteristics shall contain the following information:

1. name of the medicinal product, quantity of the active substance in a dose unit, and pharmaceutical form;

2. qualitative and quantitative composition in terms of the active substances and constituents of the excipient, the information of which is essential for proper administration of the medicinal product. The usual common name or chemical description shall be used;

3. pharmaceutical form;

4. clinical particulars:

a) therapeutic indications,

b) posology and method of administration for adults and, where necessary, for children,

c) contra-indications,

d) special warnings and precautions for use and, in the case of immunological medicinal products, any special precautions to be taken by persons handling such products and administering them to patients, together with any precautions to be taken by the patient,

e) interaction with other medicinal products and other forms of interactions,

f) use during pregnancy and lactation,

g) effects on ability to drive and to use machines,

h) undesirable effects,

i) overdose (symptoms, antidotes, emergency measures).

5. pharmacological properties:

a) pharmacodynamic properties,

b) pharmacokinetic properties,

c) preclinical safety data.

6. pharmaceutical particulars:

a) list of excipients,

b) major incompatibilities,

c) shelf life, where necessary after reconstitution of the medicinal product or where the immediate packaging is opened for the first time,

d) special precautions for storage,

e) nature and contents of container,

f) special precautions for disposal of unused medicinal product or waste materials from such medicinal product.

7. marketing authorisation holder.

8. registration number.

9. date of the first marketing authorisation or renewal of the marketing authorisation.

10. date of a variation in the summary of product characteristics.

11. for radiopharmaceuticals, full details of internal radiation dosimetry.

12. for radiopharmaceuticals, detailed instructions for extemporaneous preparation and quality control and, where appropriate, maximum storage time during which any intermediate preparation such as an eluate or the ready-to-use pharmaceutical will conform to its specifications.

(2) The summary of product characteristics of medicinal products according to Art. 28-33, those parts of the summary of product characteristics of the reference medicinal product referring to indications or dosage forms which were still covered by patent law at the time when a generic medicine was marketed shall not be included.

(3) The requirements relating to the form and content of the summary of product characteristics shall be laid down in the regulation according to Art. 42.

(4) (new – SG, 102/2012, in force from 21.12.2012) The short characteristics of the medicinal products, included in the list under Art. 23 of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency contains information with the following text: "This medicinal product shall be subject to additional observation". Before the text a sign in black color shall be placed under Art. 23, Para. 5 of Regulation (EC) No 726/2004 of the European Parliament and of the Council, accompanied by an explanatory note.

(5) (new – SG, 102/2012, in force from 21.12.2012) The short characteristics of the medicinal products shall contain a standard text, which shall encourage the medical specialists to report each suspected unwilling medicinal reaction according to the forms under Art. 185, Para. 2, p. 4.

### **Section III.**

#### **Specific Requirements Applicable to Homeopathic Medicinal Products**

Art. 35. (1) Certificate for the registration of a homeopathic medicinal product shall be issued according to a simplified procedure provided that it complies with the following conditions:

1. they are administered orally or externally;
2. no specific therapeutic indications appear on the labelling of the medicinal product or in any information relating thereto;
3. there is a sufficient degree of dilution to guarantee the safety of the medicinal product; in particular, the medicinal product may not contain either more than one part per 10 000 of the mother tincture or more than 1/100th of the smallest dose used in allopathy with regard to active substances whose presence in an allopathic medicinal product results in the obligation to submit a doctor's prescription.

(2) For granting a registration certificate of a homeopathic medicinal product the person according to Art. 26, para 1, shall submit to the BDA a formal application, which may cover a series of medicinal products derived from the same homeopathic stock or stocks.

(3) The following documentation shall be included in the application according to para 2 in order to demonstrate the pharmaceutical quality and the batch-t-batch homogeneity of the products concerned:

1. scientific name or other name given in a pharmacopoeia of the homeopathic stock or stocks, together with a statement of the various routes of administration, pharmaceutical forms, and degree of dilution to be registered;
2. dossier describing how the homeopathic stock or stocks is/are obtained and controlled, and justifying its/their homeopathic use, on the basis of an adequate bibliography;
3. manufacturing and control file for each pharmaceutical form and a description of the method of dilution and potentiation;
4. manufacturing authorisation accompanied by a Good Manufacturing Practice certificate or by a certificate evidencing that the product is manufactured under conditions equivalent to the requirements of the Good Manufacturing Practice;
5. copies of any registrations or authorisations obtained for the same medicinal product in other Member States;
6. one or more mock-ups of the outer packaging and the immediate packaging of the medicinal products to be registered;
7. data concerning the stability of the medicinal product.

(4) The requirements relating to the data according to para 3 shall be laid down in the regulation according to Art. 42.



Art. 36. (1) Homeopathic medicinal products other than those referred to in Art. 35, para 1, the provisions of Art. 27 – 32 shall apply.

(2) For the homeopathic medicinal products according to para 1 the person according to Art. 26, para 1, shall not submit results of preclinical and clinical trials provided that it can be proven by bibliographical data from scientific literature that the homeopathic use of the medicinal product or homeopathic stocks involved in its composition have an established safety.

(3) In the cases according to para 2 the following shall be proven from the bibliographical data:

1. the homeopathic character of the uses raw materials and their traditional use in the indication applied for;
2. the innoxiousness of the homeopathic medicinal product with respect to the degree of dilution of each component.

## **Section IV.**

### **Specific Provisions Applicable to Traditional Herbal Medicinal Products**

Art. 37. (1) Registration certificate for a traditional herbal according to a simplified procedure provided that the product complies with the following conditions:

1. the product has indications exclusively appropriate to traditional herbal medicinal products which, by virtue of their composition and purpose, are intended and designed for use without the supervision of a medical practitioner for diagnostic purposes or for prescription or monitoring of treatment;
2. the product is exclusively administered in accordance with a specified strength and posology;
3. the product is administered orally, by inhalation, or is designated for external use;
4. the period for traditional use according to Art. 38, para 1, point 5, has elapsed;
5. the data on the traditional use of the medicinal product are sufficient; in particular the product proves not to be harmful in the specified conditions of use and the pharmacological effects or efficacy of the medicinal product are plausible on the basis of long-standing use and experience.

(2) The BDA may apply the procedure according to para 1 to a herbal medicinal product containing vitamins or minerals for the safety of which there is well documented evidence shall not prevent the product from being eligible for registration in accordance with para 1, provided that the action of the vitamins or minerals is ancillary to that of the herbal active ingredients regarding the specified claimed indication(s).

Art. 38. (1) For granting a registration certificate for a traditional herbal product the person according to Art. 26, para 1, shall submit to the BDA an application accompanied by the following documentation:

1. the data according to Art. 27, para 1, points 1 – 9 and point 10, letter "a";
2. summary of product characteristics without the data according to Art. 34, para 1, point 4;
3. in case of a herbal medicinal product according to Art. 37, para 2, or of a combined herbal medicinal product – the information according to Art. 37, para 1, point 5 for the combination; where the individual active substances of the combined product are not sufficiently known, data on the traditional use of each shall be provided;
4. a copy of the marketing authorisation or registration certificate of the herbal medicinal product granted by a Member State or a third country and/or a copy of a refusal accompanied by the motives of the decision;

5. bibliographical or expert evidence to the effect that the medicinal product in question or a corresponding product has been in medicinal use throughout a period of at least 30 years preceding the date of the application including at least 15 years within a Member State or country of the European Economic Area preceding the date the application;

6. bibliographical evidence of the safety the product accompanied by an expert report for the product accompanied by an expert report;

7. a copy of the manufacturing authorisation accompanied by a Good Manufacturing Practice certificate or by a certificate evidencing that the product is manufactured under conditions equivalent to the requirements of the Good Manufacturing Practice.

(2) The BDA may request additional information from the applicant for the assessment of the safety of the medicinal product according to para 1.

(3) The BDA may request an opinion of the Committee for Herbal Medicinal Products at the European Medicines Agency relating to the adequacy of the data according to para 1, point 5, by submitting the necessary parts of the dossier of medicinal product.

(4) The data submitted according to para 1, point 5 shall also be valid in the cases where throughout the period of 30 years of use in the medical practice:

1. the medicinal product, which is similar to the product which is applied for registration, has been marketed without authorisation or registration or

2. where the number of the components or the strength of the medicinal product, which is applied for registration, is decreased.

Art. 39. (1) Where the product has been used in the Community for less than 15 years, but is otherwise eligible for simplified registration Art. 37, para 1, the BDA shall submit the documentation according to Art. 38, para 1, to the Committee on Herbal Medicinal Products for opinion.

(2) The BDA shall make the final decision following the establishment of the monograph of the Committee according to para 1 on the compliance of the product with the criteria for registration for traditional use.

(3) In the cases according to para 1 the term according to Art. 44 shall cease to run.

Art. 40. The BDA may request from the applicant for herbal medicinal product to submit the documentation according to Art. 27 - 32 or according to Art. 35.

Art. 41. (1) The BDA shall publish on its internet site a list of the herbal substances, preparations, or combinations thereof used in the traditional herbal medicinal products established by the Committee on Herbal Medicinal Products of the European Evaluation Agency. The list shall contain therapeutic indications, strength, posology and method of administration as well as other information, which is necessary for the safe use of the herbal substance as a traditional medicinal product.

(2) Where the product proposed in the application for registration for traditional use contains herbal substance, preparation, or combination of products included in the list according to para 1, the applicant shall not submit the data according to Art. 38, para 1, points 4 - 6.

(3) Where the herbal substance, preparation, or combination thereof are excluded from the list according to para 1, the holder of the registration certificate of a herbal medicinal product must submit to the BDA the full documentation according to Art. 38 within three months from the amendment.

(4) In case the holder of the registration certificate of the herbal medicinal product does not fulfil the obligation according to para 3, the BDA shall cancel the registration certificate of the product.

## **Section V.**

### **Procedure for Granting Marketing Authorisation of Medicinal Products and Registration of Homeopathic and Traditional Herbal Products**

Art. 42. The requirements relating to the dossier data and documentation according to Art. 27 - 32, Art. 35, para 3, Art. 36, para 2, and Art. 38 shall be laid down in a regulation of the Minister of Health.

Art. 43. (1) (Amend. – SG 67/20) Within 15 days of the submission date of the documentation according to Art. 27-32, Art. 35, para 3, or according to Art. 38, the BDA shall review the completeness of the parts of the dossier accompanying the application and their compliance with the requirements for granting a the marketing authorisation or the registration certificate according to this Act.

(2) Where no incompleteness or discrepancies in the documentation according to para 1 are established, the BDA shall, within the term according to para 1 above, notify the applicant in writing that the documentation is valid. This notification shall state the date from which the time limit according to Art. 44 shall start to run.

(3) Where incompleteness and/or discrepancies in the documentation according to para 1 are established, the BDA shall notify the applicant in writing to submit additional information and/or present an oral or written explanation of the established incompleteness and discrepancies within 14 days of the notification date.

(4) Where the requirements according to para 3 have not been satisfied within the said term, the BDA shall notify the applicant in writing that the application is invalid. In such case the BDA shall return the submitted documentation in 14 days period and shall refund 75 percent of the fee paid by the applicant.

(5) Where the requirements according to para 3 have been satisfied within the said term, the BDA shall notify the applicant in writing that the documentation is valid stating in the notification the date from which the term according to Art. 44 shall start to run.

Art. 44. The procedure for granting marketing authorisation or registration certificate of a medicinal product shall start from the date indicated in the notification according to Art. 43, para 2, respectively Art. 43, para 5, and shall end within 210 days.

Art. 45. (1) Where in the BDA has been submitted an application for marketing authorisation or registration of a medicinal product for which, according to Art. 27, para 1, point 18, there is information of a marketing authorisation granted in a Member State, the BDA shall notify the applicant in writing to implement the procedure according to Art. 74.

(2) Where in the BDA has been submitted an application for marketing authorisation or registration of a medicinal product for which, according to Art. 27, para 1, point 19, there is information that the dossier of the same medicinal product is in a procedure of assessment in a Member State, the BDA shall not review the documentation according to Art. 27-32 or Art. 35, para 3, or according to Art. 38 and shall notify the applicant in writing to implement the procedure according to Art. 75.

(3) For the implementation of the provisions of para 1 and 2, a medicinal product shall be deemed as the same as authorised in another Member State, or as a product in a procedure of assessment of the dossier in another Member State where both medicinal products:

1. have the same qualitative and quantitative composition with respect t the active substance(s) and are offered in the same pharmaceutical form, whereas admissible shall be differences in the excipients provided that this shall not affect the safety and efficacy, and where

2. belong to the same company or the application for the medicinal products is submitted by the

same company or group of companies, or where the application for the medicinal products is submitted by persons who have concluded a license or other agreement or conduct joint activities relating to the placing on the market of the respective medicinal product in different Member States.

Art. 46. (1) For the assessment of the documentation the BDA shall:

1. may conduct tests of the final product, intermediate product, or the starting materials of the medicinal product or forward these for tests in a laboratory in a Member State belonging to the system of official medicines control laboratories in order to establish whether the control methods of analysis used by the manufacturer and described in the dossier comply with the requirements;

2. confirm, following inspection on the spot or by documents, whether the manufacturers of medicinal products from third states conduct the manufacture in compliance with the data set out in Art. 27, para 1, point 7, and/or conduct the control in compliance with the methods set out in Art. 27, para 1, point 8;

3. inspect the manufacturing site indicated in the application where the manufacturer(s) has, by way of exception, assigned to another manufacturer to conduct certain stages of the manufacture or control of the medicinal product.

(2) Where the BDA conducts an inspection on the spot of a manufacturing site, the term according to Art. 44 shall cease to run until the establishment of a report of the results of the inspection.

(3) In the cases according to para 1, points 2 and 3, the manufacturers shall pay a fee in amount, determined in the tariff according to Art. 21, para 2.

Art. 47. (1) To the executive director of the BDA with the statute of consulting authorities shall be established following specialised committees

1. Committee for medicinal products;

2. Committee for immunological medicinal products;

3. Committee for homeopathic medicinal products;

4. Committee for herbal medicinal products;

5. Committee for radiopharmaceuticals.

6. (new – SG, 71/2008, in force from 12.08.200) Commission for medicinal products with application in podiatry;

7. (amend. – SG, 71/2008, in force from 12.08.200) Commission for medicinal products for modern therapies;

8. (new - SG, 71/2008, in force from 12.08.200) commission for risk assessment at pharmacovigilance medicinal safety.

(2) In case of necessity, the executive director of the BDA may also establish specialised committees other than those mentioned in para 1.

(3) The specialised committees shall involve medical and other specialists with scientific achievements and practical experience in the respective fields of application of the medicinal products.

(4) External specialists with scientific achievements and practical experience in the field of a specific group of medicinal products may be involved in the standing staff of the committees.

(5) The executive director of the BDA shall appoint by an order the composition of the committees for a period of three years, the amount of their remuneration and shall approve a regulation on the conditions and order of their work.

(6) Not later than 30 January of each year, the executive director of the BDA shall approve lists of the experts outside the composition of the committees according to para 1 after receiving the approval of the Minister of Health.

(7) The executive director of the BDA may ahead of term dismiss a member of a specialised committee on his own request, in case of failure to fulfil his obligations for a period of more than three

months, or in case of unconscious conduct of his functions.

(8) The composition of the committees and the list of experts according to para 6 shall be published on the internet site of the BDA.

Art. 48. (1) The members of the specialised committees according to Art. 47, para 1, and the experts according to Art. 47, para 4, shall sign a declaration to the effect of their obligation:

1. not to disclose data and circumstances, which have become known to them during or on the occasion of the conduct of their activities;

2. not to be involved in activities associated with the manufacture of or wholesale or retail trade in medicinal products.

(2) In case the persons according to para 1 have been involved in the stages or preparation of the documentation necessary for the marketing authorisation of a medicinal product, they shall not participate in the sessions of the respective specialised committee according to Art. 47.

(3) The persons according to para 1 shall not vote during making of a decision on issues in which they or members of their families have commercial, financial, or other interests.

Art. 49. (1) (amend. – SG, 102/2012, in force from 21.12.2012) Within 200 days from the receipt of a valid documentation, the BDA, jointly with the respective committee according to Art. 47, Para. 1, shall assess the quality, safety, and efficacy of the medicinal product and shall establish an assessment report, with comments of the result of the pharmaceutical an pre-clinic tests, clinic studies of the system for risk management and of the system for safety vigilance of the relevant medicinal product.

which shall be submitted to the of the. The assessment report shall be updated upon receipt of new information relating to the quality, safety and efficacy of the product. The drawn up assessment report shall be produced to the BDA executive director.

(2)(new – SG, 102/2012, in force from 21.12.2012) The report under Para. 1 shall be updated in case that new information appears, important for the quality assessment, safety and efficiency of the medicinal product.

(3) (former Para. (2) – SG, 102/2012, in force from 21.12.2012) Where a medicinal product contains genetically modified organisms, the BDA shall submit to the Ministry of Environment and Waters the necessary documentation of the dossier of the medicinal product and request an opinion with respect to the potential risk to the environment established within 60 days. The sixty-day period shall be within the frames of the period according to Para. 1.

(4) (former Para. (3) – SG, 102/2012, in force from 21.12.2012) In the cases of radiopharmaceuticals, the BDA shall submit the necessary documentation of the dossier of the medicinal product to the Nuclear Regulatory Agency request an opinion with respect to the quality and safety of the product established within 60 days. The sixty-day period shall be within the frames of the period according to Para. 1.

(5) (former Para. (4) – SG, 102/2012, in fore rom 21.12.2012) Where the Ministry of Environment and the Nuclear Regulatory Agency do not pass a judgment within the terms according to Para. 3 and 4, it shall be presumed that their opinion is positive.

Art. 50. (1) Where the BDA establishes incompliance of the dossier with the requirements for granting marketing authorisation or registration certificate according to this Act, it shall notify the applicant in writing to submit additional information associated with the documentation according to Art. 27-32 or according to Art. 35, para 3, or according to Art. 38, and or to present an oral or written explanation of the established incompleteness and discrepancies within 180 days of the notification date.

(2) In the cases according to para 1, the term according to Art. 44 shall cease to run as from the notification date until the presentation of the requested information.

(3) The executive director of the BDA shall terminate the procedure for granting a marketing authorisation or authorisation for registration of a medicinal product where:

1. the applicant has not submitted the information according to para 1 within the required time limit;
2. the persons according to Art. 26, para 1, request its termination in writing.

Art. 51. Within 10 days of the establishment of the assessment report according to Art. 49, para 1, the executive director of the BDA shall issue a marketing authorisation/registration certificate of the medicinal product or make a motivated refusal.

Art. 52. (1) (amend. – SG, 102/2012, in force from 21.12.2012) Within 5 days of granting, the marketing authorisation/registration certificate in the register according to Art. 19, Para. 1, point 3, which shall contain the following data for the certificate:

1. registration number;
2. number and date of the marketing authorisation/registration certificate of the medicinal product;
3. name of the medicinal product;
4. international non-proprietary name of any active substance;
5. name and address of the holder of the marketing authorisation/registration certificate;
- 5a (new - SG, 102/2012, in force from 21.12.2012) the conditions of Art. 55a, 56 and 56a, entered in the authorisation for use/registration certificate;
6. date of variation of the marketing authorisation/registration certificate;
7. date of termination of the marketing authorisation/registration certificate;
8. other data.

(2) The marketing authorisation/registration certificate of the medicinal product shall be delivered to the person according to Art. 26, Para. 1, and shall enter into effect as from the date of its inscription in the register according to Art. 19, Para. 1, point 3.

Art. 53. (Amend. – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall publish on its internet site within 14 days from the issuance of the marketing authorisation/registration certificate the data according to Art. 52, Para.1, the approved summary of product characteristics and the data of the leaflet.

(2) The BDA shall publish on its internet site the assessment report under art. 49, Para. 1 with the motives of the decision taken while deleting the data constituting a trade secret.

(3) The report under Para. 2 shall be accompanied by a summary in understandable by the public language. The summary shall contain a section, related to the conditions for use of the medicinal product.

Art. 54. (1) (amend. – SG 12/11, in force from 08.02.2011) The holder of a marketing authorisation/registration certificate of a medicinal product shall notify the BDA in writing about the date of actual placing on the market of the medicinal product in the Republic of Bulgaria.

(2) (amend. – SG 18/14) The holder of a marketing authorisation/registration certificate of a medicinal product shall notify the BDA in writing within minimum two months prior to any discontinuation of the sales of a medicinal product irrespective temporary or permanent.

(3) (amend. – SG 18/14) The holder of a marketing authorisation/registration certificate of a medicinal product shall indicate the reasons for the discontinuation of the sales subject to compliance with

the provision of Art. 68, par. 1, item 6 and shall declare whether the measures under par. 2 undertaken by them are because of any of the grounds referred to in Art. 276 and Art. 277.

(4) (amend. – SG 18/14) In case of discontinuation of the sales of a medicinal product as a result of unforeseen circumstances, the holder of a marketing authorisation/registration certificate of a medicinal product shall notify the BDA in writing within 7 days of the establishment of the circumstances.

Art. 54a. (New – SG, 60/2011, in force from 5. 8. 2011) (1) (amend. – SG 18/14) With receiving a signal at the Executive Agency on Medicines (EAM) for termination of sales of a medicinal product, with the exception of the cases under Art. 54, Para. 2 and 4, the Agency shall perform a check within the term of 30 days after receiving the signal.

(2) While performing the check under Para. 1, the BDA may request information from the holder of the authorisation for use and/or from the person under Art. 26, Para. 2 on termination of the sales of the concrete medicinal product, as well as from the wholesale traders with medicinal products about the available quantities of the products.

(3) The BDA shall publish on its internet site the results from the performed check.

Art. 55. (1) The marketing authorisation/registration certificate of a medicinal product shall be issued by the executive director of the BDA for a period of 5 years.

(2) (Suppl. - SG 71/08, in force from 12.08.2008) Upon expiration of the period according to para 1, the marketing authorisation/registration certificate of the medicinal product may be renewed by the BDA on the basis of an assessment of the benefit/risk ratio pursuant to Art. 59a.

(3) (Amend. - SG 71/08, in force from 12.08.2008) The marketing authorisation/registration certificate may be terminated before the expiration of the term under para. 1, if the owner requests this in writing from the executive director of BDA, indicating the reasons.

(4) (Suppl. - SG 71/08, in force from 12.08.2008) The marketing authorisation/registration certificate shall be valid indefinitely after renewal.

(5) (amend. – SG, 102/2012, in force from 21.12.2012) In the presence of well-grounded reasons vigilance of the medicinal safety, including because of exposition of the medicinal product on not sufficient number of patients, the BDA may request the holder of a marketing authorisation to submit a renewal application for another 5 years under Art. 59a.

(6) (Amend. - SG 71/08, in force from 12.08.2008) Upon expiration of the marketing authorisation/registration certificate or upon their termination, the medicinal product may be sold until the available quantities in the country are exhausted, but not more than one year from the date of expiry or termination, except in cases where the reasons for termination are related to the safety of the medicinal product..

(7) The executive director of The BDA shall revoke by an order the marketing authorisation of a medicinal product provided that:

1. the holder has not placed the medicinal product on the market within three years from the date of granting the marketing authorisation or

2. the sales of the medicinal product have been discontinued for a period of 3 consecutive years after its placing on the Bulgarian market.

(8) The order according to para 7 shall be subject to appeal under the terms of the Administrative Procedure Code.

(9) By way of exception and in the interest of the public health, the provision of para 7 may not be applied provided that the marketing authorisation holder of the medicinal product shall indicate well-grounded reasons. In these cases the executive director of the BDA shall motivate his decision.

(10) The holder of a marketing authorisation shall annually pay a fee as laid down in the tariff

according to Art. 21, para 2, for the maintenance of the granted marketing authorisation.

Art. 55a (new – SG, 102/2012, in force from 21.12.2012) (1) The BDA executive director may issue a marketing authorisation/registration certificate of a medicinal product, which shall contain one or more of the following conditions:

1. to be undertaken certain measures for guaranteeing safe use of the medicinal product, which shall be included in the risk management system;
2. to be observed stricter obligations than the ones, indicated in Chapter Eight for registration or reporting of suspected not willing medicinal reactions;
3. to be observed stricter obligations, than the ones, indicated in Chapter Eight for registration or reporting of suspected not willing medicinal reactions;
4. to be observed any other conditions or restrictions in view to safe and efficient use of the medicinal product;
5. existence of an adequate vigilance system of the medicinal safety;
6. to be conducted postmarketing researches for efficiency, where there are doubts, related to efficiency of the medicinal product, which may be permitted only after the medicinal product is placed on the market.

(2) The marketing authorisation/registration certificate shall indicate the terms for fulfillment of the conditions under Para. 1, where applicable.

(3) The reasons for imposing the condition under Para. 1, p. 6 shall be determined by a delegated act under Art. 22b of Directive 2001/93/EC, by accounting the scientific directives, developed in the Manual under Art. 194a.

(4) The requirement for conducting post-marketing researches for efficiency shall be determined by a Manual, issued by the European Medicines Agency.

Art. 56 (Amend. – SG, 102/2012, in force from 21.12.2012) (1) exceptionally, after consultation with the applicant, the BDA executive director may issue a marketing authorisation/registration certificate under the condition, where the applicant may prove that he/she has not produced sufficient data about the efficiency and safety of the medicinal product under normal conditions of use because of one of the following reasons:

1. the indications, for which the medicinal product is intended, are so rare, that the applicant cannot produce complete evidence material, or
2. the condition of the scientific knowledge at the moment is such, that no complete data may be produced, or
3. collecting similar data contradicts the commonly adopted principles of the medical ethics.

(2) The marketing authorisation/registration certificate under Para. 1 shall be issued under one of the following conditions:

1. the applicant/holder should fulfill a programme of researches for the term under Para. 3 where the results serve for re-assessment of the correlation benefit – risk;
2. the medicinal product has regime of prescribing only by a doctor's prescription, where in certain cases may be used only under strict doctor's control in a medical establishment for medicinal help and in case of radiopharmaceutical specialist – only under the control of an authorised person;
3. the leaflet, as well as in any medical information, attached to the medicinal product should contain a text, which pays attention to the medicinal specialists, that some of the available data for the medicinal product are subject to further researches.

(3) The marketing authorisation/registration certificate under Para. 1 shall be issued for the term of 1 year and for each following year may be extended on the basis of an assessment of the fulfillment of the



conditions under Para. 2.

Art. 56a (new – SG, 102/2012, in force from 21.12.2012) (1) After issuing the marketing authorisation/registration certificate, BDA may oblige the holder of the marketing authorisation/registration certificate to conduct:

1. post-marketing safety research, if there are concerns for identified or potential risks or lack of information, related to vigilance the medicinal safety for the relevant medicinal product, where the same risks refer to other medicinal products, after consultations with the Committee for risk assessment in the area of the pharmacologic awareness, established under Art. 56, Para. 1, letter "aa" of Regulation (EC) N 726/2004 of the European Parliament and of the Council, BDA recommends to the relevant holder of marketing authorisation to conduct a mutual safety research with the other concerned holders of authorisation;

2. post-marketing efficiency research, where the knowledge about the illness or the used clinic methodology gives ground for revision of the efficiency assessment, the conclusions about which have been made on the date of issuance of the authorisation.

(2) The BDA shall notify in writing the owner of the marketing authorisation/registration certificate for the obligation under Para. 1, by grounding the reasons and indicating the objectives of the research and the terms for its conducting.

(3) Within 30-day term after receiving the notification under Para. 2, the owner of the marketing authorisation/registration certificate may request from BDA granting a possibility for providing information about the obligations under Para. 1.

(4) After receiving the request under Para. 3, the BDA shall set a term for provision of the information by the authorisation/registration certificate holder.

(5) The BDA after information analysis under Para. 3, may:

1. confirm the obligation under Para. 1, or
2. repeal it.

(6) The BDA shall notify the holder about the decision, taken under Para. 5.

(7) In the cases under Para. 5, p. 1, the BDA executive director shall officially amend the issued marketing authorisation/registration certificate of the medicinal product by including in it the obligation under Para. 1 as a condition.

(8) The grounds for imposing the obligations under Para. 1, p. 2 shall be determined by a delegated instrument under Art. 22b of Directive 2001/83/EC.

Art. 56b (new – SG 102/2012, in force from 21.12.2012) (1) The holder of the marketing authorisation/registration certificate shall include in his/her risk management system all the conditions under Art. 55a, 56 and 56a.

(2) In the cases under Para. 1 the holder of the marketing authorisation/registration certificate shall submit to BDA a notification about any change in the risk management system.

Art. 56c (new – SG 102/2012, in force from 21.12.2012) The BDA shall submit information to the European Medicines Agency about the issued authorisations under Art. 55a, 56 and 56a.

Art. 57. (1) The executive director of The BDA shall refuse to grant a marketing authorisation or registration certificate of a medicinal product where, after assessment of the dossier according to Art. 27 – 32, it shall be established that:

1. the benefit/risk ratio is unfavourable or

2. the efficacy of the medicinal product has not been convincingly defended by he applicant, or  
3. the qualitative and quantitative composition of the medicinal product does not comply with those described in the dossier.

(2) (Suppl. - SG 71/08, in force from 12.08.2008) The executive director of The BDA shall refuse to grant a marketing authorisation/registration certificate of medicinal product where certain data in the dossier do not comply with the requirements of Art. 27 - 32 or of the ordinance under Art. 42.

(3) The executive director of the BDA shall refuse registration of a traditional herbal medicinal product where, after assessment of the documentation, it shall be established that the product does not comply with the conditions according to Art. 37, para 1, the data in the dossier do not comply with Art. 38, or:

1. the qualitative and quantitative composition does not comply with those described in the dossier;
2. the medicinal product can be noxious at correct use;
3. the data for the traditional use are insufficient, especially where the pharmacological properties or the efficacy are not proven on the basis long-standing use and the experience acquired;
4. the pharmaceutical quality of the medicinal product is insufficiently grounded.

Art. 58. The marketing authorisation holder takes the responsibility for the completeness and authenticity of the data in the dossier.

Art. 59. (1) The refusal of the executive director of the BDA to grant a marketing authorisation/registration certificate of a medicinal product may be appealed under the terms of the Administrative-Procedure Code.

(2) The refusal of the executive director of the BDA and the motives thereof shall be published on the internet site of the Agency.

Art. 59a. (New - SG 71/2008, in force from 12.08.2008) (1) (amend. – SG, 102/2012, in force from 21.12.2012) In the cases under Art. 55, Para. 2 and 5 not later than 6 months before expiry of the term of the authorisation for usage/certificate for registration, its owner shall file to BDA application for renewal, accompanied with a summarised dossier in relation to the quality, safety and efficacy of the medicinal product, including data assessment, contained in the reports for suspected unwilling medicinal reactions and the periodical updated safety reports, submitted under Chapter Eight, and all the approved changes after issuing the authorisation for usage/certificate for registration.

(2) The requirements for the data and the documents of the dossier under para 1 shall be determined by the ordinance under Art. 42.

(3) within 120 days after filing the application and the documentation under para 1, BDA shall assess the quality, safety and efficacy of the medicinal product and shall prepare an assessment report, which shall be submitted to the executive director of BDA

(4) In cases, where incompleteness and/or incompatibilities have been established in the presented documentation under para 1, BDA shall notify in writing the owner of the authorisation for usage/certificate for registration and shall give instructions for their removal. The owner of the authorisation for usage/certificate for registration shall remove the incompleteness and/or incompatibilities in the documentation within the term of 30 days after the date of receiving the notification.

(5) within the term of 10 days after receiving the assessment report under para 3, the executive director of BDA shall issue authorisation for renewal of the authorisation for usage/certificate for registration of the medicinal product or a motivated refusal.

Art. 59b. (New - SG 71/2008, in force from 12.08.2008) (1) The executive director of BDA shall refuse renewal of the authorisation for usage/certificate for registration of the medicinal product, in cases where after the assessment of the dossier under Art. 59a, para 1 it is established, that:

1. the medicinal product is hazardous in correct usage, or
2. there is not therapeutic efficacy, or
3. the relation between usefulness/risk is unfavourable in correct usage, or
4. the quantity and quality composition of the medicinal product do not comply with the one, described in the dossier, or
5. the data in the dossier under Art. 59a, para 1 are not true, or
6. the control of the medicinal product and/or of the ingredients and of the interim stages of the production process has not been performed or another requirement has not been fulfilled, where the authorisation for production has been issued, or
7. some of the data in the dossier do not comply with the requirements of Art. 59a, para 1 and 2.

(2) The refusal of the executive director of BDA to renew the authorisation for the usage/certificate for registration of the medicinal product may be appealed, as provided by the Administrative-Procedure Code.

(3) The refusal of the executive director of BDA and the motives shall be published on the BDA website.

Art. 59c. (New – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 01.04.2013) The BDA shall notify the National council of prices and reimbursement of medicinal products about the terminated and withdrawn authorisations for use, as well as the made refusals for renewal of issued authorisations for use of medicinal products within 7 day term from issuance of the relevant act.

## **Section VI.**

### **Variations in Granted Marketing Authorisation**

Art. 60. (1) (amend. – SG 12/11, in force from 08.02.2011) The holder of a marketing authorisation of the medicinal product shall be obliged to notify the BDA about any change in the conditions under which the permit has been granted.

(2) (amend. – SG 12/11, in force from 08.02.2011) Variations may be of type IA, of type IB, of type II, extension of the marketing authorisation and urgent restricting measures of safety.

(3) (amend. – SG 12/11, in force from 08.02.2011) Terms and criteria of classification of the variation shall be laid down in the regulation envisaged in Art. 42.

(4) (amend. – SG 12/11, in force from 08.02.2011) Any variation, which is not an extension and whose classification is undetermined after application of the terms and criteria stipulated in the envisaged in Art. 42 regulation, shall be considered a variation of type IB by default.

(5) (new – SG 12/11, in force from 08.02.2011) As an exception from Para 4, and whose classification is undetermined after application of the terms and criteria stipulated in the envisaged in Art. 42 regulation, shall be considered, shall be considered a variation of type II in the following cases:

1. upon a request of the holder of the marketing authorisation, entered in the application for variation;
2. where the BDA, after an assessment of the validity of the notification under Art. 63, comes to the opinion that the change could have significant impact on the quality, safety or on the efficacy of the medicinal product.

Art. 61. (amend. – SG 12/11, in force from 08.02.2011) (1) Holder of the marketing authorisation of the medicinal product shall submit separate notifications, respectively applications to the BDA for each variation of type IA, type IB or type II or for extension of the range.

(2) If a concrete variation leads to a change in the data of the summary characteristic of the product, of the labelling or of the leaflet, these changes shall be assumed as a part of the declared variation and about them separate application shall not be submitted.

(3) Holder of the marketing authorisation may arrange the variations in groups, where:

1. notifies simultaneously of one and the same variations of type IA in the conditions of one or several marketing authorisations;

2. declares simultaneously several variations in the conditions of the marketing authorisations, belonging to a global marketing authorisation for the medicinal products as per Art. 28, Para 8, provided that the envisaged variations fall under one of the following cases:

a) one of the variations in the group constitutes extension of the marketing authorisation;

b) one of the variations in the group constitutes a variation of type II, and all the other variations appear as a consequence of the variation of type II;

c) one of the variations in the group constitutes variation of type IB, and all the other variations appear as a consequence of the variation of IB

d) all variations in the group relate solely to changes of administrative nature to the summary product characteristics, labelling and package leaflet;

e) all variations in the group are changes to the Active Substance Master File, Vaccine Antigen Master File or Plasma Master File;

f) all variations in the group relate to a project intended to improve the manufacturing process and the quality of the medicinal product concerned or its active substance(s);

g) all variations in the group are changes affecting the quality of a human pandemic influenza vaccine;

h) all variations in the group are changes to the pharmaco-vigilance system referred to in Chapter Eight;

i) all variations in the group are consequential to a given urgent safety restriction and are submitted in accordance with Art. 66;

k) all variations in the group relate to the implementation of a given class labelling;

l) all variations of the group are consequential to the assessment of a given periodic update report on the safety;

m) all variations in the group are consequential to a given post-authorisation study conducted under the supervision of the holder of the marketing authorisation;

n) all variations in the group are consequential to a specific obligation carried out pursuant to Art. 56;

3. the declared variations to the terms of the same marketing authorisation do not fall within one of the cases specified in item 2, provided that the BDS agrees to subject those variations to the same procedure.

(4) Where variations as per Para 3, items 2 and 3 are grouped, holder of the marketing authorisation shall submit to the BDA:

1. a single notification, where at least one of the variations is a variation of type IB and all variations are of type IA or of type IB;

2. a single application, if the main variation is of type II and none of the rest of variations is an extension of the marketing authorisation;

3. a single application, where the main variation is extension of the marketing authorisation.

(5) Attached to the application, respectively to the notification, the holder of the marketing authorisation shall submit:

1. documentation, related to the variations, as determined by the regulation envisaged in Art. 42;
2. a document, certifying that the fee, in an amount as per Tariff under Art. 21, Para 2, is paid.

(6) The Executive Director of the BDA shall approve form of the application, respectively of notification, envisaged in Para 1 and 4, which shall be published on the Internet site of the BDA.

Art. 62. (amend. – SG 12/11, in force from 08.02.2011) (1) The holder of marketing authorisation shall submit a notification of variations of type IA within 12 months following the implementation of the variation, except for the cases where variations require immediate notification.

(2) Variations of type IA requiring immediate notification shall be specified in the regulation envisaged in Art. 42.

(3) In the cases of Para 2, holder of marketing authorisation shall submit notification for the variation of type IA immediately after its implementation.

(4) Within 30 days following receipt of the notification per Para 1, respectively per Para 3, the BDA shall notify the marketing authorisation holder:

1. if the variation(s) is/are accepted or not; in the cases where the variation(s) concerned is/are not accepted, reasons for that shall be stated; and
2. if variation(s) concerned lead(s) to amendment of the data in the issued marketing authorisation; where amendment of the issued marketing authorisation is needed, Art. 64a shall be applied.

(5) Marketing authorisation holder shall stop implementation of the respective variation(s) of type IA, immediately after a notification of unfavourable opinion under Para 4, item 1 is received.

Art. 63. (amend. – SG 12/11, in force from 08.02.2011)(1) In event that the notification for variation of type IB meets the requirements of Art. 61, the BDA shall inform the holder of marketing authorisation that the notification is valid, and shall state the date from which the term as per Para 2 starts running.

(2) Within 30 days following the receipt of a valid notification, the BDA shall assess the submitted documentation and shall notify the holder of marketing authorisation:

1. whether it accepts or rejects the variation concerned; in the cases where the notification cannot be accepted, the grounds on which its unfavourable opinion is based shall be stated, and
2. if variation concerned leads to change in the data of the issued marketing authorisation; where amendment of the issued marketing authorisation is needed, Art. 64a shall be applied.

(3) Where, within the term laid down in Para 2, the BDA finds that the submitted documentation does not fulfil the requirements of the Law and of the regulation envisaged in Art. 42, it shall notify of this the holder of the marketing authorisation.

(4) Within 30 days, following the receipt of the notification per Para 3, the holder of the marketing authorisation may amend or supplement the notification.

(5) Where, within the term per Para 4, the holder of the marketing authorisation does not submit amended or supplemented documentation, the BDA shall terminate the procedure and notify of this the holder of the marketing authorisation.

(6) Within 30 days from the receipt of the amended documentation envisaged in Para 4, the BDA shall notify the holder of the marketing authorisation:

1. whether it accepts or rejects the variation concerned; in the cases where the notification cannot be accepted, the grounds on which its unfavourable opinion is based shall be stated, and
2. if variation concerned leads to change in the data of the issued marketing authorisation; where amendment of the issued marketing authorisation is needed, Art. 64a shall be applied.

(7) The holder of the marketing authorisation shall apply the approved variation of type IB only after a notification of approval as per Para 2, item 1, respectively notification as per Para 6, item 1 is received.

Art. 64. (amend. – SG 12/11, in force from 08.02.2011)(1) Where the application for variation of type II fulfils the requirements of Art. 61, the BDA shall notify the holder of the marketing authorisation about receipt of a valid application and by stating the date from which the period envisaged in Para 2 starts.

(2) Within 60 days from the receipt of a valid application, BDA shall prepare an assessment report.

(3) The period referred to in Para 2 may be:

1. reduced, having regard to the urgency of the matter of safe use of the medicinal product, or
2. extended to 90 days for variations concerning a change to or addition of therapeutic indications.

(4) In event that the BDA finds that the submitted documentation does not fulfil the requirements of the law and of the regulation envisaged in Art. 42, it shall notify the holder of the marketing authorisation of this and shall set a time limit within which supplementary information and documentation shall be provided.

(5) In the cases under Para 4, the time period envisaged in Para 2 shall be suspended until the requested supplementary information and documentation has been provided.

(6) Within 15 days following the preparation of the assessment report, the Executive Director of the BDA:

1. shall approve the variation or shall make a grounded rejection and shall notify of this the holder of the authorisation;
2. shall notify the holder of the marketing authorisation if the approved variation leads to amendment of the data in the issued marketing authorisation; where amendment of the issued marketing authorisation is needed, Art. 64a shall be applied.

(7) The holder of the marketing authorisation shall apply the approved variation of type II only after the authorisation for amendment as per Art. 64a is issued.

Art. 64a. (new – SG 12/11, in force from 08.02.2011) Executive Director of the BDA shall issue amendment of the decision granting the marketing authorisation within following time limits:

1. 30 days following the issuance of the notification under Art. 62, Para 4, item 2, Art. 63, Para 2, item 2, respectively under Art. 63, Para 6, item 2 and under Art. 64, Para 6, item 2, where the respective variation leads to six-months extension of the period, envisaged in Art. 13, Paragraphs 1 and 2 of Council Regulation No 1768/92 of 18 June 1992 concerning the provision of supplementary protection certificate as set out in Art. 36 of Regulation (EC) No 1901/2006;

2. 60 days following the issuance of the notification under Art. 62, Para 4, item 2 – in case of variations of type IA, which do not require immediate notification;

3. 60 days following the issuance of the notification under Art. 64, Para 6, item 2 – for variations of type II;

4. 180 days – in all other cases.

Art. 64b. (new – SG 12/11, in force from 08.02.2011) (1) In case of variations concerning changes to the active substance for the purposes of the annual update of a human influenza vaccine, the holder of marketing authorisation shall submit application, with attached thereto documentation, as specified in the regulation envisaged in Art. 42. Within 7- days period, the BDA shall examine the completeness of

the submitted documentation.

(2) If the application concerned fulfils the requirements of Para 1, the BDA shall notify the holder of the marketing authorisation, shall acknowledge the receipt of valid application and state the date, from which the specified time limit in Para 3 starts.

(3) Within 45- days period from the receipt of a valid application, the BDA shall assess the documentation and prepare an assessment report.

(4) The BDA may request the holder of marketing authorisation to provide the clinical data and the stability data of the medicinal product. The holder of marketing authorisation shall submit to the BDA data required within 12 days following the elapse of the time limit stipulated in Para 3.

(5) The BDA shall assess the documentation and take final decision within 10 days term from the receipt of the data referred to in Para1, by issuing authorisation for variation or rejection.

Art. 65. (1) Where the marketing authorisation holder has established a risk for the health from the use of the medicinal product, he shall undertake urgent limiting measures and shall immediately notify the BDA in writing.

(2) The BDA shall pass a judgment regarding the measures within 24 hours of the notification.

(3) Where the BDA has not passed a judgment within the term according to para 2, it shall be presumed that the measures have been approved.

(4) Where the BDA has established that there is a risk for the health of the population from the use of medicinal product, it shall order the marketing authorisation holder to immediately undertake limiting measures.

(5) In the cases according to para 1 and 4, the marketing authorisation holder of the medicinal product shall coordinate the method and term of implementation of the undertaken measures with the BDA.

(6) Marketing authorisation holder of the medicinal product shall submit to the executive director of The BDA a variation application under the terms Art. 64 not later than 15 from the date undertaking the measures.

Art. 66. (1) (amend. – SG 12/11, in force from 08.02.2011) The holder of the marketing authorisation of a medicinal product shall submit an application for enlargement of the scope of the granted marketing authorisation in case of:

1. change of the active substance(s):

a. replacement of a chemical active substance by a different by a different salt/ester, complex/derivative, including the same therapeutic moiety, where the efficacy/safety characteristics are not significantly different.

b. replacement by a different isomer, mixture of isomers, of a mixture by an isolated isomer (e.g. racemate with single enantiomer), where the efficacy/safety characteristics are not significantly different;

c. replacement of a biological active substance with one of a slightly different molecular structure where the efficacy/safety characteristics are not significantly different, with the exception of changes to the active substance of a seasonal, pre-pandemic or pandemic vaccine against human influenza;

d. modification of the vector used to produce the antigen of the source material, including a new master cell bank from a different source, where the efficacy/safety characteristics are not significantly different;

e. a new ligand or coupling mechanism for a radiopharmaceutical, where the efficacy/safety characteristics are not significantly different

f. change to the extraction solvent of the ration of herbal drug to herbal drug preparation where the efficacy/safety characteristics are not significantly different.

2. Changes to strength, pharmaceutical form and route of administration:

- a. change of bioavailability;
- b. change of pharmacokinetics e.g. change in rate of release;
- c. change or addition of a new strength/potency;
- d. change or addition of a new pharmaceutical form; e.g. change or addition of a new route of administration– for parenteral application to differentiate between intraarterial, intravenous, intramuscular, subcutaneous and other routes of administration.

(2) The application according to para 1 shall be accompanied by the documentation according to Art. 27, para 1, point 10, associated with variations according to para 1.

(3) The requirements to the documentation according to para 2 shall be laid down in the regulation according to Art. 42.

(4) The name of the medicinal product in the granted authorisation for enlargement of the scope of the initial marketing authorisation shall not be changed.

(5) The granting of an authorisation for enlargement of the scope of a granted marketing authorisation of a medicinal product shall be performed under the conditions and under the terms of Art. 49 - 51.

Art. 67. (1) The marketing authorisation holder of a medicinal product shall submit an application for granting a new marketing authorisation in case of:

1. addition or deletion of one or more active substances including antigenic components in case of vaccines;

2. change in the quality of the active substance indicated in the dossier, which essentially changes the safety and efficacy characteristics of the medicinal product, and the changed substance is defined as a new one;

3. addition of a new or change in an existing therapeutic, prophylactic, or diagnostic indication in another therapeutic field.

(2) (New - SG 71/2008, in force from 12.08.2008) The owner of the authorisation for use of the medicinal product shall file an application for issuing new authorisation for use, where the application for renewal of the authorisation for use was not filed within the term under Art. 59a, para 1.

(3) (Former para 2 - SG 71/2008, in force from 12.08.2008) The application shall be accompanied by the documentation laid down in the regulation according to Art. 42.

(4) (Former para 3 - SG 71/2008, in force from 12.08.2008) The procedure according to Art. 49 – 51 shall be applied in the cases according to para 1 and 2.

Art. 68. (1) (amend. – SG, 102/2012, in force from 21.12.2012) The holder of the marketing authorisation/registration certificate of a medicinal product shall be obliged to:

1. report the achievements of the scientific-technical progress and introduce all the needed changes in the documentation under Art. 27, Para. 1, p. 7 and 8 in view of the medicinal product to be produced and controlled under the commonly adopted new methods; the changes shall be made under Chapters Three and Five;

2. submit immediately to BDA any new information, which may affect the variation in the data and documents according to Art. 27 - 32 and in the summary of product characteristics;

3. inform immediately the BDA about any ban or limitation imposed by regulatory authorities of other states where the medicinal product is placed on the market, about the reasons standing behind those measures, as well as about any other new information, which may affect the benefit and risk assessment of the relevant medicinal product; the information shall include the positive, as well as the negative results from the clinical trials or other researches of all indicators and populations, notwithstanding of the fact whether they are included in the use authorisation, as well as data for use of the medicinal product, where



this use is outside the conditions of the use authorisation;

4. keep and update the information about the medicinal product with the current scientific knowledge, including the conclusions from the assessment and recommendations, published in the European internet portal for medicinal products, established under Art. 26 of Regulation (EC) N 726/2004 of the European Parliament and of the Council;

5. disseminate the medicinal product with the last approved short characteristic of the product and a leaflet for the patient.

6. (new – SG 18/14) inform BDA of every action undertaken by them, related to temporary suspension of offering on the market of a specific medicinal product, withdrawal from the market of a particular medicinal product, request for termination of a marketing authorisation or stated intention of non-renewal of the marketing authorisation, and also to indicate the reasons for which this action has been taken; in these cases the marketing authorisation holder declare whether the undertaken by them actions are due to any of the reasons under Art. 276 or Art. 277;

7. (new – SG 18/14) inform BDA, if the actions referred to in item 6 are undertaken in a third country and are due to any of the reasons referred to in Art. 276 or Art. 277;

8. (new – SG 18/14) inform European drug agency where the actions under items 6 and 7 are undertaken on the grounds of Art. 276 and 277;

9. (new – SG 18/14) provide sufficient quantities of medicinal products for satisfying the health care needs of the individuals in the Republic of Bulgaria.

10. (new - SG 84/18, in force from 12.10.2018) provide to the Bulgarian Drug Agency, weekly or in case of change in circumstances, through the specialized electronic system under Art. 217b, Para. 1, information for:

a) the quantities delivered in the territory of the Republic of Bulgaria, indicated as per medicinal products, included in the Positive Drug List, of which he is the actual marketing authorization holder;

b) wholesalers to whom the quantities of medicinal products referred to in (a) are delivered;

c) the date, on which the supplies referred to in a) and b) were made;

d) the quantities available in stock indicated as per medicinal products, included in the Positive Drug List, of which he is the actual marketing authorization holder;

11. (New - SG 103/20, in force from 01.01.2021) provides to the BDA for all medicinal products permitted for use on the territory of the country, including in case of change of circumstances, through the specialized electronic system under Art. 217b, para. 1 product code information within the meaning of Art. 4, letter b), sub-point i of Delegated Regulation (EU) 2016/161 for medicinal products defined therein.

(2) The marketing authorisation/registration certificate holder shall be obliged to submit to the BDA upon request the following:

1. data in support of the positive benefit/risk ratio of the medicinal product;

2. (amend. – SG 18/14) information about the sales volume of the medicinal products and any other information available to the holder of the marketing authorisation regarding the medicinal prescriptions for the product;

3. a copy of the basic documentation of the vigilance system of the medicinal safety.

(3) The marketing authorisation holder shall submit to BDA the documentation under Para. 2, p. 3 within 7 day term after receiving the request.

Art. 68a. (New – SG 67/20) The marketing authorisation holder shall ensure the introduction of the individual identification mark under Art. 168, Para. 8, item 1 on each package in the system of registers in accordance with Delegated Regulation (EU) 2016/161.

Art. 69. (1) (Amend. – SG 67/20) The marketing authorisation holder of a vaccine or an immunological medicinal product designated for immunisation shall be obliged to submit to the BDA the following prior to the placing of any batch of the product on the market:

1. application according to a sample, approved by the Executive Director of the BDA;
2. samples of the final product and/or samples of the product in bulk/non-poured product, and/or samples of intermediate and starting products in quantities specified in the Guidance for release of a batch of medicinal product by an official control body, issued by the European Directorate for the Quality of Medicines and HealthCare;

3. protocols for the production and quality control of the batch, issued by the manufacturer, which comply at least with the data, indicated in the model of the administrative procedure of the European Directorate for the Quality of Medicines and HealthCare for release of batch by an official control body.

(2) The marketing authorisation holder of new immunological medicinal products or immunological medicinal products manufactured by new or altered technologies or by technologies, which are new for a given manufacturer, shall fulfil the obligations according to para 1 for a defined period set out in the marketing authorisation.

(3) (Suppl. – SG 67/20) Within 60 days from the date of submission of the full set of documents, the BDA shall perform an assessment of the manufacturing and quality control protocols of live vaccines, immunological, and new immunological medicinal products and tests of the provided samples in an accredited laboratory or another official control laboratory, in order to establish whether the medicinal products according to para 1 and 2 are manufactured in compliance with the approved specifications.

(4) (Amend. – SG 67/20) In case of a positive result from the evaluation and the test under Para. 3, the BDA shall issue a batch release certificate.

(5) (Amend. – SG 67/20) A batch release certificate shall be issued by the BDA's Executive Director or an official authorized by him, and before the batch of the medicinal product is placed on the market in other countries - at the request of the marketing authorization holder. Samples under Para. 1, item 2 shall be submitted with the application and also protocols for the production and the quality control of the batch, issued by the manufacturer, which are in compliance at least with the data indicated in the Guidance of the World Health Organization for release of batches by a national regulatory body.

(6) (Amend. – SG 67/20) Where the assessment and tests according to para 3 of the respective batch of medicinal products have been conducted in an official laboratory for control of medicinal products in another Member State before the batch is placed on the market in the country, the marketing authorisation holder shall submit to the BDA the medicinal products batch release certificate issued by the regulatory body of the Member State, as well as an information form for sale according to a sample, approved by the Executive Director of the BDA.

(7) In the cases according to para 6 the BDA shall not conduct the activities according to para 3 and 4.

Art. 70. (1) (Amend. – SG 67/20) Prior to the placement on the market of each batch of the product, the marketing authorisation holder of a medicinal product obtained from human blood or human plasma must submit to the BDA the following:

1. an application according to a sample approved by the Executive Director of the BDA;
2. samples of the final product and/or samples of the product in bulk/non-poured product, and/or samples of intermediate and starting products in quantities specified in the Guidance for release of a batch of medicinal product by an official control body, issued by the European Directorate for the Quality of Medicines and HealthCare;

3. protocols for the production and quality control of the batch, issued by the manufacturer, which comply at least with the data, indicated in the model of the administrative procedure of the European

Directorate for the Quality of Medicines and HealthCare for release of batch by an official control body.

(2) (Suppl. – SG 67/20) Within 60 days of the submission of the full set of documents, the BDA shall perform an assessment of the manufacturing and control protocols of the medicinal product obtained from human blood or human plasma and tests of the submitted samples in an accredited laboratory or another official control laboratory, in order to establish whether the medicinal product according to para 1 is manufactured in compliance with the approved specifications.

(3) (Amend. – SG 67/20) In case of a positive result from the assessment and the test under Para. 2, the BDA shall issue a batch release certificate.

(4) (Repealed – SG 67/20)

(5) (Amend. – SG 67/20) Where the assessment and tests according to para 2 of the respective batch of medicinal products have been conducted in an official laboratory for control of medicinal products in another Member State prior to placing the batch on the market in the country, the marketing authorisation holder shall submit to the BDA the medicinal products batch release certificate, issued by the regulatory authority of the Member State, as well as an information form for sale according to a sample, approved by the Executive Director of the BDA.

(6) In the cases according to para 6 the BDA shall not conduct the activities according to para 2 and 3.

Art. 70a. (New – SG 67/20) The Bulgarian Drug Agency may perform additional tests on samples of a medicinal product under Art. 69 and 70 in the following cases:

1. a significant change in the production process, classified by an order determined in the ordinance of Art. 42;

2. change in the place of production;

3. an adverse event under § 1, item 40 of the additional provisions;

4. significant deviations in the production process;

5. changes in the manufacturer's test procedures;

6. unexpected variability in the results of the quality control tests carried out by the manufacturer or by the official control body;

7. a critical report from an inspection of the manufacturer carried out.

Art. 70b. (New – SG 67/20) (1) For issuing a certificate for batch release, the marketing authorization holder shall submit to the BDA a document for paid fee in the amount specified in the tariff under Art. 21, Para. 2.

(2) The expenses for carrying out the tests under Art. 69 and 70, as well as the costs for additional tests under Art. 70a, shall be at the expense of the applicant.

(3) The certificate for batch release shall be issued in Bulgarian in the name of the marketing authorization holder of the medicinal product, and upon his request - also in English.

(4) When in the cases under Art. 69 and 70 the batch of medicinal product does not comply with the approved specifications, the Executive Director of the BDA or an official authorized by him shall make a motivated refusal to issue a certificate for release of the batch.

(5) The BDA shall send data for the refusal under Para. 4 to the system of official medicinal control laboratories of the Member States and of the Swiss Confederation.

(6) The refusal under Para. 4 shall be subject to appeal by the order of the Administrative-Procedure Code.

Art. 71. (1) The marketing authorisation holder shall be obliged to maintain a system for

blocking and recall of medicinal products, which do not comply with the requirements relating to quality, safety, and efficacy.

(2) The marketing authorisation holder shall be obliged to block and recall of medicinal products, which do not comply with the requirements relating to quality, safety, and efficacy under the terms in the regulation pursuant to Art. 274, para 1.

Art. 72. (repealed – SG, 102/2012, in force from 21.12.2012)

Art. 73. (1) The marketing authorisation holder may assign the rights over the marketing authorisation of a medicinal product to another legal person or to unions, which are not legal persons established on the territory of the Member States.

(2) The marketing authorisation holder shall submit to the BDA an application appending the documentation laid down in the regulation according to Art. 42 indicating a proposal for the date of assignment.

(3) In case of establishing incompleteness in the documentation according to para 2, the BDA shall notify the marketing authorisation holder in writing to, within 30 days, submit the necessary additional information. The term according to para 5 shall cease to run as from the notification date until submission of the requested information.

(4) if the marketing authorisation holder does not supplement the documentation within the term according to para 3, the procedure of assignment of the marketing authorisation of the medicinal product shall be terminated.

(5) Within 30 days from the date of submission of the application according to para 2, the executive director of the BDA shall issue an authorisation for variation for the transfer. In the variation approval of the assignment stating explicitly the date of assignment of the marketing authorisation is pointed out.

(6) The holder of the marketing authorisation shall wholly assume the rights and obligations of the former marketing authorisation holder.

(7) By the transfer of the marketing authorisation of the medicinal product pursuant to the order of para 1-6 the time limit shall remain unchanged.

## **Section VII.**

### **Mutual Recognition Procedure and Decentralised Procedure**

Art. 74. (1) Where the person according to Art. 26, para 1, has a granted marketing authorisation in another Member State for the same product within the meaning of Art. 45, para 3, for which this person has submitted an application for marketing authorisation to the BDA, this person shall submit a request to the regulatory authority of the state indicated in the application, hereinafter referred to as "Reference Member State", to establish an assessment report or update the existing one.

(2) Together with the application, the person according to para 1 shall submit to the BDA a dossier identical to the one submitted in the reference Member State and in the other Member States indicated in the application, hereinafter referred to as "Concerned Member States".

(3) The BDA and the applicant shall officially receive the assessment report together by the approved summary of product characteristics and the approved packaging mock-up and package leaflet from the regulatory authority of the Reference Member State according to para 1.

(4) The BDA shall review the documents according to para 3 and inform the reference Member State for the decision taken in writing within 90 days from the date of receipt thereof.

(5) Within 30 days of the receipt of a notification for the accomplishment of the procedure from the part of the Reference Member State, the executive director of the BDA shall issue a marketing authorisation of the medicinal product for the territory of the Republic of Bulgaria with the approved summary of product characteristics, packaging mock-up, and package leaflet.

Art. 75. (1) Where the person according to Art. 26, para 1 submits simultaneously to the BDA and in other Member States an application for marketing authorisation of a medicinal product for which there is a granted marketing authorisation on the territory of a Member State, this person shall indicate in the application the regulatory authority of the Member State, hereinafter referred to as "reference member state", which shall establish a draft assessment report, a draft summary of product characteristics and packaging mock-up and package leaflet.

(2) Together with the application the person according to para 1 shall submit to the BDA a dossier identical to the one submitted in all other Member States indicated in the application, hereinafter referred to as "states concerned".

(3) The BDA and the applicant shall officially receive from the regulatory authority of the Reference Member State the draft assessment report, draft summary of product characteristics and draft packaging mock-up and packaging leaflet.

(4) The BDA shall review the documents according to para 3 and inform the Reference Member State for the decision taken in writing within 90 days from the date of receipt thereof.

(5) Within 30 days of the receipt of a notification for the accomplishment of the procedure from the part of the Reference Member State, the executive director of the BDA shall issue a marketing authorisation of the medicinal product for the territory of the Republic of Bulgaria with the approved summary of product characteristics, packaging mock-up, and patient leaflet.

Art. 76. (1) Where the Republic of Bulgaria is a Reference Member State according to Art. 74, the BDA shall:

1. forward the assessment report accompanied by the approved summary of product characteristics and the approved packaging mock-up and package leaflet within 90 days from the submission of a valid documentation;

2. close the procedure and notify the applicant and the Concerned Member States provided that all Concerned Member States have approved it.

(2) Within 30 days of the closure of the procedure according to para 1, point 2, the executive director of the BDA shall issue a marketing authorisation of the medicinal product for the territory of the Republic of Bulgaria with the approved summary of product characteristics, packaging mock-up, and package leaflet.

(3) Where The Republic of Bulgaria is a reference Member State according to Art. 75, the BDA shall:

1. submit to the regulatory authorities of the Concerned Member States and the applicant the draft assessment report, draft summary of product characteristics, and draft packaging mock-up and packaging leaflet within 120 days from the submission date of a valid documentation;

2. close the procedure and notify the applicant and the Concerned Member States provided that all Concerned Member States have approved it.

(4) Within 30 days of the closure of the procedure according to para 3, point 2, the executive director of the BDA shall issue a marketing authorisation of the medicinal product for the territory of the Republic of Bulgaria with the approved summary of product characteristics, packaging mock-up, and package leaflet.

Art. 77. (1) Where the BDA disapproves the submitted documentation according to Art. 74, para 3 or according to Art. 75, para 3, due to considerations of potential serious risk for the population health, it shall establish a detailed report with motives to the Referent Member State, the other Concerned Member States, and the applicant.

(2) Disputable issues according to para 1 shall be considered by the Coordination Group to the European Medicines Agency. The applicant may present his position for consideration in writing or by word of mouth.

(3) The BDA shall participate in the sessions of the Coordination Group according to para 2 until the closure of the procedure by the Reference Member State.

(4) The executive director of the BDA shall issue a marketing authorisation of the medicinal product with the approved summary of product characteristics, packaging mock-up, and package leaflet within 30 days from the receipt of a notification for the closure of the procedure by the Reference Member State.

Art. 78. (1) Where the Member States do not reach agreement before the Coordination Group, pursuant to Art. 77, para 2, the disputable issues shall be considered by the Committee for Medicinal Products for Human Medicine to the European Medicines Agency according to an arbitration procedure. A copy of the documentation shall be forwarded to the applicant.

(2) The applicant shall submit to the European Medicines Agency the dossier of the medicinal product and the summary of product characteristics.

(3) In the cases according to para 1, provided that the BDA has approved the assessment report, draft summary of product characteristics and packaging mock-up and package leaflet submitted by the Reference Member State, the executive director of the BDA may, upon a request of the applicant, grant a marketing authorisation of the medicinal product prior to the completion of the arbitration procedure according to para 1.

(4) After the accomplishment of the arbitration procedure, the executive director of the BDA shall put the granted marketing authorisation according to para 3 into effect in compliance with the decision of the European Commission.

Art. 79. (1) Where the regulatory authorities of one or several Member States have made different decisions with respect to the marketing authorisation of the same medicinal product or with respect to its temporary suspension or revocation, the BDA or the applicant/marketing authorisation holder may refer the issue to the Committee on Medicinal products in Human Medicine to the European Medicines Agency for application of the arbitration procedure. The Applicant or the marketing authorisation holder may apply the question to the Committee for Human Medicinal Products at the European Evaluation Agency for applying arbitration procedure upon its evaluation.

(2) (repealed – SG, 102/2012, in force from 21.12.2012)

(3) (amend – SG, 102/2012, in force from 21.12.2012) In the cases according to Para. 1 the BDA or the applicant/marketing authorisation holder of the medicinal product shall submit to the European Medicine Agency the whole available information on the respective issue.

(4) (Repealed – SG, 60/2011, in force from 5. 8. 2011)

(5) (Repealed – SG, 60/2011, in force from 5. 8. 2011)

Art. 79a (New – SG, 60/2011, in force from 5. 8. 2011) Depending on the decision of the European Commission after finalisation of the arbitration procedure, the BDA within the term of 30 days from receiving the notification, shall:

1. issue, temporarily stop or terminate an authorisation for use, or  
2. request amendments to be made in the issued authorisation for reaching compliance with the decision of the European Commission.

(2) The BDA shall notify the European Commission and the European Agency on Medicines about the issued act under Para. 1.

Art. 79b. (new – SG, 102/2012, in force from 21.12.2012) (1) In the cases where interests of the EU have been affected and before decision taking for issuance of a marketing authorisation of a medicinal products, for its temporary termination, or its change, BDA, the applicant or the marketing authorisation holder may refer the issue to the Committee under Art. 79, Para. 1 for applying arbitration procedure.

(2) In the cases under Para. 1, where the reference is as a result of a data assessment, related to vigilance of the medicinal safety of a medicinal product, permitted for use, the issue shall be referred to the committee under Art. 56a, Para. 1, p. 1 and the procedure under Art. 194x or 194y shall be applied.

(3) (amend. – SG 18/14) Bulgarian drug agency shall apply the procedure of Chapter Eight, Section IV, where one of the measures referred to in Art. 194t, par. 2 and 3.

(4) (new – SG 18/14) Notwithstanding the provision of par. 1 – 3, where urgent action for the protection of the public health is required at a certain stage of the arbitration procedure, BDA may suspend the effect of the marketing authorisation and to prohibit the use of the respective medicinal product in the Republic of Bulgaria until the adoption of the final decision.

(5) (new- SG 18/14) In cases referred to in par. 4 BDA shall inform the European commission, the European Drug Agency and the other Member States of the reasons for their decision on the next work day at the latest.

Art. 80. (amend. – SG 12/11, in force from 08.02.2011) Terms and procedure for effecting variations to authorisations granted under this Section, shall be settled as prescribed by the Commission Regulation (EC) No 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (OJ, L 334/7 of 12.12.2008).

## **Chapter four. CLINICAL TRIALS**

### **Section I. General Provisions**

Art. 81. (Amend. - SG 84/18 (\*)) (1) A clinical trial on the territory of the Republic of Bulgaria may take place after obtaining a permit issued under the terms and conditions of Regulation (EU) № 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials of medicinal products for human use, and repealing Directive 2001/20/EC (OJ, L 158/1 of 27 May 2014), hereinafter referred to as “Regulation (EU) № 536/2014”, and of this Act.

(2) The BDA shall perform the activities of a reporting State, respectively of a state concerned and additionally concerned state within the meaning of Regulation (EU) № 536/2014, and shall be the national contact point under Art. 83 of Regulation (EC) № 536/2014.

Art. 82. (Amend. - SG 84/18 (\*)) (1) For the issuance of a permit to conduct clinical trials and for the issuance of a permit for a substantial change in an authorized clinical trial, the sponsor shall submit an application and a file according to Chapter IV of Regulation (EU) № 536/2014 through the European Union Portal under Art. 80 of Regulation (EC) № 536/2014.

(2) For filing an application under Para. 1 and for assessment of the documentation attached thereto, the sponsor shall pay a fee in the amount determined by the tariff under Art. 21, Para. 2.

Art. 83. (Amend. - SG 84/18 (\*)) The Commission under Art. 103, Para. 1 shall assess the ethical aspects of the clinical trial and of the substantial change of the clinical trial under the conditions and procedure of Regulation (EU) № 536/2014, and shall issue a reasoned opinion to the BDA.

Art. 84. (Amend. - SG 84/18 (\*)) (1) The Bulgarian Drug Agency shall issue a clinical trial permit, a clinical trial permit under certain conditions, a permit for a substantial change in a clinical trial, a permit for a substantial change in a clinical trial under certain conditions, or shall refuse to grant permit under the conditions and procedure of Regulation (EU) № 536/2014.

(2) The refusal under Para. 1 shall be subject to appeal under the Administrative-Procedure Code.

Art. 85. (Amend. - SG 84/18 (\*)) By ordinance of the Minister of Health shall be determined:

1. the conditions and the order for submitting data and information from the BDA and the Ethical Commission for Clinical Trials into the EU Portal under Art. 80 of Regulation (EU) № 536/2014;

2. the access of the BDA and the Ethical Commission for Clinical Trials to the EU Database under Art. 81 of Regulation (EU) № 536/2014;

3. the terms and procedure for submission of opinions under Art. 83, and the order of interaction between the BDA and the Ethical Commission for Clinical Trials;

4. the documents and data in Annex I and Annex II of Regulation (EU) № 536/2014 which are evaluated by the BDA and the Ethical Commission for Clinical Trials, as well as the language in which they are presented.

Art. 86. (1) (Suppl. - SG 84/18 (\*)) All persons conducting clinical trials shall possess the respective qualification, training, and experience to perform the study related tasks in compliance with rules for Good Clinical Practice according to Regulation (EU) № 536/2014.

(2) A clinical trial of a medicinal product shall be conducted under the leadership of a medical doctor or a doctor of dental medicine with acknowledged medical specialty in the respective field and shall be familiar with the available preclinical and/or clinical data about the product and the study risks and procedures.

(3) During a clinical trial, responsible for the medical care delivered to a study subject and for the medical decisions taken shall be a medical doctor or a doctor of dental medicine with adequate qualification.

Art. 87. (1) (amend. – SG 59/10, in force from 31.07.2010, amend. – SG, 60/2011, in force from 5. 8. 2011, suppl. - SG 84/18, in force from 12.10.2018) Clinical trials may be conducted in hospital healthcare establishments, mental health centres, skin and venereal diseases health centres, complex oncologic centres, dialysis centers, polyclinics, medical centres, dental centres and medical-dental centres, as well as in individual and group practices for primary and specialized medical care, which have received a permit for operation/ a certificate for registration under the order of the Medical Establishments Act.



(2) (New - SG 84/18, in force from 12.10.2018) Clinical trials of medicinal products containing narcotic substances may only be carried out in hospital healthcare establishments, mental health centres, skin and venereal diseases health centres, and complex oncologic centres, in which structure has been opened a pharmacy, holding a license under Art. 33, Para. 1 of the Control Over Narcotic Substances And Precursors Act, or which have entered into a contract with another medical establishment, in which structure has been opened a pharmacy with a license under Art. 33, Para. 1 of the Control Over Narcotic Substances And Precursors Act.

(3) (Previous Para. 2, amend. - SG 84/18, in force from 12.10.2018) Clinical trials may only be conducted at a medical establishment in which there is a designated contact person as per Art. 107a, Para. 1.

(4) (Previous Para. 3 - SG 84/18, in force from 12.10.2018) The Head of the medical establishment, in which a clinical trial of a medicinal product is to be conducted, shall give his/her consent as to the participation of the principal researcher in the trial, as well as to the conduct of the trial.

Art. 88. (1) A clinical trial in human subjects shall be conducted with:

1. medicinal products unauthorised for use in the Republic of Bulgaria;
2. medicinal products authorised for use in the Republic of Bulgaria where these are studied for an unauthorised indication, pharmaceutical form different from the authorised one, in a so far unstudied patient group, or for obtaining additional data.

(2) Medicinal products authorised for use in the Republic of Bulgaria within the meaning of para 1 above shall be medicinal products that have received marketing authorisation under the terms of this Act or under the terms of Regulation N 726/2004 (EC) of the European Parliament and of the Council.

Art. 89. (Revoked - SG 84/18 (\*))

Art. 90. (Revoked - SG 84/18 (\*), amend. - SG 17/19)

Art. 91. The sponsor and the principal researcher shall make insurance covering their liability for property or non-property damages to the study subjects caused in or on the occasion of the conduct of the clinical test.

Art. 92. (1) (Amend. - SG 84/18 (\*)) The sponsor shall be responsible in case of injury of the health or death caused by or in the occasion of the conduct of the clinical test where the clinical test has been conducted in compliance with the requirements and procedures of the approved protocol.

(2) (Amend. - SG 84/18 (\*)) The principal researcher shall be responsible in case of injury of the health or death caused by or in the occasion of the conduct of the clinical test where the clinical test has not been conducted in compliance with the requirements and procedures of the approved protocol.

Art. 93. (Amend. - SG 84/18 (\*)) (1) Where the clinical trial is conducted only on the territory of the Republic of Bulgaria, or on the territory of the Republic of Bulgaria and on the territory of a third country, the sponsor shall appoint a representative on the territory of the Republic of Bulgaria for the particular clinical trial.

(2) The person under Para. 1 shall be the addressee of the communication with the sponsor provided for in Regulation (EU) № 536/2014.

Art. 94. The sponsor shall gratuitously provide the study medicinal product(s) and any device required for the administration thereof.

Art. 95. (Revoked - SG 84/18 (\*))

Art. 96. (1) (Amend. - SG 84/18 (\*)) Clinical trials of medicinal products shall be admitted only to persons who have given their written informed consent.

(2) (Revoked - SG 84/18 (\*))

(3) (Amend. - SG 84/18 (\*)) The informed consent according to Chapter V of the Regulation (EU) № 536/2014 can only be given by a capable person who understands the essence, importance, scope, consequences, and eventual risks of the clinical test. Informed consent to participate in a clinical trial can be withdrawn at any time.

(4) (Amend. - SG 84/18 (\*)) The informed consent according to Chapter V of the Regulation (EU) № 536/2014 of an incapable major person shall be given by his/her legal representative. The consent of the legal representative must represent the supposed will of the subject and can be withdrawn at any time without negative consequences for the subject.

(5) In the cases according to Art. 162, para 3 of the Health Act, informed consent shall be given by the person appointed by the court.

(6) An incapable person shall be given information about the clinical test, eventual risks, and benefits in accordance with his/her capability to understand.

(7) The explicit will of an incapable major person to refuse to participate in or to withdraw from the clinical test at any time must be taken into consideration by the researcher or, in case of necessity, by the principal researcher.

Art. 97. (1) (Amend. - SG 84/18 (\*)) A clinical trial in a minor person shall be conducted after obtaining written informed consent by both subject's parents or guardians with observation of Chapter V of the Regulation (EU) № 536/2014 and Art. 96, Para. 3.

(2) Parents' or guardians' consent must represent the supposed will of the minor person and can be withdrawn at any time without negative consequences for the minor person.

(3) The express will of the minor person to participate or to at any time withdraw from the clinical test must be taken into consideration by the researcher or, in case of necessity, by the principal researcher.

(4) (Amend. - SG 84/18 (\*)) A clinical trial in a minor person shall be conducted after obtaining written informed consent by both parents and the guardian in compliance with Chapter V of the Regulation (EU) № 536/2014 and Art. 96, para 3. Where one of the parents is unknown, deceased, or deprived of parental rights or such rights have not been delegated in case of divorce, the written informed consent shall be given by the parent who is exercising the parental rights.

(5) Minor's, parents' and guardian's' consent can be withdrawn at any time without negative consequences for the minor person.

(6) The express will of the minor person to at any time withdraw from the clinical test must be taken into consideration by the researcher or, in case of necessity, by the principal researcher.

(7) The minor or underage person shall be provided information about the clinical test and for the eventual risks and benefits in a manner understandable for that person by a physician with experience with minor or underage persons.

Art. 98. (Revoked - SG 84/18 (\*))

Art. 99. (Revoked - SG 84/18 (\*))

## **Section II.**

### **Clinical Trials in Vulnerable Patient Groups (Revoked - SG 84/18 (\*))**

Art. 100. (Revoked - SG 84/18 (\*))

Art. 101. (Revoked - SG 84/18 (\*))

Art. 102. (Revoked - SG 84/18 (\*))

## **Section III.**

### **Ethics Committee for Clinical Trials (Title amend. - SG 84/18, in force from 12.10.2018)**

Art. 103. (Amend. - SG 84/18, in force from 12.10.2018) (1) An Ethics Committee for Clinical Trials shall be established with the Minister of Health, whose composition shall be determined by an order of the Minister of Health, and shall include regular and reserve members. Reserve members shall participate in committee meetings and have the right to vote in the absence of regular members.

(2) The Committee under Para. 1 shall consist of 7 to 12 regular members, including a Chair and a Vice-Chair, who possess the qualifications and experience to examine and evaluate the scientific, medical and ethical aspects of the proposed clinical trial. The requirements for the qualification of the members of the Committee under Para. 1, as well as the terms and procedure for determining the nominal composition of the Committee, shall be regulated by the rules under Art. 106, Para. 1.

(3) The Committee under Para. 1 shall include no less than two regular members with non-medical education - representatives of both sexes.

(4) For the purposes of its work, the Committee under Para. 1 may attract external specialists.

(5) Only those members of the Committee under Para. 1 who are not in any conflict of interest, do not participate in any particular trial and are independent of the sponsor, of the healthcare establishment where the clinical trial is conducted, and of the principal investigator, may take part in the assessment under Art. 83, and also vote and participate in the discussion.

(6) As external experts under Para. 4 may be attracted persons who are not in any conflict of interest, do not participate in a particular trial and are independent of the sponsor, the healthcare establishment where the clinical trial is conducted, and of the principal investigator.

(7) The members of the Committee under Para. 1 and the external experts under Para. 4 may not have any private interest or benefits that could affect their impartiality in the assessment under Art. 83.

(8) To certify the circumstances under Para. 5 – 7, the members of the Committee under Para. 1 and the external experts under Para. 4 shall sign a declaration in the order and in the form set out in the Regulations under Art. 106, Para. 1.

Art. 104. (Revoked - SG 84/18, in force from 12.10.2018)

Art. 105. (1) (Amend. - SG 84/18, in force from 12.10.2018) The mandate of the Committee's members under Art. 103, Para. 1 shall have the duration of 4 years.

(2) (Amend. - SG 84/18, in force from 12.10.2018) One half of the composition of the Committee under Art. 103, para. 1 shall be renewed every 2 years.

(3) (Amend. - SG 84/18, in force from 12.10.2018) A member of the Committee under Art. 103, Para. 1 cannot be appointed in the same committee for more than two consecutive mandates.

Art. 106. (Amend. - SG 84/18, in force from 12.10.2018) (1) The Minister of Health shall establish rules for the terms and procedure for the work of the Committee under Art. 103, Para. 1.

(2) The Committee under Art. 103, Para. 1 shall develop and accept written standard operating procedures in accordance with the rules of Good Clinical Practice.

(3) The sessions of the Committee under Art. 103, Para. 1 shall be closed.

Art. 107. (Revoked - SG 84/18 (\*))

Art. 107a. (New - SG 84/18 (\*)) (1) The managers of the medical establishments in which clinical trials are carried out shall designate a person or persons for contact.

(2) The contact person/s under Para. 1 shall have the qualification and experience to monitor the clinical trials conducted in the medical establishment so as to comply with the rules of Good Clinical Practice.

(3) The requirements for the qualification of the contact persons under Para. 1 shall be settled in the Regulations under Art. 106, Para. 1.

(4) In case of established deviations from the approved protocol and / or unwanted adverse medical reactions in the course of the clinical trial that have not been reported under Regulation (EU) № 536/2014, the contact person under Para. 1 shall notify the BDA and the Committee under Art. 103, Para. 1.

Art. 108. (Revoked - SG 84/18 (\*))

#### **Section IV.**

##### **Authorisation to Conduct a Clinical Trial**

Art. 109. (Revoked - SG 84/18 (\*))

Art. 110. (Revoked - SG 84/18 (\*))

Art. 111. (Revoked - SG 84/18 (\*))

Art. 112. (Revoked - SG 84/18 (\*))

Art. 113. (Revoked - SG 84/18 (\*))

Art. 114. (1) (Amend. - SG 84/18, in force from 12.10.2018) In order to obtain an opinion as per Art. 83, the sponsor shall submit an application to the Committee under Art. 103, Para. 1.

(2) (Revoked - SG 84/18 (\*))

(3) (Revoked - SG 84/18 (\*))

(4) (New - SG 12/11, in force from 08.02.2011; revoked - SG 84/18 (\*))

Art. 115. (Revoked - SG 84/18 (\*))

Art. 116. (Revoked - SG 84/18 (\*))

Art. 117. (Revoked - SG 84/18 (\*))

Art. 118. (Revoked - SG 84/18 (\*))

Art. 119. (Revoked - SG 84/18 (\*))

Art. 120. (Revoked - SG 84/18 (\*))

Art. 121. (Revoked - SG 84/18 (\*))

Art. 122. (Revoked - SG 84/18 (\*))

Art. 123. (Revoked - SG 84/18 (\*))

Art. 124. (Revoked - SG 84/18 (\*))

Art. 125. (Revoked - SG 84/18 (\*))

#### **Section V.**

##### **Amendments (Revoked - SG 84/18 (\*))**

Art. 126. (Revoked - SG 84/18 (\*))

Art. 127. (Revoked - SG 84/18 (\*))

Art. 128. (Revoked - SG 84/18 (\*))

Art. 129. (Revoked - SG 84/18 (\*))

Art. 130. (Revoked - SG 84/18 (\*))

Art. 131. (Revoked - SG 84/18 (\*))

#### **Section VI.**

##### **Cessation of the Clinical Trial (Revoked - SG 84/18 (\*))**

Art. 132. (Revoked - SG 84/18 (\*))

Art. 133. (Revoked - SG 84/18 (\*))

Art. 134. (Revoked - SG 84/18 (\*))

#### **Section VII.**

##### **Pharmaco-vigilance (Revoked - SG 84/18 (\*))**

Art. 135. (Revoked - SG 84/18 (\*))

Art. 136. (Revoked - SG 84/18 (\*))

Art. 137. (Revoked - SG 84/18 (\*))

Art. 138. (Revoked - SG 84/18 (\*))

Art. 139. (Revoked - SG 84/18 (\*))

Art. 140. (Revoked - SG 84/18 (\*))

Art. 141. (Revoked - SG 84/18 (\*))

#### **Section VIII.**

##### **Notification of Clinical Trial Closure (Revoked - SG 84/18 (\*))**

Art. 142. (Revoked - SG 84/18 (\*))

Art. 143. (Revoked - SG 84/18 (\*))

Art. 144. (Revoked - SG 84/18 (\*))

#### **Chapter four "a".**

### **NON-INTERVENTIONAL STUDY (NEW, PREVIOUS SECTION IX, "NON-INTERVENTIONAL STUDY" – SG 12/11, IN FORCE FROM 08.02.2011)**

Art. 145. (1) (suppl. – SG 12/11, in force from 08.02.2011) A non-interventional study shall be conducted with medicinal products authorised for use in the Republic of Bulgaria where these are studied in order to obtain additional information about the product prescribed in the usual manner in compliance with the conditions determined in the marketing authorisation. No additional diagnostic or monitoring procedures, different from the usual practices shall be applied to the patients in non-interventional studies, and epidemiological methods should be used for the analysis of the collected data.

(2) (amend. – SG 12/11, in force from 08.02.2011, repealed – SG, 102/2012, in force from 21.12.2012)

(3) (repealed – SG, 102/2012, in force from 21.12.2012)

(4) (repealed – SG, 102/2012, in force from 21.12.2012)

(5) (repealed – SG, 102/2012, in force from 21.12.2012)

(6) (repealed – SG, 102/2012, in force from 21.12.2012)

Art. 145a. (new - SG, 102/2012, in force from 21.12.2012) (1) Non-interventional post-marketing safety studies shall be conducted upon initiative of the marketing authorisation holder or in fulfillment of the conditions of Art. 55a and 56a and are related to data collection of medicinal safety by patients and medical specialists.

(2) (amend. - SG 17/19) Where with the study, collection of data is planned by patients, their consent must be received. The personal data of the patients shall be processed while observing the requirements of the protection of personal data.

(3) The medical specialists shall not receive financial or other benefits for participation in the non-interventional safety studies, unless compensations for the spent time and means.

Art. 145b. (new – SG, 102/2012, in force from 21.12.2012) (1) During the study under Art. 145c, Para. 1 and Art. 145f, Para. 1 the holder of the marketing authorisation shall carry out monitoring of the obtained data and shall account for their impact over the correlation benefit-risk for the medicinal product.

(2) The marketing authorisation holder shall announce to BDA about each new information, which could influence the correlation benefit-risk for the medicinal product.

(3) The obligation under Para. 2 shall not liberate the marketing authorisation holder from the requirements of Art. 194h for providing the information under Para. 2 and through the periodic updated safety reports.

Art. 145c. (new – SG, 102/2012, in force from 21.12.2012) (1) (Amend. - SG 84/18, in force from 12.10.2018) Where the study is conducted only on the territory of the Republic of Bulgaria in implementation of the obligation under Art. 56a, the holder of the marketing authorisation shall produce a draft protocol of the study to BDA. The draft protocol, with a written consent under Art. 145a, Para. 2 shall be produced also to the Committee under Art. 103, Para. 1.

(2) The BDA executive director, within the term of up to 60 days from the date of receiving the documentation under Para. 1, the marketing authorisation holder shall submit a notification of the study or

shall give a grounded refusal.

(3) The BDA executive director shall refuse conducting of the study with one or more of the grounds under Art. 145f, Para. 2, p. 2.

(4) (Amend. - SG 84/18, in force from 12.10.2018) The Committee under Art. 103, Para. 1 shall, within up to 60 days from the date of receiving the documentation under Para. 1, submit to the marketing authorisation holder a positive or negative opinion.

(5) (Amend. - SG 84/18, in force from 12.10.2018) Conducting of the study may start after receiving approval by BDA and a positive opinion by the commission under Art. 103, Para. 1.

(6) For assessment of the documentation under Para. 1, BDA shall collect a fee in the amount, determined by the tariff under Art. 21, Para. 2.

Art. 145d. (new – SG, 102/2012, in force from 21.12.2012) (1) (Amend. - SG 84/18, in force from 12.10.2018) The marketing authorisation holder shall apply planned substantial changes in the protocol in the cases under Art. 145c, Para. 1 after their prior approval by BDA and by the commission under art. 103, Para. 1.

(2) (Amend. - SG 84/18, in force from 12.10.2018) The marketing authorisation holder shall produce to BDA and to the Committee under Art. 103, Para. 1 the documentation related to the changes and the motives for that.

(3) The BDA executive director within the term of 30 days after receiving the documentation under Para. 2 shall approve the changed protocol or shall issue a motivated refusal and shall notify the marketing authorisation holder.

(4) (Amend. - SG 84/18, in force from 12.10.2018) The Committee under Art. 103, Para. 1 shall, within 30 days from the date of receiving the documentation under Para. 2 submit to the marketing authorisation holder a positive or negative opinion.

(5) The BDA executive director shall refuse the changes under Para. 1 with one or more of the grounds, indicated in Art. 145f, Para. 2, p. 2.

(6) (Amend. - SG 84/18, in force from 12.10.2018) The marketing authorisation holder may apply the changes under Para. 1 after receiving an approval by BDA and a positive opinion by the commission under Art. 103, Para. 1.

(7) BDA shall collect fee in the amount, defined by the tariff under Art. 21, Para. 2 for assessment of the documentation under Para. 1.

Art. 145e. (New – SG, 102/2012, in force from 21.12.2012) (1) The marketing authorisation holder shall produce to BDA a final report of the study within the term of up to 12 months after finalisation of the data collecting. The report shall have attached a study result summary.

(2) The marketing authorisation holder may submit a grounded request to BDA for postponing the term under Para. 1 at least 3 months before the date for producing the final report, indicated in the protocol.

(3) The BDA shall approve or refuse grounded the request under Para. 2 and shall notify the marketing authorisation holder.

(4) Where the marketing authorisation holder, based on the report of Para. 1, considers that a change in the marketing authorisation is needed, he/she shall submit to BDA an application for a change under Chapter Three, Section VI.

(5) The BDA executive director by an order shall interrupt the action or shall terminate the marketing authorisation, where BDA on the basis of the report under Para. 1 after consultation with the marketing authorisation holder considers that interruption or termination of marketing authorisation is needed.

Art. 145f. (new – SG, 102/2012, in force from 21.12.2012) (1) Where the study is conducted on the territory of the Republic of Bulgaria, also on the territory of other EU Member States, for medicinal products, permitted under Regulation (EC) N 726.2004 of the European Parliament and of the Council or under Chapter Three, Section VII in implementation of the obligations under Art. 55a or Art. 56a, the marketing authorisation holder shall submit the draft protocol to the committee under Art. 56a, Para. 1, p. 1.

(2) Within the term of up to 60 days from the date of receiving the documentation under Para. 1, the committee under Art. 56a, Para. 1, p. 1. Shall draw up an opinion and shall submit to the marketing authorisation holder:

1. a approval notification, or

2. grounded refusal, where:

a) it finds, that the study conducting encourages the use of the medicinal product, and/or

b) considers, that the design of the study will not achieve the objectives, laid down in the protocol, and/or

c) the study has nature of a clinic study.

(3) (Amend. - SG 84/18, in force from 12.10.2018) In the cases under Para. 2, p. 1 the marketing authorisation holder shall produce the notification to BDA.

(4) (Amend. - SG 84/18, in force from 12.10.2018) The Committee under Art. 103, Para. 1 shall, within 15 days from the date of receiving the notification under Para. 3, send the marketing authorisation holder a positive or negative opinion.

(5) (Amend. - SG 84/18, in force from 12.10.2018) The study conducting may start after receiving a positive opinion by the commission under Art. 103, Para. 1.

(6) The contents and the form of the protocol under Para. 1 shall be determined by Commission Implementing Regulation (EU) No 520/2012 of 19 June 2012 on the performance of pharmaco-vigilance activities provided for in Regulation (EC) No 726/2004 of the European Parliament and of the Council and Directive 2001/83/EC of the European Parliament and of the Council (OJ, L 159/5 of 20 June 2012), called hereinafter "Implementing Regulation (EU) N 520/2012".

Art. 145g. (new – SG, 102/2012, in force from 21.12.2012) (1) The marketing authorisation holder in the cases under art. 145f, Para. 1 shall apply planned substantial changes in the study protocol after their prior approval by the committee under Art. 56a, Para. 1, p. 1.

(2) The marketing authorisation holder shall produce to the committee under Art. 56a, Para. 1, p. 1 the documentation, related to the changes and grounds for that.

(3) (Amend. - SG 84/18, in force from 12.10.2018) Where the committee under Art. 56a, Para. 1, item 1 approves the protocol changes, the marketing authorisation holder shall notify the BDA and the Committee under Art. 103, Para. 1.

(4) (Amend. - SG 84/18, in force from 12.10.2018) The marketing authorisation holder may apply the changes under Para. 1 after receiving a positive opinion by the Committee under Art. 103, Para. 1.

Art. 145h. (new – SG, 102/2012, in force from 21.12.2012) The marketing authorisation holder shall submit in electronic way to the committee under Art. 56a, Para. 1, p. 1 a final report, with a study result summary within the term of up to 12 months after finalisation of data collecting.

(2) The marketing authorisation holder may submit a grounded request to the committee under Art. 56.a, Para. 1, p. 1 for postponing the term under Para. 1 at least 3 months before the date for producing the final report, indicated in the protocol.

(3) The committee under Art. 56a, Para. 1, p. 1 shall approve or refuse groundedly the request



under Para. 2 and shall notify the marketing authorisation holder.

(4) The contents and form of the report under Para. 1 shall be determined by Implementing Regulation (EU) N 520/2012.

Art. 145i. (new – SG, 102/2012, in force from 21.12.2012) (1) The committee under Art. 56a, Para. 1, p. 1 based on the report under Art. 145h, Para. 1 and after consultation with the marketing authorisation holder shall issue a grounded recommendation about the marketing authorisation of the medicinal product and shall submit it to:

1. The committee of the medicinal product for human use under Art. 5 of Regulation (EC) N 726/2004 of the European Parliament and of the Council or

2. The coordination group under art. 77, Para. 2.

(2) In the cases under Para. 1. P. 2 where the committee under Art. 56a, Para. 1, p. 1 has recommended a change, interruption or termination of the marketing authorisation, the coordination group, represented by the Member States, in which the study has been conducted, shall issue an opinion about the needed actions, to be undertaken in relation to the marketing authorisation, including a schedule for its implementation.

(3) Where the represented member States in the coordination group reach consensus about the opinion under Para. 2, it shall be published on the European internet portal for medicinal products under Art. 68, Para. 1, p. 4 and shall be submitted to the marketing authorisation holder.

(4) The BDA executive director in compliance with the opinion under Para. 2 shall interrupt or terminate the action of the marketing authorisation.

(5) Where in the opinion under Para. 2 changes have been recommended in the issued marketing authorisation, the marketing authorisation holder within the frames of the determined implementation schedule shall submit to BDA an application for change under Chapter Three, Section VI, including an updated short characteristic of the product and a leaflet.

(6) Where it is impossible an agreement to be reached within the frames of the coordination group, the position of the majority Member States shall be produced to the European Commission, which shall adopt a decision for change, interruption or termination of the marketing authorisation, issued by the relevant regulatory bodies of the Member States.

(7) The decision under Para. 6 shall be published on the European internet portal for medicinal products under Art. 68, Para. 1, p. 4 and shall be submitted to the marketing authorisation holder.

(8) The BDA shall apply the temporary and/or final measures of the decision under Para. 6 and shall inform the European Medicines Agency and the European Commission.

(9) In the cases under Para. 1, the Committee on medicinal products for human use in compliance with the recommendations of the committee under art. 56a, Para. 1, p. 1 shall issue an opinion about storage, change, termination or interruption of the validity of the marketing authorisation, including a schedule for implementation of the opinion. The opinion shall be published on the European internet portal for medicinal products under Art. 68, Para. 1, p. 4 and shall be submitted to the marketing authorisation holder.

(10) Where in the opinion under Para. 9 a position is expressed for undertaking regulatory actions in relation to the marketing authorisations, the European Commission shall undertake a decision for a change, termination or interruption of the marketing authorisation, issued under Regulation (EC) N 726/2004 of the European Parliament and of the Council.

Art. 145j. (new – SG, 102/2012, in force from 21.12.2012) (1) (Amend. - SG 84/18, in force from 12.10.2018) Non-interventional studies on the territory of the Republic of Bulgaria shall be conducted under terms and procedures set in an ordinance by the Minister of Health.

(2) During conducting non-interventional studies under Para. 1 the financing source shall ne indicated

## **Chapter five.**

### **MANUFACTURING AND IMPORT OF MEDICINAL PRODUCTS AND ACTIVE SUBSTANCES (TITLE. AMEND. – SG, 102/2012, IN FORCE FROM 02.01.2013)**

#### **Section I. Manufacture**

Art. 146. (1) (amend. – SG, 102/2012, in force from 02.01.2013) Within the meaning of this Act manufacture of all types of medicinal products and medicinal products intended for clinical trials can only be performed on the territory of the Republic of Bulgaria by natural or legal persons registered as traders on the territory of a Member State which have received manufacturing authorisation issued by the director of the BDA.

(2) Manufacturing authorisation shall also be required in the cases where the products according to para 1 are intended for export only.

(3) Manufacturing authorisation shall also be required for persons who perform simultaneously or separately one of the following activities: packaging, retail packaging, repackaging, labelling of medicinal products, and medicinal products intended for clinical trials.

(4) Manufacturing authorisation shall also be required for persons who perform simultaneously or separately one of the following activities: complete or partial manufacture of active substances intended for the manufacture of medicinal products and various processes of packaging, retail packaging, repackaging, and re-labelling of active substances.

(5) No manufacturing authorisation shall be required where the processes of retail packaging, mixing, or packaging are performed according to magisterial or pharmacopoeia recipe in a pharmacy.

Art. 147. (amend. – SG, 102/2012, in force from 02.01.2013) The BDA shall introduce information about the issued manufacturing authorisations of medicinal products and certificates for good production practice to be entered in the European Union database.

Art. 148. To obtain manufacturing authorisation the person according to Art. 146 must possess:

1. personnel with adequate qualification depending on the specificity of the manufactured types of medicinal products and pharmaceutical forms;
2. always at least one qualified person, who correspond to the condition of Art. 159 at any time;
3. manufacturing, control, and storage facilities for the medicinal products equipped with the required technical equipment and control laboratories.

Art. 149. The managers of manufacture and quality control of medicinal products in the manufacturing enterprises shall be:

1. persons with educational qualification master's degree in pharmacy, chemistry, or biology and at least two-year practical experience in the pharmaceutical manufacture;
2. for the manufacture of radiopharmaceuticals or medicinal products subjected to ionizing radiation – persons who comply with the requirements according to point 1 and have an additionally

recognised specialty in radiobiology or radiochemistry.

3. for the manufacture of immunological medicinal products including vaccines, toxins, sera, biotechnological products, and medicinal products obtained from human plasma or human blood – persons with recognised specialty in medical haematology, medical microbiology, virology, or immunology.

Art. 150. (1) The person according to Art. 146 shall submit to the BDA a formal application as approved by the director of the Agency.

(2) Together with the application according to para 1 the applicant shall also submit:

1. (suppl. - SG 103/17, in force from 01.01.2018, amend. – SG 67/20) diploma, document for acquired specialty, document for length of service and employment contract for the persons according to Art. 148, point 2, and Art. 149;

2. copies of contracts of assignment of the manufacture and/or control of the products ordered for manufacture – in the cases according to Art. 151;

3.(amend. – SG, 60/2011, in force from 5. 8. 2011) data for the Single identification code of the trader or cooperation from the Trade register, and for the companies, registered in a EU Member State or in a state – party on the Agreement for the EEA – a document for updated registration under the national legislation, issued by a competent body of the relevant state;

4. (amend. – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 02.01.2013)) a list of the production activities and the medicinal forms, which will be manufactured;

5. schemes of the premises for the manufacture, control, and storage and a dossier of the manufacturing capacity;

6. assessment of the environmental impact during the manufacture of the medicinal products for the cases stipulated in the Environmental Protection Act;

7. authorisation by the Nuclear Regulatory Agency where the application concerns manufacture of radiopharmaceuticals or medicinal products subjected to ionised radiation during their manufacture;

8. (repealed – SG 67/20)

9. (amend., - SG 98/10, in force from 01.01.2011, repealed - SG, 60/2011, in force from 5. 8. 2011)

10. document for paid fee, in amount determined in the tariff to Art. 21, para 2.

(3) For the manufacturing of narcotic substances and pharmaceutical forms containing such substances, the requirements of the Control on Drugs and Precursors Act shall be observed.

(4) (new - SG 103/17, in force from 01.01.2018, amend. – SG 67/20) The Bulgarian Drug Agency shall establish ex officio the circumstances regarding the criminal record of the person under Art. 148, item 2 and of the persons under Art. 149, when they are Bulgarian citizens. For persons who are not Bulgarian citizens, the application shall be accompanied by a criminal record extract or a similar document issued by a competent authority of the respective state.

(5) (New – SG 67/20) The Bulgarian Drug Agency shall ex officio establish the circumstances regarding the existence of a permit for use or a certificate for commissioning of the premises for production, control and storage, issued pursuant to the Spatial Planning Act, or another valid document within the meaning of the Spatial Planning Act.

Art. 151. Where some aspects of the stages of manufacture or control tests within the manufacturing process shall be carried in another site of the territory of Bulgaria or abroad under contract, the persons according to Art. 146 shall be obliged to indicate the location of that site and a copy of the contract determining the responsibilities of the parties thereto with respect to the observation of the requirements of the Good Manufacturing Practice for medicinal products the obligations of the qualified person according to Art. 148, point 2.

Art. 152. (amend. – SG, 102/2012, in force fro 02.01.2013) (1) The principles and requirements for Good Manufacturing Practice for all types of medicinal products, medicinal products for clinical trials, and active substances shall be arranged by a regulation of the Minister of Health and by acts and directives, adopted by the European Commission.

(2) The principles and requirements for official risk assessment in view to establishing Good manufacturing practice for assisting substances shall be determined by the ordinance under Para. 1 and by directives, adopted by the European Commission.

Art. 153. (1) Upon receipt of an application according to Art. 150, the BDA shall assess the submitted documentation and shall conduct inspection on the spot of the location of the sites for manufacture, control, and storage including the cases according to Art. 151 to determine the compliance between the submitted documentation and the conditions for manufacture, control, and storage of the starting manufacturing materials and the finished medicinal products and their compliance with the requirements of the Good Manufacturing Practice.

(2) The expenses for the conduct of an on the spot inspection according to para 1 shall be carried out at the expenses of the applicant.

(3) For conducting of on the spot inspection according to para 1 the applicant shall pay a fee of the amount as laid down in the tariff under Art. 21, para 2.

Art. 154. (1) Where the BDA finds omissions in the documentation submitted and/or inconsistencies between the content of the submitted documentation and the condition of the site or the requirements for the qualification of the personnel, it shall notify the applicant in writing and give written instructions.

(2) In the cases according to para 1 the time limit under Art. 155, para 1 shall cease to run until rendering the site or documentation in compliance with the requirements.

Art. 155. (1) (Amend. - SG 84/18, in force from 12.10.2018) Within 60 days of the date of submission of the application according to Art. 150, the executive director of the BDA shall:

1. issue manufacturing authorisation or
2. state it reasoned refusal.

(2) (Amend. – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 02.01.2013) Manufacturing authorisation shall only be issued for manufacturing activities and medical forms, medicinal products intended for clinical trials, indicated in the application and for the premises where manufacture, control, and storage shall be carried out.

(3) The deeds according to para 1 shall be delivered to the applicant.

(4) The manufacturing authorisation shall be timeless.

(5) The refusal according to para 1, point 2, shall be subject to appeal according to order of the Administrative-Procedure Code.

Art. 156. (1) The manufacturing authorisation holder shall submit an application in case of change of:

1. the person according to Art. 148, point 2;
2. the persons according to Art. 149;
3. (repealed - SG, 60/2011, in force from 5. 8. 2011)
4. the location or reorganisation of some of the sites for manufacture, control, and storage;

5. (amend. - SG, 60/2011, in force from 5. 8. 2011) the manufacturing activities;  
6. (amend. - SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 02.01.2013) the manufactured medicinal forms;  
7. (amend. - SG, 60/2011, in force from 5. 8. 2011) the trade registration.

(2) (Amend. – SG 67/20) The application according to para 1 shall be accompanied by documents associated with the change, which as laid down in Art. 156a and a document for paid fee in an amount determined in the tariff as per Art. 21, Para. 2.

(3) (New - SG, 60/2011, in force from 5. 8. 2011) Within 14 day term from occurrence of a change of the equipment, the holder of the authorisation for manufacture shall notify the BDA in writing.

(4) (New - SG, 60/2011, in force from 5. 8. 2011) The holder of the authorisation for manufacture shall submit to the BDA a notification at the beginning of the manufacture of each new permitted for use medicinal product.

(5) (former Para. (3), SG, 60/2011, in force from 5. 8. 2011) The manufacturing authorisation shall be cancelled provided that its holder terminates his activity and he shall be obliged to notify the BDA accordingly.

Art. 156a. (New – SG 67/20) (1) In the event of a change under Art. 156, Para. 1, items 1 and 2, the applicant shall submit:

1. a diploma for completed higher education;
2. an employment contract;
3. documents certifying additional qualification;
4. a document for work experience.

(2) The Bulgarian Drug Agency shall establish ex officio the circumstances regarding the criminal record of the person under Art. 148, item 2 and of the persons under Art. 149, when they are Bulgarian citizens. For persons who are not Bulgarian citizens, the application shall be accompanied by a criminal record extract or a similar document issued by a competent authority of the respective state.

(3) In case of change under Art. 156, Para. 1, item 4, the applicant shall submit the following documentation related to the respective change:

1. a scheme for construction or reconstruction of the premises for production, control and storage;
2. an assessment of the impact on the environment in the production of medicinal products - in the cases provided for in the Environmental Protection Act;
3. a basic plan for validation, including the premises requested for change;
4. a copy of the contract for assignment, when some of the activities for production, control and storage of medicinal products are carried out in another site on the territory of the Republic of Bulgaria or outside it.

(4) In case of change under Art. 156, Para. 1, item 4, the BDA shall establish ex officio the circumstances regarding the existence of a permit for use or a certificate for putting into operation of the premises for production, control and storage, issued by the order of the Spatial Planning Act, or of another valid document within the meaning of the Spatial Planning Act.

(5) In case of change under Art. 156, Para. 1, item 5, the applicant shall submit the following documentation:

1. a list of the standard operating procedures for production, control and cleaning;
2. a basic plan for validation, including the processes stated in the change and subject to validation.

(6) In case of change under Art. 156, Para. 1, item 6, the applicant shall submit the following documentation:

1. a list of the international non-patent names and the trade names of the medicinal products, their dosage form, content of the active substance in dosage unit and quantity in the final packaging;

2. a list of the procedures for production, control and storage of the medicinal products.

(7) In case of change under Art. 156, Para. 1, item 7, the BDA shall establish ex officio the circumstances of the announced changes in the commercial registration.

Art. 157. (1) (Amend. – SG 67/20) When issuing the authorisation allowing the change, the provisions of Art. 155 shall apply, whereas the time limit for issuing shall be:

1. 14 days - in the cases under Art. 156, para 1, points 1, 2 and 7 – up to 14 days;

2. (amend. - SG, 60/2011, in force from 5. 8. 2011) 30 days in the cases under Art. 156, para 1, points 4 – 6.

(2) ( amend. - SG, 60/2011, in force from 5. 8. 2011) Where the changes according to Art. 156, para 1, points 4 - 6 cannot be assessed according to documents, the BDA shall conduct on the spot inspection. In such cases the term according to para 1, point 2, shall cease to run until the accomplishment of the inspection.

(3) The expenses for the conduct of the inspection on the spot according to para 2 shall be for the account of the applicant.

(4) For the conduct of an inspection on the spot according to para 2, the applicant shall pay a fee to the amount as laid down in the tariff according to Art. 21, para 2.

Art. 158. (1) The BDA shall keep a register according to Art. 19, para 1, point 1, of the issued manufacturing authorisations, which shall contain:

1. number and date of the manufacturing authorisation;

2. name, place of business, and address of administration of the person who has been granted manufacturing authorisation;

3. address of the premises for the manufacture, control, and storage of the medicinal product;

4. (amend. – SG, 102/2012, in force from 02.-1.2013) medicinal products, and forms for which the authorisation has been granted;

5. name of the person according to Art. 148, point 2;

6. names of the persons according to Art. 149;

7. date of deletion from the register of the manufacturing authorisation and the reason therefore.

(2) The data from the register of the issued manufacturing authorisations shall be published on the internet site of the BDA.

(3) Upon request of the European Commission or another regulatory body of a Member State, the BDA shall provide information for an issued manufacturing authorisation.

Art. 159. (1) The manufacturing authorisation holder shall employ on a labour contract at least one qualified person according to Art. 148, point 2, who shall be constantly at his disposal.

(2) The qualified person according to para 1 must meet the following requirements:

1. to be a master of medicine, pharmacy, chemistry, biotechnology, or biology;

2. to have at least two-year practical experience in the pharmaceutical manufacture and in conducting qualitative and/or quantitative analysis of medicinal products and active substances;

(3) Where the manufacturing authorisation holder of a medicinal product complies with the requirements according to para 2, he can perform the obligation of the qualified person.

(4) (new – SG, 102/2012, in force from 21.02.2012) The qualified person shall be responsible for the fact, that on the packing of the medicinal product the safety indicators have been written under Art.

168, Para. 8.

(5) (former Para. 4 - SG, 102/2012, in force from 21.02.2012) The qualified person shall issue a certificate for the release of each batch evidencing that the batch of the medicinal product has been manufactured and controlled in compliance with the requirements of the manufacturing authorisation according to order of this Act.

(6) (Former Para. 5 - SG, 102/2012, in force from 21.02.2012, amend. - SG 84/18 (\*)) The qualified person shall issue a certificate of release each batch certifying that the batch of the medicinal product intended for clinical trials has been manufactured and controlled in compliance with the requirements for Good Manufacturing Practice, with the manufacturing dossier of the product, and with the investigational medicinal product's documentation according to Regulation (EU) 536/2014.

(7) (former Para. 6 - SG, 102/2012, in force from 21.02.2012) The qualified person shall keep a register of the issued release certificates for each batch of a medicinal product.

(8) (former Para. 7 - SG, 102/2012, in force from 21.02.2012) The data from the register according to Para. 6 shall be kept at least 5 years after the last entry and shall be provided to the control bodies upon request.

(9) (former Para, 8, - SG, 102/2012, in force from 21.02.2012) In case of constitution of an administrative-penal procedure for violations committed during the execution of the obligations of the qualified person, the BDA shall order the manufacturing authorisation holder to temporarily dismiss the qualified person from the position.

(10) (former Para. 9, - SG, 102/2012, in force from 21.02.2012) The criteria and requirements relating to the qualification and training of the persons according to Art. 148, point 2, shall be laid down in the regulation according to Art. 152.

Art. 160. (1) The manufacturing authorisation holder shall:

1. (amend. - SG 84/18 (\*)) ensure the performance of the manufacturing operations in compliance with the requirements of the Good Manufacturing Practice and in compliance with the information according to Art. 27, Para. 1, points 7 and 8 approved from the BDA, and in the cases of medicinal products for clinical trials – in compliance with the investigational medicinal product's documentation according to Regulation (EU) 536/2014.

2. (amend. – SG, 102/2012, in force from 02.01.2013) use only active substances, which have been manufactured in compliance with the requirements of the Good Manufacturing Practice for active substances;

2a. (new – SG, 102/2012, in force from 02.01.2013) be certain that the assisting substances, put in the medicinal products are manufactured in compliance with the appropriate Good manufacturing practices for assisting substances, determined on the basis of an official risk assessment in compliance with the applicable directives, adopted by the European Commission;

3. ensure on a permanent basis qualified personnel for the production and control according to the requirements the regulation according to Art. 152;

4. (amend. – SG 12/11, in force from 08.02.2011) only dispose of medicinal products, which have marketing authorisation fulfilling the requirements of this Act;

5. (revoked – SG 12/11, in force from 08.02.2011);

6. immediately notify the control bodies in case of substitution of the qualified person according to Art. 148, point 2;

7. ensure access of the control bodies to the premises and the documentation at any time;

8. ensures to the qualified person according to Art. 148, point 2 the required condition to fulfill his obligations.

9. (new – SG, 102/2012, in force from 02.01.2013) inform immediately the BDA and the use

authorisation holder, if information is received that the medicinal products, which fall in the scope of hi/her manufacture automation, are falsified or there are suspects for falsification, notwithstanding of the fact whether these medicinal products have been disseminated within the frames of the legal supply or an illegal way, including through illegal sale through the services of the information society;

10 (new – SG, 102/2012, in force from 02.01.2013) check if the manufacturers, importers or traders, from whom he/she receives active substances have been register by the competent body of the Member state in which they are established;

11. (new – SG, 102/2012, in force from 02.01.2013) check up the authenticity and quality of the active and assisting substances.

(2) (new – SG, 102/2012, in force from 02.01.2013) The manufacturing authorisation holder shall perform audits in the production sites and trade with active substances for observation of the Good manufacturing practice and the Good distribution practice. The manufacture authorisation holder may sign a contract with a third person to carry out the audit on his/her behalf and on his/her account.

(3) (new – SG, 102/2012, in force from 02.01.2013) The manufacturing authorisation holder shall document the undertaken under Para. 1, p. 2 and 2a measures.

(4) (former Para. 2 – SG, 102/2012, in force from 01.01.2013; amend. - SG 84/18 (\*)) The manufacturing authorisation holder shall keep the samples of and the documentation for the manufactured medicinal products and active substances under the conditions and under the terms laid down in the regulation according to Art. 152, Para. 1.

(5) (former Para. 3 – SG, 102/2012, in force from 01.01.2013; revoked - SG 84/18 (\*))

(6) (former Para. 4 – SG, 102/2012, in force from 01.01.2013)The documentation for any deal made shall be kept for 5 years and shall contain the date, description of the medicinal product, quantity delivered, consignee's name and address, and batch number.

(7) (former Para. 5 – SG, 102/2012, in force from 01.01.2013)The manufacturing authorisation holder shall ensure and maintain a system for blocking and recall of medicinal products, which have shown discrepancies with the requirements relating to quality.

(8) (former Para. 6 – SG, 102/2012, in force from 01.01.2013)The manufacturing authorisation holder shall be obliged to block and recall the medicinal products, which have shown discrepancies with the requirements relating to quality, efficacy, and safety under the terms of the regulation according to Art. 274, Para. 1.

(9) (former Para. 7 – SG, 102/2012, in force from 01.01.2013)The manufacturing authorisation holder shall be obliged to update the manufacturing methods in compliance with the development of new technologies and the development of medicinal products for tests.

(10) (new – SG 12/11, in force from 08.02.2011,former Para. 8, amend. – SG, 102/2012, in force from 01.01.2013)) On the base of the manufacturing authorisation, issued under the procedure of this Section, its holder may perform import of auxiliary substances, needed for the manufacturing of medicinal products, enlisted in the manufacturing authorisation.

(11) (New – SG 67/20) The manufacturing authorization holder shall place on the secondary packaging, and if there is no such - on the primary packaging of the medicinal products, defined in Delegated Regulation (EU) 2016/161, the safety indicators under Art. 168, Para. 8.

Art. 160a. (New – SG, 60/2011, in force from 5. 8. 2011) The executive director of BDA by an order shall withdraw an issued authorisation, where the conditions under Art. 148 are not evident and the requirements of the Good manufacture practice, determined under Art. 152 have not been observed.

(2) The executive director of BDA by an order shall terminate the authorisation for manufacture:

1. upon a written request of its holder;

2. in the event of termination of the activities, for which it was issued;



3. in the event of deleting the registration of the trader;
4. in the event of death of the natural persons – sole trader.

(3) The order under Para. 1 may be appealed under the Administrative–procedure Code, where the appeal shall not stop the implementation.

## **Section II.**

### **Import of Medicinal Products (Title, amend. – SG, 102/2012, in force from 02.01.2013)**

Art. 161. (1) amend. – SG, 102/2012, in force from 02.01.2013) Import on the territory of the Republic of Bulgaria from third country of medicinal products and medicinal products intended for clinical trials from a third country within the meaning of this Act can only be carried out by natural or legal persons registered as traders according to the legislation of the Member State who has been granted import authorisation issued by the executive director of the BDA.

(2) To obtain import authorisation, the person according to Para. 1 must:

1. (amend. – SG, 102/2012, in force from 02.01.2013) at any time with at least one qualified person, who meets the requirements of art. 159, Para. 2 and 10;
2. (amend. – SG, 102/2012, in force from 02.01.2013) dispose of a quality control laboratory in compliance with the requirements of the regulation according to Art. 152 and premises for the storage of the medicinal products and medicinal products for clinical trials having the required technical equipment in compliance with the requirements of the regulation according to Art. 198.

Art. 162. (1) To obtain an import authorisation, the person according to Art. 161, para 1, shall submit to the BDA a formal application as approved by the Executive Director of the Agency.

(2) The following documents shall be attached to the application from Para. 1:

1. (amend. - SG 71/08, in force from 12.08.2008, amend. -SG 60/11, in force from 05.08.2011) data on the Unified Identification Code of the trader or the cooperative from the Commercial Register, and for companies registered in a Member State of the European Union or in a state party to the Agreement on the European Economic Area - a document of current registration under national law issued by a competent authority of the respective state;
2. (amend. - SG 102/12, in force from 02.01.2013; amend. - SG 67/20) a list of the international non-patent names and the trade names of the medicinal products, their dosage form, the content of the active substance per unit dose and the quantity in the final package;
3. (suppl. - SG 71/08, in force from 12.08.2008) a copy of the manufacturing authorization issued by the regulatory authority of the exporting country, and a certificate certifying compliance with the conditions for production, control and storage with standards at least equivalent to the standards of Good Manufacturing Practice;
4. documents certifying the circumstances according to Art. 159, para 1 and 2 for the qualified person;
5. data about the address of the laboratory on the territory of the Republic of Bulgaria for the conduct of complete quantitative and qualitative analysis at least of the active substances and of any other tests and checks required to prove the quality of any imported batch of a medicinal product in compliance with the requirements of the marketing authorisation under the terms of this Act and the address of the storage premises;
6. a contract, where the responsibilities of the parties are determined there to with respect to the observation of the principles of the Good Manufacturing Practice by the assignee and the method according to which the qualified person according to Art. 161, para 2, point 1, shall fulfil its obligations in the cases

where the person according to Art. 161, para 1, does not have a laboratory of his own;

7. document for paid fee to the amount as laid down in the tariff according to Art. 21, para 2.

(3) (New - SG 71/2008, in force from 12.08.2008) In case of received application under para 1, BDA shall assess the filed documentation and shall perform check up on the spot of the control laboratory and the premises for storage of the medicinal products and of medicinal products, intended for clinical testing, for establishing their compliance with the requirements of the Good Manufacturing Practice and of the Good Distribution Practice.

(4) (Former para 3 - SG 71/2008, in force from 12.08.2008) Where the manufacturing facilities are situated in a third country with which the European Community has a signed agreement for mutual recognition of Good Manufacturing Practice certificates, the persons according to Art. 161, para 1 shall annex to the application the address of any facility manufacturing medicinal products, active substances, or medicinal products intended for clinical trials, name, place of business and address of management of the person who has been granted manufacturing authorisation, certificate evidencing compliance of he manufacturing, control, and storage conditions with standards, which equivalent to the standards approved with the requirements of the Good Manufacturing Practice, and the name of the qualified person.

(5) (Former para 4 - SG 71/2008, in force from 12.08.2008) In the cases different from 3, the BDA shall perform, if necessary, on the spot inspection to determine the compliance of the documentation with the manufacturing, control, and storage of the medicinal products in the country, exporter. Provided that compliance with the Good Manufacturing Practice has been established, the BDA shall issue a certificate.

(6) (Former para 5 - SG 71/2008, in force from 12.08.2008) The expenses for the conduct of an inspection on the spot according to para 4 shall be for the account of the importer.

(7) (Former para 6 - SG 71/2008, in force from 12.08.2008) For conduction an inspection on the spot according to para 4 the applicant shall pay a fee to the amount as laid down in the tariff according to Art. 21, para 2.

Art. 163. (1) The qualified person according to Art. 161, para 2, point 1, shall issue a certificate of release for each batch evidencing that the batch of a medicinal product imported from a third country has been subjected to complete quantitative and qualitative analysis, at least of the active substances, and all required tests and checks for compliance with the requirements for issuing a marketing authorisation under the terms of this Act have been performed prior to the introduction to the market on the territory of, irrespective whether the product has been manufactured in another Member State or not.

(2) Where the batch of a medicinal product imported from a third country has been subjected to the analyses according to para 1 in another Member State and is accompanied by a certificate of batch release signed by another qualified person, no conduct of control tests on the territory of the Republic of Bulgaria shall be required.

(3) Where the batch of a medicinal product imported from a third country with which the European Community has signed an agreement for mutual recognition of Good Manufacturing Practice certificates, the qualified person shall issue a certificate of batch release based in the documents accompanying the batch without obligation to perform control tests on the territory of the Republic of Bulgaria.

(4) (Revoked - SG 84/18 (\*))

(5) (Revoked - SG 84/18 (\*))

(6) (Amend. - SG 71/18, in force from 12.08.2008, revoked - SG 84/18 (\*))

(7) The qualified person according to para 1 shall keep the documentation for any imported batch of a medicinal product at least 5 years and shall provide it to the control bodies upon request.

(8) The import authorisation holder shall ensure and maintain a system for blocking and recall of

medicinal products, which have shown discrepancies with the quality requirements.

(9) The import authorisation holder shall be obliged to block and recall medicinal products, which have shown discrepancies with the requirements of safety, and efficacy according to the regulation according to Art. 274, para 1.

(10) (amend. – SG 12/11, in force from 08.02.2011) Provisions of Art. 160, Para 1, points 4 and 7, shall also be applied with respect of import authorisation holders.

(11) The import authorisation holder shall ensure to the qualified person according to Art. 161, para 2, point 1, the required condition for the fulfilment of his obligations and shall immediately notify the control bodies of his substitution.

(12) In case of constitution of an administrative-penal procedure for violations committed during the execution of the obligations of the qualified person, the BDA shall order the import authorisation holder to temporarily dismiss the qualified person from the position.

Art. 163a. (new – SG 12/11, in force from 08.02.2011) (1) Where BDA finds incompleteness and imperfections in the submitted documentation, it shall notify in written the applicant and shall give written instructions.

(2) In the cases of Para 1, the term envisaged in Art. 164, Para 1 shall stop running until the documentation is not brought in accordance with the requirements.

Art. 164. (1) The executive director of the BDA shall issue an import authorisation within 30 days of the date of submission of the application according to Art. 162 or make a motivated refusal.

(2) The refusal according to para 1 shall be subject to appeal under the terms of the Administrative Procedure Code.

(3) The import authorisation shall only be issued for the medicinal products, forms thereof, active substances, medicinal products intended for clinical trials indicated in the application and for the premises where control and storage are to be carried out.

(4) The import authorisation is timeless.

Art. 164a. (New – SG 67/20) The import authorization holder shall ensure that the safety indicators under Art. 168, Para. 8 are placed on the secondary packaging and, if there is none, on the primary packaging of the medicinal products specified in Delegated Regulation (EU) 2016/161, and shall ensure the introduction of the individual identification mark of each package in the system of registers in accordance with Delegated Regulation (EU) 2016/161.

Art. 165. (Amend. – SG 67/20) (1) The import authorisation holder of a third country shall submit to the BDA in case of change of:

1. the person according to Art. 161, para 2, point 1;
2. the list of international non-proprietary names and trade names of medicinal products, their drug form, content of active substance per dosage unit and quantity in the final package;
3. address of the laboratory according to Art. 161, para 2, point 2;
4. the commercial registration.

(2) To the application under Para. 1 shall be applied the documents related to the change, determined in Art. 165a, and a document for paid fee in an amount, determined in the tariff under Art. 21, Para. 2.

Art. 165a. (New – SG 67/20) (1) In the event of a change under Art. 165, Para. 1, item 1, the

applicant shall submit the following documentation:

1. a diploma for completed higher education;
2. an employment contract;
3. documents certifying additional qualification;
4. a document for work experience.

(2) The Bulgarian Drug Agency shall establish ex officio the circumstances regarding the criminal record of the person under Art. 161, Para. 2, item 1, when he is a Bulgarian citizen. For persons who are not Bulgarian citizens, the application shall be accompanied by a criminal record certificate or a similar document issued by a competent authority of the respective state.

(3) In case of change under Art. 165, Para. 1, item 2, the applicant shall submit the following documentation:

1. a list of the international non-patent names and trade names of the medicinal products, their dosage form, content of the active substance in dosage unit and quantity in the final packaging;
2. a list of the procedures for production, control and storage of the medicinal products.

(4) In case of change under Art. 165, Para. 1, item 3, the applicant shall submit the data under Art. 162, Para. 2, item 5 and a copy of the contract in the cases under Art. 162, Para. 2, item 6.

(5) In case of change under Art. 165, Para. 1, item 4, the BDA shall establish ex officio the circumstances of the announced changes in the commercial registration.

Art. 166. (1) The provisions of Art. 164 shall be applied at the issue of the authorisation allowing the changes, whereas the terms for the issue thereof are:

1. in the cases according to Art. 165, para 1, point 1, 2, and 4 – up to 14 days;
2. in the cases according to Art. 165, para 1, point 3 – up to 30 days.

(2) Where the change according to Art. 165, para 1, point 3, cannot be assessed by documents, the BDA shall conduct inspections on the spot. In these cases the term according to para 1, point 2, shall cease to run until the accomplishment of the inspection.

(3) The expenses for the conduct of the inspection on the spot according to para 2 shall be for the account of the account of the applicant.

(4) For the conduct of the inspection on the spot according to para 2 the applicant shall pay a fee to the amount as laid down on the tariff according to Art. 21, para 2.

Art. 167. (1) The BDA shall keep a register according to Art. 19, para 1, point 2, of the issued import authorisations, which shall contain:

1. number and date of the import authorisation;
2. name, place of business and address of management of the person, who has been granted import authorisation;
3. address of the premises for the control and storage of the medicinal products;
4. (amend. – SG, 102/2012, in force from 02.01.2013) the medicinal products, and forms for which the authorisation has been obtained;
5. name of the person according to Art. 161, para 2, point 1;
6. date of deletion of the import authorisation from the register and reason thereof.

(2) Data from the register shall be published on the internet site of the BDA.

### **Section III.**

## **PRODUCTION, IMPORT AND WHOLESALE TRADE WITH ACTIVE SUBSTANCES**

**(NEW – SG, 102/2012, IN FORCE FROM 02.01.2013)**

Art. 167a. (new – SG, 102/2012, in force from 02.01.2013) Manufacture, import or wholesale trade with active substance may be carried out by natural or legal persons, registered as traders under the legislation of an EU Member State and entered in to the register under Art. 167.

Art. 167b. (new – SG, 102/2012, in force from 02.01.2013) (1) For entering into the register under Art. 167d, the applicant shall submit to BDA an application according to a form, confirmed by the BDA executive director, which shall contain:

1. name, management central office of the person under Art. 167a;
2. a list of the active substances, which will be imported, manufactured or traded;
3. the activities, which the person under Art. 167a will carry out;
4. Premise addresses for the technical equipment for realizing the activity of the persons under

Art. 167a;

(2) The application under Para. 1 shall have attached:

1. data about the single identification code (SIC) of the trader and for the companies, registered in an EU Member State p a document for current registration under the national legislation, issued by a competent body of the relevant state;

2. document for a paid fee under Art. 21, Para. 2.

(3) Within the term of 60 days after the application and the documents under Para. 1 and 2 are received, BDA, on the basis of the risk assessment shall:

1. enter the person under Art. 167a in the register under Art. 167d, for which shall notify, or

2. notify about the date of the inspection, carried out for establishing the compliance of the conditions for the activities under Art. 167a with the requirements of the Good manufacturing practice under Art. 152, Para. 1 and of the Good distribution practices of active substances under Art. 198.

(4) Where as a result of the inspection under Para. 3, p. 2, BDA finds out compliance with the Good manufacturing practice under Art. 152, Para. 1 and of the Good distribution practices of active substances under Art. 198, it shall enter the applicant in the register under art. 167d, for which it shall notify him/her.

(5) The expenses for performing the inspection under Para. 3, p. 2 shall be on the account of the applicant.

(6) For the inspection under Para. 3, p. 2 the applicant shall pay a fee in the amount, determined by the tariff under Art. 21, Para. 2.

(7) In the cases under Para. 3, p. 1 and Para. 4 the applicant may start to carry out his/her activity after registering in the register under Art. 167d.

Art. 167c. (new – SG, 102/2012, in force from 02.01.2013) Where within the term under Art. 167b, Para. 3 the BDA fails to notify that an inspection will be carried out, the applicant may start carrying out the activity.

Art. 167d. (new – SG, 102/2012, in force from 02.01.2013) (1) The BDA shall keep a public register of the importers, manufacturers and wholesale traders with active substances, which shall contain:

1. name management address of the person under Art. 167a;
2. list of the active substances to be imported, manufactured or traded;
3. the activities, which the person under Art. 167a will carry out;
4. 4. Premise address in which the activities will be carried out;

5. 5. Notes on the entered circumstances.

(2) The BDA shall enter in the data base under Art. 147 the information about the registered importers, manufacturers and wholesale traders of active substances.

Art. 167e. (new – SG, 102/2012, in force from 02.01.2013) (1) The person under Art. 167a shall submit to BDA yearly by 31 January a notification about changes in the information, entered in the register under Art. 167d.

(2) In case of changes, which may influence the quality or safety of the active substances, which are manufactured, imported or disseminated, the person under Art. 167a shall notify the BDA immediately

Art. 167f. (1) (new – SG, 102/2012, in force from 02.01.2013) The manufacture, import and wholesale trade of active substances on the territory of the Republic of Bulgaria, including active substances, intended for export, shall be carried out in compliance with the Good manufacturing practice and the Good dissemination practices for active substances.

(2) The importers may import active substances only if the following conditions have been observed:

1. the active substances are manufactured in compliance with standards for Good manufacturing practice, which are at least equivalent to the ones, established in the European Union and

2. (in force from 02.07.2013) the active substances are accompanied by a written confirmation by the competent body of the state-importer, that:

a) the standards for good manufacturing practice, applicable to the object for manufacture of the exported active substances are at least equivalent to the ones, established by the European Union;

b) The relevant object for manufacture shall be subject to a regular control and in it effectively is applied the Good manufacturing practice, where this includes multiple and immediate inspections in view to guaranteeing protection of the public health, at least equal to the one in the European Union, and

c) in case of a found failure to observe the requirements, the state exporter shall inform immediately the BDA.

(3) (in force from 02.07.2013) The requirement of Para. 2, p. 2 shall not apply if the state exporter is included in the list under Art. 111b of Directive 2001/83/EC

Art. 167g. (new – SG, 102/2012, in force from 02.07.2013) (1) As an exception, where it is needed to be provided availability of medicinal products, the importer may import the active substance without a written confirmation under Art. 167f, Para. 2, p. 2 for the term, not longer than the validity term of the certificate for Good manufacturing practice, where the object for manufacture of an active substance in the state exporter has been inspected by a regular body of a Member State and it has been found, that it observes the principle and directives for Good manufacturing practice.

(2) In the cases of Para. 1, BDA shall notify the European Commission.

Art. 167h. (new – SG, 102/2012, in force from 02.01.2013) manufacturing authorisation holders, including those, who fulfill the activities under Art. 168b, Para. 2 shall be considered as manufacturers in the meaning of § 13, p. 3 of the Additional Provisions of the Consumer Protection Act and shall bare responsibility for harms, caused by goods defects, provided in it.

## **Chapter six.**

## PACKAGING AND LEAFLETS OF MEDICINAL PRODUCTS

Art. 168 (1) Medicinal product packaging consists of primary and/or secondary packaging and patient information leaflet.

(2) (amend. - SG 61/11, in force from 10.11.2011) The secondary packaging of medicinal products containing substances specified in the list under Art. 3, para 2, item 2 of the Control on Narcotic Substances and Precursors Act shall be marked diagonally with two red strips and the secondary packaging of medicinal products containing substances specified in the list under Art. 3, para 2, item 2 of the Control on Narcotic Substances and Precursors Act – with two blue strips. The packaging shall obligatorily contain a notice that the medicinal product shall only be dispensed by special medical prescription.

(3) (amend. – SG, 102/2012, in force from 21.12.2012) The leaflet of the medical products, included in the list under Art. 23 of Regulation (EC) N 7262004 of the European Parliament and of the Council contains information with the following text: "This medicinal product is subject to additional observation". Before the text a sign is placed in black cooler under Art. 23, Para. 5 of Regulation (EC) N 7262004 of the European Parliament and of the Council, accompanied by an explanatory note.

(4) (amend. – SG, 102/2012, in force from 21,12,2012) The leaflet of the medicinal products shall included a standard text, by which the patients are invited to report to the medical specialists or directly to BDA about every suspected unwilling medicinal reaction according to the samples in Art. 185, Para. 2, p. 4.

(5) Where a medicinal product is to be authorised for use on the territory of the Republic of Bulgaria, a marking for separate collection and recycling according to the Waste Management Act and the acts for the application thereof shall be placed in its secondary packaging.

(6) Where a medicinal product is to be authorised for use, its name on the secondary packaging, pharmaceutical form, and content of active substance in a single dose shall also be printed in the Braille's alphabet.

(7) The requirements of para 6 are not applied for vaccines and medicinal products in hospital's packages.

(8) (new – SG, 102/2012, in force from 21.12.2012) On the secondary package (if there is no such) on the initial package of the medicinal products, with the exception of radio-pharmaceutics, the following shall be placed:

1. individual identification sign for indicators of safety, which gives opportunity for the wholesale and retail traders to:

- a) check up the authenticity of the medicinal product;
- b) to identify separate packages.

2. a means, which may check up the package of the medicinal product if it has been faked.

Art. 168a. (new – SG, 102/2012, in force from 21.12.2012) (1). On the package of the medicinal product, which is prescribed by a doctor's prescription, safety indicators shall be placed under Art. 168, Para. 8 with the exception of the cases, in which the medicinal product has been included in the list, determined by the European Commission by a delegated act under Art. 168b.

(2) On the package of a medicinal product, which does not need doctor's prescription, no safety indicators shall be placed under Art. 168, Para. 8, with the exception of the cases, in which the medicinal product is included in the list, determined by the European Commission by a delegated act under Art. 168b, after it has been assessed, that it may be put to a risk to be faked.

(3) The BDA shall notify the European Commission:

1. about medicinal products, which do not need doctor's prescription, for which it has found that

there is a risk to be faked;

2. about medicinal products, for which it has found that there is not risk to be fakes, while accounting the following criteria:

- a) price and volume of the sales of the medicinal product;
- b) number and frequency of cases of faked medicinal products, registered in the frames of the European Union and in third states and change in the number and frequency of similar cases in historical plan;
- c) specific characteristics of the relevant medicinal products;
- d) stage of the sicknesses, whose treatment is aimed;
- e) other potential risks for public health.

Art. 168b. (new – SG, 102/2012, in force from 21.12.2012) (1) The rules about the safety indicators under Art. 168, Para. 8 shall be determined by the European Commission with the delegated acts under Art. 54a, Para. 2 of Directive 2001/83/EC.

(2) The safety indicators shall not be removed nor closed partially or thoroughly, unless the following conditions have been fulfilled:

1. the manufacturing authorisation holder, before partially or thoroughly removes or closes the safety indicators, shall check whether the relevant medicinal product is authentic or it has been faked;

2. the manufacturing authorisation holder while observing the requirements of Art. 168, Para. 8 may replace the safety indicators with ones, equal to them in relation to the possibility for guaranteeing the authenticity, identification and provision of evidences for faking the medicinal product.

(3) The safety indicators shall be considered as equal, if:

1. they meet the requirements, determined by the delegated acts under Art. 54a, Para. 2 of Directive 2001/83/EC and

2. they are so effected that they allow the check of authenticity and identification of the medicinal products and provide evidences for their being faked.

(4) The replacement under Para. 2, p. 2 shall be made without opening the initial packing of the medicinal product and in compliance with the Good manufacturing practice for medicinal products.

(5) The BDA shall carry out supervision on the replacement of the safety indicators.

Art. 169. (1) The information of the packaging and the medicinal product leaflet must be in full compliance with the data in the summary of product characteristics approved by the BDA upon the issue of the marketing authorisation and must comply with the requirements set out in the regulation according to Art. 170.

(2) The information on the packaging and leaflet can be in several languages but one of these must obligatorily be Bulgarian language. The content of the information in various languages must be identical.

(3) The name of the medicinal product shall obligatorily be written in the Bulgarian language and the international non-proprietary name of the medicinal substance shall be written according to the Anatomic-Chemical-Therapeutic Classification of the WHO. The name and address of the marketing authorisation holder can be written in Latin.

(4) The information of the packaging and leaflet must be in a language comprehensible for the patient and must be readable and indelible.

(5) (new – SG 18/14) The leaflet must be produced so that to be clear and understandable, and to allow the patient to undertake adequate actions, where required, with the assistance of the health care specialists.



Art.170. (1) (former text of Art. 170 – SG, 102/2012, in force from 01.03.2012) The requirements relating to the packaging and leaflets of medicinal products shall be determined by an ordinance of the Minister of Health.

(2) (new - SG, 102/2012, in force from 01.03.2012; suppl. – SG 18/14) Where a medicinal product, permitted for use under this act, is not intended for direct supply to the patient or is not available on the market in the Republic of Bulgaria, BDA may permit its use, where some of the data, determined by the ordinance under Para. 1 has not been placed on the package or in the leaflet.

(3) (new - SG, 102/2012, in force from 01.03.2012) In the cases under Para. 2, the information on the packing and in the leaflets may not be provided in the Bulgarian language.

(4) (new - SG, 102/2012, in force from 01.03.2012) The conditions and procedure for supply of medicinal products under Para. 2 shall be determined by the ordinance under Art. 198.

## **Chapter seven.**

### **CLASSIFICATION OF MEDICINAL PRODUCTS**

Art. 171. (1) Depending on the method of dispensing, the medicinal products shall be classified as follows:

1. medicinal products dispensed on medical prescription;
2. medicinal products dispensed without medical prescription.

(2) The dispensing regime of a medicinal product shall be determined by the BDA in the marketing authorisation/registration certificate.

(3) The person according to Art. 26, para 1, shall indicate the dispensing regime of a medicinal product in the application for marketing authorisation/registration certificate, variation of the marketing authorisation or its renewal.

Art. 172. The medicinal products according to Art. 171, para 1, point 1, shall be divided in the following categories:

1. medicinal products with restricted medical prescription intended only for use in certain specialised fields;
2. medicinal products subject to special medical prescription;
3. medicinal products for multiple or single dispensing on the same medical prescription.

Art.173. Medicinal products, which meet the following requirements, shall be dispensed on medical prescription:

1. medicinal products, which can represent a direct or indirect danger for human health even at correct use if administered without medical observation;
2. medicinal products, which are frequently and very widely administered in a wrong manner and as a result of that can represent a threat for the people's health;
3. medicinal products containing substances the activity and/or adverse drug reactions of which require subsequent additional study;
4. medicinal products, which are usually prescribed by a physician for potential administration.

Art. 174. Medicinal products shall be subject to special medical prescription wherever these meet one of the following conditions:

1. contain narcotic substances within the meaning of the Control on Narcotic Substances and Precursors Act in admissible for use quantities;

2. in case of incorrect use can cause significant risk of misuse, lead to drug addiction, or be used for illegal purposes;

3. contain new medicinal substances the characteristics of which are not sufficiently known and therefore these can be assigned to the group of medicinal products according to point 2.

Art. 175. Medicinal products shall be subject to limited medical prescription wherever these meet one of the following conditions:

1. are limited to administration in hospital conditions only due to limited experience with their use or in the interest of public health;

2. are intended for treatment of pathological conditions, which can only be diagnosed in therapeutic establishments, irrespective that their administration and follow-up in the course of treatment can be carried out in other healthcare establishments;

3. are intended for treatment of out-patients but their use can cause serious adverse drug reactions, which can require specialist prescribing and monitoring in the course of treatment.

Art. 176. (1) The BDA can refuse to approve the dispensing regime of a medicinal product requested by the applicant according to Art. 26, para 1, on the grounds of assessment of:

1. the maximum single dose, maximum daily dose, quantity of the active substance in one dose unit, pharmaceutical form, specific appearance of the primary product packaging, and/or

2. other specific conditions of use.

(2) The BDA can refuse to indicate the exact category of a medicinal product according to Art. 172 but pursuant to the criteria according to Art. 174 and Art. 175 shall determine whether a medicinal product shall be classified as a product dispensed only on medical prescription.

Art. 177. Medicinal products, which do not meet the requirements according to Art. 173, 174, and 175 and the criteria laid down in the regulation according to Art. 178, shall be dispensed without medical prescription.

Art. 178. The criteria for classification of medicinal products and the requirements to the documentation for changing the classification shall be determined by a regulation of the Minister of Health.

Art. 179. (1) The BDA shall draw and publish on its internet site a list of the medicinal products, which shall be dispensed on the territory of the Republic of Bulgaria on medical prescription.

(2) The list according to para 1 shall be updated annually.

Art. 180. Should new data of a medicinal product, which has a marketing authorisation/registration certificate issued, become available, the BDA shall reconsider and if necessary change the classification in accordance with the requirements of Art. 173 and the criteria laid down in the regulation according to Art. 178.

Art. 181. In the cases where a change in the classification of a given medicinal product is authorised on the grounds of significant preclinical and clinical trials, next applicants or marketing authorisation holders cannot refer within one year of the date of authorisation of the change issued by a regulatory body of a member country when submitting an application for a change in the classification of the same substance.

Art. 182. Annually the BDA shall notify the European commission and the regulatory bodies of the other Member States of changes occurred in the list according to Art. 179.

## **Chapter eight.** **PHARMACO-VIGILANCE**

### **Section I.**

#### **General Provisions. (new – SG, 102/2012, in force from 21.12.2012)**

Art. 183. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall organize and maintain a system for pharmaco-vigilance for implementation of the obligations under this Chapter.

(2) The system under Para. 1 shall be used for collecting information about the risks of medicinal products for the patients' health and for public health. The information shall cover reports for unwilling medicinal reactions in use of a medicinal product in compliance with the confirmed short characteristics, as well as information for misuse and use, which is not in compliance with the confirmed short characteristics of the product, including information for unwilling medicinal reactions, observed while fulfilling professional duties.

(3) The BDA shall valid the process and classify the information under Para. 2, make scientific analysis of the collected data in view to an assessment of the possibilities for decreasing and preventing the risk and shall undertake the needed actions in relation to permit for use of the medicinal product.

(4) The BDA shall carry out audits of the system under Para. 1 and every 2 years shall submit to the European Commission a report with the results from them.

(5) The BDA shall apply an adequate and effective quality system in order to provide compliance of the system under Para. 1 with the requirements of this act. The minimal requirements for the quality system shall be determined by Implementation Regulation (EU) N 520/2012.

Art. 184. (amend. – SG, 102/2012, in force from 21.12.2012) (1) Medical specialists shall be obliged to immediately report to the marketing authorisation holder or to the BDA any suspected serious or unexpected adverse drug reaction and to provide upon request additional information from the vigilance of the case.

(2) The patients may report adverse medicinal reactions at any time to the medical specialists or to BDA.

(3) In the cases under Para. 1 and 2 where the report refers to biological medicinal product, prescribed, disseminated or sold on the territory of the Republic of Bulgaria, it must be clearly identified by the reporter with its trade name and lot number or this information is provided during the additional vigilance.

Art. 185. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall maintain national internet portal for medicinal products, connected to the European internet portal for medicinal products under Art. 68, Para. 1, p. 4.

(2) The BDA shall provide through the portal under Para. 1 at least the following information:

1. the public assessment reports under Art. 53, Para. 2 and their summaries;
2. the short characteristics of the products and the leaflets;

3. summary of the risk management plans of the medicinal products, permitted for use on the territory of the Republic of Bulgaria;

4. standard forms for reporting of suspected adverse reactions by medical specialists and patients, drawn up with compliance with the requirements of Art. 25 of Regulation (EC) N 726/2004 of the European Parliament and of the Council;

5. updated list of the medicinal products under Art. 23 of Regulation (EC) N 726/2004 of the European Parliament and of the Council;

6. announcements, providing information of the wide public about suspicions about safety of usage of a certain medicinal product;

7. instructions for all ways and forms for announcements of suspected adverse medicinal reactions by medical specialists and patients.

Art. 186. (1) (amend. – SG, 102/2012, in force from 21.12.2012) The BDA shall carry out the following actions for the medicinal products, placed on the market of the Republic of Bulgaria:

1. monitoring of the result of the measures for decreasing the risk for a medical products, contained in the risk management plan;

2. monitoring of the result of implementation of conditions, indicated in Art. 55a, 56, or 56a;

3. assessment of the updating of the risk management system;

4. monitoring of the data base of Eudra Vigilance", created in compliance with Art. 24 of Regulation (EC) N 726/2004 of the European Parliament and of the Council for new risks or for change of already established and for change of the correlation benefit/risk.

Art. 187. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall inform the European Medicines Agency and the marketing authorisation holder at identification of signals for new risks or change of found risks or in case of change of the correlation benefit/risk of a medicinal products.

(2) The committee under Art. 56a, Para. 1, p. 1 shall analyze and prioritize the valid signals for new risks or for change of already found and for change of the correlation benefit/risk.

(3) Where the Committee under Art. 56a, Para. 1, p. 1 recommends follow up actions, the coordination group under Art. 77, Para. 2 or the Committee on Medicinal Products for Human Use shall draw up an opinion for regulatory actions related to the authorisation for use within the frames of a schedule, drawn up in compliance with the seriousness and level of danger.

(4) The BDA shall apply the recommended in the opinion of the coordination group under Art. 77, Para. 2 or in the decision of the European Commission temporary and/or final measures.

Art. 188. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall inform the European Medicines Agency, the regulatory bodies of the other EU Member States and the European Commission at least 24 hours before the public announcement of the information about suspects, related to vigilance of safety of the medicinal product, unless in the cases, where protection of public health required immediate announcement of the information.

(2) The BDA shall publish information, related to active substances, contained in medicinal products, permitted for use and in other Member States by using harmonised draft announcement and schedule of the publication, proposed by the European Medicines Agency.

(3) In the cases under Para. 1 and 2 the information, containing personal data or trade secret, shall be deleted, unless the publication of this data is needed for protection of public health.

Art. 189. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The BDA may delegate some

of the rights and duties under this Chapter to a regulatory body of another Member State by signing an agreement.

(2) In the cases under Para. 1, BDA shall inform the European Commission, the European Medicines Agency and the regulatory bodies of the other Member States for the delegation of the authorisations and shall publish and announcement on the internet portal under Art. 185, Para. 1 or on its internet site.

Art. 190. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The marketing authorisation holder shall be obliged to dispose with a vigilance system of the medicinal safety for fulfilling his/her duty under this Chapter

(2) The marketing authorisation holder by the system of Para. 1 shall make a scientific assessment of the collected information about the safety of the medicinal products, estimate the possibilities for minimizing or preventing the risk and shall undertake the needed actions.

(3) The marketing authorisation holder shall apply adequate and effective system of quality in order to provide compliance of the system under Para. 1 with the requirements of this act. The minimal requirements for the quality system shall be determined by Implementation Regulation (EU) N 520/2012.

(4) The marketing authorisation holder shall carry out a regular audit of the system under Para. 1. Information for the basic findings of the audit shall be entered in the basic documentation of the system and shall serve for preparing a plan for applying appropriate correcting actions. This information may be deleted after the thorough implementation of the correcting actions.

Art. 191. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The marketing authorisation holder shall select a qualified person with an appropriate qualification, responsible for vigilance of the medicinal safety.

(2) The person under Para. 1 shall be established on the territory of a Member State and shall be permanently at disposal of the marketing authorisation holder.

(3) In order to assist the activity of the qualified person, the marketing authorisation holder shall select a person, established on the territory of the Republic of Bulgaria. The appointment of such a person shall not liberate the qualified person under Para. 1 from his/her responsibilities under this Chapter.

(4) The marketing authorisation holder shall produce to BDA the data under Art. 27, Para. 1, p. 12, letters "a" – "c" for the persons under Para. 1 and 3.

(5) The marketing authorisation holder shall notify BDA in case of every change in the data under Para. 4.

(6) The marketing authorisation holder shall give the data under Para. 4 to the qualified person of the European Medicines Agency.

Art. 192. (amend. – SG, 102/2012, in force from 21.12.2012) (1) The marketing authorisation holder shall be obliged to:

1. maintain and produce upon request by the BDA the basic system document for vigilance of the medicinal safety;

2. apply the risk management system for each medicinal product;

3. carry out monitoring of the result from the measures, contained in the risk management plan,

or

4. carry out monitoring of the result from fulfillment of the conditions under Art. 55a, 56 or 56a;

5. update the risk management system;

6. carry out monitoring of the system data under Art. 190, Para. 1 in order to identify new risks

or change of the found risks, as well as define, whether changes have occurred in the correlation benefit/risk for the observed medicinal product.

6. carry out monitoring of the system data under Art. 190, Para. 1 in order to identify new risks or change of the found risks, as well as define whether changes have occurred in the correlation benefit/risk for the observed medicinal product.

(2) The contents and the procedure for maintaining the basic documentation of the pharmacovigilance system shall be provided by Implementation Regulation (EU) n 520/2012.

Art. 193. (amend. – SG, 102/2012, in force from 21.12.2012) The marketing authorisation holder shall inform the BDA and the European Medicines Agency in case of identified signals about new risks or change if the found risks, or in case of change of the correlation benefit/risk of the medicinal product.

Art. 194. (amend. – SG, 102/2012, in force from 21,12,2012) (1) The marketing authorisation holder shall simultaneously or before providing for the public new information about concerns, related to pharmacovigilance of a certain medicinal product, permitted for use on the territory of the Republic of Bulgaria, shall notify the BDA, the European Medicines Agency and the European Commission.

(2) The information under Para. 1 shall be objective and not misleading.

(3) before disseminating information, related to pharmacovigilance, the marketing authorisation holder shall coordinate it in advance with BDA with the exception of the cases under Para. 1.

(4) For carrying out assessment of the information under Para. 3, a fee shall be paid in the amount, determined by the tariff under Art. 21, Para. 2.

Art. 194a. (new – SG, 102/2012, in force from 21.12.2012) (1) The principles and requirements of the Good pharmaco-vigilance practice shall be defined by a manual, issued by the European Medicines Agency.

(2) While carrying out the pharmacovigilance activities, the marketing authorisation holder shall observe the good practice under Para. 1.

## **Section II.**

### **Collecting and Announcing Information about Suspected Adverse Reactions. (new – SG, 102/2012, in force from 21.12.2012)**

Art. 194b. (new – SG, 102/2012, in force from 21.12.2012) The marketing authorisation holder in fulfilling his/her duties under Art. 190, shall be obliged to document all reports for suspected adverse medicinal reactions, observed on the territory of the European Union or in third states, reported spontaneously by medical specialists or patients or occurred in the process of conducting post-marketing studies.

Art. 194c. (new – SG, 102/2012, in force from 21.12.2012) (1) The marketing authorisation holder shall submit electronically to the data base "Eudra Vigilance" under Art. 24 of Regulation (EC) N 726/2004 of the European Parliament and of the Council reports about suspected adverse medicinal reactions, occurred on the territory of the EU and in third states within the term of 15 days from the date of receiving the report.

(2) The marketing authorisation holder shall submit electronically to the database "Eudra

Vigilance" reports, about all suspected adverse medicinal reactions, different from the ones, indicated in Para. 1, occurred on the territory of the EU within the term of 90 days from the date of receiving the report.

(3) The marketing authorisation holder shall follow the publications in the specialised medicinal literature and shall report in the database "Eudra Vigilance" every described in it suspected adverse medicinal reaction with the exception of suspected adverse medicinal reactions of medicinal products, containing active substances, indicated in the list of Art. 27 of Regulation (EC) N 726/2004 of the European Parliament and of the Council and described in the literature sources of pharmaco-vigilance of the European Medicines Agency.

(5) The form and contents of the reports under Para. 1 – 3 shall be provided by Implementation Regulation (EU) 520/2012.

Art. 194d. (new – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall register in the system under Art. 183 all the reports about suspected adverse medicinal reactions, occurred on the territory of the Republic of Bulgaria, by medical specialists and by patients, and shall require, if needed additional information of the case vigilance.

(2) Where the reports for suspected adverse medicinal reactions on the territory of the Republic of Bulgaria have been reported by the marketing authorisation holder, he/she shall provide additional information of the case vigilance upon request by BDA.

Art. 194e. (new – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall submit electronically to the Eudra Vigilance database reports about all serious suspected adverse medicinal reactions, occurred on the territory of the Republic of Bulgaria within the term of up to 15 days from the date of their receiving;

(2) The BDA shall submit electronically to the Eudra Vigilance database reports about all serious suspected adverse medicinal reactions, different from the ones, indicated in Para. 1, occurred on the territory of the Republic of Bulgaria within the term of 90 days from the date of receiving the report.

(3) The BDA shall submit electronically to the Eudra Vigilance database reports about suspected adverse medicinal reactions, occurred on the territory of the Republic of Bulgaria as a result of incorrect use of the medicinal product. The BDA shall inform about this fact the Ministry of Health and the professional organisations of the medical specialists.

(4) Each body or institution, to which information has been received about suspected medicinal adverse reaction on the territory of the Republic of Bulgaria, shall inform the BDA about this fact.

(5) The contents and form of the announcements and reports under Para. 1 – 3 shall be provided by the Implementation Regulation (EU) N 520/2012.

Art. 194f. (new – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall receive the submitted information by the marketing authorisation holder about serious suspected adverse medicinal reactions, occurred on the territory of the European Union, or in a third state through the Eudra Vigilance database.

(2) The requirements for monitoring of the information in the Eudra Vigilance database shall be provided by the Implementation Regulation (EU) N 520/2012.

Art. 194g. (new – SG, 102/2012, in force from 21.12.2012). In the process of the information exchange, BDA, the marketing authorisations holders and the European Medicines Agency shall cooperate about finding duplicated reports about suspected adverse medicinal reactions.

### **Section III.**

#### **Periodic updated reports for vigilance. (new – SG, 102/2012, in force from 21.12.2012).**

Art. 194h. (new – SG, 102/2012, in force from 21.12.2012). (1) The marketing authorisation holder shall be obliged to provide electronically to the European Medicines agency periodic updated safety reports, which shall contain:

1. summarised data about the relation benefit/risk of the medicinal product, including the results from all studies in view to their potential reflection on the marketing authorisation;

2. scientific assessment of the correlation benefit/risk of the medicinal product; the assessment shall be based on all available data, including data from clinical tests for non-permitted indications and for target groups, which have not been included in the product short characteristics;

3. all the data about the volume of the sales of the medicinal product and any other information, which the marketing authorisation holder has about the volume of the prescriptions, including the approximate number of the persons, having used the medicinal product or exposed to its impact because of some other reason.

(2) The contents and form of the electronic periodic updated vigilance reports shall be provided by the Implementation Regulation (EU) N 520/2012.

(3) The information under Para. 1 shall be collected and stored in a register, established under Art. 25a of Regulation (EC) N 726/2004 of the European Parliament and of the Council and shall be accessible for BDA.

Art. 194i. (new – SG, 102/2012, in force from 21.12.2012). The marketing authorisation holders for registration of medicinal products under Art. 28, 30, 35 and 37 shall submit periodic updated vigilance reports in cases, where:

1. submitting a report shall be a condition under art. 55 or 56, entered in the marketing authorisation or registration certificate, or

2. The BDA or a regulatory body of another Member State shall require this on the basis of safety considerations of the medicinal product or because of a lack of periodic updated safety reports for the active substance, contained in the medicinal product, to which marketing authorisation or registration certificate has been issued.

Art. 194k. (new – SG, 102/2012, in force from 21.12.2012). (1) The marketing authorisation/registration certificate shall determine the frequency of submission of the periodic updated safety reports.

(2) The dates of submission of the reports, depending on the frequency under Para. 1 shall be calculated from the date of issuance of the marketing authorisation/registration certificate.

(3) The periodic updated safety reports shall be submitted during time intervals with the exception of the cases, where the frequency of submission of the reports is a condition for issuance of the marketing authorisation/registration certificate or it has been determined in compliance with Art. 194l, 194m and 194n:

1. every 6 months from the date of issuance of the marketing authorisation/registration certificate of a medicinal product till the date of its placement on the market;

2. every 6 months during the first 2 years from the date of placement on the market of the medicinal product;

3. once a year during the following 2 years;

4. once every 3 years after the 4th year from the date of placement on the market of the



medicinal product;

(4) Apart from the cases under Para. 3, the periodic updated safety reports shall be submitted immediately upon request of BDA or a regulatory body of a Member State.

(5) Paragraphs 3 and 4 shall also apply to medicinal products authorized for use only on the territory of the Republic of Bulgaria which do not fall within the scope of Art. 194l.

Art. 194l. (new – SG, 102/2012, in force from 21.12.2012) Where the medicinal products, which contain one and the same active substance, or combination of one and the same active substances, have received separate marketing authorisations/ registration certificates, the frequency and the date of submitting of the periodic updated safety reports may be changed and harmonised in view to performing one assessment of these reports.

Art. 194m. (new – SG, 102/2012, in force from 21.12.2012) (1) The dates of submission of the periodic updated safety reports for the medicinal products under art. 194l shall be calculated according to the reference date of the European Union.

(2) The reference date of the EU under Para. 1 is:

1. the date of the first marketing authorisation in the European Union of the medicinal product, containing the relevant active substance or the relevant combination of the active substances, or

2. the earliest of the known dates of the marketing authorisations of the medicinal product, containing the relevant active substance or the relevant combination of active substances, if the date, indicated in p. 1 cannot be found.

Art. 194n. (new – SG, 102/2012, in force from 21.12.2012) (1) The marketing authorisation holder of medicinal products under Art. 194l may submit a motivated request to the Committee of Medicinal Products for human use or to the coordination group under Art. 77, Para. 2 for defining the reference date of the EU or for change of the frequency of submitting periodic updated vigilance reports on one of the following grounds:

1. reasons, related to public health;

2. in order to be avoided duplicating of an assessment;

3. in order to be reached international harmonisation.

(2) The Committee on Medicinal Products for human use, or the coordination group under Art. 77, Para. 2 after consultations with the committee under Art. 56a, Para. 1, p. 1 shall approve the request or shall make a motivated refusal.

(3) The frequency of submitting and the reference date of the EU shall be defined after consultation with the committee under Art. 56a, Para. 1. P. 1 by:

1. The Committee on Medicinal Products for human use – where at least one of the marketing authorisations for medicinal products, containing the relevant active substance has been provided in compliance with the centralised procedure, provided in Title II, Chapter 1 of Regulation (EC) N 726/2004 of the European Parliament and of the Council, or

2. the coordination group under Art. 77, Para. 2 – for cases, different from the ones, indicated in p. 1.

(4) The list with the reference dates of the EU of the medicinal products under Art. 194l and the harmonised frequency for submitting their periodic updated vigilance reports shall be published on the European internet portal under Art. 68, Para. 1, p. 4.

(5) The marketing authorisation holder after publication of the data under Para. 4 shall produce to BDA an application for change of the marketing authorisation of the relevant medicinal product. Each

change of the dates of submitting the frequency of submission of the periodic updated safety reports, defined in the marketing authorisation, shall come into force 6 months after the date of their publication.

Art. 194o. (new – SG, 102/2012, in force from 21.12.2012) (1) The BDA shall assess the periodic updated safety reports for the medicinal products, in order to define whether there are new risks or change of the established risks or change of the correlation benefit/risk.

(2) The BDA shall carry out single assessment of the periodic updated safety reports of the medicinal products for which the Republic of Bulgaria has fulfilled the functions of a reference state in the meaning of Art. 76 and has been defined by the coordination group under art. 77, Para. 2.

(3) A reporter from the Republic of Bulgaria shall participate in the single assessment of the periodic updated safety reports of medicinal products, where one of the products has been permitted for use under Regulation (EC) N 726/2004 of the European Parliament and of the Council and has been defined as such by the committee under Art. 56a, Para. 1, p. 1.

Art. 194p. (new – SG, 102/2012, in force from 21.12.2012) (1) In the cases under Art. 194o, Para. 2 and 3, the BDA or the reporter from the Republic of Bulgaria within the term of 60 days from the date of receiving the periodic updated safety report shall draw up an assessment report and shall submit it electronically to the European Medicines Agency and to the regulatory bodies of the Member States. The marketing authorisation holder shall receive the assessment report from the European Medicines Agency.

(2) Within the term of up to 30 days from receiving the report under Para. 1, the marketing authorisation holder or the regulatory bodies of the Member States may produce their comments to the European medicines Agency and to BDA.

(3) Within the term of up to 15 days from the date of receiving the comments under Para. 2, BDA shall update the assessment report by taking into consideration all produced objections and shall submit it to the committee under Art. 56a, Para. 1, p. 1 for approval and recommendation.

(4) The European Medicines agency shall include the adopted assessment report and the recommendation of the committee under Art. 56a, Para. 1, p. 1 to the register under Art. 194h, Para. 3 and shall submit it to the marketing authorisation holder.

Art. 194q. (new – SG, 102/2012, in force from 21.12.2012). Where the Republic of Bulgaria is not a reporter in the procedure under Art. 194o, Para. 2, the BDA may produce comments within the term under Art. 194p, Para. 2 to the European Medicines Agency and to the regulatory body of the Member State, which has drawn up the report.

Art. 194r. (new – SG, 102/2012, in force from 21.12.2012). (1) In case of a single assessment of periodic updated safety reports of medicinal product under Art. 194l and where neither of the marketing authorisations of these products has been issued under Regulation (EC) 726/2004 of the European Parliament and of the Council, the coordination group under Art. 77, Para. 2 within the term of up to 30 days from the date of receiving the recommendation of the committee under Art. 56a, Para. 1, p. 1 shall issue an opinion about keeping, change, termination of the relevant marketing authorisations, including a schedule for implementation of the opinion.

(2) Where the represented Member States in the coordination group under Art. 77, Para. 2 reach agreement about the action to be undertaken, BDA shall fulfill the adopted decision.

(3) Where the opinion under Para. 1 is for interruption or termination of the marketing authorisation, the BDA executive director shall issue the order.

(4) Where the opinion under Para. 1 recommends changes in the issued marketing authorisation,

the marketing authorisation holder shall submit to BDA an application for change, including an updated short characteristics of the product and a leaflet, within the frames of the defined implementation schedule.

(5) Where no agreement can be reached in the coordination group under Art. 77, Para. 2, the position of the majority Member States shall be produced to the European Commission, which shall adopt a decision for change, interruption or termination of the marketing authorisation, issued by the relevant regulatory bodies of the Member States.

(6) The BDA shall apply the temporary and/or final measures of the decision under Para. 5.

Art. 194s. (new – SG, 102/2012, in force from 21.12.2012).(1) In case of single assessment of periodic updated safety reports of medicinal products under Art. 194l and where at least one of the marketing authorisations has been issued under Regulation (EC) N 726/2004 of the European Parliament and of the Council, the Committee of the medicinal products for human use within the term of 30 days from receiving the recommendation of the committee under Art. 56a, Para. 1, p. 1 shall issue an opinion about keeping, changing, termination or interruption of the validity of the relevant marketing authorisations, including a schedule for the opinion implementation.

(2) Where the opinion under Para. 1 expresses a position for undertaking regulatory actions in relation to the marketing authorisations, the European Commission shall:

1. adopt as decision for change, termination or interruption of the marketing authorisations, issue under Regulation (EC) N 726/2004 of the European Parliament and of the Council;

2. adopt decision with a recommendation for change, termination or interruption of the marketing authorisations, issued by the relevant Member States regulatory bodies.

(3) The BDA shall apply the temporary and/or final measures of the decision under Para. 2, p. 2.

#### **Section IV.**

#### **Urgent Procedure at European Union Level. (new – SG, 102/2012, in force from 21.12.2012)**

Art. 194t. (new – SG, 102/2012, in force from 21.12.2012) (1) Urgent procedure at the level of the European Union may be initiated by the European Commission, by the European Medicines Agency or by a Member State.

(2) (amend. – SG 18/14) The BDA shall initiate an urgent procedure under this section by notification of the regulatory bodies of the other Member States, the European Medicines Agency and the European Commission where upon considerations, related with pharmaco-vigilance considers, that for a certain medicinal product, placed on the Bulgarian market, one of the following measures are needed to be undertaken:

1. termination or interruption of the marketing authorisation;

2. prohibition of distribution of the medicinal product;

3. issuing a refusal for renewing the marketing authorisation.

(3) (amend. – SG 18/14) The BDA shall initiate the procedure under Para. 2 where they are advised by the marketing authorisation holder that, for reasons related to tracing of drug safety, they terminate the distribution of the medicinal product or they have undertaken or they intend to undertake actions for its withdrawal from the market, or will not undertake actions for the renewal of the issued marketing authorisation.

(4) (amend. – SG 18/14) The BDA may initiate the procedure under par. 2 in the cases where they consider that for reasons, related to tracing of drug safety, regarding a particular medicinal product new counter-indications may be added or the recommended dose should be reduced, or the indications shall be limited.

(5) (amend. – SG 18/14) The BDA shall submit to the European Medicines Agency and to the regulatory authorities of the other Member States the entire scientific information, available to them, as well as the performed data assessment and the justifications for the initiation of the procedure pursuant to the provisions of this section.

(6) (amend. – SG 18/14) In the cases referred to par. 2 - 4 the European Medicines Agency shall notify the BDA of the initiation of the procedure, where the concerns regarding safety are related also to other medicinal products, belonging to one and the same therapeutic group or contain the same active substance with the product, indicated in the information under par. 5 or where this medicinal product is permitted for use also in other Member States.

(7) (amend. – SG 18/14) In the cases under Para. 4, where no urgent measures are required, BDA shall apply the procedure under Art. 77 or Art. 79b.

(8) (new – SG 18/14) BDA shall inform the marketing authorisation holder of the initiation of the procedure under the provisions of this section.

Art. 194u. (new – SG, 102/2-12, in force from 21.12.2012) (1) In the cases under Art. 194s, Para. 2, where the BDA considers, that urgent measures are needed to be undertaken for protection of public health, BDA may temporary to terminate the marketing authorisation and to ban the use of the medicinal product on the territory of the Republic of Bulgaria until a final decision is taken under Art. 194x or 194y.

(2) The BDA shall notify the European Medicines Agency, the European Commission and the regulatory bodies of the other Member States about the measures, undertaken under Para. 1 within the term of up to 1 working day after their application and shall indicate the grounds for that.

(3) Where the BDA participates in the procedure under this Section, upon request of the European Commission, BDA shall undertake the recommended temporary measures in relation to the marketing authorisation of the medicinal product, or where the medicinal product is permitted for use under Regulation (EC) N 726/2004 Of the European Parliament and of the Council – in relation to the very product, by the finalisation of the procedure.

Art. 194v. (new – SG, 102/2-12, in force from 21.12.2012) The BDA shall publish an announcement on the national internet portal under art. 185, Para. 1 about the way, in which the interested parties may provide information to the European internet portal under Art. 68, Para. 1,p. 4 about the medicinal product – subject of the procedure under Art. 194s and about the possibility to participate in a public discussion, if such has been announced.

Art. 194w. (new – SG, 102/2-12, in force from 21.12.2012) (1) The Committee under Art. 56a, Para. 1, p. 1 within the term of up to 60 days from the date of announcing the procedure on the European internet portal shall draw up a motivated recommendation.

(2) The marketing authorisation holder may within the term under Para. 1 provide written comments.

(3) The recommendation under Para. 1 shall be published on the European internet portal under Art. 68, Para. 1, p. 4 and shall contain one or more of the following conclusions:

- 1.it is not needed additional study or undertaking actions at Community level;
2. the marketing authorisation holder shall have to carry out an additional study and data analysis;
3. the marketing authorisation holder shall have to conduct safety post-marketing study with a follow up assessment of the results from it;
4. the Member State or the marketing authorisation holder shall apply measures for decreasing

the risk;

5. the marketing authorisation shall have to be terminated, interrupted or a refusal for its renewal has to be issued;

6 the marketing authorisation shall have to be changed.

(4) The concrete measures under Para. 3, p. 4, as well as the conditions and restrictions, which are to be included in the marketing authorisation, shall be indicated in the recommendation.

(5) In the cases under Para. 3, p. 6, where the changes are related to change or addition of information in the short characteristics, on the packing or leaflet of the medicinal product, the recommendation shall contain the formulation of the changes or added information and the place, where it has to be put.

Art. 194x. (new – SG, 102/2012, in force from 21.12.2012) (1) Where in the scope of the procedure under Art. 194t no medicinal product has been included, permitted for use under Regulation (EC) N 726/2004 of the European Parliament and of the Council, the coordination group under Art. 77, Para. 2 on the basis of the recommendation under Art. 194v within the term of up to 30 days from the date of its receiving shall issue an opinion about the keeping, change, termination, interruption of the validity of the relevant decisions for use or refusal of their renewal, including a schedule for implementation of the opinion.

(2) Where the opinion recommends undertaking measures under Art. 194v, Para. 3, p. 5, the BDA executive director shall interrupt by an order the action or shall terminate the marketing authorisation or shall refuse its renewal.

(3) Where the opinion under Para. 1 recommends changes in the issuance of a marketing authorisation, the marketing authorisation holder shall submit an application and a leaflet to BDA for a change, including an updated short characteristics of the product and a leaflet, within the frames of the schedule for implementation.

(4) Where the opinion under Para. 1 recommends undertaking measures under Art. 194v, Para. 3, p. 2 – 4, the marketing authorisation holder shall undertake the needed actions and shall inform BDA and the regulatory bodies of the other Member States.

(5) Where within the frames of the coordination group under Art. 77, Para. 2 no agreement can be reached, the position of the majority of the Member States shall be given to the European Commission, which shall adopt a decision with a recommendation for a change, termination or interruption of the marketing authorisation, issued by the relevant regulatory bodies of the Member States.

(6) The BDA shall apply the temporary or final measures, recommended in the decision.

Art. 194y. (new – SG, 102/2012, in force from 21.12.2012) (1) Where in the scope of the procedure under Art. 194t a medicinal products has been included, permitted for use under Regulation (EC) N 726/2004 of the European Parliament and of the Council, the Committee of the medicinal products for human medicine on the basis of the recommendation under Art. 194v, Para. 3 within the term of 30 days from the date of its receiving, shall issue an opinion about keeping, change, termination, interruption of the validity of the relevant marketing authorisations or refusal for their renewal, including a schedule for implementation of the opinion.

(2) Where the opinion under Para. 1 expresses a position for undertaking regulatory action in relation to the marketing authorisations, the European Commission shall:

1. adopt a decision for change, termination or interruption the validity of the marketing authorisations, issued under Regulation (EC) N 726/2004 of the European Parliament and of the Council;

2. adopt a decision with a recommendation for a change, termination or interruption of the validity of the marketing authorisations, issued by the relevant regulatory bodies of the Member States.

(3) The BDA shall apply the recommended temporary and/or final measures in the decision of

the European Commission under Para. 2, p. 2.

Art. 194z. (new – SG, 102/2012, in force from 21.12.2012) The recommendation under Art. 194v, Para. 1, the opinion under Art. 194x, Para. 1 and the decision of the European Commission under Art. 194w, Para. 5 and Art. 194x, Para. 2 shall be published on the European internet portal under Art. 68, Para. 1, p. 4.

### **Chapter nine.**

#### **WHOLESALE TRADE OF MEDICINAL PRODUCTS AND intermediation IN THE AREA OF THE MEDICINAL PRODUCTS (TITLE, AMEND. – SG, 71/2008, IN FORCE FROM 12.08.2008, TITLE, AMEND. – SG, 102/2012, IN FORCE FROM 02.01.2013)**

Art. 195. (1) Wholesale of medicinal products can perform natural and legal persons registered as traders pursuant to the national legislation of a Member State and possessing authorisation for such activity issued by a regulatory body of the respective Member State.

(2) Where the person according to para 1 is in possession of warehouse premises on the territory of the Republic of Bulgaria, he can perform wholesale of medicinal products after receipt of authorisation from the executive director of the BDA.

Art. 195a. (New – SG 67/20) A person who has received a permit for wholesale trade in medicinal products may not be a holder of a permit for retail trade in medicinal products in a pharmacy, issued pursuant to this Act.

Art. 196. (1) Manufacturer of medicinal products within the meaning of this Act can only perform wholesale of the medicinal products, which he has an issued manufacturing authorisation for.

(2) Importer of medicinal products within the meaning of this Act can only perform wholesale of the medicinal products, which he has an issued import authorisation for.

Art. 197. The persons according to Art. 195 shall dispose of:

1. suitable premises, equipment and outfits, and transport vehicles ensuring correct storage, distribution, and transportation of the medicinal products in compliance with the requirements of the Good Distribution Practice;

2. personnel and responsible master-pharmacist with at least two years length of service in his speciality and whose obligations shall be laid down in the regulation according to Art. 198.

Art. 198. (amend. – SG, 102/2012, in force from 02.01.2013) The principles and requirements for the Good Distribution Practice of medicinal products and of active substances shall be adopted by an ordinance of the Minister of Health and by directives, adopted by the European Commission.

Art. 199. (1) The persons according to Art. 195, para 2, shall submit to the BDA:

1. application containing name, place of business and address of management of the trader; address and description of the premises and equipment for the storage of the medicinal products;

2. (amend. – SG, 60/2011, in force from 5. 8. 2011) data for the Single identification code of the trader of cooperation from the Trade Register and for the companies, registered in a EU Member State or a

state – party on the EEA Agreement – a document for updated registration according to the national legislation, issued by a competent body of the relevant state;

3. (suppl. - SG 103/17, in force from 01.01.2018) name, certificate of previous convictions or a similar document if the person is not a Bulgarian citizen, diploma for higher education and length of service for the responsible master - pharmacist according to Art. 197, point 2, and a copy of his/her employment contract;

4. (repealed - SG, 60/2011, in force from 5. 8. 2011)

5. (repealed - SG, 60/2011, in force from 5. 8. 2011)

6. document certifying the legal grounds for the use of the premises;

7. (amend., - SG 98/10, in force from 01.01.2011; revoked - SG 84/18, in force from 12.10.2018)

8. document for paid fee as laid down in the tariff Art. 21, para 2.

(2) The persons according to Art. 195, para 1, shall submit to the BDA an application accompanied by the following documents:

1. copy of the wholesale authorisation issued by a regulatory body of a Member State;

2. name and address of the contact person on the territory of the Republic of Bulgaria;

3. address of the premises for the storage of the medicinal products on the territory of the Member State.

(3) In case of wholesale of narcotic substances, as well as pharmaceutical forms containing such substances, the requirements of the Control on Narcotic Substances and Precursors Act shall also be applied.

(4) (Revoked - SG 17/20)

(5) (new - SG 103/17, in force from 01.01.2018) Bulgarian Drug Agency establishes ex officio the circumstances regarding the previous convictions of the person under para. 1, item 3, when he/she is Bulgarian citizen.

(6) (New – SG 67/20) On the day of receipt of the application under Para. 1 or 2, the BDA shall send ex officio a request to the Management Board of the Bulgarian Pharmaceutical Union to issue a certificate for entry in the National Electronic Register of the members of the Bulgarian Pharmaceutical Union - for the Master-pharmacist under Art. 197, item 2, as well as to provide information regarding imposed penalties pursuant to the Act on the Professional Organization of Master-Pharmacists and to the Health Act.

(7) (New – SG 67/20) The Management Board shall submit the documents under Para. 6 within 5 working days from the receipt of the request.

Art. 200. The BDA shall assess the documentation the documentation and conduct an inspection on the spot of the sites mentioned in the application to certify their compliance with the requirements of the Good Distribution Practice.

Art. 201. (1) Provided that the BDA establishes omissions in the submitted documentation, it shall notify the applicant in writing.

(2) In the cases according to para 1 the term according to Art. 202, para 1, shall cease to run.

Art. 202. (1) (Amend. - SG 84/18, in force from 12.10.2018) Within a period of 60 days of the date of submission of the application according to Art. 199, para 1, the executive director of the BDA shall issue a wholesale authorisation or make a motivated refusal.

(2) The refusal according to para 1 shall be subject to appeal under the terms of the Administrative Procedure Code.

Art. 203. In a period of 15 days of the date of submission of the documentation according to Art. 199, para 2, the executive director of the BDA shall issue a registration certificate for wholesale on the territory of the Republic of Bulgaria to the person according to Art. 195, para 1.

Art. 204. (1) The wholesale authorisation for medicinal products shall be timeless.

(2) The authorisation according to Art. 202 or the certificate according to Art. 203 shall be cancelled provided that its holder requests so from the executive director of the BDA in writing.

(3) The person according to Art. 195 shall be obliged to notify the BDA in writing within 7 days of the termination of its activities relating the wholesale of medicinal products. In such cases, the executive director of the BDA shall cancel the issued authorisations/certificates for wholesale of medicinal products.

Art. 205. (1) The BDA shall keep a register of the issued authorisations for wholesale of medicinal products according to Art. 202, para 1, which shall contain:

1. authorisation number and date;
2. name, place of business and address of management of the person who has received the authorisation;
3. address of the premises for the storage of the medicinal products;
4. the data of the respective master - pharmacist according to Art. 197, point 2;
5. list of the medicinal products containing narcotic substances, radiopharmaceuticals, immunological medicinal products, and medicinal products obtained from human plasma and human blood;
6. date of deletion of the authorisation from the register and reason therefore;
7. remarks relating to the inscribed circumstances.

(2) The BDA shall keep a register of the issued certificates according to Art. 203 for wholesale of medicinal products, which shall contain:

1. certificate number and date;
2. number of the authorisation for wholesale of medicinal products and the issuing body;
3. name, place of business and address of management of the person who has received the certificate;
4. data for the person according to Art. 199, para 2, p. 2;
5. date of deletion of the certificate from the register and reason therefore;
6. remarks relating to the inscribed circumstances.

(3) Data from the register shall be published on the internet site of the BDA.

(4) (new – SG, 102/2012, in force from 02.01.2013) The BDA shall introduce to the data base under Art. 147 information about the issued authorisations for wholesale trade with medicinal products.

(5) (new – SG, 102/2012, in force from 02.01.2013) Upon request by the European Commission or by a Member State, BDA shall provide information about an issued authorisation for wholesale trade with medicinal products.

Art. 206. (1) In case of change of the circumstances associated with the issued wholesale authorisation, its holder shall submit to the BDA an application under the terms of Art. 199 and append the documentation associated with the change.

(2) The change authorisation shall be issued under the conditions and under the terms of Art. 200-202. In case of change of the premises for storage, the term according to Art. 202 shall apply and for the other cases the term shall be 14 days.



Art. 207. (1) The wholesale authorisation holder who conducts his activity on the territory of the Republic of Bulgaria shall be obliged to:

1. at any time ensure access of the control bodies to the premises for storage of the medicinal products;

2. only trade in medicinal products authorised to the order of this Act;

3. trade in medicinal products, whose packaging and leaflets of which are in compliance with the issued marketing authorisation and under the terms of this Act and the expiry term of which has not elapsed;

4. only supply medicinal products from manufacturers, importers, and wholesalers of medicinal products who have received authorisation to perform such activity under the terms of this Act;

4a (new – SG, 102/2012, in force from 02.01.2013, amend. – SG 67/20) check whether the received medicinal products from the persons under p. 4 have not been falsified, by verifying the authenticity of the medicinal products defined in Delegated Regulation (EU) 2016/161, through the safety indicators under Art. 168, Para. 8 in the cases specified in Delegated Regulation (EU) 2016/161;

4b. (new – SG 67/20) check the safety indicators and de-activate the individual identification mark of a medicinal product before delivering this medicinal product in the cases specified in the ordinance under Art. 198;

5. supply medicinal products to other wholesale authorisation holders, pharmacies, and drugstores, opened under the terms of this Act;

5a. (new - SG 71/08, in force from 12.08.2008; amend. - SG 84/18, in force from 12.10.2018) supply medicinal products to satisfy their own needs of:

a) healthcare establishments;

b) higher education schools which carry out healthcare activities according to Art. 2a of the Medical Establishments Act;

c) the institutions under Art. 26, Para. 1, items 1 and 3 of the Health Act for the health offices established therein;

d) shipowners for the purpose of provision of medicinal products on board vessels in accordance with the Merchant Shipping Code;

6. supply medicinal products to physicians and physicians in dental medicine where a settlement has no pharmacy under the conditions and order laid down in a regulation of the Minister of Health;

6a (new – SG, 102/2012, in force from 02.01.2013, suppl. - SG 84/18, in force from 12.10.2018) enter in the documents for supply the lot number of the supplied medicinal products, as well as those products' delivery address;

6b (new – SG, 102/2012, in force from 02.01.2013) have an action plan in extraordinary situations, which shall contain effective measures for drawing out a medicinal product from the market upon an order of BDA or upon initiative of the manufacturer or the marketing authorisation holder of the relevant medicinal product;

6c (new – SG 18/14) provide for the supply of sufficient quantities of medicinal products for satisfying of health care needs of the individuals of the Republic of Bulgaria;

7. (amend. – SG, 102/2012, in force from 02.01.2013) keep data for each deal with received, supplied or realised by intermediation medicinal products under the form of invoices for buying and selling or in electronic mode or under any other form, as follows:

a) date of receipt and delivery;

b) name of the medicinal product;

c) received, delivered or realised quantity by intermediary;

d) name and address of the person from whom the medicinal product has been received or to whom it has been delivered;

e) batch number and number of the batch release certificate issued by the qualified person according to Art. 148, point 2 or by the qualified person according to Art. 161, Para. 2, point 1, respectively,

and number of the batch release certificate issued by the BDA - in the cases according to Art. 69 and 70;

8. (suppl. – SG 67/20) keep purchase/sale documentation for all medicinal products, including purchase-and-sale invoices indicating the international non-proprietary name, the trade name of the medicinal product, the dosage form, the quantity of the active substance and the packaging;

9. observe the requirements of the Good Distribution Practice laid down in the regulation according to Art. 198.

10. (new – SG, 102/2012, in force from 02.01.2013) maintain a quality system, defining the responsibilities, processes and risk management measures, related to his/her activity;

11. (new – SG, 102/2012, in force from 02.01.2013) inform immediately BDA and the marketing authorisation holder, where he/she has found or suspects that the medicinal product, which has been received or offered is falsified;

12. (new – SG, 102/2012, in force from 02.01.2013) check up whether the whole sale trader, from whom has been received the medicinal product, observes the principles and directives for Good distribution practices under Art. 198, as well as if he has authorisation for wholesale trade;

13. (new – SG, 102/2012, in force from 02.01.2013) check up whether the manufacturer or importer, from whom the medicinal product is received, has authorisation for manufacture/import;

14. (new – SG, 102/2012, in force from 02.01.2013) check up whether the intermediary, through whom the medicinal product is received, meets the requirements of this Chapter.

15. (new - SG 84/18, in force from 12.10.2018) shall provide information to the BDA on a daily basis through the system under Art. 217b, Para. 1 regarding:

a) the quantities indicated on medicinal products, included in the Positive Drug List, delivered to the natural or legal persons referred to in items 5, 5a and 6;

b) the natural and legal persons referred to in items 5, 5a and 6, to whom the quantities of medicinal products referred to in letter “a” are delivered;

c) the quantities available in their warehouses indicated on medicinal products, included in the Positive Drug List;

d) the quantities indicated on medicinal products, included in the Positive Drug List, for which export is planned, and the countries in which the export is planned;

e) the quantities indicated on medicinal products, included in the Positive Drug List, on which export has been made, and the country of export.

Art. 208. (amend. – SG, 102/2012, in force from 02.01.2013; amend. - SG 84/18, in force from 12.10.2018) The obligations according to Art. 207, Para. 1, points 2 - 15 and Para. 2, and Art. 209a shall also apply to the wholesalers according to Art. 203, as well as to the importers and manufacturers trading in medicinal products manufactured by them.

Art. 209. The requirements of the special provisions of other laws shall also apply to the wholesale of medicinal products containing narcotic substances or obtained from blood, or immunological products, or radiopharmaceuticals.

Art. 209a. (New - SG 71/2008, in force from 12.08.2008) (1) The wholesale traders with medicinal products may deliver medicinal products to:

1. other wholesale traders with medicinal products;

2. pharmacies and drugstores;

3. the Ministry of Defence and the Ministry of Interior for own needs, with the exception of their medical institutions, as well as the State Reserve and Military time Reserve State Agency;

4. the Ministry of Health with:

a) vaccines, toxins and serums, needed for implementation of the Immunisation calendar of the Republic of Bulgaria, as well as during emergency epidemical situations;

b) medicinal products, intended for treatment of illnesses, which are paid as provided by the Health Act, as well as for providing the implementation of national programmes in the area of healthcare;

5. (new – SG 60/12, in force from 07.08.2012) outpatient health care institutions which have signed an agreement with the National Health Insurance Fund, with medicinal products required for performance of health activities under Art. 82, para 2, item 3 of the Health Act.

(2) Doctors and Dental doctors in the populated areas, where there are no pharmacies may be supplied with medicinal products by wholesale traders, as provided by the ordinance under Art. 207, para 1, p. 6.

Art. 209b. (new – SG, 102/2012, in force from 02.01.2013) (1) In wholesale trade of medicinal products in third states the requirements of Art. 207, Para. 1, p. 2, 5 and 6 shall not apply, as well as the requirements of Chapter Nine "a".

(2) (Amend. – SG 67/20) Where the medicinal product is received directly from a third state, but has not been imported on the territory of the Republic of Bulgaria, the requirements of Art. 207, Para. 1, p. 4, 4a and 4b shall not apply.

(3) (new – SG 18/14) In cases referred to in par. 1 the wholesalers shall certify by relevant documents that the medicinal products are received from persons holding a permit or have got the right to supply medicinal products subject to compliance with the applicable national laws of the third country.

(4) (new – SG 18/14) Where the wholesalers supply medicinal products to persons in third countries, they certify by relevant documents that the supplies are solely for persons, holding a permit or having got the right to receive medicinal products intended for wholesaling or for supplying to individuals subject to compliance with the applicable national laws of the third country.

(5) (prev. par. 3 – SG 18/14) A wholesale trader, who delivers medicinal products to persons from third states, which have the right under the relevant national legislation to deliver medicinal products to the consumers, shall issue a document, which shall certify:

1. date of delivery;
2. name and form of the medicinal product;
3. delivered quantity;
4. name and address of the person, to whom the medicinal product has been delivered;
5. lot number.

Art. 210. (Amend. – SG, 60/2011, in force from 5. 8. 2011) (1) The holder of the authorisation for use and the person under Art. 26, Para. 2 may provide samples of authorised medicinal products to:

1. physicians and physicians in dental medicine;
2. higher medical schools and medical colleges;

(2) In the cases according to para 1, the packaging of the medicinal products shall bear an inscription "Sample".

(3) The persons according to para 1, point 1, may be supplied not more than two pieces of the same pharmaceutical form of a medicinal product in one calendar year in the smallest existing pack of a manufacturer, and the higher medical schools and medical colleges – only in quantities required for the purposes of the education.

(4) The holder of the authorisation for use and the person under Art. 26, Para. 2 shall keep record of all persons whom they have delivered samples to, about the type, quantity, and time of delivery and shall provide this data to the control bodies upon request.

Art. 211. (1) The wholesalers must have a system for blocking and recall of medicinal products, which have shown discrepancies with the requirements relating to quality, safety, and efficacy.

(2) The holder of approval for wholesale is duty to freeze and draw out medicinal product, which showed discrepancies with the requirement for quality, safety and efficacy based on the order, determined in the regulation according Art 274, para 1.

Art. 212. (1) The executive director of the BDA shall notify the European Commission, the regulatory bodies of the other Member States, and the European Medicines Agency for the issued wholesale authorisations, temporarily stopped, or bereaved authorisations and the reasons therefore.

(2) (amend. – SG, 102/2012, in force from 02.01.2013) Where the executive director of the BDA has established that the person according to Art. 195, Para. 1, does not fulfill its obligations according to Art. 207, Para. 1, points 2-14, he shall notify the regulatory body of the Member State, which has issued the wholesale authorisation, as well as the European Commission.

(3) Where the regulatory body according to para 2 has temporarily stopped or bereaved the wholesale authorisation of the person according to Art. 195, para 1, it shall notify the executive director of the BDA and the European Commission.

Art. 212a (new – SG, 102/2012, in force from 02.01.2013) (1) (amend. – SG 18/14) Intermediation in the area of medicinal products may carry out natural and legal persons, registered as intermediation traders in the meaning of the Commerce Act of the Republic of Bulgaria, who have been registered for carrying out this activity by BDA.

(2) The persons under Para. 1, who wish to be registered as intermediary traders shall submit to BDA a notification according to a form, confirmed by the BDA executive director, which shall contain:

1. name, central office and management address;
2. contact data.

(3) The notification under Para. 2 shall have attached:

1. the SIC;
2. a document for a paid fee in the amount, defined by the tariff under Art. 21, Para. 2

(4) The BDA shall enter in the public register the persons, carrying out intermediation in the area of medicinal products.

(5) The persons under Para. 1 may carry out intermediation in the area of medicinal products after submitting a notification under Para. 2 to BDA.

(6) The persons under Para. 1 shall notify BDA within 7 day term after a change in some of the circumstances under Para. 2.

Art. 212b (new – SG, 102/2012, in force from 02.01.2013) (1) The persons under Art. 212a, Para. 1 shall be obliged to:

1. carry out their activity only with medicinal products, authorised for use;
2. have an action plan in extraordinary situations, which shall contain effective measures for drawing out the medicinal product from the market after a BDA order or upon initiative of the manufacturer or the marketing authorisation holder of the relevant medicinal product;

3. keep data, including the following information about each deal with medicinal product, realised via intermediation:

- a) date of the deal;
- b) name of the medicinal product;

- c) the realised quantity via intermediation;
  - d) name and address of the persons, received, and delivered the medicinal product;
  - e) lot number;
4. observe the requirements of the Good distribution practice, adopted by the ordinance under Art. 198;
5. maintain a quality system, determining the responsibilities, processes and management risk measures, related to his/her activity;
6. immediately inform BDA and the marketing authorisation holder, where he/she has found or suspects that the medicinal products – subject of the intermediation, has been falsified;
7. check whether the trader holds wholesale authorisation for trade with medicinal products;
8. check up whether the manufacturer or importer holds an authorisation for manufacture/import;
9. keep the data under p. 3 for the term of at least 5 years and provide them upon request of the control bodies.
- (2) The requirements to the intermediary activities in the area of the medicinal products shall be determined by the ordinance under Art. 198 and in the European Commission directives.

## **Chapter nine "a".**

### **Parallel Import of Medicinal Products**

Art. 213. Parallel import of medicinal products on the territory of the Republic of Bulgaria can be performed by a natural or legal person registered according to the Commerce Act, the legislation of a Member State, or the legislation of a state party to the Agreement on the European Economic Area after receipt of a parallel import authorisation issued by the executive director of the BDA.

Art. 214. (1) A medicinal product authorised for use in another Member State, can be imported on the territory of the Republic of Bulgaria, provided that it is identical or similar to a medicinal product authorised for use in the Republic of Bulgaria under the terms of this Act.

(2) (Amen. - SG 71/2008, in force from 12.08.2008; amend. – SG 12/11, in force from 08.02.2011) Within the meaning of Para 1, a medicinal product is identical or similar shall be the one, that has identical qualitative and quantitative composition with respect to the active substance(s), is supplied in the same pharmaceutical form, the same primary packaging, with the same graphic design of the packaging

Art. 215. (1) (Amen. And suppl. - SG 71/2008, in force from 12.08.2008) To obtain authorisation to perform parallel import on the territory of the Republic of Bulgaria, the person according to Art. 213 shall submit to the executive director of BDA an application stating the Member State from which the parallel import of the medicinal product is to be effected from.

(2) The following data and documents shall be appended to the application:

- 1. name, pharmaceutical form, quantity of the active substance in a dose unit of the medicinal product authorised for use in the Republic of Bulgaria;
- 2. name, pharmaceutical form, quantity of the active substance in a dose unit of the medicinal product intended for parallel import;
- 3. (suppl. – SG 12/11, in force from 08.02.2011) name of the marketing authorisation holder and the manufacturer if a person different from the marketing authorisation holder, name of the medicinal product intended for parallel import;
- 4. number of the marketing authorisation of the medicinal product in the Republic of Bulgaria

and number of the marketing authorisation of the medicinal product in the Member State where the parallel import is to be effected from;

5. declaration for establishment of circumstances pursuant to Art. 217, item 1;

6. copy of the patient information leaflet and a sample of the medicinal product in the form in which it is sold in the Member State where the parallel import is to be effected from, translation of the patient information leaflet in the Bulgarian language accompanied by a declaration that the translation is in compliance with the original of the leaflet;

7. proposal for patient information leaflet of the parallel imported medicinal product accompanied by a declaration that the content of the leaflet is identical with the content of the medicinal product authorised in the Republic of Bulgaria except for the following data:

a) name and address of management of the person effecting the parallel import;

b) name of manufacturer where it is different for both products;

c) stability period where it is different for both products;

d) excipients where these are different in both products;

8. in case of repackaging:

a) (amend. - SG 71/08, in force from 12.08.2008; amend. – SG 67/20) a model of the medicinal product in the form in which it will be placed on the market in Bulgaria;

b) copy of the contract between the person carrying out parallel import and the persons performing partial manufacturing activity – packaging, labelling;

c) certificate of Good Manufacturing Practice where the repackaging processes are performed outside the territory of the Republic of Bulgaria;

d) where repackaging is performed by the person according to Art. 213 - copy of the manufacturing authorisation issued by the regulatory body of the Member State where repackaging is to be performed;

9. document for paid fee, in the amount as laid down in the tariff according to Art. 21, para 2.

(3) (Amend. - SG 71/2008, in force from 12.08.2008) Where there are differences (in the composition of the excipients or other) between the parallel imported medicinal product and the product authorised for use on the territory of the Republic of Bulgaria, the person according to para 1 shall submit evidence that these do not affect the therapeutic qualities of the parallel imported medicinal product.

(4) In the cases according to para 3 the person according to para 1 shall point out the differences on the packaging and in the patient information leaflet of the parallel imported medicinal product.

(5) Where the person according to Art. 213 is repackaging and/or labelling the medicinal product in the Bulgarian language on the territory of the Republic of Bulgaria, it must possess a manufacturing authorisation issued by the executive director of the BDA.

(6) The parallel imported product shall be used according to the conditions of the issued marketing authorisation for the use of the medicinal product on the territory of the Republic of Bulgaria.

Art. 216. (1) The authorisation for parallel import on the territory of the Republic of Bulgaria shall be issued within 45 days of the date of submission of the documentation to the BDA.

(2) Where the BDA shall request additional documentation from the applicant, the term according to para 1 shall cease to run until receipt of the requested information.

(3) Where the BDA shall require information relating to the issue of the marketing authorisation of the imported medicinal product from the regulatory body of the Member State where the parallel import is to be effected from, the term according to para 1 shall be extended by 45 days.

(4) If the BDA does not receive the requested documentation within the term according to para 3, the procedure for the issue of a parallel import authorisation for the territory of the Republic of Bulgaria shall be terminated.

(5) The issued parallel import authorisations for the territory of the Republic of Bulgaria shall be published on the internet site of the BDA.

(6) The parallel import authorisation shall be valid for 5 years. New authorisation shall be issued under the terms of Art. 215.

(7) The parallel import authorisation shall not be automatically cancelled where the marketing authorisation holder of the medicinal product launched on the market on the territory of the Republic of Bulgaria would withdraw it for reasons, which are not associated with a threat for the health of the population.

Art. 216a. (New - SG 105/20, in force from 11.12.2020) (1) In case of declared state of emergency due to epidemic spread of infectious diseases under Art. 61, para. 1 or 3 of the Health Act or in case of declared emergency epidemic situation due to epidemic spread of a contagious disease under Art. 61, para. 1 of the Health Act, the permit for parallel import shall be issued within 14 days from the date of submission of the documentation under Art. 215 in BDA.

(2) When BDA requires additional documentation from the applicant, the term under para. 1 shall stop running until the requested information is received.

(3) When the BDA requests from the regulatory body of the Member State from which the parallel import is performed, information related to the issuance of the authorization for use of the imported medicinal product, the term under para. 1 is extended by 14 days.

(4) When within the term under par. 3 BDA does not receive the requested documentation, the procedure for issuing a permit for parallel import on the territory of the Republic of Bulgaria is terminated.

(5) The issued permits for parallel import under par. 1 shall be published on the BDA website.

(6) The permit for parallel import under par. 1 shall have a term until the date of the revocation of the state of emergency, respectively of the emergency epidemic situation under para. 1.

(7) The permit for parallel import shall be terminated automatically, as of the date of the revocation of the state of emergency, respectively of the emergency epidemic situation under para. 1.

(8) Upon termination of the permit for parallel import under para. 7, the medicinal product may be sold until the available quantities in the country are exhausted, but not more than 6 months from the date of termination.

(9) In the cases under para. 1 The National Council for Prices and Reimbursement of Medicinal Products shall rule within 14 days for approval / registration of the price of medicinal products for which a permit for parallel import has been obtained, as of the date of submission of an application under Art. 261a, para. 5.

Art. 217. The parallel import authorisation holder shall be obliged to:

1. notify the marketing authorisation holder of the medicinal product launched on the territory of the Republic of Bulgaria of his intention to effect parallel import and provide a sample of the parallel imported medicinal product upon request;

2. keep the following information for 5 years: name and address of the person whom the parallel imported medicinal product is to be delivered to, date of delivery, delivered quantity, and batch number;

3. submit in BDA:

a) actualised patient's leaflet of parallel imported product according with the variations in issued marketing authorisation of the approved medicinal product in Republic of Bulgaria;

b) (Amen. - SG 71/2008, in force from 12.08.2008) declaration that the content of the leaflet according to letter "a" shall be identical with the content of the product leaflet, approved in Republic of Bulgaria except of the data according to Art. 215, para 2, point 7, letters "a" – "d";

4. document and report to the marketing authorisation holder and the BDA all reports of adverse drug reactions of the imported medicinal product.

5. (new - SG 84/18, in force from 12.10.2018) submit information to the BDA - weekly or in case of change in circumstances - through the specialized electronic system under Art. 217b, Para. 1 regarding:

a) quantities imported in parallel into the territory of the Republic of Bulgaria, indicated on medicinal products, included in the Positive Drug List, for which he is the actual holder of the parallel import permit;

b) the quantities delivered to the natural and legal persons under Art. 207, Para. 1, items 5, 5a and 6, indicated on medicinal products, included in the Positive Drug List;

c) the natural and legal persons under Art. 207, Para. 1, items 5, 5a and 6, to whom the quantities of medicinal products referred to in letter "a" have been delivered;

d) the date on which the import/supply under letters a) and b) was made;

e) the quantities available in stock, indicated on medicinal products, included in the Positive Drug List, for which he is the actual holder of the parallel import permit.

6. (new - SG 103/20, in force from 01.01.2021) provides to the BDA for all medicinal products that have received a permit for parallel import on the territory of the country, including in case of change of circumstances, through the specialized electronic system under Art. 217b, para. 1 product code information within the meaning of Art. 4, letter b), sub-point i of Delegated Regulation (EU) 2016/161 for medicinal products defined therein;

7. (new – SG 67/20, prev. para. 6 - SG 103/20, in force from 01.01.2021) ensure the replacement of the safety indicators on the secondary packaging and, if there is none, on the primary packaging of the medicinal products defined in Delegated Regulation (EU) 2016/161, with equivalent to them within the meaning of Art. 168b, Para. 3, and shall ensure the introduction of the identification mark on each package in the system of registers in accordance with Delegated Regulation (EU) 2016/161.

## **Chapter nine "b".**

### **EXPORT OF MEDICINAL PRODUCTS. SPECIALIZED ELECTRONIC SYSTEM FOR TRACKING AND ANALYSIS OF MEDICINAL PRODUCTS (NEW - SG 18 OF 2014, TITLE AMEND. - SG 84/18, IN FORCE FROM 12.10.2018)**

Art. 217a. (new – SG 18/14) (1) Export of medicinal products from the territory of the Republic of Bulgaria may be done by a natural person or a legal entity holding a permit for wholesale with medicinal products or by a holder of a production license.

(2) Holders of a production license may carry out export only of the medicinal products manufactured by them.

(3) Within the meaning of this Chapter, export shall also be an intra-Community supply within the European Union.

(4) (Amend. - SG 84/18, in force from 12.10.2018) Medicinal products included in the Positive Drug List, for which a shortage has been established pursuant to Art. 217b, can not be exported for the period for which they are included in the List under Art. 217c, Para. 1.

Art. 217b. (new – SG 18/14; amend. - SG 84/18, in force from 12.10.2018) (1) A specialized electronic system shall be established for tracking and analyzing the medicinal products included in the Positive Drug List, administered and maintained by the Bulgarian Drug Agency.

(2) The creation and maintenance of the specialized electronic system under Para. 1 shall be based on the following principles:

1. ensuring the accuracy and timeliness of the data provided and stored;



2. providing a suitable environment for data exchange;  
3. ensuring the regulated access to the data in the electronic information system, in compliance with the requirements of the law;  
4. ensuring interoperability and information security.

(3) The specialized electronic system under Para. 1 shall contain:

1. (amend. - SG 103/20, in force from 01.01.2021) the information under Art. 54, Art. 54a, Art. 68, Para. 1, item 10 and 11, Art. 207, Para. 1, item 15, Art. 217, item 5 and 6 and Art. 232a, provided by the persons concerned;

2. (amend. – SG 67/20) information provided by the National Health Insurance Fund for the quantities indicated on accounted for and paid medicinal products, included in the Positive Drug List for the previous one month;

3. information provided by the Ministry of Health on the quantities indicated on paid medicinal products, included in the Positive Drug List, for the previous one month.

(4) Based on the information under Para. 3 through the specialized electronic system under Para. 1, an analysis shall be carried out to establish shortages of medicinal products included in the Positive Drug List on the territory of the Republic of Bulgaria under conditions and by an order set by the ordinance under Para. 8.

(5) (Suppl. – SG 67/20) The shortages under Para. 4 of medicinal products included in the Positive Drug List shall be established when, while carrying out the analysis under Para. 4, it is found that the quantities of the respective medicinal product available on the territory of the Republic of Bulgaria are less than 65 percent of the necessary quantities to satisfy the health needs of the population for a period of one month, calculated on the basis of the average monthly consumption of the respective medicinal product for the previous 6 months, as counted from the day the analysis was performed.

(6) The specialized electronic system under Para. 1 shall maintain an automated interface for provision of information under Para. 3 and for sending messages.

(7) Right of access to the specialized electronic system under Para. 1 shall have the institutions and persons under Para. 3 only for the purposes of providing information, specified in this Act, and shall be responsible for the reliability of the information provided and its timeliness.

(8) (New – SG 67/20) Outside the cases under Para. 7, right of access to the data in the specialized electronic system under Para. 1 shall have the Ministry of Health, the National Health Insurance Fund and the council under Art. 258, Para. 1.

(9) (Previous Para. 8 – SG 67/20) The terms and procedure for the provision, storage and performance of analysis of the information under Para. 3, as well as for the administration, maintenance and access to the specialized electronic system under Para. 1, shall be determined by an ordinance of the Minister of Health.

(10) (Previous Para. 9 – SG 67/20) The BDA shall be obliged to ensure the network and information security of the specialized electronic system under Para. 1 in observance of the obligation to preserve the secret of the information received under Para. 3.

Art. 217c. (new – SG 18/14; declared anti-constitutional CCD No 1 of 2015 - SG 12/2015; a mend. - SG 84/18, in force from 12.10.2018) (1) Created shall be a List of Medicinal Products with shortages established in the territory of the Republic of Bulgaria, included in the Positive Drug List, which is to be prepared, updated and maintained by Bulgarian Drug Agency.

(2) The List under Para. 1 shall be prepared on the basis of the analysis carried out under Art. 217b, Para. 4, and shall be published on the website of the BDA.

(3) The List of Medicinal Products with established shortages pursuant to Art. 217b, Para. 5 shall be prepared by listing the name of the medicinal product included in the Positive Drug List, the

international non-proprietary name, the quantity of the active substance, the pharmaceutical form and the quantity in the package.

(4) The List under Para. 1 shall be updated:

1. weekly;

2. in the event of a change in the circumstances related to the import and / or export of medicinal products included in the Positive Drug List.

(5) Upon updating the list in the order of Para. 4, item 1, as well as in cases of change in circumstances under Para. 4, item 2, based on the information provided under Art. 68, Para. 1, item 10, Art. 207, Para. 1, item 15 and Art. 217, item 5, through the specialized electronic system under Art. 217b, Para. 1 shall be sent a message to the persons under Art. 68, Para. 1, Art. 207, Para. 1, Art. 217 and Art. 232a regarding the updated list. The list shall be published immediately on the website of the BDA.

(6) In the cases under Para. 4, the List under Para. 1 shall also be sent by the BDA to the Customs Agency in an official order.

(7) Upon including any medicinal products in the List under Para. 1, those can not be exported during the period for which they are included in the List.

Art. 217d. (new – SG 18/14; am. - SG 84/18, in force from 12.10.2018) The BDA shall carry out inspections on persons who are obliged to provide information under the provisions of this Chapter.

Art. 217e. (New - SG 105/20, in force from 11.12.2020) During a declared state of emergency due to the epidemic spread of infectious diseases under Art. 61, para. 1 or 3 of the Health Act or of a declared emergency epidemic situation due to epidemic spread of a contagious disease under Art. 61, para. 1 of the Health Act and up to three months after their repeal by an order of the Minister of Health, the export of medicinal products from the territory of the Republic of Bulgaria, for which a shortage has been established on the territory of the country to meet the health needs of the population may be temporarily prohibited.

## **Chapter ten.**

### **RETAIL TRADE IN MEDICINAL PRODUCTS. NATIONAL PHARMACY MAP (TITLE AMEND. - SG 67/20)**

Art. 218. Retail trade in medicinal products can only be conducted by pharmacies and drugstores under the terms of this Act except for the cases according to Art. 232, para 2.

Art. 219. (1) (Amend. – SG, 60/2011, in force from 5. 8. 2011, amend. – SG 67/20) Pharmacy is a health establishment conducting the following activities: storage, preparation, packaging, control, providing consultations, dispensing under doctor's and without doctor's prescription of medicinal products authorized for use in the Republic of Bulgaria, as well as food additives, cosmetics, products, sanitary-hygienic articles and biocides of the main group 1 "Disinfectants", product types 1 and 2, and of the main group 3 "Pest control", product types 18 and 19, according to Annex V of Regulation (EU) № 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ, L 167/1, 27 June 2012).

(2) (Amend. – SG, 60/2011, in force from 5. 8. 2011) The structure, order, and organisation of work in the pharmacies, the nomenclature of the medicinal products shall be laid down in a regulation of the Minister of Health.

(3) (Amen. - SG 71/2008, in force from 12.08.2008, repealed. - SG 23/2009, in force from

30.03.2009, new – SG 67/20) The retail trade permit holder shall verify the authenticity of the medicinal products through the safety indicators under Art. 168, Para. 8, and shall de-activate the unique identification mark in the system of registers.

(4) (New – SG 67/20) The actions under Para. 3 shall be carried out in accordance with Chapter VI of Delegated Regulation (EU) 2016/161.

Art. 220. (1) The activities according to Art. 219, para 1, shall be conducted by a master - pharmacist.

(2) (Suppl. - SG 71/2008, in force from 12.08.2008) The master - pharmacy shall be obliged to fulfil a given medical prescription including pharmaceutical forms prepared according to magisterial and pharmacopoeia recipe under the terms laid down in the regulation according to Art. 221, para 1.

(3) (amend. – SG, 102/2012, in force from 02.01.2013) The assistant pharmacist can fulfill all activities according to Art. 219, Para. 1 in the presence and under the control of master - pharmacist, excluding: release of medicinal product with a prescription, control and consultancy, related to the medicinal products.

Art. 221. (1) (Former text Art. 221 - SG 71/2008, in force from 12.08.2008). The Minister of Health shall determine in an ordinance the medical specialists who can issue prescriptions, the order for prescribing of medicinal products, the term for fulfilment, as well as the cases and order where the master - pharmacist may refuse to fulfil a medical prescription.

(2) (New - SG 71/2008, in force from 12.08.2008; amend. – SG 9/11) The Bulgarian nationals and foreign nationals, who have permission to stay in the country, during their travel out of the Republic of Bulgaria, may carry or export medicinal products, intended for their treatment, under terms and conditions of the ordinance under para 1.

(3) (New - SG 71/2008, in force from 12.08.2008; amend. – SG 9/11) Foreigners, for who a visa for short-term stay on the territory of the Republic of Bulgaria, may possess medicinal products, intended only for their treatment, in quantities, determined in the ordinance under para 1.

(4) (new - SG 1/14, in force from 03.01.2014) Requirements to medical prescriptions issued upon request of a patient who intends to use them in another Member State, as well as the recognition and fulfillment of those issued in another Member State shall be carried out under the terms and conditions established by the ordinance under para 1.

(5) (new - SG 1/14, in force from 03.01.2014) Reimbursement of costs for medicinal products on medical prescriptions fulfilled in another Member State shall be subject to the terms and conditions set out by the ordinance under Art. 80f, para. 4 of the Health Insurance Act.

Art. 222. (1) (Declared for unconstitutional by DCC 5 of 2008. - SG 65/2008, amen. - SG 71/2008, in force from 26.07.2008) Entitled to carry out retail with medicinal product, to retail trade with medicinal products shall have natural or legal person, registered as trader according to the Bulgarian legislation or the legislation of a Member State who has signed and employment contract, or a contract for managing a pharmacy with a Master of Pharmacy, and in the cases, provided by the law – with an Assistant of Pharmacy, where on the territory of the Republic of Bulgaria he/she may open not more than 4 pharmacies.

(2) (New - SG 71/2008, in force from 26.07.2008) Where the person under para 1 is Master of Pharmacy and is head of the pharmacy, it shall not be necessary a presentation of an employment contract, or a contract for managing the pharmacy.

(3) (Former para 2, amen. - SG 71/2008, in force from 26.07.2008) A person obtaining Master

in pharmacy who has been granted approval for retail trade with medicinal products according to para 1 is manager of the pharmacy and he/she obligatory works in it.

(4) (Former para 3, amen. - SG 71/2008, in force from 26.07.2008) Entitled to retail trade with medicinal products to cover its own needs provided observation of the requirement of para 1 shall have:

1. therapeutic establishments according to Art. 5 of the Medical Establishments Act that provide hospital care;

2. healthcare establishments for hospital care;

3. (amend. – SG 59/10, in force from 31.07.2010) mental health centres, skin and venereal diseases health centre, complex oncologic centres;

4. hospices with stationary according Art. 10, point 5 from the Medical Establishments Act.

(5) (New – SG, 60/2011, in force from 5. 8. 2011) For satisfying own needs, the medical establishments under Para. 4, which have no open pharmacy, may supply from a pharmacy of a medical establishment, which has received an authorisation for retail trade with medicinal products under terms and conditions, determined by the Ordinance under Art. 219, Para. 2.

(6) (Repealed., former para 4, amen. - SG 71/2008, in force from 26.07.2008, former Para. 5, amend. – SG, 60/2011, in force from 5. 8. 2011) Pharmacies of therapeutic establishments for outpatient care at the Ministry of Defence and Ministry of Interior can be managed from assistant pharmacist after proposal by the corresponding administration and after issued approval from the executive director of BDA.

Art. 222a. (New – SG 67/20) A person, who has received a permit for retail trade in medicinal products in a pharmacy, may not be a holder of a permit for wholesale trade in medicinal products issued pursuant to this Act.

Art. 223. (1) Master - pharmacist and assistant pharmacist can be manager of only one pharmacy and shall obligatorily work in it.

(2) (amend. – SG 12/11, in force from 08.02.2011) Master of pharmacy or assistant pharmacist who is the manager of a pharmacy cannot be hired to work upon agreement with sole trader or trade company having as its objectives manufacture, import, wholesale or retail trade in medicinal products.

(3) The person, envisaged in Para 1, who have received authorisation to retail trade with medicinal products cannot be an owner or participate in trade companies that have as their objectives manufacture, import, or wholesale trade in medicinal products including companies of related persons within the meaning of the Commerce Act.

Art. 224. The manager of a pharmacy must:

1. be a Master in Pharmacy, respectively assistant pharmacist in the cases stipulated by the law;

2. not be deprived of the right to practice the profession;

3. not to be convicted for crimes associated with practicing his profession, for crimes against property and economy, or for intentional crimes against personality;

4. have at least one year practice like the person obtaining a master in pharmacy.

Art. 225. (1). (Amen. - SG 71/2008, in force from 26.07.2008) In settlement on the territory, which does not have another pharmacy, right for retail trade with medicinal products, shall have a person under Art. 222, para 1, who has signed an employment contract or contract for managing of the pharmacy with an Assistant Pharmacist or Master of Pharmacy with less than a year of work experience.

(2) The assistant pharmacist who has authorisation for retail trade with medicinal products according to para 1 is the manager of the pharmacy and he/she shall obligatory work in it.

(3) (New – SG, 60/2011, in force from 5. 8. 2011) Assistant – pharmacist – manager of the pharmacy under Para. 1 may perform the following activities : storage and selling without doctor's prescription permitted for use in the Republic of Bulgaria medicinal products, medical items, diet food for special medical purposes and food for babies and transitional food, as well as food supplements, cosmetic and sanitary-hygienic articles.

Art. 226. (1) Pharmacies for selling medicinal products to citizens can be opened on the territory of healthcare establishments for outpatient care.

(2) Pharmacies for selling medicinal products to citizens cannot be opened on the territory of healthcare establishments to Art. 21, para 2 of the Health Act, therapeutic establishments for hospital care, and healthcare establishments according to Art. 10 of the Medical Establishments Act.

Art. 227. (1) (Prev. text of Art. 227 – SG 102/09, in force from 22.12.2009) The requirements relating to the location and to the premises of the pharmacy shall be laid down in the regulation according to Art. 219, para 2.

(2) (New – SG 102/09, in force from 22.12.2009, amend. – SG, 60/2011, in force from 5. 8. 2011) The requirements to the structure and the premises of pharmacies as per Art. 228, para. 5 shall be set forth in an ordinance mentioned in para. 1.

Art. 227a. (New – SG 67/20) (1) The needs of the population for access to medicinal products dispensed in pharmacies shall be determined on a territorial basis through a National Pharmacy Map.

(2) The National Pharmacy Card shall not include pharmacies opened by the order of Art. 222, Para. 4.

(3) The National Pharmacy Map shall determine the districts, municipalities and settlements with a shortage of open pharmacies by performing an analysis of the access of the population to pharmacies, which carry out activities on:

1. granting of medicinal products for home treatment, paid in full or in part by the NHIF under the conditions and by the order of Art. 45, Para. 17 of the Health Insurance Act;
2. preparation of medicinal products;
3. dispensing of medicinal products, containing narcotic substances in the sense of the Act on Control over Narcotic Substances and Precursors;
4. dispensing of medicinal products to war veterans;
5. dispensing of medicinal products to war invalids and war victims;
6. dispensing of medicinal products under a doctor's prescription, which are not paid with public funds;
7. dispensing of medicinal products without a doctor's prescription.

Art. 227b. (New – SG 67/20) (1) The National pharmacy map shall be prepared on the basis of regional pharmacy maps.

(2) In order to prepare the regional pharmacy maps, the Minister of Health shall appoint a committee for each region, which shall include the regional governor, two representatives of the regional health inspection, two representatives of the regional health insurance fund, two representatives of the regional college of the Bulgarian Pharmaceutical Union, one representative of the regional college of the Bulgarian Association of Assistant-Pharmacists, one representative of the representative organizations for protection of patients' rights, recognized under Art. 86c of the Health Act, and one representative of each municipality in the respective region. The regional governor shall be chairman of the committee.

(3) The representatives of the municipalities under Para. 2 shall be determined by the order of the Act on Local Government and Local Administration.

(4) The representative of the representative organizations for protection of the rights of the patients under Para. 2 in each of the regional commissions shall be elected and dismissed by the representative organizations in total.

(5) The regional pharmacy map shall be made according to a sample and by an order determined by a methodology, approved by the Minister of Health.

(6) Each regional committee shall present to the Minister of Health the prepared regional pharmacy map and all the primary information, on the basis of which it has been prepared.

Art. 227c. (New – SG 67/20) (1) The regional pharmacy map shall contain:

1. data for the demographic structure and consumption of medicinal products for home treatment by the population on the territory of the region;
2. the number, types of activities and distribution of the open pharmacies on the territory of the region;
3. the number of working Master-pharmacists and assistant-pharmacists in open pharmacies on the territory of the region.

(2) To the regional pharmacy map under Para. 1, an opinion shall be attached, prepared by order and criteria determined in the methodology under Art. 227b, Para. 5 regarding the required minimum number of pharmacies by types of activities under Art. 227a, Para. 3, as well as for the required minimum number of working Master-pharmacists and assistant pharmacists in pharmacies, which are determined according to the needs of the population in the respective region.

Art. 227d. (New – SG 67/20) (1) The National pharmacy map shall be prepared by a national committee appointed by an order of the Minister of Health, who is the chairman of the committee.

(2) The composition of the committee shall include the Director of the NHIF, the chairman of the National Council for Prices and Reimbursement of Medicinal Products, two representatives of the Bulgarian Drug Agency, one of whom is the Executive Director of the Bulgarian Drug Agency, the Director of the National Center of Public Health and Analyses, the chairman of the National Association of Municipalities in the Republic of Bulgaria, two representatives of the Ministry of Health, three representatives of the Bulgarian Pharmaceutical Union, one representative of the Bulgarian Association of Assistant-Pharmacists and one representative of representative organizations for the protection of patients' rights, recognized by the order of Art. 86c of the Health Act.

Art. 227e. (New - SG 67/20) (1) The national pharmacy map shall contain:

1. the regional pharmacy map;
2. the specific minimum needs of the population for access to medicinal products dispensed in pharmacies and to the types of activities under Art. 227a, Para. 3 by regions, municipalities and settlements;
3. distribution of the opened pharmacies by numbers of the population according to regions, municipalities and settlements;
4. a graphic indication of the opened pharmacies on the map of the country according to the type of the activities which they perform as per Art. 227a, Para. 3;
5. an analysis of the access of the population to medicinal products, dispensed in pharmacies by types of activities under Art. 227a, Para. 3 by region, municipalities and settlements;
6. determination of the regions, municipalities and settlements, in which during the performance of the analysis under item 5 a shortage of open pharmacies by types of activities under Art. 227a, Para. 3 is

established.

(2) The analysis under Para. 1, item 5 shall be carried out by order and criteria, determined in the methodology under Art. 227b, Para. 5, and shall obligatorily include an assessment of the specific minimum needs of the population for access to medicinal products dispensed in pharmacies, and to the types of activities under Art. 227a, Para. 3, as well as the distribution of the opened pharmacies by numbers of the population.

Art. 227f.(New - SG 67/20) (1) The National pharmacy map shall be approved by a decision of the Council of Ministers upon a proposal by the Minister of Health.

(2) The National pharmacy map shall be updated if necessary in the cases, determined by the methodology under Art. 227b, Para. 5.

Art. 228. (Amen. - SG 71/2008, in force from 26.07.2008) (1) (amend. – SG, 60/2011, in force from 5. 8. 2011) Authorisation for retail trade with medicinal product shall be issued by the executive director of BDA, on the grounds of a formal application accompanied with the following documents:

1. (amend. – SG, 60/2011, in force from 5. 8. 2011) data for the Single identification code of the trader or cooperation from the Trade register and for the companies, registered in EU Member State or in a state – party of the EEA Agreement – a document for updated registration according to the national legislation, issued by a competent body of the relevant state of the persons under Art. 222, Para. 1;

2. labour contract or a contract for managing a pharmacy, signed with a Master of Pharmacy or assistant Pharmacist;

3. copy of the act for establishing the persons under Art. 222, para 4;

4. documents, evidencing that the requirements of Art. 224 have been observed;

5. (suppl. - SG 103/17, in force from 01.01.2018) certificate of previous convictions of the Master of Pharmacy, respectively of the assistant pharmacist indicated as manager of the pharmacy, if they are not Bulgarian citizens;

6. medical certificate of the Master of Pharmacy or the assistant pharmacist, manager of the pharmacy;

7. (suppl. – SG, 60/2011, in force from 5. 8. 2011; revoked - SG 48/15)

7a. (new - SG, 60/2011, in force from 5. 8. 2011, repealed - SG 67/20)

8. document for paid state fee in the amount as laid down in the tariff according to Art. 21, para 2.

(2) (New - SG, 60/2011, in force from 5. 8. 2011) While issuing an authorisation for retail trade with medicinal products a check up shall be performed if the produced diploma of the Master Pharmacist /Assistant Pharmacist has been issued by the relevant competent institution.

(3) (Former Para. 2, amend. - SG, 60/2011, in force from 5. 8. 2011) The pharmacies of the therapeutic establishments according to Art. 222, para 4 and 6 shall be opened and closed according to the request of the person representing the healthcare establishment;

(4) (Former Para. 3, amend. - SG, 60/2011, in force from 5. 8. 2011) For opening a pharmacy, in which medicinal products containing narcotic substances are sold, the requirements of the Control over Narcotic Substances and Precursors Act shall also be applied.

(5) (New – SG 102/09, in force from 22.12.2009, former Para. 4 - SG, 60/2011, in force from 5. 8. 2011) Authorisation for retail trade in medicinal products at a pharmacy, opened in a populated area with not more than 10 000 citizens, shall be issued on the grounds of a submitted request in a form, to which shall be attached the following documents:

1. (amend. - SG, 60/2011, in force from 5. 8. 2011; amend. - SG 84/18, in force from 12.10.2018, amend. - SG 67/20) the documents referred to in para 1, items 1, - 6;

2. (amend. – SG, 102/2012, in force from 02.01.2012) document for paid fee amounting to 50% of the fee, defined by the tariff under Art. 21, Para. 2 for issuance of a permit for retail sale with medicinal products under Art. 222, Para. 1.

(6) (prev. text of para 4, suppl. – SG 102/09, in force from 22.12.2009; amend., - SG 98/10, in force from 01.01.2011, former Para. 5, amend. – SG, 60/2011, in force from 5. 8. 2011) The application and the documents under para 1 and 5 shall be filed to the BDA.

(7) (prev. text of para 5, amend. – SG 102/09, in force from 22.12.2009; amend., - SG 98/10, in force from 01.01.2011, former Para. 6, amend. – SG, 60/2011, in force from 5. 8. 2011, amend. - SG 67/20) On the day of receipt of the application under Para. 1 or 5, the BDA shall send ex officio a request to the respective RHI to issue a hygienic conclusion. The Regional Health Inspectorate shall issue the hygienic conclusion within 14 days from the receipt of the request, and shall send it ex officio to the BDA. Until receiving the hygienic conclusion in the BDA, the term under Art. 229, Para. 2 shall stop running.

(8) (new - SG 48/15, suppl. - SG 91/18) On the day of receipt of the application under para. 1 and 5 BDA shall send an official request to the Management Board of the Bulgarian Pharmaceutical Union for issuing a certificate for entry in the national electronic register of the members of the Bulgarian Pharmaceutical Union - for the master-pharmacist, the head of the pharmacy, and to the Management Board of the Bulgarian Association of Assistant Pharmacists - for assistant pharmacist, head of a pharmacy in the cases specified by law, as well as to provide information on penalties imposed under the Act on the Professional Organization of Master-Pharmacists and the Health Act.

(9) (new - SG 48/15) The Management Board shall provide the documents under para. 8 within 5 working days of receipt of the request.

(10) (new - SG 103/17, in force from 01.01.2018) Bulgarian Drug Agency establishes ex officio the circumstances regarding the previous convictions of the persons under para. 1, item 5, when they are Bulgarian citizens.

Art. 229. (1) (Repealed – SG, 60/2011, in force from 5. 8. 2011).

(2) (amend. – SG 102/09, in force from 22.12.2009, amend. – SG, 60/2011, in force from 5. 8. 2011; suppl. – SG 18/14) Within the term of 1 month after receiving the documentation under Art. 228, Para. 6, the executive director of BDA upon an issued opinion by the Expert Council for Retail Sale of Medicinal Products shall issue authorisation for retail with medicinal products or make a motivated refusal to issue an authorisation. The authorisation or refusal shall be delivered to the person who has submitted the application.

(3) (Amend. - SG, 60/2011, in force from 5. 8. 2011) Where discrepancies with or omissions in the submitted documentation have been established, within 15 day term from filing the documentation under Art. 228, Para. 6, the BDA shall perform a check up of the produced documents and shall notify the candidate in writing about the found discrepancies and omissions. In these cases the term according to para 2 shall cease to run as from the date of the notification till the elimination of the defects.

(4) (New SG. 71/2008, in force from 12. 08. 2008) In case that within 60 day term after the notification date, under para 3, the applicant fails to remove the established irregularities or incompleteness, the procedure for issuing authorisation for retail trade in medicinal products or for change of an issued authorisation shall be terminated.

(5) (Former para 4 – SG 71/2008, in force from 12, 08 2008, amend. – SG, 60/2011, in force from 5. 8. 2011). The refusal of the executive director of the BDA to issue an authorisation shall be subject to appeal under the terms of the Administrative Procedure Code.

Art. 229a. (New – SG. 23/2009, in force from 30. 03. 2009) (1) (amend. and suppl. - SG. 41/2009, in force from 02.06.2009; amend. – SG 98/10, in force from 01.01.2011, amend. – SG, 60/2011, in



force from 5. 8. 2011, amend. - SG 52/20, in force from 09.06.2020) The BDA shall officially submit to RHI on the location of the relevant pharmacy with an authorisation, issued under Art. 229, para 2, including retail trade with food supplements, dietetic foods for special medical purposes, Infant formulas and transitional foods, copy of the authorisation for registering into the register under Art. 24, para 1 of the Foodstuffs Act.

(2) (Amend. And suppl. – SG. 41/2009, in force from 02.06.2009) The pharmacies which perform retail trade with food supplements, dietetic foods for special medical purposes, Infant formulas and reansitional foods shall be subject to control according to the Foodstuffs Act;

Art. 230. (1) (Amend. – SG, 60/2011, in force from 5. 8. 2011) The BDA shall keep a register of the issued authorisations for retail trade with medicinal products under Art. 229, para 2, which shall contain:

1. authorisation number and date;
2. name, place of business and address of management of the person who has received the authorisation;
- 3.(amend. – SG 12/11, in force from 08.02.2011) name and UCN of the manager of the pharmacy;
4. address of the pharmacy;
5. activities, which will be conducted in the pharmacy;
6. date of cancelling the authorisation and its deletion from the register and reason therefore;
7. remarks relating to the inscribed circumstances.

(2) (amend. – SG 12/11, in force from 08.02.2011) Data from the register shall be published on the internet site of the BDA.

Art. 231. (1) In case of change of the circumstances inscribed in the register according to Art. 230, para 1, points 2-5, the person who has received authorisation to carry out retail trade with medicinal products shall submit an application under the terms of Art. 228, para 1, and shall append the documents associated with the change.

(2) (New – SG, 60/2011, in force from 5. 8. 2011) In case of a change of the name and type of the trader, address of the pharmacy and manager of the pharmacy, a new application shall be submitted under Art. 228, Para. 1 and the charge for issuance a new authorisation for retail trade with medicinal products in a pharmacy shall be paid, determined by the tariff under Art. 21, Para. 2.

(3) (New – SG, 60/2011, in force from 5. 8. 2011) Any person, who has received an authorisation for retail trade with medicinal products under Art. 228, Para. 5, may make a change under Art. 230, Para. 1, p. 4 only in a populated place with population up to 10 000 citizens.

(4) (New – SG, 60/2011, in force from 5. 8. 2011) Where the person under Para. 3 wishes to make a change under Art. 230, Para. 1, p. 4 in a populated place with population up to 10 000 citizens, he/she shall pay the charge for issuance an authorisation for retail trade with medicinal products in a pharmacy, determined by the tariff under Art. 21, Para. 2.

(5) (Former Para. 2, - SG, 60/2011, in force from 5. 8. 2011) at issuing the authorisation allowing the change according to para 1, the provisions in Art. 229 shall be applied.

Art. 232. (1) Physicians and physicians in dental medicine can keep medicinal products according to a list determined by the Minister of Health.

(2) Where there is no pharmacy in a settlement, the persons according to para 1 can only keep and sell medicinal products provided that they have received authorisation therefore according to an order laid down in a regulation of the Minister of Health.

Art. 232a. (New - SG 84/18, in force from 12.10.2018) Holders of permits for retail trade in medicinal products and the persons under Art. 207, Para. 1, item 5a and 6 shall provide information daily to the BDA through the specialized electronic system under Art. 217b, Para. 1 regarding:

1. the quantities delivered to them, indicated on medicinal products, included in the Positive Drug List;
2. the quantities given / sold, indicated on medicinal products, included in the Positive Drug List;
3. the available quantities indicated on medicinal products, included in the Positive Drug List.

Art. 233. The manager of the pharmacy takes the responsibility for the activities according to Art. 219, para 1.

Art. 234. (1) Prohibited shall be the sale of medicinal products through automatic machines except for the medicinal products indicated in a list determined to the regulation according to Art. 219, para 2.

(2) The automatic machines according to para 1 can be possession only on the persons according to Art. 222 and Art. 238, para 2.

(3) The bargain trade with drug products shall be prohibited

(4) The sale of medicinal products dispensed on medical prescription via internet shall be prohibited.

(5) (New - SG 67/20) Prohibited shall be the return of already purchased medicinal products.

(6) (New – SG, 60/2011, in force from 5. 8. 2011, previous Para. 5 - SG 67/20) Medicinal products without doctor's prescription may be sold on internet only by a pharmacy or drug store, which have received authorisation under the terms and conditions of this Act and the ordinance under Art. 219, Para. 2, or Art. 243.

(7) (new – SG, 102/2012, in force from 02.01.2013, previous Para. 6, amend. - SG 67/20) The pharmacies and drug stores under Para. 6 shall publish on the internet site, which is for their trade with medicinal products without doctor's prescription a general logo, recognizable for the whole EU.

(8) (new – SG, 102/2012, in force from 02.01.2013, previous Para. 7, amend. - SG 67/20) The requirements to the general logo under Para. 7 shall be determined by a delegated act under Art. 85c, Para. 3 of Directive 2001/83/EC.

Art. 234a (new – SG, 102/2012, in force from 02.01.2013) (1) The BDA shall publish and maintain on its internet site:

1. information about the national legislation, applicable for offering medicinal products for sale on internet, including information about the fact, that there may exist differences between the Member States in relation to the classification of the medicinal products and of the conditions for their delivery;

2. information about the purpose of the general logo;

3. list of the persons, offering medicinal products for sale on internet, as well as the addresses of their internet sites;

4. (amend. - SG 67/20) general information about the risks, related to the medicinal products, delivered to the consumers via internet in violation of the ordinance under Art. 234, Para. 6.

(2) The BDA internet site under Para. 1 shall be connected with the internet site of the European Medicines Agency.

Art. 234b (new – SG, 102/2012, in force from 02.01.2013) The BDA shall participate in

information campaigns, organised by the European Commission and the European Medicines Agency about the danger of falsified medicinal products.

Art. 235. (1) The authorisation to carry out retail trade with medicinal products under Art. 229, Para. 2 shall be cancelled with the termination of the activity of the persons according to Art. 222 and 225.

(2) (amend. – SG, 60/2011, in force from 5. 8. 2011) The executive director of BDA shall cancel the authorisation for retail trade with medicinal products:

1. according to an application by the person who has received authorisation for carrying out retail trade with medicinal products:

2. wherever it has been established that the manager of the pharmacy does not comply with the requirements laid down in Art. 224 and 225.

(3) (Amend. – SG, 60/2011, in force from 5. 8. 2011) The persons according to Art. 222 and 225 shall notify the BDA in writing within 14 days of the termination of the activity according to para 1.

Art. 236. (1) The pharmacy cannot be closed for more than 30 days within a calendar year due to the absence of the manager.

(2) (suppl. – SG 71/2008, in force from 12.08.2008; amend. – SG 12/11, in force from 08.02.2011, amend. – SG, 60/2011, in force from 5. 8. 2011) Where the manager of the pharmacy is not in a position to fulfil his obligations due to a leave for temporary incapacity of work due to an illness, pregnancy and birth, or adoption and leave for breeding of a little child, as per Labour Code, the pharmacy can operate under the management of another master of pharmacy, respectively another assistant pharmacist, in the cases to Art. 225 complying with the requirements of Art. 224 for not more than two years. In all these cases a permission of the executive director of BDA shall be issued.

(3) The permission according to 2 shall be issued within 30 days.

Art. 237. Upon termination of the activity of the person who received authorisation to retail trade with medicinal products, the medicinal products can be sold by persons who have received authorisation for wholesale trade in medicinal products.

Art. 238. (1) Products of importance for human health and medicinal products, which are dispensed without medical prescription as laid down in lists of the Minister of Health, can be sold in a drugstore. Also, products and goods of importance for human health may be sold in drugstores, as laid down in the Ordinance under Art. 243, and medical products.

(2) Entitled for carry out retail trade with medicinal products, as opening drugstores shall have all natural or legal person registered according to the Commerce Act or the legislation of a Member State;

(3) The manager of a drugstore must be a medical specialist, who:

1. has not been deprived of the right to exercise his/her profession;

2. has not been convicted for crimes in relation to his/her profession, for crimes against property and undertaking, or for premeditated crimes against the personality;

3. has at least 1 year of professional experience in this field.

Art. 239. (1) (amend. – SG, 60/2011, in force from 5. 8. 2011) Drugstores shall be opened after registration at the relevant RHI.

(2) (amend. – SG, 60/2011, in force from 5. 8. 2011) The persons according to Art. 238, para 2, shall submit to the RHI a registration application accompanied by the following documents:

1. (amend. – SG, 60/2011, in force from 5. 8. 2011) data for the Single identification code of the

trader or cooperation from the Trade register and for the companies, registered in EU Member State or in a state – party of the EEA Agreement – a document for updated registration according to the national legislation, issued by a competent body of the relevant state of the persons under Art. 238, Para. 1;

2. (suppl. - SG 103/17, in force from 01.01.2018) education document and certificate of previous convictions or the person appointed as manager of the drugstore, if he/she is not Bulgarian citizen;

3. medical certificate of the person according to point 2;

4. (repealed – SG, 60/2011, in force from 5. 8. 2011).

5. (amend., - SG 98/10, in force from 01.01.2011, repealed – SG, 60/2011, in force from 5. 8. 2011).

6. document for paid state fee to the amount as laid down in the tariff according to Art. 21, para 2.

(3) (New – SG, 60/2011, in force from 5. 8. 2011). Within 14 day term from receiving the application under Para. 2, RHI shall perform an inspection on the observation of the requirements of the Ordinance under Art. 243. In the cases, where it is found that the requirements of the Ordinance under Art. 243 have not been observed, within 7 day term after the inspection the RHI shall give instructions and shall determine term for removing them.

(4) (New – SG, 60/2011, in force from 5. 8. 2011). Within 14 day term from receiving the application and the documents under Para. 2, the director of RHI shall notify in writing the persons for finding irregularities in them and shall determine a term for their removal.

(5) (New – SG, 60/2011, in force from 5. 8. 2011). For submitting a registration application for a drug store or for performing a change under Art. 242, the relevant RHI shall collect charges in the amount, determined by the tariff under Art. 21, Para. 2.

(6) (new - SG 103/17, in force from 01.01.2018, amend. – SG 67/20) The regional health inspectorate shall establish ex officio the circumstances regarding the previous convictions of the person under para. 2, item 2, when he/she is Bulgarian citizen.

Art. 240 (Amend. - SG, 60/2011, in force from 5. 8. 2011). Within 14 day term after the inspection under Art. 239, Para. 3 or after removing the irregularities under Art. 239, Para. 4, the director of the RDA shall issue a registration certificate for a drug store or shall give a grounded refusal for its issuance.

(2) (new – SG, 102. 2012, in force from 2.1.2013) The director of the RDA shall provide grounded refusal to issue a registration certificate to the persons under Art. 238, Para. 2, where:

1. some of the documents under Art. 239, Para. 2 has not been produced;

2. within the term under Art. 239, Para. 4 the applicant has not removed the found incompleteness.

(3) (new – SG, 102. 2012, in force from 21.12.2012) Where within the term under Para. 1 the RDA director has not issued a registration certificate of drug store or has not refused with a ground, it shall be accepted that there is a silent agreement.

(4) (new – SG, 102. 2012, in force from 21.12.2012) IN the cases under Para. 3, the applicant may begin carrying out the actions, applied for while observing Art. 29 of the Act on Restriction of the Administrative Regulation and Administration Control on Economic Activity.

(5) (former Para. 2 – SG, 102. 2012, in force from 21.12.2012) The refusal of the executive director of the RDA under Para. 1, to issue certificate of registration shall be subject to appeal under the terms of the Administrative-Procedure Code.

Art. 240a (new - SG, 102. 2012, in force from 21.12.2012) (1) The RDA director shall terminate by an order the registration of a drug store:

1. upon request of the persons, received a registration certificate for a drug store;

2. with termination of the person's activity under Art. 238, Para. 2, for which he/she shall notify the relevant RDA.

(2) Within 14-day term from termination of the activity under Para. 1, p. 2, the person under Art. 238, Para. 2 shall notify in writing the RDA.

Art. 241. (1) (Amend. - SG, 60/2011, in force from 5. 8. 2011) The relevant RHI shall keep a record of the issued certificates for a drugstore authorisation, which shall contain:

1. number and date of the issued certificate;
2. place of business and address of management of the persons who have received certificates for registration of drugstore;
3. name, personal data, and address of the manager of the drugstore;
4. address of the drugstore;
5. date of cancelling the registration and reason therefore;
6. remarks relating to the inscribed circumstances.

(2) (Amend. - SG, 60/2011, in force from 5. 8. 2011) Data of the register shall be published on the internet site of the relevant RHI.

Art. 241a. (New - SG, 60/2011, in force from 5. 8. 2011) The National register of the issued registration certificates of a drug store under Art. 19a, Para. 3 shall contain:

1. name of the relevant RHI, issued the registration certificate;
2. number and date of the issued certificate;
3. seat and address of the persons, received the registration certificate for a drug store;
4. name of the drug store manager;
5. address of the drug store;
6. date of termination of the registration and ground for that.

Art. 242. In case of change of the address of the drugstore of the manager, the person who has received the authorisation to open the pharmacy shall submit an application under the terms of Art. 239, para 2, and documents associated with the change.

Art. 243. The conditions and order for the organisation of work in a drugstore shall be paid down in a regulation of the Minister of Health.

## **Chapter eleven.**

### **ADVERTISING MEDICINAL PRODUCTS**

Art. 244. (1) Advertising of medicinal products shall be any form of information, provision, promotion, or offers aimed at stimulating the prescribing, sale, or use of a medicinal product and shall include:

1. advertising intended for the population;
2. advertising, intended for medical specialists;
3. visit of a medical trade representative with medical specialists;
4. provision of samples to medicinal products;
5. sponsorship of promotional meetings and scientific congresses visited by medical specialists including taking their travel and stay expenses in the respective country where the event is taking place.

(2) The following shall not be considered advertising of medicinal products:

1. text on the secondary packaging and in the patient information leaflet, which has been approved in the procedure for marketing authorisation;
2. correspondence on the occasion of a specific issue or problems associated with a given medicinal product;
3. informative announcements and instructions as to changes in the packaging, warnings for adverse drug reactions as a part of the overall safety measures for the medicinal product, trade catalogues and pricelists provided that these do not contain data of advertising character with respect to the medicinal product;
4. statements relating to human health or diseases provided that when these do not directly or indirectly bear on treatment, prophylaxis, or diagnostics with medicinal products;
5. campaigns carried out by the Ministry of Health for vaccination of the population where the associated materials do not contain data for a specific medicinal product.

Art. 245. (1) The marketing authorisation holder shall be obliged to establish a scientific unit for the proliferation of information for the medicinal products for which he has received marketing authorisation under the terms of this Act.

(2) The marketing authorisation holder shall be obliged to:

1. guarantee that the advertising of a medicinal product is presented to the population and medical specialists in an appearance corresponding to the requirements of this chapter and in compliance with the advertising authorisation issued by the BDA;
2. have at his disposal data and materials of all advertising campaigns undertaken within the framework of his activity including information about the groups, which the advertising is intended for, about the method of its realisation, as well as the starting date of the advertising campaign;
3. guarantee the training of the medical trade representatives;
4. accurately and timely fulfil the instructions of the persons responsible for the control of advertising.

(3) The medical trade representatives must report to the scientific units according to para 1 any information about the use of the advertised medicinal products, particularly with respect of the information of adverse drug reactions communicated to them by the medical specialists.

Art. 245a. (New – SG. 71/2008, in force from 12. 08. 2008) Advertisement shall be admitted only of medicinal products, for which an authorisation has been issued under this Act.

Art. 246. (1) The content of the advertising must comply with the data of the approved during the marketing authorisation procedure summary of product characteristics and only present the indications approved therein.

(2) Advertising of a medicinal product must only bear on its correct use by objectively presenting the therapeutic indications of the medicinal product without exaggerating its therapeutic, prophylactic, and diagnostic capacities.

(3) The advertising must not contain misleading information.

(4) (New – SG. 71/2008, in force from 12.08.2008) The advertisement shall not contain proposal and/or promise for a gift and/or another property or non-property benefit.

(5) (New – SG. 71/2008, in force from 12.08.2008) A medical specialist or a person, representing himself/herself as a medical specialist shall not perform direct or indirect advertisement of medicinal products in the printed and/or electronic media, as well as in internet.

Art. 247. Advertising to the population shall only be allowed for medicinal products dispensed without medical prescription.

Art. 248. Besides the cases according to Art. 247, advertising campaigns carried out by marketing authorisation holders in connection with vaccination shall be permitted provided observation of the requirements of Art. 251, and under terms and procedure, provided for in the Ordinance under Art. 249.

Art. 248a. (New – SG. 71/2008, in force from 12.08.2008) Advertising in internet shall be prohibited of medicinal products, which are prescribed by doctor's prescription, with the exception of advertisement campaigns of vaccination, performed as provided by Art. 248, and approved by the competent authorities.

Art. 249. The requirements to the advertising of medicinal products shall be paid down in a regulation of the Minister of Health.

Art. 250. Application for authorisation of advertising of medicinal product shall be submitted by the marketing authorisation holder of the medicinal product or a duly empowered person.

Art. 251. (1) For advertising authorisation the person according to Art. 250 shall submit to the BDA a formal application as approved by the executive director of the agency accompanied by:

1. design of the advertising;
2. notarised power of attorney issued by the marketing authorisation holder where the application shall be submitted by another person;
3. bibliographical references of the used quotations, tables, or other materials, if any;
4. document for paid fee to the amount as paid down in the tariff according to Art. 21, para 2.

(2) The presented advertising drafts - designs to Art. 1 issue 1 must be clear and if there is text, it must be understandable providing possibility to assess all of its elements - text and illustrations.

(3) Expert Council of Advertising shall be established to the BDA. It shall involve physicians and specialists with practical experience in the field of advertising. The executive director of the BDA shall appoint by an order the composition of the council, where a representatives of the Professional Ethic Commission of the Bulgarian Medical Association, Bulgarian Dental Association and Bulgarian Pharmacists Union, the amount of the remuneration of its members, and shall approve rules for the condition and order for its work. In the Council representatives of patients organisations may be included.

(4) The council according to para 3 shall prepare examination to the advertising design and shall establish an opinion for the executive director of the BDA.

(5) In case of establishment of discrepancies between the advertising and the requirements of this Act, the BDA shall, within 7 days of the submission of the application according to para 1, give written instructions for their elimination by the applicant within one month of the notification date. This decision term shall cease to run as from the notification date till the elimination of the discrepancies.

(6) If the applicant shall not fulfil the instructions within one month of the notification date according to para 5, the authorisation procedure shall be terminated.

Art. 252. (1) The executive director of the BDA shall authorise or issue a motivated refusal of the advertising by an order within one month of the submission of the documentation according to Art. 251,

para 1, on the grounds of the opinion according to Art. 251, para 4, and shall notify the marketing authorisation holder.

(2) (New – SG, 60/2011, in force from 5. 8. 2011) Where within the term under Para. 1 the executive director of BDA does not permit by an order the advertisement or fails to make a grounded refusal, it shall be accepted, that there is a silent agreement with the project of the advertisement under Art. 251, Para. 1, p. 1 and it may be disseminated.

(3) (Former, Para. 2 – SG, 60/2011, in force from 5. 8. 2011) The refusal of the executive director of the BDA shall be subject to appeal under the terms of the Administrative Procedure Code.

Art. 253. (1) The issued advertising authorisation to Art. 252, para 1 shall refer to a concrete medicinal product within the validity of its marketing authorisation.

(2) Where there have been variations in the marketing authorisation of a medicinal product resulting in changes of an authorised advertising of this product, the marketing authorisation holder shall submit to the BDA an application for change.

Art. 254. In case of change in the authorised advertising, the person according to Art. 250 shall submit an application under the terms of Art. 251.

Art. 254a. (New – SG, 60/2011, in force from 5. 8. 2011) (1) The advertisement, intended for the medical specialists shall not be permitted under Art. 250 – 252.

(2) The advertisement under Para. 1 shall be disseminated after submitting a notification to BDA, which shall contain an advertisement draft, while observing the requirements of this Chapter and the Ordinance under Art. 249.

Art. 255. (1) The proliferation of samples of medicinal products containing narcotic substances within the meaning of the Control over Narcotic Substances and Precursors Act shall be prohibited.

(2) The direct provision of samples of medicinal products to the population by medical trade representatives according to Art. 244, para 1, point 3 shall be prohibited.

Art. 256. Samples of medicinal products shall be provided to medical specialists under the conditions and order laid down in the regulation according to Art. 249.

Art. 257. (1) The medical trade representatives according to Art. 245, para 2, point 3, must have passed special education organised by the marketing authorisation holder who has employed them and must possess scientific knowledge about the presented medicinal product.

(2) During any visit, the medical trade representatives must dispose of the summary of the product characteristics and price data of the medicinal product and about the conditions of its payment and shall provide these upon request.

(3) While presenting medicinal products before medical specialists, the medical trade representatives cannot offer gifts and other material and immaterial benefits.

## **Chapter twelve.**

### **REGULATION OF PRICES OF MEDICINAL PRODUCTS (TITLE, AMEND. – SG**



**102/2012)**

### **Section I.**

#### **National Council on Prices and Reimbursement of Medicinal Products (new – SG, 102/2012, in force from 21.12.2012)**

Art. 258. (1) (Amend. – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) (1) (amend. – SG 43/16) Under the Minister of Health shall be established National Council on Prices and Reimbursement of medicinal products, called hereinafter "The Council". The Council shall be a legal persons, a second level budget administrator. Its status is of a state commission with a central office in Sofia.

(2) The Council activity shall be funded by the state budget through the budget of the Ministry of Health.

(3) The Council shall be a college body and shall consist of a Chairperson and 6 members of whom 3 shall be medical doctors or Master-Pharmacists, 2 layers and 2 economists, all with at least 5 years professional practical experience. The chairperson and the Council members shall be elected and discharged by a decision of the Council of Ministers upon proposal of the Minister of Health. The chairperson shall direct the Council activity and shall represent it.

(4) The Council members shall not occupy a position or perform activity under Art. 19, Para. 6 of the Administration Act.

(5) The Council activity shall be assisted by an administration, whose structure and operation organisation shall be determined by Rules of procedure, adopted by the Council of Ministers.

Art. 259. (1) (Amend. - SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) The Council shall:

1. confirm, refuse to confirm, changes or delete a price of medicinal products under Art. 261a, Para. 1;

2. confirm, refuse to confirm, change and delete a limit price of medicinal products under Art. 261a, Para. 2;

3. register, refuse to register, change or delete prices of medicinal products, sold without doctor's prescription under Art. 261a, Para. 3;

4. (amend. - SG 48/15, amend. – SG 102/18, in force from 01.01.2019, amend. and suppl. - SG 64/19, amend. and suppl. – SG 67/20) adopt, withdraw or change pharmaco-therapeutic directories which include criteria for results assessment of the applied therapy and algorithms for treatment with medicinal products, which is agreed with the relevant expert council on medical specialty or medical activity under Art. 6a, Para. 1, item 1 of the Health Act. and in case no opinion is received from the respective expert council within 30 days from the receipt of the request, the council shall approve, revoke or amend the pharmaco-therapeutic guidelines. Pharmacotherapeutic guidelines are adopted by ordinances and promulgated in the State Gazette.

5. include, change or exclude medicinal products of the Positive Medicine List;

6. (new – SG 102/18, in force from 01.01.2019) carry out an assessment of the health technologies of medicinal products;

7. (previous Para. 6 – SG 102/18, in force from 01.01.2019) maintain and update the Positive Medicine List;

8. (new - SG 48/15, previous Para. 7 – SG 102/18, in force from 01.01.2019) support the reimbursement status of medicinal products every three years from their inclusion in the Positive Medicine

List;

9. (new - SG 48/15, previous Para. 8, amend. – SG 102/18, in force from 01.01.2019) provide assistance in negotiating discounts in the cases under Art. 45 para 10, 13 and 21 of the Health Insurance Act regarding medicinal products for which applications have been submitted to be included in the Positive Medicine List.

10. (new - SG 102/18, in force from 01.01.2019) determine the medicinal products, for which the effect of the therapy, the term, as well as the medical establishments in which it is carried out, are monitored, under the conditions, according to the order and criteria set out in the Ordinance under Art. 261a, Para. 5;

11. (new - SG 102/18, in force from 01.01.2019) perform information, publishing and research-scientific activities related to pricing, reimbursement and drug policy;

12. (new - SG 103/20, in force from 01.01.2021) generates a unique national number for identification of each medicinal product and enters it in the register under para. 2, item 4.

(2) The Council shall keep public registers of:

1. the confirmed prices of the medicinal products under Art. 261a, Para. 1;

2. the confirmed limit prices of the medicinal products under Art. 261a, Para. 2;

3. the registered prices of the medicinal products under Art. 261a, Para. 3;

4. (new - SG 103/20, in force from 01.01.2021) register of national numbers for the identification of medicinal products.

(3) The council shall carry out control on the sale of medicinal products with a confirmed price, limit price and registered price.

(4) (Amend. – SG 67/20) The Council shall adopt the written application for confirmation or registration of a price or for inclusion, exclusion, changes, maintenance of reimbursement status and assessment of health technologies of medicinal products of the Positive Medicines List under this Chapter, shall carry out checkups and studies on them and shall pronounce grounded decisions.

(5) The Council shall collect charges in the amount, defined by the tariff under Art. 21, Para. 2 for submitting applications for:

1. confirmation, registration or change in a confirmed or registered price of a medicinal product;

2. (amend. - SG 48/15) inclusion or change or maintaining the reimbursement status in a medicinal product included in the List under Art. 262, Para. 1.

3. (new - SG 102/18, in force from 01.01.2019) assessment of health technologies.

Art. 259<sup>1</sup>. (New - SG 103/20, in force from 01.01.2021) (1) The national number for identification of the medicinal product under Art. 259, para. 1, item 12:

1. ensure unambiguous identification of each medicinal product and interoperability of the information systems in the healthcare;

2. is used by all persons, in all registers and other databases, as well as in the medical documentation related to the medicinal products.

(2) The generation and entry in the register under Art. 259, para. 2, item 4 of a national number for identification of each medicinal product shall be carried out by an order, determined in the ordinance under Art. 261a, para. 5.

(3) The Bulgarian Drug Agency shall provide the Council in electronic format, in a form approved by it, with information on authorized and registered medicinal products on the territory of the Republic of Bulgaria and medicinal products authorized for centralized use under Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, by an order determined in the ordinance under art. 261a, para. 5.

Art. 259a. (New – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) (1) The Council meetings shall be regular if more than half of the its members are present.

(2) The Council shall take decisions with a majority more than half of the total number of its members.

(3) (New - SG 102/18, in force from 01.01.2019) A representative(s) of the NHIF, the Ministry of Health and the BDA shall be present at the meetings of the Council when assessing the health technologies.

(4) (Previous Para. 3 – SG 102/18, in force from 01.01.2019) At the Council's meetings may be invited to be present the interested parties, which shall be informed about the date and time of the meeting in which the request will be discussed.

Art. 259b. (New – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) (1) The council shall pronounce within the term up to:

1. 60 days, where an application has been submitted for confirmation of a price under Art. 261a, Para. 1 and inclusion of the medicinal product in the Positive medicine list;

2. 30 days where an application has been submitted for a change or deletion of a medicinal product, included in the Positive medicine list;

3. 30 days where an application has been submitted for confirmation, change or deletion of a price under Art. 261a, Para. 2;

4. 30 days, where an application has been submitted for registration, change or deletion of a price under Art. 261a, Para. 3;

5. 30 days for confirmation/registration of a price of medicinal products, for which authorisation for parallel import has been received;

6. (new - SG 48/15, amend. - SG 102/18, in force from 01.01.2019) 180 days, where an application is filed for inclusion in the Positive Medicine List of a medicinal product with a new international non-proprietary name subject to assessment of the health technologies;

7. (new - SG 48/15) sixty days where an application is filed for maintaining the the reimbursement status of a medicinal products included in the Positive Medicine List.

8. (new - SG 102/18, in force from 01.01.2019, amend. – SG 67/20) 90 days when an application for extension of the indication of a product included in the Positive medicine list, for which it has not been paid yet;

9. (new - SG 102/18, in force from 01.01.2019) 90 days when the application for assessment of the health technologies has been submitted.

(2) For the medicinal products under Art. 262, Para. 5, the Council shall pronounce within the term of up to 30 days where an application has been submitted for confirmation of a price under Art. 261a, Para. 1 and including the product in the Positive medicine list.

(3) The terms under Para. 1 and 2 start to run from the date of submitting an application under the ordinance under Art. 261a, Para. 5.

(4) (New – SG 67/20) When for a medicinal product in hospital packaging, according to the authorization for use, an application has been submitted for carrying out a procedure under Art. 259, Para. 4, the council shall pronounce within deadlines shortened in half than the ones determined in Para. 1 and 2.

Art. 259c. (New – SG, 60/2011, in force from 5. 8. 2011, repealed – SG, 102/2012, in force from 21.12.2012)

Art. 259d. (New – SG, 60/2011, in force from 5. 8. 2011, repealed – SG, 102/2012, in force

from 21.12.2012).

Art. 260. (Amend. - SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) The state bodies, officials and applicants on this Chapter shall be obliged to give assistance to the Council and the employees in it while fulfilling their assigned obligations.

Art. 261. (Amend. - SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) (1) The Council members and its employees shall be obliged not to announce circumstances and facts, known to them during fulfilling their official duties under this act, unless upon a written request by a state body, where this is provided by an act.

(2) In relation to their duties under Para. 1 the persons shall sign a declaration according to a form, confirmed by the Council chairperson.

## **Section II.**

### **Regulation and registration of prices of medicinal products. Algorithms for treatment with medicinal products. Assessment of health technologies (New – SG, 102/2012, in force from 21.12.2012, title suppl. - SG 102/18, in force from 01.01.2019)**

Art. 261a (New – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) (1) The council shall regulate the prices of medicinal products, included in the Positive Medicines List under Art. 262, Para. 1 and paid by public means in compliance with the lowest reference prices in the Member States.

(2) The Council shall regulate the limit prices of the medicinal products, which are sold after doctor's prescription apart from those under Para. 1 in compliance with the lowest reference prices of the Member States.

(3) The Council shall register maximum selling prices for retail trade of the medicinal products, which are sold without doctor's prescription.

(4) The price, defined under Para. 1 shall also be the limit price of the medicinal products at their retail trade.

(5) The Council of Ministers upon proposal of the Minister of Health shall determine by an ordinance the conditions and rules for regulation of prices of medicinal products under Para. 1 for regulation of the limit prices of medicines, sold after doctor's prescription under Para. 2 at their retail trade, as well as the conditions and procedure for registration for prices of medicinal products, which are sold without doctor's prescription.

(6) (New - SG 67/20) The National Health Insurance Fund and the Ministry of Health shall provide the council with information on the paid medicinal products under Art. 262, Para. 6 by order determined in the ordinance under Para. 5.

Art. 261b. (New - SG 67/20) A medicinal product may be sold on the territory of the country only after the entry into force of the decision of the council for approval of a price/marginal price or registration of a price, with the exception of medicinal products under Art. 9 and 266a.

Art. 261c. (New - SG 67/20) (1) A medicinal product may be sold at a price not higher than the approved price under Art. 261a, Para. 1, than the marginal price under Art. 261a, Para. 2 or than the registered price under Art. 261a, Para. 3.

(2) The retailer shall be obliged to indicate the selling price on the packaging of the medicinal

product at a place indicated by the manufacturer.

(3) The prices of the medicinal products included in the value of the medical aid provided by medical establishments may not be higher than the price, at which the medical establishment has purchased the medicinal product from the wholesaler.

(4) A medicinal product may not be sold to medical establishments under Art. 5 of Medical Establishments Act and to medical establishments with state and/or municipal participation under Art. 9 and 10 of the Medical Establishments Act at a price higher than the value determined by the order of the ordinance under Art. 261a, Para. 5.

(5) For the medicinal products, included in the Positive medicinal list under Art. 262, Para. 6, item 1 with a level of payment of 100 percent, no surcharge shall be charged for a retailer when they are dispensed in a pharmacy.

Art. 262. (Amend. – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) (1) (amend. SG 15/13, in force from 01.01.2014) The Positive Medicines List shall be drawn up and maintained by the Council and shall include medicinal products dispensed on medical prescription, which are necessary to cover the healthcare needs of the population and are paid by money from the budget of the NHIF, from the state budget outside the scope of the obligatory health insurance, and from the budget of the healthcare establishments according to Art. 5 of the Medical Establishments Act and from the budget of the therapeutic establishments with state and or/municipal participation, according to Art. 9 and 10 of the Medical Establishments Act with state participation.

(2) (Amend. – SG 102/18, in force from 01.01.2019) Positive Medicines List shall include medicinal products classified by pharmacological groups according to the code of the anatomico-therapeutic-chemical classification with the respective international non-proprietary names, the names, attached to them, with the respective defined daily doses/therapeutic course, reference price (value) under Art. 261a, Para. 1, limit price of the medicinal products in their retail sale, referent value for the defined daily dose/therapeutic course, value of the package, calculated on the basis of the reference value/therapeutic course for a defined daily dose, level of payment, therapeutic indications, and international disease code (ICD). For medicinal products, the reference value shall be determined on the basis of a certain defined daily dose or therapeutic course, or concentration or volume.

(3) (Amend. – SG 102/18, in force from 01.01.2019, amend. – SG 67/20) The Positive Drug List shall include medicinal products, of which the international non-proprietary name, to which the medicinal product/combination belongs - in the case of combined medicinal products, with the exception of generic medicinal products and medicinal products containing an active substance or active substances with well-established use in medical practice, the name shall be paid by a public health insurance fund and/or with public funds for the same therapeutic indications in at least 5 countries specified in the ordinance under Art. 261a, Para. 5. The international non-proprietary name, to which a medicinal product intended for the treatment of rare diseases belongs, shall be paid for by a public health insurance fund and/ or with public funds for the same therapeutic indications in at least 5 of all Member States.

(4) (suppl. - SG 48/15, amend. – SG 102/18, in force from 01.01.2019) The medicinal products in the Positive Medicines List shall be selected according to proof for effectiveness, therapeutic efficiency, safety and analysis of the pharmaco-economic indicators, provided that for medicinal products with new international non-proprietary names shall also be carried out health technology assessment. Health technology assessment shall be carried out under conditions and procedures specified with the ordinance under Art. 261a, Para. 5.

(5) (Amend. – SG 102/18, in force from 01.01.2019) Where on or more medicinal products with the same international non-patent name, medicinal form and concentration of active substance, have already been included in the relevant part of the Positive Medicines List, the assessment under Para. 4 shall not be

made.

(6) (Amend. - SG 67/20) The Positive Medicines List shall consist of four annexes and shall include:

1. medicinal products for treatment of diseases paid under the terms of Health Insurance Act;
2. medicinal products paid by the budget of the healthcare establishments according to Art. 5 of the Medical Establishments Act and by the budget of the therapeutic establishments according to Art. 9 and 10 of the Medical Establishments Act with state and or municipality participation;
3. (suppl. - SG 67/20) medicinal products intended for treatment of AIDS, of infection diseases, of treatment of diseases out of range of Health Insurance Act, paid under the terms of Art. 82, Para. 1, point 8 from the Health Act, as well as vaccines for obligatory immunisations and re-immunisations, vaccines on special indicators and in extraordinary circumstances, specific serums, immune globulins determined with the ordinance under Art. 58, Para. 2 of the Health Act;
4. limit price of the medicinal products under Art. 261a, Para. 4 on elements.

(7) The Ministry of Health and NHIF may make grounded proposals to the Council under Art. 258. Para. 1 for re-examination of included medicinal products in the Positive Medicines List under the terms and conditions, determined by the Ordinance under Art. 261a, Para. 5.

(8) The NHIF shall pay the medicinal products under Para. 6, p. 1, under the terms and conditions of the Ordinance under Art. 45, Para. 9 of the Health Insurance Act.

(9) (new – SG 18/14; amend. - SG 48/15) The terms and conditions, the rules and the criteria for the inclusion, amendment and/or exclusion of medicinal products from the Positive Medicine List and for maintaining the reimbursement status of medicinal products shall be determined by the ordinance referred to in Art. 261a, par. 5.

(10) (new – SG 48/15, amend. – SG 102/18, in force from 01.01.2019) Medicinal products under Art. 45 para 10, 13 and 21 of the Health Insurance Act, regarding which no discounts were settled shall not be included in the Positive Medicine List. Contracts for discounts shall be received by the Council in order determined by the ordinance under Art. 261a, para. 5.

(11) (new – SG 48/15, amend. – SG 102/18, in force from 01.01.2019) Medicinal products regarding which positive assessment is not proved in the procedure under Art. 259, para. 1, p. 8 during their inclusion shall be excluded from the Positive medicines list.

12. (New - SG 84/18, in force from 12.10.2018, amend. – SG 102/18, in force from 01.01.2019) The Ministry of Health shall pay the medicinal products under Para. 6, item 3 with a new international non-proprietary name, if a prior framework agreement has been concluded between the Ministry of Health and the Marketing Authorization Holder/Authorized Representative on the maximum value to which the relevant medicinal product can be supplied to the Ministry of Health, before being included in the Positive Drug List, in accordance with the Public Procurement Act. The agreement shall be binding on the parties to it. The agreements shall enter into the council in an order determined by the ordinance under Art. 261a, Para. 5.

(13) (New – SG 102/18, in force from 01.01.2019) The medicinal products under Para. 6, item 3, having a new international non-proprietary name, for which no prior framework agreement has been concluded under Para. 12, shall not be included in the Positive Drug List.

(14) (New - SG 103/20, in force from 01.01.2021) For the medicinal products under par. 6, item 3, for which the value paid from the budget of the Ministry of Health shall be calculated by a grouping in which medicinal products of other marketing authorization holders do not participate, the Ministry of Health and the marketing authorization holders or their authorized representatives shall annually conclude framework agreements on the maximum value up to which the respective medicinal product can be delivered to the Ministry of Health under the Public Procurement Act. The conditions and the procedure for concluding the framework agreements shall be determined by the ordinance under Art. 82, para. 1, item 8 of the Health Act.

(15) (New - SG 103/20, in force from 01.01.2021) The provision of para. 14 shall not be applied

to generic medicinal products and for vaccines for obligatory immunizations and reimmunizations, vaccines for special indications and in extraordinary circumstances, specific serums, immunoglobulins and other bioproducts related to the prophylaxis of infectious diseases, determined by the ordinance of art. 58, para. 2 of the Health Act.

(16) (New - SG 103/20, in force from 01.01.2021) For the medicinal products under para. 12 the maximum value under para. 14 may not be higher than the value determined in the framework agreement under para. 12.

(17) (New - SG 103/20, in force from 01.01.2021) The Ministry of Health shall not pay for the medicinal products under para. 14 of values higher than the maximum value of the respective medicinal product, determined in the framework agreement under para. 14.

(18) (New - SG 103/20, in force from 01.01.2021) The medicinal products under para. 14, for which a framework agreement under para 1 has not been concluded. 14, shall not be paid by the Ministry of Health.

Art. 262<sup>1</sup>. (New - SG 67/20) (1) (Amend. - SG 103/20, in force from 01.01.2021) In the annexes to the Positive Drug List under Art. 262, Para. 6 shall be indicated: anatomical-therapeutic-chemical classification code, international non-proprietary name (INN), name of the medicinal product, dosage form and quantity of the active medicinal product, packaging, marketing authorization holder, defined daily dose/therapeutic course/concentration/volume, the price under Art. 261a, Para. 1, reference value, value for packaging calculated on the basis of reference value, level of payment for the medicinal product, therapeutic indications and diseases under the ICD, manufacturer/manufacturers, information on restrictions in the way of prescribing for various indications, national identification number of the medicinal product under Art. 2591, Para. 1 and additional information.

(2) The Positive Drug list shall contain information regarding the type of the medicinal product determined in the procedure for its authorization for use. The information on the type of the medicinal product shall be submitted by the BDA within 7 days from the receipt of an inquiry on the part of the National Council on Prices and Reimbursement of Medicinal Products for each specific medicinal product.

Art. 262<sup>2</sup>. (New - SG 67/20) The Ministry of Health, the National Health Insurance Fund and the medical establishments shall provide the council with complete information on the paid medicinal products under Art. 262, Para. 6, items 1 - 3 by an order determined in the ordinance of Art. 261a, Para. 5.

Art. 262<sup>3</sup>. (New - SG 67/20) (1) The marketing authorization holder or his authorized representative shall be obliged within two working days of receiving the decision of the council for price change under Art. 261a, Para. 1 - 3 of a medicinal product to notify in an appropriate manner the Bulgarian Pharmaceutical Union and the wholesalers, and they shall accordingly notify the retailers of medicinal products.

(2) The Council shall ex officio notify the Ministry of Health and the National Health Insurance Fund about the decisions for which preliminary enforcement has been allowed.

Art. 262a. (New – SG, 60/2011, in force from 5. 8. 2011, repealed – SG, 102/2012, in force from 21.12.2012, new – SG 102/18, in force from 01.01.2019) (1) Assessment of health technologies under Art. 262, Para. 4 shall not be done for generic medicinal products and medicinal products containing active substance(s) with well established use in medical practice.

(2) For medicinal products included in the Positive Drug List, an assessment of the health technologies shall be carried out when an extension of the therapeutic indications is declared, which have

not so far been paid by public funds, under the terms and according to a procedure established by the Ordinance under Art. 261a, Para. 5.

(3) The Ministry of Health and the NHIF may reasonably request the carrying out of an assessment of the health technologies of medicinal products, included in the Positive Drug List, under the conditions and according to a procedure established by the ordinance under Art. 261a, Para. 5.

Art. 262b. (New – SG 102/18, in force from 01.01.2019) (1) (Amend. - SG 67/20) The Positive Drug List shall include medicinal products belonging to a new international non-patent name, for which products a health technology assessment has been performed. The assessment of health technologies shall be part of the procedure for inclusion of the medicinal product in the Positive Drug List, containing a clinical and pharmaco-economic assessment, and shall include:

1. analysis of the health problem;
2. comparative analysis of the therapeutic efficacy, effectiveness and safety of the medicinal product;
3. analysis of pharmaco-economic indicators;
4. budgetary impact analysis.

(2) The assessment of health technologies shall be carried out according to the following criteria:

1. presence or absence of alternative treatment of the disease;
2. presence or absence of a drug alternative for treatment of the disease;
3. efficacy and therapeutic effectiveness of the treatment - evaluation of the therapeutic benefit, prolongation of the life expectancy and improvement of the quality of life, reduction of the complications from the underlying disease;
4. number of potential patients;
5. safety of the medicinal product - frequency and severity of adverse reactions, need for additional prophylactic or therapeutic measures to prevent adverse reactions;
6. pharmaco-economic indicators - costs of therapy with the medicinal product and comparison of the cost of therapy with the available alternatives, cost-benefit ratio, economic evaluation of the additional benefits;
7. health technology benefits presented through Life Years Gained (LYG), Quality Year (QALY), or, in the absence of end-result data, through providing intermediate ones;
8. an analysis of the budgetary impact based on the expected number of patients;
9. evaluation of the cost of public funds over a 5-year period;
10. an analysis of the health outlook for the institution that pays the appropriate treatment by public funds, or the public perspective;
11. moral and ethical considerations (for specific groups of diseases).

(3) (New - SG 67/20) In the respective appendix of the Positive Drug List shall be included medicinal products belonging to a new international non-patent name, for which an assessment of the health technologies has been performed by the order of Para. 1, and for which there is at least one positive assessment of the health technology by a state institution of Great Britain, France, Germany and Sweden.

Art. 262c. (New – SG 102/18, in force from 01.01.2019) (1) (Suppl. - SG 67/20) The monitoring of the effect of the therapy under Art. 259, Para. 1, item 10 shall be carried out by medical establishments determined by the National Council on Prices and Reimbursement of Medicinal Products, by an order determined in the ordinance of Art. 261a, Para. 5.

(2) (Amend. - SG 67/20) The National Council for Prices and Reimbursement of Medicinal Products shall perform an analysis of the information collected by the medical establishments under Para. 1



under conditions and by order determined in the ordinance of Art. 261a, Para. 5.

(3) (New - SG 67/20) Medical establishments under Para. 1 shall provide the council with access to the medical documentation, kept by them, regarding the application of a specific medicinal product, for which the effect of the therapy is monitored

Art. 263. (Amend. – SG, 60/2011, in force from 5. 8. 2011; amend. SG 15/13, in force from 01.01.2014) With the funds from the state budget outside the scope of the obligatory health insurance may be paid medicinal products, prescribed by doctors, which have not been included in the list under Art. 262, Para. 1, needed for prophylaxis or treatment during epidemic bursts, epidemics, as well as in supposed or confirmed spreading of chemical or biological agents or nuclear radiation.

Art. 264. (Amend. – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from 21.12.2012) (1) (suppl. – SG 18/14) With termination of the sales under Art. 54, Para. 3 of the medicinal products from the Positive Medicines List and where within the frames of the relevant international non-patent name there is no other authorised under this act medicinal products, the marketing authorisation holder shall notify in writing the Ministry of Health and the National Council of Medicinal Products Prices and Reimbursement.

(2) (suppl. – SG 18/14) The marketing authorisation holder shall also notify the Ministry of Health and the National Council of Medicinal Products Prices and Reimbursement in the cases of termination of the sale of a medicinal product whose price serves for determining the reference value within the relevant international non-patented name and pharmaceutical form.

(3) When the product under par. 1 and 2 is intended for treatment of diseases to be reimbursed under the Health Insurance Act, the marketing authorisation holder shall inform in writing the National Health Insurance Fund as well within the time periods specified in par. 4.

(4) The marketing authorisation holder shall have the obligation to effect the notification under par. 1 not later than 18 months prior to the date of discontinuation of the sales, and in the cases under par. 2 - not later than three months prior to the date of discontinuation of the sales.

(5) (suppl. - SG No. 18/14) Prior to the discontinuation of the sales under Paragraphs 1 and 2, the marketing authorisation holder shall be obliged to secure sufficient quantities of the respective medicinal product for satisfying the health needs, except for in cases where discontinuation is based on any of the grounds referred to in Art. 276, or Art. 277 of this Act.

(6) Upon expiration of the terms under par. 4, the marketing authorisation holder shall file an application with the relevant document for deletion of the medicinal product from the Positive Medicines List.

(7) Where after the discontinuation of the sales of the medicinal product the marketing authorisation holder has failed to fulfil his obligation under par. 6, the Council under Art. 258, par. 1 shall delete it ex officio from the Positive Medicines List.

Art. 265. (1) (Suppl. – SG, 60/2011, in force from 5. 8. 2011) The Council of Ministers shall establish a Transparency Commission.

(2) The composition of the Transparency Commission shall be determined by the Council of Ministers according to a proposal by the Minister of Health. In it representatives of the Ministry of Health, the Ministry of Labour and Social Policy, the BDA, the NHIF, the Bulgarian Medical Association, Bulgarian Dental Association, Bulgarian Pharmacists Union, the professional organisation of the pharmacists, and organisations of the patients and the pharmaceutical industry are obligatory included.

(3) (Amend. – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012, in force from

21.12.2012) A person, who is a member of the Transparency Commission shall not be a member of the Council.

(4) The Council of Ministers determines with Rules the condition and the order for work of the Transparency Commission.

Art. 266. (Amend. - SG 67/20) (1) The Transparency Commission shall be a body before which the decisions of the council may be appealed administratively.

(2) The decisions of the Transparency Commission shall be taken by a majority of two thirds of its members.

(3) The decisions of the council may be appealed in court and without exhausting the option to challenge them administratively.

Art. 266a. (New – SG, 60/2011, in force from 5. 8. 2011) (1) Where the treatment of a relevant sickness is without alternative in the country, for a concrete patient may be applied a medicinal products, which is authorised for use in an EU Member State, authorised for use under this Act, but is not sold on the Bulgarian market.

(2) (Amend. – SG 102/18, in force from 01.01.2019) Annually, upon proposal of the medical establishments for hospital assistance after an opinion of the relevant expert council on the respective medical specialty or medical activity under Art. 6a, Para. 1, item 1 of the Health Act, the Minister of Health shall confirm a list of the medicinal products under Para. 1, which shall contain the following information:

1. code on the anatomy-therapeutic – chemical classification;
2. international non-patent name, to which the product belongs;
3. sickness according to international code of sicknesses;
4. medicinal form and quantity active substance;
5. additional information.

(3) The list under Para. 2 shall be published on the internet site of the Ministry of Health.

(4) The terms and conditions for inclusion, changes or exclusion of medicinal products in the list under Para. 2 shall be determined by the Ordinance under Art. 9, Para. 1.

(5) The medicinal product under Para. 1 shall be supplied upon a special order of a medical establishment for hospital assistance under terms and conditions, determined by the Ordinance under Art. 9, Para. 1.

(6) The head of the medical establishment under Para. 5 shall bear responsibility for applying the treatment under Para. 1.

Art. 266b. (New - SG 67/20) (1) Exceptionally, in the absence of an alternative for the treatment of a specific patient and only in the interest of his health, a medicinal product authorized for use in the country may be administered outside the conditions of the marketing authorization for the medicinal product, provided that there is scientific evidence of the safety and efficacy of that product.

(2) The medicinal product under Para. 1 shall be prescribed by a committee of three doctors from a medical establishment for hospital care, with a recognized specialty in the disease's profile, who shall give reasons for prescribing it for each specific patient.

(3) The treatment under Para. 1 shall be conducted in a medical establishment for hospital care after receiving a written informed consent from the patient.

(4) Each stage of the patient's treatment shall be monitored and documented by the doctors from the committee under Para. 2, who are responsible for carrying out the treatment under Para. 1.

(5) The committee under Para. 2 shall notify the Executive Agency "Medical Supervision" and

the BDA for the conducted treatment under Para. 1.

(6) The conditions and procedure for obtaining the informed consent from the patient under Para. 3, the monitoring and documentation of the treatment under Para. 4, and the safety and efficacy of the medicinal product shall be determined in the ordinance under Art. 9, Para. 1.

(7) In the cases under Para. 1, the medicinal product shall not be paid with public funds.

### **Chapter thirteen.**

#### **STATE CONTROL ON THE MEDICINAL PRODUCTS**

Art. 267. (1) (amend., - SG 98/10, in force from 01.01.2011, suppl. – SG 102/2012, in force from 21.12.2012) The Ministry of Health shall exercise the state control on the medicinal products. The immediate management shall be executed by the chief state health inspector, the Council chairperson under Art. 258, Para. 1, the executive director of the BDA, and the directors of the regional health inspectorates (RHI) who shall be state inspectors for the control of the medicinal products.

(2) (amend., - SG 98/10, in force from 01.01.2011, suppl. – SG 102/2012, in force from 21.12.2012)) Bodies for state control of the medicinal products shall be the Council under Art. 258, Para. 1, BDA and RHI.

(3) (New - SG 67/20) The Regional Health Inspectorates, within their competence, shall assist the BDA in carrying out the activities to do with control of medicinal products.

(4) (Amend., - SG 98/10, in force from 01.01.2011, suppl. – SG 102/2012, in force from 21.12.2012. previous Para. 3 - SG 67/20) The immediate control shall be exercised by officials – inspectors and experts appointed by orders of the Council chairpersons under Art. 258, Para. 1 and of the director of the BDA or the director of corresponding RHI depending on their subjection.

(5) (Previous Para. 4 - SG 67/20) For the execution of their control functions, the bodies according to Para. 1 can request the assistance of the bodies of the Ministry of Interior.

Art. 267a (1) (New – SG, 60/2011, in force from 5. 8. 2011, amend. - SG 102/2012, in force from 21.12.2012, amend. – SG 102/18, in force from 01.01.2019, previous text of Art. 267a - SG 67/20)) The Executive Agency Medical Supervision shall perform control for observation of the confirmed phrmaco-therapeutic guides and performing evaluation of the effectiveness of the therapy in compliance with the criteria under art. 259, Para. 1, p. 4.

(2) (New - SG 67/20) The Executive Agency "Medical Supervision" may carry out inspections in the pharmacies under Art. 222, Para. 4, which include checking the compliance of the types and quantities of medicinal products prescribed and/or administered to patients with the types and quantities of medicinal products dispensed by the pharmacy, when these medicinal products are paid for with public funds.

Art. 268. (1) The BDA shall exercise control on:

1. (suppl. - SG 102/2012, in force from 21.12.2012)the compliance of the premises, equipment, and conditions for manufacture, control, storage, and trade in medicinal products and active substances and for the observation of the Good Manufacturing Practice for medicinal products and the Good Distribution Practice;

2. (amend. - SG 102/2012, in force from 21.12.2012) the activity of the manufacturers, importers, marketing authorisation holders, manufacturers, importers, wholesalers of medicinal products, and active substances of intermediaries in the area of medicinal products, pharmacies, and drugstores;

3. the quality, safety, and efficacy of the medicinal products;

4. the clinical trials with medicinal products and the control of the observation of the

requirements of the Good Clinical Practice;

5. drug information associated with marketing and advertising authorisation;

6. (amend. - SG 102/2012, in force from 21.12.2012) the pharmaco-vigilance system of the marketing authorisation holders and for observation of the requirements of the Good practice for pharmaco-vigilance.

(2) (amend., - SG 98/10, in force from 01.01.2011, amend. – SG 102/18, in force from 01.01.2019) The regional health inspectorates shall exercise control:

1. over the premises, equipment, and conditions for storage of and trade in medicinal products,

2. over the activity of the wholesalers, pharmacies, and drugstores situated on the territory of the respective region,

3. on the observance of the approved prices, the limit prices, the registered prices of medicinal products at their retail sale by pharmacies and drugstores situated on the territory of the respective area.

4. (new - SG 67/20) over the activities to do with destruction of medicinal products.

(3) (New – SG 102/18, in force from 01.01.2019) The Council under Art. 258, Para. 1 shall exercise control:

1. over the observance of the established prices, the marginal prices and the registered prices of medicinal products when sold by wholesalers of medicinal products;

2. (suppl. - SG 67/20) over the activity of the holders of marketing permits for medicinal products and the wholesale traders of medicinal products regarding the observance of their obligations, as defined by the ordinance under Art. 261a, Para. 5.

(4) (Previous Para. 3 – SG 102/18, in force from 01.01.2019) Investment projects for construction of new and/or refurbishment of existing sites associated with the manufacture of medicinal products in compliance with the rules for Good Manufacturing Practice of medicinal products shall be coordinated with the BDA.

Art. 268a. (New – SG, 60/2011, in force from 5. 8. 2011) (1) (Amend. - SG 84/18, in force from 12.10.2018) Donations of medicinal products from holders authorisation for use, producers, wholesale and retail traders and from the Bulgarian red cross may be done only after submitting a notification from the donator to the BDA according to a form, confirmed by the Minister of Health upon proposal of the executive director of BDA.

(2) The donations shall be done while observing the rules for Good donation practice of the World Health Organisation.

(3) (Revoked - SG 84/18, in force from 12.10.2018)

(4) The medical establishments and the Bulgarian red cross shall inform BDA for the received donations of medicinal products within 7 day term from their receiving.

(5) At the end of each quarterly, the BDA shall send information to the Ministry of Health about the donations under Para, 4.

(6) For a performed donation of a medicinal product upon request of a medical establishment, intended for treatment of a concrete patient in a lifesaving situation, the donator shall inform the BDA within 7 day term from the donation.

(7) The donations under Para. 6 shall not exceed the quantity, needed for a single course of treatment.

Art. 269. (1) The control according to Art. 267 shall be exercised through inspections and laboratory tests.

(2) The inspections and laboratory tests according to Para. 1 shall be conducted:

1. in connection with issuing marketing, manufacture, and import authorisations and certificates

under the terms of this Act;

2. in connection with exercising surveillance on the medicinal products market;

3. in case of application on the part of the European Commission, the European Medicines Agency, or on the part of a competent body of another Member State;

4. in case of application on the part of a manufacturer, importer, or marketing authorisation holder outside the cases according to point 1.

(3) (amend. – SG, 102/2012, in force from 21.12.2012) The BDA shall conduct inspections:

1. of manufacturers of medicinal products, placed on the territory of the Republic of Bulgaria of a Member State or in third states;

2. of importers and wholesale traders of medicinal products;

3. of the manufacturers, importers and wholesale traders of active substances premises, placed on the territory of the Republic of Bulgaria;

4. of premises of manufacturers or wholesale traders of active substances, placed in third states, as well as of manufacturers or importers of auxiliary substances;

5. of premises of marketing authorisation holders of medicinal products and of intermediaries in the area of medicinal products, registered under Art. 212a;

6. as a part of the certification procedure, which in connection with European Pharmacopoeia monographs.

7. of manufacturers of exit materials upon written request of the manufacturer.

(4) The BDA shall conduct inspections of manufacturers of medicinal products established in a third country in connection with a submitted application for receipt of marketing or import authorisation.

(5) (amend. – SG, 102/2012, in force from 21.12.2012) The inspections under Para. 3 and 4 shall be carried out in compliance with directives, adopted by the European Commission.

(6) (amend. – SG, 102/2012, in force from 21.12.2012) The BDA shall participate upon request of the European Commission, the European Medicines Agency or a Member State while carrying out inspections under Para. 3 in the EU or in third states.

(7) (amend. – SG, 102/2012, in force from 21.12.2012) The BDA shall cooperate and exchange information with European Medicines Agency while planning and carrying out the inspections under Para. 3.

(8) (new – SG, 102/2012, in force from 21.12.2012) The BDA shall cooperate with the European Medicines Agency in coordination of inspections in third states.

Art. 269a. (new - SG, 102/2012, in force from 21.12.2012) (1) (Amend. - SG 67/20) The officials under Art. 267, Para. 4 shall draw up a report for each carried out inspection under Art. 269, Para. 3 and 4 for observing the principles and directions for Good manufacturing practice or for Good distribution practices or for observation of the requirements of Chapter Eight, as well as the requirements of this act.

(2) The report under Para. 1 shall be given to the checked person, who can provide notes on it.

(3) with receiving a grounded request, BDA shall submit electronically the reports under Para. 1 to the competent body of another Member State or to the European Medicines Agency.

Art. 269b. (new – SG, 102/2012, in force from 21.12.2012) (1) Where as a result of carried out inspections under Art. 269, Para. 3 compliance with the Good manufacturing practice is found, or the Good distribution practices where applicable, BDA shall issue to the manufacturer, importer or wholesale trader a certificate for Good manufacturing practice or certificate for Good distribution practice within the term of 90 days from the inspection.

(2) Where as a result of a carried out inspection under Art. 269, Para. 3 it is found that the manufacturer, importer or wholesale trader of medicinal products or active substances fails to observe the

requirements of the act and/or principles and directives of Good manufacturing practice and/or Good distribution practice, BDA shall issue an incompliance opinion.

(3) The BDA shall introduce to the data base under Art. 147 the issued certificates under Para. 1 and information under Para. 2.

Art. 269c. (new – SG, 102/2012, in force from 21.12.2012) (1) Where as a result of an inspection under Art. 270, Para. 1, p. 5 it is found that the marketing authorisation holder fails to observe the requirements of Chapter Eight, BDA shall give prescriptions for removal of the incompliance.

(2) In the cases under Para. 1, BDA shall notify the Member States, the European medicines Agency and the European Commission.

Art. 270. (1) (Amend. - SG 67/20) Within the framework of their competence, the officials according to Art. 267, Para. 4 shall be entitled to:

1. (amend. - SG, 102/2012, in force from 21.12.2012) Access to all documents, connected to the subject of the inspection, as well as documents, connected directly and indirectly with violation of this Act or of legislation of the Member States, implementing requirements of Directive 2001/83/EC of the European Parliament and the Council for approval of the Community code concerning medicinal products for human use, as last amended by Directive 2004/27/EC of the European Parliament and the Council, independently from the form of the document;

2. order of each person to present information for violations according to point 1, which are familiar to him;

2a (new - SG, 102/2012, in force from 21.12.2012) inspect the manufacture and trade sites of manufacturers of medicinal products, active or auxiliary substances, as well as the laboratories, used by manufacture or import authorisation holders;

3. at any time inspect the sites subject to control and require, check, or make copies of all documents relating to the overall activity of the controlled site;

4. take samples of medicinal products, active substances, and percipients for laboratory tests;

5. (amend. - SG, 102/2012, in force from 21.12.2012) inspect the premises, archives, records, and documents and the basic documentation of the pharmaco-vigilance of the marketing authorisation holder or persons, who have been assigned to carry out the activities under Chapter Eight;

6. (new - SG, 102/2012, in force from 21.12.2012) carry out inspection about the observation of confirmed prices, limit prices or registered prices during sale of medicinal products;

7. (former Art. 6 - SG, 102/2012, in force from 21.12.2012) draw up statements of administrative infringements.

(2) (repealed - SG, 102/2012, in force from 21.12.2012).

(3) (amend., - SG 98/10, in force from 01.01.2011) The Executive Director of BDA of the corresponding director of RHI, depending of the administrative person, who determined the violence, has right to:

1. order in written form to the violator to cease the violation according to Para. 1, point 1;

2. requires from the violator to declare that it will cease the violation according to Para. 1, point 1 and when it is necessary to makes the declaration matter publicly available.

3. to order cease or prohibition of each violation according to Para. 1, point 1 and when it is necessary to order for cease or prohibition of violation matter publicly available.

(4) (new - SG, 102/2012, in force from 21.12.2012). The Council chairperson under Art. 258, Para. 1 shall have the right in writing to the violator to stop the violation, found during the inspection under Para. 1, p. 6.

Art. 270a. (New - SG 67/20) (1) In exercising its control functions, the council under Art. 258, Para. 1 shall be entitled to:

1. request information about:

a) the quantities delivered on the territory of the Republic of Bulgaria of medicinal products, as well as their prices of their acquisition;

b) the wholesalers, to whom the quantities of medicinal products referred to in letter a) have been delivered;

c) the date, on which the supplies referred to in letters a) and b) were made;

d) the quantities available in storage as indicated by medicinal products;

2. check business or other papers, documents and information carriers with a view to establishing observance of the approved prices, marginal prices or registered prices of medicinal products;

3. request and collect original documents, data, information, papers, references and other information carriers for the establishment of observance of the approved prices, marginal prices or registered prices of medicinal products; require certified copies of written documents and certified printouts of data from technical media;

4. receive access from the inspected persons to their automated information systems, products or archives, when the collection, storage and processing of the information is carried out in this way.

(2) In carrying out its control functions, the council shall have the right to require from the inspected persons the provision of information and documents under Para. 1 within a period determined by it.

(3) The council may conclude agreements for interaction with other control bodies, in the performance of its functions under Para. 1.

Art. 271. (1) (amend., - SG 98/10, in force from 01.01.2011) The regional health inspectorates shall be entitled to:

1. stop construction and issue directions where violations of hygienic norms and requirements have been established in the course of construction; notify the Directorate for National Construction Control or the municipal technical office in case of illegal construction of sites and equipment for manufacture, storage, and sale of medicinal products shall be established;

2. prohibit the commissioning and stop the operation of sites and equipment in case of violation of the hygienic norms for the manufacture, storage, and sale of medicinal products – until the elimination of the violations;

3. (amend. - SG 71/08, in force from 12.08.2008, amend. - SG 67/20) block medicinal products upon receipt of a written notification on the part of the BDA about available documented information of discrepancies with the quality requirements; medicinal products imported or manufactured in infringement of this Act; as well as medicinal products, which are offered in packaging non-complying with the requirements of this Act; order the recall of such medicinal products from pharmacies and drugstores, wholesale warehouse, manufacturers, and healthcare establishments in case of necessity and notify for that the Ministry of Health;

4. give conclusions of the compliance of the controlled sites with the legal determined requirements;

5. issue orders, directions, and instructions in the field of their competency, which shall be obligatory for all persons on the territory of the respective district;

6. (new - SG 67/20) exercise control over the implementation of the orders for withdrawal of medicinal products from the sites located on the territory of the respective region.

(2) (amend. - SG 98/10, in force from 01.01.2011, suppl. - SG 67/20) The compulsory administrative measures according to para 1 or pursuant to art. 270, para 3 shall be imposed by an order of

the director of RHI. A copy of the issued order shall be sent to the BDA.

(3) The orders according to para 2 shall be subject to appeal under the terms of the Administrative-Procedure Code whereas the appeal shall not stop their execution.

(4) (New - SG 67/20) The Regional Health Inspectorates shall inform the BDA when they establish that:

1. a pharmacy located on the territory of the respective region has not been open for more than 30 days within one calendar year;

2. there is no pharmacy located on the address, for which a permit was issued for retail trade in medicinal products.

Art. 272. (1) The BDA shall:

1. (suppl. – SG, 102/2012, in force from 02.01.2013) prohibit the commissioning and stop the operation of sites and equipment in case of violation of the rules for Good Manufacturing Practice for medicinal products and of active substances, as well as the Good distribution practices until the elimination of the violations;

2. prohibit the manufacture, import, export and trade with medicinal products, which directly or indirectly threaten the health of the population and shall order destruction, reprocessing or otherwise use of such medicinal products;

2a (new - SG, 102/2012, in force from 02.01.2013) delete from the register the persons, carrying out activity of intermediation with medicinal products not observing the obligations under Art. 212b.

3. temporarily stop the operation of sites for wholesale and retail trade in medicinal products where the conditions under which the respective authorisation has been issued have not been fulfilled;

4. block medicinal products in case of available documented information of discrepancies with the requirements for: quality, efficacy, and safety, medicinal products imported or manufactured in infringement of this Act, as well as medicinal products, which are offered in packaging with leaflets non-complying with the requirements of this Act; order the recall of such medicinal products from pharmacies and drugstores, wholesale warehouse, manufacturers, and healthcare establishments in case of necessity and notify for that the Ministry of Health;

5. (amend. - SG 84/18 (\*)) revoke the issued permit for clinical trial, shall suspend the conduct of the clinical trial, or shall oblige the sponsor to apply for a substantial modification in the clinical trial in case of established violations of Regulation (EU) № 536/2014 under the terms and conditions laid down therein;

5a. (New - SG 71/2008, in force from 12.08.2008, amend. – SG, 102/2012, in force from 02.01.2013, suppl. - SG 67/20) order blocking, withdrawal and destruction of false medicinal products and such with unclear origin, as well as of medicinal products in the cases under Art. 24 and 30 of Delegated Regulation (EU) 2016/161;

5b.(new – SG, 60/2011, in force from 5. 8. 2011) perform checks of the made donations under Art. 268a, Para. 1;

6. issue orders, directions, and instructions, in the field of its competency, which shall be obligatory to persons.

7. (new – SG, 60/2011, in force from 5. 8. 2011) place under prohibition medicinal products and active substances in case of doubt in their quality by placing establishment signs in the production sites.

(2) The compulsory measures according to Para. 1 shall or pursuant to Art. 270, Para. 3 shall be imposed by an order of the director of the BDA.

(3) The orders according to Para. 2 shall be subject to appeal under the terms the Administrative Procedure Code, whereas the appeal shall not stop their execution.



Art. 272a (new – SG, 102/2012, in force from 02.01.2013) (1) With delegated acts under Para. 52b, Para. 2 of Directive 2001/83/EC the needed measures shall be established for prevention setting in turnover medicinal products, introduced to the EU but intended for placing on the market of the EU for which there are sufficient grounds for suspect that they are falsified.

(2) The BDA shall undertake the needed measures in compliance with the delegated acts under Para. 1 for prevention placing in turnover medicinal products, introduced to EU, but not intended for placing on the EU market, for which there a sufficient suspects that they are falsified.

(3) The customs bodies shall notify BDA about introduction on the territory of the Republic of Bulgaria medicinal products under Para. 1 in view to undertaking measures under Para. 2.

Art. 272b. (New - SG 67/20) (1) The manufacturing/import authorization holders, the marketing authorization holders, the holders of a parallel import authorization, the holders of a wholesale marketing authorization for medicinal products, the holders of authorization for retail trade in medicinal products in pharmacies and medical establishments shall carry out the actions set out in Delegated Regulation (EU) 2016/161.

(2) The Bulgarian Medicines Verification Organisation (BgMVO) shall establish and manage a National Register under Art. 32, item 1, letter ‘‘b’’ of Delegated Regulation (EU) 2016/161, which serves the territory of the Republic of Bulgaria.

(3) Entitled to gratuitous access to the register under Para. 2 shall be the following national competent authorities according to Art. 39 of Delegated Regulation (EU) 2016/161:

1. the Bulgarian Drug Agency - for the purposes of supervising the operation of the registers, and investigating suspected cases of falsification, as well as for the purposes of pharmacovigilance or pharmacoepidemiology;

2. the Ministry of Health, the National Health Insurance Fund and the council under Art. 258, Para. 1 - for the purposes of payment for medicinal products with public funds.

Art. 273. (1) The conditions and order for taking samples, conduct of teats, and payment thereof shall be laid down in a regulation of the Minister of Health.

(2) Repeated tests shall be conducted in case of litigation of the results of conducted laboratory tests. These shall be conducted upon a written request by the interested party made within 7 days of the date of receipt of the results of the initial test.

(3) The repeated tests according to para 2 shall be conducted by experts appointed by the executive director of the BDA who have not participated in the initial test and in the presence of a representative on the interested party.

Art. 274. (1) The conditions and order for blocking and recall of medicinal products, which have shown discrepancies with the requirements to quality, efficacy, and safety shall be paid down in a regulation of the Minister of Health.

(2) (Amend. - SG 67/20) The conditions and order for destruction of medicinal products shall be paid down in a regulation of the Minister of Health.

Art. 275. (1) During exercising control, the BDA shall undertake all necessary measures to ensure correct validation of the processes of manufacture and purification of the medicinal products obtained from human blood or human plasma, consistency of batch quality, and guaranteeing the absence of specific viral contamination in so far as technology allows.

(2) Manufacturers shall notify the BDA of the method used for decreasing or elimination of

pathogenic viruses, which can be transmitted through medicinal products obtained from human blood or human plasma.

(3) The BDA shall test or forward to another official laboratory for control of medicinal products in Republic of Bulgaria or another Member State samples of bulk product and/or medicinal product for a test or in the course of assessment of an application for marketing authorisation according to Art. 46, para 1, point 2, or after issuing a marketing authorisation.

Art. 276. The executive director of the BDA shall temporarily stop, bereave, or amend by an order the marketing authorisation of a medicinal product or its registration where it shall be established that:

1. there is an inadmissible adverse drug reaction during correct use or
2. there is lack of therapeutic efficacy (lack of therapeutic shall be where it has been established that the declared therapeutic results cannot be achieved at its marketing authorisation), or
3. the benefit/risk ratio is unfavourable during correct use, or
4. the quantitative and qualitative composition of a medicinal product does not comply with that declared at the marketing authorisation, or
5. the data in the dossier according to Art. 27 - 32 are untrue, or
6. (Amend. - SG 71/2008, in force from 12.08.2008) the data in the dossier according to Art. 27 - 32 have not been supplemented or amended in compliance with the requirements of Chapter Three, Section six, or

6a (new – SG, 102/2012, in force from 21.12.2012) the conditions under Art. 55a , 56 or 56a are not fulfilled, or

6b (new – SG, 102/2012, in force from 21.12.2012) the manufacture of the medicinal product has not been carried out in compliance with the described way of manufacture under Art. 27, Para. 1, p. 7, or

7. (amend. – SG, 102/2012, in force from 21.12.2012) the control tests are not conducted or they have not been conducted in compliance with the methods laid down in Art. 27, Para. 1, p. 8, or

8. the data on the packaging and/or leaflet is not in compliance with those approved at the issuing of the marketing authorisation.

9. (New - SG 71/2008, in force from 12.08.2008) the owner of the authorisation for use has not fulfilled the obligations under Art. 45, para 1 of Regulation (EC) N 1901/2006.

Art. 277. (1) The executive director of the BDA irrespective of the measures according to Art. 276, shall prohibit by an order the supply with the medicinal product and shall order its blocking and recall from the market where:

1. (amend. – SG, 102/2012, in force from 21.12.2012) there is an inadmissible adverse drug reaction or
2. there is lack of therapeutic efficacy, or
3. (amend. – SG, 102/2012, in force from 21.12.2012) the benefit/risk ratio is unfavourable, or
4. the quantitative and qualitative composition of a medicinal product does not comply with that declared at the marketing authorisation, or
5. the control of the medicinal product and/or its ingredients and on the intermediate stages of the manufacturing process has not been done or the requirements under which the manufacture authorisation has been granted are not met.

(2) The executive director of the BDA can also impose a ban according to para 1 on concrete batches of a medicinal product.

Art. 278. (1) The executive director of the BDA shall, by an order, temporarily stop or bereave

the marketing authorisation of a group of or all medicinal products, for which the requirements as regards the place manufacture for which the manufacturing authorisation has been granted are not met.

(2) The executive director of the BDA besides the measures according to Art. 276, can, by an order, temporarily stop the import of a group of or all medicinal products from third countries or bereave the issued import authorisation for a group of or all medicinal products where these do not comply with the requirements of Chapter Five.

(3) The executive director of the BDA besides the measures according to Art. 276, can, by an order, temporarily stop or bereave the manufacturing authorisation for a group of or all medicinal products, which are not in compliance with the requirements of Chapter Five.

Art. 279. (1) The orders according to Art. 276, 277, or 278 shall be delivered to the marketing authorisation holder, the manufacturer, or importer, respectively.

(2) The orders according to para 1 shall subject to appeal under the terms of the Administrative-Procedure Code and the appeal does not stop their execution.

Art. 280. (1) In case that infringement of the provisions of Chapter Eleventh, respectively of the regulation according to Art. 249 are established, executive director of the BDA shall order termination of the proliferation of advertising.

(2) By the order according to para 1 the executive director of the BDA can oblige the advertiser to publish or proliferate in a manner coordinated with the BDA a disclaimer of the statements in the advertising through the same media and in the same format and volume.

(3) The order according to para 2 shall be subject to appeal under the terms of the Administrative-Procedure Code.

## **Chapter fourteen.**

### **ADMINISTRATIVE PENAL PROVISIONS**

Art. 281. (1) 9amend. – SG, 102/2012, in force from 02.01.2013) Whoever manufactures, imports, sells, stores, or provides for use in Republic of Bulgaria medicinal products, which have no marketing authorisation, except for the cases according to Art. 8, 9, and 10, if he/she is not a subject to heavier punishment, shall be penalised with a fine from BGN 25,000 to BGN 50,000, if not subject to more severe penalty.

(2) The same penalty shall also be imposed on the persons who manufacture, import, sell, or permit the use in Republic of Bulgaria of medicinal products, which do not comply with the requirements of the acting pharmacopoeia and the conditions of their marketing authorisation.

(3) Where the infringements according to para 1 and 2 are associated with unauthorised medicinal products containing narcotic substances or in case repeated perpetration the authorisation issued under the terms of this Act shall be bereaved provided that the deed shall not constitute a crime.

(4) Medical specialists who manufacture, sell, or provide for use unauthorised medicinal products shall be deprived of the right to exercise the profession for a term of 6 months to two years.

(5) The penalty according to para 4 shall be imposed by and order of the Minister of Health according to a proposal by the executive director of the BDA.

Art. 282. (1) Whoever sells medicinal products in packaging or with patient information leaflets, which do not comply with the requirements of this Act, shall be penalised with a fine from BGN 750 to

BGN 1,500 and in case of a repeated perpetration of the same infringement - with a fine from BGN 1,500 to BGN 3,000.

(2) Whoever sells medicinal products without patient information leaflets shall be penalised with a fine from BGN 750 to BGN 1,500 and in case of a repeated perpetration of the same infringement - with a fine from BGN 1,500 to BGN 3,000.

Art. 283. (1) Whoever imports, trades with, or provides for same medicinal products with expired validity term shall be penalised with a fine from BGN 10 000 to BGN 20 000.

(2) Whoever breaks the primary/secondary packaging or sells/provides medicinal products with broken primary/secondary packaging shall be penalised with a fine from BGN 750 to BGN 1500 and in case of a repeated infringement with a fine from BGN 1,500 to BGN 3,000.

Art. 284. (1) Whoever manufactures, imports, or conducts wholesale with medicinal products, or sells without respective authorisation or in infringement of an issued authorisation shall be penalised with a fine from BGN 50,000.

(2) amend. – SG, 102/2012, in force from 02.01.2013) Whoever manufactures, imports, or conducts wholesale with medicinal products, or sells without respective authorisation or in infringement, or sell, storage or provides medicinal products, which of uncertain origin, shall be penalised with a fine from BGN 25,000 to BGN 50,000.

(3) In the cases according to Para. 1 the bodies of the state control shall stop the operation of the site by an order.

(4) The order according to Para. 3 shall be subject to appeal under the terms of the Administrative-Procedure Code; however, the appeal shall not stop its execution.

Art. 284a (1) (New – SG 102/2012, in force from 02.01.2013, previous text of Art. 284a - SG 67/20) Whoever manufactures, imports, exports, stores, sells or provides counterfeit medicinal products, as well as mediates in the purchase and sale of counterfeit medicinal products, shall be liable to a fine of BGN 25 000 to 50 000.

(2) (New - SG 67/20) On a holder of a manufacturing or import authorization, a marketing authorization holder or a parallel import authorization, who fails to fulfill his obligation regarding the safety indicators of medicinal products, defined in this Act or in Delegated Regulation (EU) 2016/161, a proprietary sanction of BGN 5 000 to 10 000 shall be imposed, and in case of repeated commission of the same violation - a proprietary sanction of BGN 25 000 to 50 000.

Art. 284b (new – SG, 102/2012, in force from 02.01.2013) Any marketing authorisation holder, who fails to fulfill his/her obligation under Art. 160, shall be punished by a property sanctions of BGN 5000 to 10 000 and in a repeated violation – by a property sanction of BGN 10 000 to 20 000.

Art. 284c (New – SG 102/12, in force from 02.01.2013; previous text Art. 284c, suppl. - SG 84/18, in force from 12.10.2018) Any holder of a permit for wholesale trade in medicinal products, who fails to fulfill his obligations under Art. 207, Para. 1, items 1 - 3, items 4a - 14 and Para. 2, shall be punished with pecuniary sanction from BGN 2 000 to 5 000, and if the same violation is repeatedly committed - with a pecuniary sanction from BGN 5 000 to BGN 10 000.

(2) (New - SG 84/18, in force from 12.10.2018) Any holder of a wholesale trade permit for medicinal products who procures himself with medicinal products from persons other than those referred to in Art. 207, Para. 1, item 4, shall be punished with a pecuniary sanction from BGN 25 000 to 50 000, and in

case of repeat offense - with a pecuniary sanction from BGN 50 000 to 100 000.

(3) (New - SG 67/20) On a wholesale marketing authorization holder for medicinal products, who fails to fulfill his obligation regarding the safety indicators of medicinal products, defined in this Act, in a secondary legislation on the implementation of this Act or in Delegated Regulation (EU) 2016/161, a proprietary sanction of BGN 5 000 to 10 000 shall be imposed, and in case of repeated commission of the same violation - a proprietary sanction of BGN 10 000 to 20 000.

Art. 284d. (New - SG 84/18, in force from 12.10.2018, amend. - SG 103/20, in force from 01.01.2021) Whoever fails to fulfill his obligations under Art. 68, Para. 1, items 9 shall be punished with a fine in the amount from BGN 50 000 to 100 000, and in the case of repeat offense - by a fine in the amount from BGN 100 000 to 150 000.

Art. 284e. (New - SG 84/18, in force from 12.10.2018) Whoever exports medicinal products included in the List under Art. 217c, Para. 1, shall be liable to a fine from BGN 50 000 to 100 000, and in case of repeat offense - a fine in the amount from BGN 100 000 to 150 000.

Art. 284f. (New - SG 84/18, in force from 12.10.2018, repealed - SG 67/20, new - SG 103/20, in force from 01.01.2021) Whoever does not fulfill or does not fulfill within the terms specified in the law his obligation to provide information under Art. 217b, para. 3, item 1, shall be punished with a fine in the amount of BGN 5,000 to 10,000, and in case of repeated commission of the same violation - with a fine in the amount of BGN 10,000 to 15,000.

Art. 284g. (New - SG 84/18, in force from 12.10.2018, repealed - SG 67/20, new - SG 103/20, in force from 01.01.2021) Whoever provides information under Art. 217b, para. 3, item 1 with incomplete and / or inaccurate content, shall be punished with a fine in the amount of BGN 3,000 to 5,000, and in case of repeated commission of the same violation - with a fine in the amount of BGN 5,000 to 10,000.

Art. 284h. (New - SG 84/18, in force from 12.10.2018, amend. - SG 67/20) For failure to fulfill the obligations under Art. 217b, Para. 10, the Executive Director of the BDA, respectively the BDA official, shall be liable to a fine amounting from BGN 50 000 to BGN 100 000, and in the case of repeat offense - a fine amounting from BGN 100 000 to BGN 150 000.

Art. 284i. (New - SG 105/20, in force from 11.12.2020) Whoever exports medicinal products included in the order under Art. 217e, shall be punished by a fine in the amount of BGN 50,000 to 100,000, and in case of repeated commission of the same violation - by a fine in the amount of BGN 100,000 to 150,000.

Art. 285. (1) Whoever trades in medicinal products without certificate of batch release shall be penalised with a fine from BGN 5,000 to BGN 10,000 and in case of repeated perpetration of the same infringement – with a fine from BGN 10,000 to BGN 20,000.

(2) (Amend. – SG, 60/2011, in force from 5. 8. 2011) A wholesaler who supplies drugstores with medicinal products upon doctor's prescription, outside the lists approved by the Minister of Health shall be penalised with a property sanction from BGN 2500 to 5000 and in case of repeated infringement with a fine from BGN 5,000 to BGN 10,000.

(3) A qualified person who has permitted sale of batches of medicinal products without certificate of batch release of any separate batch shall be penalised with a fine from BGN 2,500 to BGN

5,000.

Art. 285a. (New – SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012) Holder of an authorisation for use, who fails to notify the Minister of health for termination of the sales under Art. 264 shall be punished by a property sanction of BGN 25 000 to 50 000.

Art. 285b. (new – SG, 102/2012, in force from 21.12.2012) Anyone, who manufactures, imports, exports, sells or keeps active substances in violation of this act, shall be punished by a fine BGN 10 000 to 20 000.

Art. 285c. (new – SG 18/14; amend. - SG 84/18, in force from 12.10.2018) Whoever exports medicinal products in quantities greater than the quantities under Art. 207, Para. 1, item 15, letter "d" shall be sanctioned with a fine amounting from BGN 50 000 to 100 000, and in case of repeat offense - with a fine amounting from BGN 100 000 to 150 000.

Art. 286. (1) (Suppl. - SG 84/18 (\*)) In case of clinical trials conducted in violation of this Act or Regulation (EU) № 536/2014, provided no crime has been committed, the guilty persons shall be penalised with a fine from BGN 5 000 to BGN 10 000 and in case of repeated permission or commitment of the same infringement – with a fine from BGN 10 000 to BGN 20 000.

(2) Medial specialists who have permitted or committed infringements according to para 1 can be imposed the penalty of "deprived of the right to exercise the profession" for a term from 6 months to two years.

(3) The measure according to para 2 shall be imposed by the Minister of Health according to a proposal by the executive director of the BDA.

Art. 287. (1) (Supl.. - SG 71/2008 in force from 12.08.2008, amend. – SG, 60/2011, in force from 5. 8. 2011) Whoever conducts retail trade in medicinal products without having respective authorisation/certificate, or works in violation of his/her issued authorisation/certificate, shall be penalised by a fine from BGN 5 000 to BGN 10 000.

(2) (New - SG 84/18, in force from 12.10.2018) Any retailer who supplies medicinal products from the list under Art. 217c, Para. 1 to a wholesaler or to other persons in violation of the requirements of this act or of the secondary legislation for its implementation, shall be penalized with a fine, respectively a proprietary sanction, from BGN 10 000 to 20 000, and in the case of a repeated offense - from BGN 25 000 to 35 000.

(3) (Previous Para. 2 - SG 84/18, in force from 12.10.2018) The penalty as per para 1 shall also be imposed on persons who conduct retail trade in pharmacy or drugstore after the authorisation/certificate has ceased to be in effect.

(4) (Supl. - SG 71/2008 in force from 12.08.2008, amend. – SG, 60/2011, in force from 5. 8. 2011; previous Para. 3 - SG 84/18, in force from 12.10.2018) Whoever sells, or stores in a drug store medicinal products, prescribed by doctor's prescription, or products or goods of human health significance, outside the ones, determined in the ordinance under Art. 243, shall be punished by the fine under para 1, and in repeated perpetration of the infringement the issued registration of the drug store will be deprived of.

(5) (Previous Para. 4, amend. - SG 84/18, in force from 12.10.2018) In the cases under para 1, 2 and 3, the bodies of the state control on the medicinal products shall stop the operation of the site by an order.

(6) (Revoked – SG 71/08, in force from 12. 08.2008; previous Para. 5, amend. - SG 84/18, in

force from 12.10.2018) The order under Para. 5 shall be subject to appeal under the terms of the Administrative-Procedure Code, whereby the appeal shall not stop its execution.

Art. 287a. (New - SG 71/2008 in force from 12.08.2008). (1) Medical specialist, who works with persons, performing retail trade with medicinal products, without having authorisation/certificate for this, shall be punished by a fine of BGN 2500 to 5000

(2) The punishment under para 1 shall be imposed on a person under para 1, who works in a pharmacy or a drugstore after termination of the action of the authorisation/certificate.

(3) In case of established more than 2 violations under para 1 and 2, the Minister of Health may deprive the medical specialist of the right to exercise his/her profession for the term of up to 2 years.

Art. 287b. (new – SG, 102/2012, in force from 02.01.2013, amend. - SG 67/20) Anyone, who carries out trade with medicinal products on internet in violation of this act and the ordinance under Art. 234, Para. 6 shall be punished by a fine of BGN 5000 to 10 000.

Art. 288. (1) A retailer in medicinal products who has permitted an incapable person to exercise activities, pointed out in Art. 219, shall be penalised with a property sanction from BGN 5,000 to BGN 10,000 and in case of repeated perpetration of the infringement the issued retail trade authorisation shall be bereaved.

(2) In the cases according to para 1 the bodies of the state control shall stop the operation of the site by an order.

Art. 288a. (New - SG 67/20) On a holder of a retail authorization for medicinal products in a pharmacy, who fails to fulfill his obligation regarding the safety indicators for medicinal products set out in this Act or in Delegated Regulation (EU) 2016/161, shall be imposed a fine of BGN 1 000 to 3 000, and in case of repeated commission of the same violation - a proprietary sanction from BGN 5 000 to 10 000.

Art. 289. (1) (prev. text of Art. 289 – SG 60.12, in force from 07.08.2012, amend. – SG 102/18, in force from 01.01.2019) Whoever sells medicinal products without formed or registered prices, or on prices different from those formed under the terms of this law shall be penalised with a fine from BGN 1 500 to BGN 3000, and in case of repeated perpetration of the same infringement – with a fine from BGN 2 500 to BGN 4 000.

(2) (new – SG 60.12, in force from 07.08.2012, amend. – SG, 102/2012, in force from 21.12.2012, suppl. - SG 67/20) On a marketing authorization holder or wholesaler of medicinal products, who fails to fulfill an obligation specified in the ordinance under Art. 261a, Para. 5, shall be imposed a proprietary sanction from BGN 5 000 to 10 000, and in case of repeated commission of the same violation - a proprietary sanction from BGN 10 000 to 20 000.

(3) (New - SG 102/2012, in force from 21.12.2012, repealed – SG 102/18, in force from 01.01.2019, new - SG 67/20) On a wholesaler of medicinal products, who sells to a medical establishment medicinal products included in the Positive Drug List, at a price higher than the value formed by the order of the ordinance under Art. 261a, Para. 5, a proprietary sanction from BGN 3 000 to 5 000 shall be imposed, and in case of repeated commission of the same violation - a proprietary sanction from BGN 6 000 to 10 000.

(4) (New - SG 67/20) On a medical establishment under Art. 262, Para. 6, item 2, which purchases medicinal products, included in the Positive Drug List, at a price higher than the value formed by the order of the ordinance of Art. 261a, Para. 5, a proprietary sanction of BGN 3 000 to 5 000 shall be

imposed, and in case of repeated commission of the same violation - a proprietary sanction from BGN 6 000 to 10 000.

(5) (New - SG 67/20) The violations under Para. 1 - 3 shall be established by acts, drawn up by officials designated by the Chairman of the council under Art. 258, Para. 1, and the penal decrees shall be issued by the Chairman of the council under Art. 258, Para. 1.

(6) (New - SG 67/20) The violations under Para. 4 shall be established by acts, drawn up by officials designated by the Executive Director of the Executive Agency "Medical Supervision", and the penal decrees shall be issued by the Executive Director of the Executive Agency "Medical Supervision".

Art. 289a. (New – SG, 60/2011, in force from 5. 8. 2011) (1) (amend. – SG, 102/2012, in force from 21.12.2012, amend. – SG 102/18, in force from 01.01.2019) whoever works in violation of the confirmed pharmaco-therapeutic guides or performs assessment of the result of the therapy not in the criteria under Art. 259, Para. 1, p. 4, shall be punished by a fine of BGN 1000 to 2000, and in a repeated violation – by a fine of BGN 2000 to 3000.

(2) (Amend. – SG 102/18, in force from 01.01.2019) The violations under Para. 1 shall be established by acts, drawn out by officials, determined by the executive director of the Executive agency Medical Supervision, and the penal orders shall be issued by the executive director of the Executive agency Medical Supervision.

(3) (New - SG 67/20) When, during the inspections under Art. 267a, Para. 2, the discrepancy in the types and quantities of medicinal products prescribed and / or administered to patients is established with the types and quantities of medicinal products dispensed by the pharmacy, the Executive Agency "Medical Supervision" shall notify the body paying the respective medicinal product with public funds, and in case of data about a committed crime - shall inform the competent authorities to undertake actions for criminal prosecution.

Art. 289b. (New - SG 67/20) (1) Whoever conducts treatment in violation of the requirements under Art. 266b, shall be liable to a fine from BGN 1 000 to 3 000, and in case of repeated commission of the same violation - a fine from BGN 2 000 to 4 000.

(2) The violations under Para. 1 shall be established by acts, drawn up by officials designated by the Executive Director of the Executive Agency "Medical Supervision", and the penal decrees shall be issued by the Executive Director of the Executive Agency "Medical Supervision".

Art. 290. (1) (Amend. - SG 71/2008 in force from 12.08.2008) Whoever advertises medicinal products, which are not authorised under the terms of this Act, shall be penalised by a fine from BGN 10000 to BGN 20000.

(2) (New - SG 71/2008 in force from 12.08.2008) Whoever advertises medicinal products describing and/or directing to properties, related to prophylactics, diagnosis or treatment of human illnesses, shall be penalised by a fine from BGN 10000 to BGN 20000.

(3) (Former para 2 - SG 71/2008 in force from 12.08.2008) Whoever advertises medicinal products in violation of this Act shall be punished by a fine from BGN 10 000 to 20 000.

(4) (Former para 3, amend. - SG 71/2008 in force from 12.08.2008) The penalties according to para 1-3 shall also be imposed on persons who have permitted the emission, publication, and proliferation of the advertisement.

Art. 290a. (New - SG 71/2008 in force from 12.08.2008) Any medical specialist or person representing himself/herself for a medical specialist, who performs direct or indirect advertisement of



medicinal products in the printed and/or in electronic media, as well as in the internet, shall be punished by a fine from BGN 1000 to 5000, and in a repeated violation – from BGN 3000 to 10 000.

Art. 290b. (New – SG, 60/2011, in force from 5. 8. 2011) Whoever performs a donation of medicinal products in violation of Art. 268a, Para. 1 shall be punished by a fine of BGN 1000 to 3000, and in repeated violation – by a fine of BGN 3000 to 5000.

Art. 290c. (new – SG, 102/2012, in force from 21.12.2012) Any marketing authorisation holder, who holds non-interventional studies in violation of this act shall be punished by a property sanction of BGN 5000 to 10 000 and in a repeated deed of the same violation – by a property sanction of BGN 10 000 to 20 000.

Art. 290d. (new – SG, 102/2012, in force from 21.12.2012) Any marketing authorisation holder, who fails to fulfill the provision of Art. 55a, 56a and 56b shall be punished by a property sanction of BGN 5000 to 10 000 and in a repeated deed of the same violation – by a property sanction of BGN 10000 to 20000.

Art. 290e. (new – SG, 102/2012, in force from 21.12.2012) Any marketing authorisation holder, who fails to fulfill the obligations under Art. 190 – 192, 194b, 194c, 194h and 194i shall be punished by a property sanction of BGN 5 000 to 10 000 and in a repeated deed of the same violation 0 by a property sanction of BGN 10 000 to 20 000.

Art. 290f. (new – SG, 102/2012, in force from 21.12.2012) Any marketing authorisation holder, who fails to fulfill the obligation under Art. 193 and 194 shall be punished by a property sanction of BGN 2000 to 5000 and in a repeated deed of the same violation – by a property sanction of BGN 5000 to 10 000.

Art. 291. (1) (Suppl. SG, 60/2011, in force from 5. 8. 2011, amend. – SG, 102/2012 in force from 21.12.2012, suppl. - SG 84/18, in force from 12.10.2018, suppl. - SG 67/20, amend. - SG 105/20, in force from 11.12.2020) Property sanctions shall be imposed in case the violations according to Art. 281-284a, Para. 1, Art. 284d - 284i, Art. 285, 285b, Art. 286, Para. 1 and 287b, Art. 289, Para. 1, Art. 289a, Art. 290, 290b, 292 and 294 have been committed by legal persons or sole traders in amount of the property sanction cannot be less than the triple amount of the respective fines and cannot be more than the triple amount of the stipulated maximum amounts of the respective fines.

(2) (suppl. – SG 60.12, in force from 07.08.2012) For infringements according to Art. 289, para 1 the property sanction shall be the nine-fold amount of the overdrawn amount provided that it exceeds the maximum amount of the sanction according to para 1.

(3) The imposing of a property sanction shall not exclude fining of the guilty officials.

(4) The imposing of property sanctions shall not exclude the imposing of the stipulated measures regarding the right of the medical specialists and qualified persons.

Art. 292. (1) Whoever shall not execute an order, directions, or instruction of the bodies of the state control, except in the cases pursuant to Art. 270, para 1, issue 2 and para 3 shall be penalised with a fine from BGN 1,500 to BGN 3,000.

(2) For failure to execute an order, pursuant Art. 270, para 1, issue 2 and 3, the blamed persons shall be penalised with a fine of from BGN 500 to BGN1000.

Art. 293. (1) (amend. – SG, 102/2012, in force from 02.01.2013, amend. - SG 84/18, in force from 12.10.2018) In cases according Art. 281, Para. 1-3, Art. 283, Para. 1, Art. 284c, Para. 2 and Art. 287, Para. 2 in non-observance of the condition under which the authorisations to retail trade with medicinal products in a pharmacy, the BDA executive director shall issue an order for the bereavement thereof.

(2) (Amend. - SG 102/12, in force from 02.01.2013, amend. - SG 84/18, in force from 12.10.2018) In case of non-observance of the conditions under which the authorisations/certificates for registration of a drug store as well as in the cases under Art. 287, Para. 4, the director of the BDA shall issue an order for the bereavement thereof.

(3) In case of non-observance of the obligation to notify according to Art. 204, Para. 3, for the termination of the activity on the part of a wholesaler of medicinal products, the executive director of the BDA shall issue an order for the bereavement the issued authorisation.

(4) (New - SG 84/18, in force from 12.10.2018) In the event of non-fulfillment of the requirements for export of medicinal products under Chapter Nine "b" by a wholesale trader of medicinal products, the Executive Director of the BDA shall issue an order to revoke the permit when the trader commits a repeated violation under Art. 284e and 285c or when systematically fails to fulfill its obligations under Art. 207, Para. 1, item 15.

(5) (Amend. – SG, 102/2012, in force from 02.01. 2013, previous Para. 4 - SG 84/18, in force from 12.10.2018) In case of non-observance of the obligation to notify according to Art. 235, Para. 3, for the termination of the activity on the part of a holder of an authorisation to retail trade with medicinal products, the BDA executive director shall issue an order for bereavement of the issued authorisation.

(6) (Previous Para. 5, amend. - SG 84/18, in force from 12.10.2018) The orders under Para. 1 - 5 shall be subject to appeal under the terms of the Administrative Procedure Code, however, the appeal shall not stop their execution.

Art. 294. Whoever infringes the provisions of this Act or the regulations for its implementation, except for the cases according to Art. 281-293, shall be penalised with a fine from BGN 1,000 to BGN 3,000 and in case of repeated perpetration of the same infringement – with a fine from BGN 3,000 to BGN 5,000.

Art. 295. (1) (amend., - SG 98/10, in force from 01.01.2011, amend. – SG 102/18, in force from 01.01.2019, amend. - SG 67/20) The infringements according to this Act shall be established by virtue of deeds drawn up by officials under Art. 267, Para. 4.

(2) (Suppl. - SG 84/18, in force from 12.10.2018, repealed – SG 102/18, in force from 01.01.2019)

(3) (Amend., - SG 98/10, in force from 01.01.2011, amend. – SG 102/18, in force from 01.01.2019) The penal ordinances shall be issued by the Minister of Health, the chief state health inspector, by the chairperson of the council under Art. 258, Para. 1, by the executive director of the BDA and by the directors of the RHI, depending on the subordination of the official, who has established the infringement.

(4) (New – SG 102/18, in force from 01.01.2019) The penal ordinances may also be issued by other officials authorized by the persons under Para. 3, and the chairperson of the council under Art. 258, Para. 1 may authorize another member of the commission.

(5) (New - SG 67/20) The Regional Health Inspectorates shall notify the BDA of the drawn up acts establishing administrative violations and of the penal decrees, which have entered into force, issued by the order of this Act.

Art. 296. The drawing of the deeds and the issue, appeal and the execution of penal ordinances

shall be made in compliance with the provisions of the Administrative Violations and Penalties Act.

Art. 297. (Amend. - SG 84/18, in force from 12.10.2018) (1) In the cases of Art. 281, 282, 283, 284, 285 and 287, the penalizing authority shall also order the seizure in favour of the State of the medicinal products subject of the committed violation, under terms and procedure set forth in the Administrative Violations and Penalties Act and in accordance with Regulation (EU) № 952/2013 of the European Parliament and of the Council of 9 October 2013 establishing a Union Customs Code (OJ, L 269/1 of 10 October 2013) and Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for the implementation of certain provisions of Regulation (EU) 952/2013 of the European Parliament and of the Council establishing a Union Customs Code (OJ, L 343/558 of December 29, 2015).

(2) The medicinal products under Para. 1 shall be destroyed under the conditions and by the order of the ordinance under Art. 274, Para. 2.

### **Additional provisions**

§ 1. Within the meaning of this Act:

1. "Active substance" shall mean any substance (ingredient) intended to be used for manufacturing of medicinal product, which during its production turns into an active component of this product, intended for exercising pharmacologic, immunologic or metabolic action with the purpose of restoration, correction or change of physiologic functions or for putting a medical diagnosis.

2. "Bioequivalence" shall be in place where medicinal products are pharmaceutically equivalent or pharmaceutical alternatives and if their bio availabilities after administration of the same molar dose are similar to such extent that their effects with respect to efficacy and safety are essentially similar.

3. "Bioavailability" shall mean the rate and degree at which an active substance or its therapeutically active part is absorbed from the pharmaceutical form and it becomes available at its site of action. Where the medicinal substance is intended to exert a systemic therapeutic effect, bioavailability shall mean the rate and degree at which the medicinal substance or its therapeutically active part is released from the pharmaceutical form and passes into the total circulation.

4. (amend. - SG 84/18 (\*)) "Investigator's brochure" shall mean the brochure of the investigator as per the meaning of Art. 2, Paragraph 2, item 23 of Regulation (EU) № 536/2014.

5. "Valid documentation" shall mean any documentation which is compliant with the requirements laid down in a given procedure pursuant to this Act both with respect to content and completeness.

6. "Substance with well established use in medical practice" shall mean a substance to which the following criteria can be applied:

a) the period for proving the well established use in medical practice is not less than 10 years from the date of the first systematised and documented use of the substance as a medicinal product in the European Union or in the European Economic Area;

b) quantitative aspects of the use of the substance, taking into consideration the degree of use in medical practice, the degree of use on geographical principle, and the degree of follow-up through the pharmaco-vigilance system including pre- and post marketing studies and published scientific literature for epidemiological studies and comparative epidemiological studies in particular;

c) high degree of scientific interest in the use of the substance (number of scientific publications) and coherence in scientific assessments.

7. "Outer packaging" shall mean the packaging, which does not come in immediate contact with the medicinal product.

8. (amend. - SG 84/18 (\*)) "Sponsor" shall mean a sponsor within the meaning of Art. 2, paragraph 2, item 14 of Regulation (EU) № 536/2014.

9. "Generic medicinal product" shall mean a medicinal product, which has the same qualitative and quantitative composition as regards the active substances and the same pharmaceutical form as the reference medicinal product and its bioequivalence compared to the reference medicinal product has been proven in adequate bioavailability studies. Various immediate release oral pharmaceutical forms shall be regarded as the same pharmaceutical form. Various salts, esters, ethers, isomers, mixtures of isomers, complexes, or derivatives of an active substance shall be regarded as the same active substance except if these are significantly different in respect of safety and/or efficacy.

10. (amend. - SG 84/18 (\*)) "Principal investigator" shall mean a principal investigator within the meaning of Art. 2, paragraph 2, item 16 of Regulation (EU) № 536/2014.

11. "Defined daily dose" shall be the mean daily maintenance dose of a given medicinal product, which administered to adults according to the main indication of a medicinal product.

12. (amend. - SG 84/18 (\*)) "Good clinical practice" shall mean good clinical practice within the meaning of Art. 2, paragraph 2, item 30 of Regulation (EU) № 536/2014.

13. "Good laboratory practice" shall mean a system of rules in respect of the conditions for planning, processes of organizing, conduct, follow up, and documenting of laboratory tests.

14. "Good manufacturing practice" shall mean a system of rules encompassing all aspects of manufacture: personnel, premises, equipment, materials, documentation, and quality control and has the purpose of ensuring safety, efficacy, and compliance with a specification.

15.. (Suppl. - SG 71/2008 in force from 12.08.2008) "Member State" shall mean a State Member of the European Union, or a State, party of the Agreement of the EEA.

16. "Labeling" shall mean information on the immediate or outer packaging of a medicinal product.

17. "Immunological medicinal product" shall mean a medicinal product, which contains vaccines, toxins, sera, or allergens. Agents used to create active immunity or establish a condition of immunity or invoke passive immunity shall be involved in the scope of vaccines, toxins, and sera. Allergens shall mean medicinal products, which are intended to identify or stimulate specific purposeful change in the immunological response to an allergens agent.

18. "Bioequivalence study" shall mean a clinical trial aimed at proving that two medicinal products are bioequivalent provided that they are pharmaceutically equivalent or pharmaceutical alternatives and provided that their bioavailability after administration of the same molar dose are similar to a degree, which is a condition for equivalence in respect of efficacy and safety.

19. "Bioavailability study" shall mean a clinical trial aimed at showing what is the rate and degree which an active substance or a therapeutically significant part of a studied medicinal product reach from the pharmaceutical form to the systemic circulation of the blood.

20. (amend. - SG 84/18 (\*)) "Investigational medicinal product" shall mean an investigational medicinal product within the meaning of Art. 2, paragraph 2, item 5 of Regulation (EU) № 536/2014.

21. (amend. - SG 84/18 (\*)) "Investigator" shall mean an investigator within the meaning of Art. 2, paragraph 2, item 15 of Regulation (EU) № 536/2014.

22. (amend. - SG 84/18 (\*)) "Informed consent" shall mean an informed consent within the meaning of Art. 2, paragraph 2, item 21 of Regulation (EU) № 536/2014.

23. "Kit" shall mean any substance, which – usually before use – shall be dissolved, suspended, diluted, or combined with radionuclides as a result of which procedure the finished radioactive medicinal product is obtained.

24. (amend. - SG 84/18 (\*)) "Clinical test of a medicinal product" shall mean any clinical test within the meaning of Art. 2, paragraph 2, item 2 of Regulation (EU) № 536/2014.

25. "Clinical advantage" shall mean a significant therapeutic or diagnostic advantage of a medicinal product compared to a medicinal product, which has already received marketing authorisation.

25a. (new - SG 84/18, in force from 12.10.2018) "Conflict of interests" shall mean a conflict of interest within the meaning of Chapter Eight, Section I of the Act on Counteracting Corruption And On Seizure Of Illegally Acquired Property.

26. (revoked - SG 84/18 (\*))

27. "Patient information leaflet" shall mean a leaflet accompanying a medicinal product and containing information for the customer.

27a. (New - SG 71/2008 in force from 12.08.2008, amend. – SG, 102/2012, in force from 21.12.2012) "Medicinal product for modern therapy" is a medicinal product, determined in Art. 2 of Regulation (EC) N 1394/2007 of the European Parliament and of the Council of 13 November 2007 on the medicinal products for modern therapy and amending Directive 2001/83/EC and Regulation (EC) № 726/2004.

27b. (new - SG 84/18, in force from 12.10.2018) "Medicinal product for compassionate use" shall be a medicinal product for paliative use within the meaning of Art. 83, paragrpah 2 of Regulation (EC) № 726/2004 of the European Parliament and of the Council.

28. "Medicinal product obtained from human plasma or human blood" shall mean a medicinal product produced from human blood constituents and by a method involving industrial process. The following shall be ascribed to this group: immunoglobulins, coagulating factors and antiproteases, solutions of plasma proteins, and other plasma fractions and combinations thereof.

29. "Medicinal product intended for treatment, prophylaxis, and diagnostics of rare diseases" shall mean a product, which:

a) is intended for diagnostics, prophylaxis, or treatment of life-threatening diseases or chronic diseases taking progressive course, which affect not more than 5 of 10,000 people on the territory of a state or

b) is intended for diagnostics, prophylaxis, or treatment of life-threatening diseases and severely health damaging chronic disease (diseases with high percentage of disease-related incapacity of work or disability) and are there is evidence appended that the sale of the product does ensure satisfactory return, which can justify the required investment for scientific research and development without having stimuli for the creator of the product, and

c) where the is no satisfactory method of diagnostics, prophylaxis, or treatment of a given condition or where there is such method the proposed medicinal product has significantly more advantages and benefits for the people affected by this condition.

30. "Pharmaceutical form" shall mean an adequate for intake structure containing active substance(s), which can include or cannot include excipients and which is obtained through application of certain technological operations ensuring the desired healing effect and stability at storage within the expiry term.

31. (Amen. - SG 71/2008 in force from 12.08.2008) "Any person, established on the territory of a Member State shall mean a legal subject registered according to the civil or trade legislation of a Member State or established pursuant to a normative act and having place of business in a Member State or a state - party of the European Economic Area.

32. "Magisterial formula" shall mean a prescription for a medicinal product prepared in a pharmacy according to a prescription of a medical specialist or according to an established recipe and intended for a definite patient.

33. "International non-proprietary name" shall mean a recommended name of an active

substance approved and published by the World Health Organisation.

34. "Medical specialists" shall mean medical doctors, doctors in dental medicine, masters of pharmacy, nurses, midwives, medical laboratory assistants, medical auxiliaries and pharmacy assistants.

35. "Medical trade representative" shall mean a person who has passed special training and possessing scientific knowledge for the presentation of accurate and comprehensive information about the medicinal product he is advertising.

35a. (new – SG 1/14, in force from 03.01.2014) "Medical prescription" shall mean a prescription of a medicinal product, issued by a person who exercises a regulated medical profession within the meaning of § 1, item 1 of the Additional Provisions of the Recognition of Professional Qualifications Act and who is legally entitled to do so in the Member State in which the medical prescription is issued.

36. (revoked - SG 84/18 (\*))

36a. (new - SG 84/18, in force from 12.10.2018) "Network and Information Security" shall be the protection of information from unauthorized or accidental access, use, disclosure to third parties, alteration or destruction.

37. "Name of a medicinal product" shall mean the name given to a medicinal product, which can be:

a) a freely selected name (trade name);

b) (amend. – SG 12/11, in force from 08.02.2011) a common name together with the trade mark or the name of the holder of the marketing authorisation;

c) (amend. – SG 12/11, in force from 08.02.2011) scientific name together with the trade mark or the name of the holder of the marketing authorisation.

37a. (new - SG 67/20) "Scientific evidence" shall be specific medical and / or scientific data obtained from performed clinical trials, and / or data proving the safety and efficacy of the medicinal product, which have been published in scientific publications, national or international treatment protocols or health technology assessment reports.

38. "Scientific literature" shall mean publication(s) of results from scientific research in specialised international scientific editions.

38a. (new - SG 84/18, in force from 12.10.2018) "Shortage of medicinal products" shall be the shortage of medicinal products through the specialized electronic system under Art. 217b.

39. "New active substance" shall mean:

a) chemical, biological, or radiopharmaceutical substance, which has not been authorised to market in the European Union as a medicinal product;

b) isomer, mixture of isomers, complex or derivative or salt of a chemical substance, which has been authorised to market in the European Union as a medicinal product but is different with respect to safety and efficacy from a formerly authorised substance;

c) biological substance, which has been authorised to market in the European Union as a medicinal product but has different molecular structure, different origin with respect to the starting material, or has been obtained through a different manufacturing process;

d) radiopharmaceutical substance the radionuclides or molecular bonds (ligands) of which have not been authorised in the European Union as a medicinal product or the mechanism of bonding in a couple of the molecules and radionuclides has not been authorised in the European Union.

40. (amend. - SG 84/18 (\*)) "Adverse event" shall mean any untoward unfavorable change the health condition observed during the administration of a medicinal product in a patient which has not necessarily a causal relationship with this treatment.

41. (amend. – SG, 102/2012, in force from 21.12.2012, amend. - SG 84/18 (\*)) "Adverse drug reaction" shall mean any untoward and unpredicted response to a medicinal product. The types of adverse reactions shall be:

a) (amend. - SG 84/18 (\*)) "unexpected" – an adverse drug reaction, which has not been mentioned in the summary of product characteristics of the character, severity, and outcome of which do not comply with those mentioned in the summary of product characteristics.

b) "suspected" – and adverse drug reaction for which the reporter or the marketing authorisation holder supposes that there is a possible causal relationship with a taken medicinal product;

c) "serious" – any unfavorable effect on the health condition, which has become the reason for a lethal outcome, immediate threat to life, hospitalisation, or prolongation of hospitalisation, significant or durable injury, disability, and innate anomalies;

d) combination of reactions according to subsections "a", "b", and "c".

42. "Common name" shall mean the international non-proprietary name (INN) of a medicinal substance or excipient recommended by the World Health Organisation; if not any, the name in the European Pharmacopoeia shall be used; if there is no such name there, another pharmacopoeia name shall be used; if there is no pharmacopoeia name, the common name shall be used.

42a (new – SG, 102/2012, in force from 21.12.2012) "Basic documentation of a system of pharmaco-vigilance" is a detailed description of the pharmaco-vigilance system, used by the marketing authorisation holder in relation to one or more authorised medicinal products.

42b. (new - SG48/15) "Health technology assessment" shall mean:

a) a form of policy on research that examines the short- and long-term outcomes related to the implementation of health technologies and aims to provide information concerning alternative health strategies;

b) multidisciplinary activity that systematically evaluates technical specifications, safety, clinical efficacy and effectiveness, cost, cost effectiveness, organizational, social, legal and ethical consequences of administration of medicinal products in health care and focuses on value - clinical and economic, provided that the analysis is comparative to existing or best alternative at the time;

42c. (new - SG 67/20) "Official control laboratory" shall be a laboratory which performs laboratory tests of medicinal products on behalf of the competent regulatory authorities in compliance with relevant national requirements and is independent of manufacturers and marketing authorization holders for use of medicinal products.

43. "Batch" shall mean a definite quantity of a medicinal product manufactured according to an established reproducible technological scheme ensuring the required batch homogeneity with respect to the required quality characteristics.

43a. (new – SG, 102/2012, in force from 21.12.2012) "plan for risk management" is a detailed description of the system for risk management.

44. "Maintenance of a marketing authorisation" shall include all required activities with regard to the maintenance of an updated registration status of a medicinal product including pharmaco-vigilance.

45. "Benefit" shall mean a positive result/therapeutic efficacy of a medicinal product for a definite patient, patient group, or the society. Quantitative assessment of the anticipated benefit shall include approximate calculation of the probability of this positive result.

46. (amend. – SG, 102/2012, in force from 02.01.2013) "Auxiliary substance" is any component of a medicinal product, different from the active substance and the packing material.

47. "Post marketing study" shall mean any study conducted during the use of a medicinal product within the approved summary of product characteristics during the period after the authorisation to market.

47a (new - SG, 102/2012, in force from 02.01.2013) "Mediation in the area of medicinal products" are all the activities, which aim at signing contract for buying or selling of medicinal products with the exception of wholesale trade, which do not include physical keeping and which are expressed in negotiating independent and on behalf of another legal or natural person.

48. "Post marketing safety study" shall mean any study, related to an authorised for use medicinal product, conducted with the purpose of identification, characterisation of defining the risk level in relation of safety, to confirm the safety profile of the medicinal product or to assess the effectiveness of the measures for risk management.

49. "Potential serious risk for the population" shall exist where there is a high probability a medicinal product to cause irremovable, irremediable, and irreversible consequences. The assessment process shall identify the threat of causing damages to the health of the population and its actual exposition during wide use of the product. The serious risk for the health in the context of the use of a given medicinal can be assessed under the following conditions:

a) efficacy – the submitted therapeutic efficacy data with regard to the proposed indication(s), the proposed target group, and the proposed dosage mentioned in the proposed patient information leaflet do not scientifically defend to the full extent the efficacy claims;

b) safety – the assessment of the data for preclinical toxicity/pharmacological safety and clinical safety cannot convincingly defend the conclusion that all potential safety aspects with regard to the target patient group(s) have been accurately and comprehensively reflected in the proposed patient information leaflet or the absolute risk degree is unacceptable;

c) quality – the proposed method of manufacture and control methods cannot guarantee the lack of an essential defect in the quality of the product, which can affect the product safety and/or efficacy;

d) benefit/risk ratio: the assessment of the benefit/risk ratio and the potential benefit for the proposed indication(s) and the patient group(s).

50. "Representative of the person according to Art. 26, Para. 1, or of a marketing authorisation holder" shall mean a person residing on the territory of the Republic of Bulgaria appointed by the person according to Art. 26, Para. 1, or by the marketing authorisation holder to represent them before the regulatory bodies on the territory of the Republic of Bulgaria.

51. "Acceptable safety level" shall be in place where the submitted data shall be accepted as statistically reliable safety according to clinical trials conducted in compliance with the Good Clinical Practice.

52. "Manufacture of a medicinal product" shall mean all operations relating to the supply of materials, their processing during the manufacturing process including packaging and labeling, quality control, batch release, storage, shipment, and operations control relating there to.

53. (amend. - SG 84/18 (\*)) "Clinical test protocol" shall mean a protocol within the meaning of Art. 2, paragraph 2, item 22 of Regulation (EU) № 536/2014.

54. "Placing on the market" shall mean the distribution of a medicinal product in the trade network on the territory of the Republic of Bulgaria outside the direct control of the marketing authorisation holder.

55. "Immediate packaging" shall mean the packaging, which enters in immediate contact with a product.

56. "Radiopharmaceutical" shall mean a medicinal product, which when in a ready for use form contains one or more radionuclides (radioactive isotopes) included with medical purpose.

57. "Radionuclide generator" shall mean any system, which includes a fixed maternal radionuclide from which a filial radionuclide is obtained, which is separated by elusion or other methods and is used in a radiopharmaceutical.

58. "Radionuclide precursor" shall mean any other radionuclide manufactured for radioactive marking of another substance immediately before its introduction in a patient's body.

59. "Herbal medicinal product" shall mean a medicinal product containing as active ingredient one or more herbal substances or one or more herbal preparations, or one or more herbal substances in a combination with one or more herbal preparations.



60. "Herbal substances" shall basically mean plants or parts of plants, seaweed, mushrooms, and lichens, which are whole, broken, or cut, usually dried or sometimes fresh. Certain exudates, which have not been subjected to specific processing, shall also be assigned to the herbal substances. Herbal substances shall have be accurately defined botanical scientific name of the plant wherefrom they originate according to the binominal system (species, sort, variety, and author).

61. "Herbal preparation" shall mean the product obtained after extraction, distillation, pressing, fractionation, purification, concentration, or fermentation of herbal substance. The herbal preparation can also represent ground or powdered herbal substances, tinctures, extracts, essential oils, and processed herbal liquids/juices.

62. "Rare diseases" shall mean the diseases, which are characterised with incidence of not more than 5 in 10,000 of the population.

63. "Reference medicinal product" shall mean a medicinal product authorised under the terms of Art. 23 in compliance with the requirements of Art. 27.

64. (amend. - SG 67/20) "Reference value of a defined daily dose" shall mean the lowest value of a defined daily dose determined on the basis of the values of a defined daily dose of medicinal products under an international non-proprietary name with the corresponding pharmaceutical form.

65. "Reference value of a therapeutic course" shall be the lowest value of a therapeutic course determined on the basis of the values of a therapeutic course of the medicinal products according to international non-proprietary name with the corresponding pharmaceutical form.

66. "Risk during the use of a medicinal product" shall mean:

a) risk for the health of the patient or risk for the health of the population, which is associated with the quality, safety, or efficacy of a medicinal product;

b) risk of undesirable effects on the environment.

67. "Serious adverse event" shall mean any unfavorable change in the health condition, which has become the cause of lethal outcome, immediate threat to life, hospitalisation or extension of hospitalisation, significant or durable injury, disability, and innate anomalies.

68. "Batch release certificate" shall mean a document issued for each batch by the qualified person of the manufacturer or importer and shall include the requirements according to the specification, as well as all results from the tests for the release of the batch.

69. "Additional protection certificate" shall mean a document, which shall provide additional patent protection for a medicinal product of maximum 5 years after the lapse date of the main patent.

69a (new – SG, 102/2012, in force from 21.12.2012) "Risk management system" is a system of measures and activities for pharmaco-vigilance, intended for identification, characteristics, prevention or setting to minimum risks, related to the medicinal product, including effectiveness assessment of these activities and measures.

69b (new – SG, 102/2012, in force from 21.12.2012) "Pharmaco-vigilance system" is a system, used by the marketing authorisation holder and BDA for implementation of the tasks and responsibilities under Chapter Eight, intended for observation of vigilance of the permitted for use medicinal products and for finding every change in the benefit/risk ratio.

69c. (new - SG 84/18, in force from 12.10.2018) "Systemic" shall be the violation committed three or more times within one year from the entry into force of the first penal decree, with which the offender is imposed a penalty for the same type of violation.

70. "Urgent limitation safety measures" shall mean temporary changes in the product information with respect of one or more parts of the summary of product characteristics, indications, method of administration, contraindications, and warnings, which result from new information associated with the safe use of a medicinal product.

71. "Spontaneous report" shall mean a voluntarily report for a suspected adverse reaction during

the use of a medicinal product forwarded to the marketing authorisation holder, to the bodies for supervision on the medicinal products, or to other organisations, which is not originating from a study or another organised system for data capturing.

72. "Expiry period of a medicinal product" shall mean the interval of time during which, if a medicinal product is stored under the prescribed conditions, it shall comply with the specification developed on the grounds of stability tests of several batches of the finished form.

73. (Amen. - SG 71/2008, in force from 12.08.2008) "Medicinal product equivalent to a herbal medicinal product" shall mean a product containing the same active substances irrespective of the composition of the excipients and which is intended for the same purpose, has equivalent quantity of the medicinal substance, the same dosage and the same or similar method of administration as the product for which an application has been submitted.

74. "Adverse drug reaction reports" shall mean documented information for one or more suspected adverse reactions associated with the use of one or more medicinal products by one patient. Required to recognize the validity of an adverse drug reaction report shall be minimum data for the identification of the reporter (initials or age, or date of birth, or gender) and data about the adverse reaction/event and the suspected medicinal product.

75. (amend. - SG 84/18 (\*)) "Substantial modification" shall mean any substantial change within the meaning of Art. 2, paragraph 2, item 13 of Regulation (EU) № 536/2014.

- a) the safety or physical and mental validity of the participants;
- b) the scientific value of the study;
- c) the conduct or the organisation of the study;
- d) the quality or the safety of any study medicinal product.

75a (new – SG, 102/2012, in force from 21.12.2012) "Substantial changes in the protocol for non-intervention postmarketing study" are changes. Which influence safety, physical or mental inviolability of patients or the study results and their interpretation.

76. (Amen. - SG 71/2008, in force from 12.08.2008) "Third country" shall mean a state outside the Member States of the European Union, or a state – party of the European Economic Area.

77. "Wholesale distribution" shall mean all activities for the acquisition, storage, supply, import, or export of medicinal products except for the cases of provision of medicinal products directly to the population.

78. (amend. - SG 84/18 (\*)) "Subject" shall mean a subject-participant within the meaning of Art. 2, paragraph 2, item 17 of Regulation (EU) № 536/2014.

79. (revoked - SG 84/18 (\*))

80. "Pharmacopoeia" shall mean a collection of approved specifications and respective requirements in connection with the manufacture, investigation, storage, and marking of active substances, excipients, pharmaceutical forms, packaging materials, and components of the medicinal products.

81. "Pharmacopoeia recipe" shall mean a prescription for a medicinal product prepared in a pharmacy according to a recipe from an acting pharmacopoeia and intended for provision to the patients in the same pharmacy.

81a. (New - SG 71/2008, in force from 12.08.2008, amend. – SG, 102/2012, in force from 02.01.2013) "False medicinal product" is any medicinal product, in which untrue have been presented:

- a) its identity, including the data on the initial or secondary packing, its name or contents in relation to any of its compounds, including the auxiliary substances and the quantity of active substance in a dose unit;
- b) its source, including the manufacturer, state, in which it is manufactured, the state in which it is placed on the market or the marketing authorisation holder, or
- c) chronology, including records and documents, related to the used delivery chain. Medicinal

product shall not be considered as falsified with not intentionally admitted diverse in quality, as well as such, placed on the market in violation of the intellectual property rights.

82. "Homeopathic medicinal product" shall mean a medicinal product prepared from substances called homeopathic source according to the manufacturing procedures of the European Pharmacopoeia and – in the absence of such – according to the national pharmacopoeia of a Member State.

83. "Price calculated on the basis of a referent value" shall be the price formed for any medicinal product included in the Positive Medicines List calculated on the basis of the determined reference value for a defined daily dose or therapeutic course.

84. (revoked - SG 84/18 (\*))

85. "Abuse of medicinal products" shall mean permanent or incidental intentional excessive use of medicinal products accompanied by noxious physical or mental effects.

86. (New - SG 41/2009, in force from 02.06.2009) "Sucklings" are children under 12 months of age.

87. (New - SG 41/2009, in force from 02.06.2009) "Infant formulas" are foods, intended for specific feeding use by sucklings in the period of their first months, which are sufficient to satisfy the feeding needs of those sucklings by the moment of introducing appropriate additional food.

88. (New - SG 41/2009, in force from 02.06.2009) "Transitional foods" are foods, intended for specific feeding use by sucklings in introducing of appropriate additional food and which represent the basic liquid of progressively increasing varieties of the foods of these sucklings.

89. (new – SG 12/11, in force from 08.02.2011) "Variation of type IA" means a variation which has only a minimal impact, or no impact at all, on the quality, safety or efficacy of the medicinal product concerned;

90. (new – SG 12/11, in force from 08.02.2011) "Variation of type IB" means a variation which is neither variation of type IA nor variation of type II nor extension a marketing authorisation.

91. (new – SG 12/11, in force from 08.02.2011) "Variation of type II" means a variation, which is not a extension of a marketing authorisation and which may have a significant impact on the quality, safety or on the efficacy of the medicinal product concerned.

91 (new – SG, 102/2012, in force from 21.12.2012) "Delegated act" is an act in the meaning of Art. 290 of the Treaty on the European Union.

§ 2. The name of the Executive Drug Agency shall be written in Latin as "Bulgarian Drug Agency".

§ 2. The name of the Executive Drug Agency shall be written in Latin as "Bulgarian Drug Agency".

§ 3. The Council of Ministers shall determine the conditions and order for the supply, storage and renewal of the medicinal products kept in the State Agency "State Reserve and War-time Reserves".

§ 4. (suppl. – SG 18/14) This Act shall implement the provisions of Directive 2001/83/EC of the European Parliament and the Council on the Community code relating to medicinal products for human use subsequently amended by Directive 2004/27/EC of the European Parliament and the Council and of Directive 2012/26/EU of the European Parliament and of the Council of 25 October 2012.

§ 5. The data protection periods for reference medicinal products shall be applied according to

the provisions of Art. 89 of Regulation (EC) № 726/2004 of the European Parliament and the Council and Art. 2 of Directive 2004/27/EC of the European Parliament and the Council

§ 5a. (New – SG, 60/2011, in force from 5. 8. 2011) (1) (amend. – SG, 102/2012, in force from 21.12.2012, amend. - SG 85/17) The Ministry of Health, the National Council on prices and reimbursement of medicinal products, the BDA and the Regional health inspectorates shall provide opportunity for giving information and accepting applications and documents under this Act electronically under the terms and conditions of the Electronic Document and Electronic Trust Services Act and the Electronic Government Act.

(2) Providing information and accepting applications and documents in electronic way shall be done after providing the relevant technical and organisation conditions, as well as the relevant programme products.

§ 5b. (New - SG 67/20) The provisions of the Administrative-Procedure Code shall apply to the cases not settled by this Act.

### **Transitional and concluding provisions**

§ 6. The Medicines and Pharmacies in the Human Medicine Act (State Gazette, No 36 from 1995; No 61 from 1996 - Decision No 10 of the Constitutional Court from 1996; amended, State Gazette No 38 from 1998, No 30 from 1999, No 10 from 2000, No 37 from 2000 - Decision No 3 of the Constitutional Court from 2000; amended, State Gazette No 59 from 2000, No 78 from 2000 - Decision № 7 of the Constitutional Court from 2000; amended, State Gazette No 41 from 2001, No 107 and 120 from 2002; amended, State Gazette No 2 from

2003; amended, State Gazette No 56, 71 and 112 from 2003, No 70 and 111 from 2004, No 37, 76, 85, 87, 99 and 105 from 2005, No 30, 31, 34, 75 and 105 from 2006) is repealed, with exception of the Regulation of Art. 10, para 2, which is applied for term to one year since the day of the coming in the force of this Act.

§ 7. (1) The marketing authorisations for medicinal products published before the entering into force of this Act under national procedure, which are authorised also in a Member States under centralised procedure shall cease to be valid as from 1 January 2007.

(2) The marketing authorisations for medicinal products issued up to the entering into force of this Act under national procedure shall be brought into line with the requirements at the date of their renewal.

(3) The marketing authorisations for medicinal products falling within the scope of Regulation (EC) 726/2004 of the European Parliament and the Council and which have issued marketing authorisation under the terms of the repealed Medicines and Pharmacies in Human Medicine Act as materially similar products, but which have no marketing authorisation in European Union under the centralised procedure shall cease to be valid.

(4) The medicinal products which have been issued marketing authorisation in the European Union under the centralised procedure, which national marketing authorisation is ceased under the terms of para 1, can be sold on the territory of Republic of Bulgaria in packages and with leaflets according to the ceased national marketing authorisation for a time limit not longer than one year since the date of its

cessation.

§ 8. (1) The setting up of ceiling prices and the registered prices under the terms of the repealed Medicines and Pharmacies in Human Medicine Act of the medicinal product, which have marketing authorisation in the European Union according to the centralised procedure, which national marketing authorisation is suspended under the terms of § 7, para 1, remain in force for a time limit of one year from the date of its cessation.

(2) The setting up of ceiling prices and registered prices under the terms of the repealed Medicines and Pharmacies in Human Medicine Act of the medicinal products, other than those according to para 1 remain in force for a time limit expiring on 31 December 2007.

§ 9. (1) The applications for marketing authorisation, renewal, modification of the published authorisation, which are submitted up to the entering into force of this Act are reviewed and closed according to the terms and the conditions provided for herein.

(2) The submitted applications and documentations for marketing authorisation for medicinal products falling within the scope of the procedure provided for in Art. 74 and also according to Art. 75 shall be brought into line with the requirements of this Act within three months from its entering into force.

(3) When in the case provided for in para 2, the application and the documentation under para 2 have not been brought into line with the requirements of this Act, the procedure of their review shall be terminated.

§ 10. (1) The clinical trials which were approved before this Act comes in force shall be finished according to under the conditions prevailing hitherto.

(2) The applications for conduction of the clinical trial on the territory of Republic of Bulgaria are submitted, reviewed and closed according to the terms and conditions of this Act after the regulation according Art. 82, para 3 comes in force.

(3) The applications for amendments in approved clinical trials, which were submitted before this Act comes in force, are reviewed and closed according to the terms and conditions provided for herein.

§ 11. The applications for publishing of the authorisations for manufacture and wholesale with medicinal products, which are submitted before this Act comes in force are reviewed and are reviewed and closed according to the terms and conditions provided for herein.

§ 12. (1) The manufacturers of medicines, which received authorisation for manufacture under the terms of the repealed Medicines and Pharmacies in Human Medicine Act shall put their manufacture activity in compliance with the requirements of this Act according to the requirements of this Act regarding the qualified person according to Art. 148, point 2 within three months of the entering into force of this Act.

(2) The established state manufacturers which shall carry out their activity according to their authorisations, issued under the terms of the repealed Medicines and Pharmacies in Human Medicine Act.

§ 13. (1) The persons, who have been granted authorisation for wholesale with medicines under the terms of the repealed Medicines and Pharmacies in Human Medicine Act shall set their activity according to the requirements of this Act in term of 12 months after it is in force.

(2) Until the publishing of authorisation for wholesale with medicinal products under the terms of this Act, but not later than the expiration of the term according to para 1, the persons according the para 1

shall carry out their activity based on the published authorisation for wholesale with medicines under the terms of the repealed Medicines and Pharmacies in Human Medicine Act.

(3) With the publishing of the authorisation for wholesale with medicinal products, according to this Act, and also with expiration of the term according the para 1, the published authorisation for wholesale with medicines under the terms of the repealed Medicines and Pharmacies in Human Medicine Act is terminated.

§ 14. (1) The persons, who received authorisation for wholesale with medicines under the terms of the repealed Medicines and Pharmacies in Human Medicine Act may import medicinal products on the territory of Republic of Bulgaria from third countries based on this authorisation till receiving of the authorisation for import under the terms of this Act not more late than 12 months after it comes in force.

(2) In the term of one month since this Act comes in force the persons according to para 1 shall give in BDA the notification for the person who will fulfil the functions of the qualified person according to the Art. 161, para 2, point 1.

§ 15. The term for action of the authorisations for wholesale with medical devices, which are published under the terms of the repealed Medicines and Pharmacies in Human Medicine Act is prolonged officially to 31 December 2007.

§ 16. (1) (Repealed. - SG 71/2008 in force from 12.08.2008)

§ 17. (1) The established state drugstores till the moment when that Act comes in force carry out their activity based on their published authorisations under the terms of the repealed Medicines and Pharmacies in Human Medicine Act.

(2) The applications for publication of the certifications, which are granted before the entering into force of this Act, are reviewed and closed under the terms and conditions provided for herein.

§ 18. (1) (Amen. - SG 71/2008 in force from 14.04.2008, amen. - SG 10/2009 in force from 29.01.2009) The Positive medicinal list under this Act shall be developed under the procedure, provided in it and shall come into force from 31 March, 2009.

(2) (Amen. - SG 71/2008 in force from 14.04.2008) By the time the list under Para 1 comes into force, the acting Positive medicinal list is the one, adopted by the Ordinance on defining the Positive medicinal list in the Republic of Bulgaria (SG 113/ 2003; amen, 18/2004, 4/2005 and 8, 107 and 112/2007).

(3) (New - SG 71/2008 in force from 14.04.2008, amen. - SG 23/2009 in force from 30.03.2009) Within 2 month term after the list under para 1 comes into force, the executors of medicinal help shall prescribe and the NHIF shall pay the medicinal products according to the medicinal list of NHIF, adopted by Decision NRD-US-04-127 of 27 December 2007 for determining the conditions, with which the executors of medicinal help must comply, the procedure for signing the contracts with them and other conditions under Art. 55, para 2, p. 2, 4, 6 and 7 of the Health Insurance Act.

§ 19. (1) Within three months after the entering into force of this Act:

1. The Council of ministers shall amend and supplement the ordinance for the structure of BDA in compliance with this Act.

2. The Minister of Health shall issue regulation, pursuant Art. 82, para 3.

(2) In six month period of time, after the entering into force of this Act, the Council of Minister

shall adopt and the Minister of Health shall issue the remaining legislative documents for the implementation of this Act.

§ 20. After the first two years of the mandate of the members of the committees according to Art. 103, 107, 259, and 261 half of the members whose mandate is terminated shall be elected by drawing lots.

§ 21. (Amen. - SG 71/2008 in force from 14.04.2008) Within 2 years of the entering into force of this Act, the BDA shall take the necessary actions for accreditation of the laboratory for control of the medicinal products and active substances by the European Directorate for Quality of Medicines and Healthcare

§ 22. (In force from 14.04.2008) in the Health Insurance Act (promulgated, SG 70 of 1998; amended and supplemented, 93 and 153 of 1998, 62, 65, 67, 69, 110, and 113 of 1999, 1, 31, 64 of 2000, 41 of 2001, 1, 54, 74, 107, 112, 119, and 120 of 2002, 8, 50, 107, and 114 of 2003, 28, 38, 49, 70, 85, and 111 of 2004, 39, 45, 76, 99, 102, 103 and 105 of 2005, and 17, 18, 30, 33, and 34, 59, 95 and 105 from 2006, 11 from 2007, 26 from 2007- Decision № 3 off the Constitution court of 2007):

1. In Art. 45:

a) para 4, 5, 6, and 7 shall be repealed;

b) in para 8 the shall be amended as follows:

(8) The terms and conditions for payment of the medicinal product, included in the Positive Medicines List pursuant to Art. 262 of the Medicinal Product in the Human Medicine Act, of medical devices and of the diet foot for special medical purposes are laid down with a regulation of the Minister of Health.

2. In Art 55, para 2, shall be amended as follow:

7. The lists of the medical devices, diet foots for special medical purposes and the prices, fully or partially paid; condition of prescribing and receiving, medical devices and diet foots for special medical purposes.

§ 23 In the Medical Establishments Act (promulgated, SG 62 of 1999; amended and supplemented, 88, 113 and 114 of 1999, amended 36, 65 and 108 of 2000; Decision № 11 of the Constitutional Court of 2001 – 51 of 2001; amended and supplemented, 28 and 62 of 2002, 83, 102 and 114 of 2003, 70 of 2004, 46, 76, 85, 88 and 105 of 2005. and 30, 34, 59 and 105 of 2006 following amendments are made.

1. In Art. 17 a new para shall be introduced:

"(4) Clinical trials of medicinal products can be conducted in the diagnostic – consultancy centre under the terms of the Medicinal Products in Human Medicine Act."

2. In Art. 26 new para 4 shall be inserted:

(4) In the dispensary clinical trials of medicinal products can be conducted under the terms of the Medicinal Products in Human Medicine Act.

§ 24. In § 14 Of Transitional and Final Provisions in the amended Act on the Branch organisation of physicians and dentists (SG N. 76 from 2005) following amendments and supplementation shall be made:

1. The text in Art 1 shall be amended as follow:

(1) The individual and group of practices for dental assistance, dentist and medico-dental centres, which are registered as traders under the Commerce Act or as a cooperative under the Cooperatives Act, shall apply their names in compliance according § 2 of that Act and shall inscribe that change in the Commercial Register, Register BULSTAT and in the Regional health centre until 31 of December 2007.

2. New Art. 2, 3 and 4 are inserted:

The individual dental assistance practices, which are nor registered as traders upon the Commerce Act, shall apply their names in compliance with § 2 of that Act and inscribe the change in the BULSTAT register and in the Regional health centre in the period provided in para 1.

(3) The registration of the change of the name of the practices and the centres according to para 1 in the Commercial Register and BULSTAT shall be carried out as follows:

1. until 1 of July 2007 - upon the rules in the Commerce Act, Cooperatives Act, BULSTAT Register Act.

2. until 1 of July 2007 – under the procedures of the Commercial Register

(4) State fees for modification in the registration under para 1 and 2 shall not be required.

§ 25. In the Act on Patents and Registration of Utility Models (promulgated SG 27 from 1993; amended, 83 from 1996, 11 from 1998, 81 from 1999, 45 and 66 from 2002,17, 30 and 64 from 2006 ) in Art. 20, issue 7 is repealed.

§ 26. In the Act on the society organisation of master of pharmacists SG 75 from 2006, amended 105 from 2006, Art. 5, point 9 shall be amended as follow:

"9. Provides statements for opening of pharmacies, pursuant Art. 228, para 1, issue 9 from the Medicinal Products in Human Medicine Act.

§ 27 In § 1, point 5 of the Additional provisions of the Integration of People with Disabilities Act (promulgated SG N81 from 2004, amended., N. 28, 88, 94, 103 and 105 from 2005, N 18, 30, 33, 37, 63, 95, 97 and 108 from 2006) the second sentence shall be amended as follow "Medical devices are not auxiliary devices, installations and equipment ".

§ 28. In the Excises and Tax Warehouses Act (promulgated, SG No 91 of 2005; amended and supplemented, No 105 of 2005. and No 30 and 34, 63, 81, 105 and 108 from 2006 of 2006) the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

§ 29. In the Genetically Modified Organisms Act (promulgated, SG 27 of 2005; amended and supplemented, 88 and 99 of 2005 and 30 of 2006) the para 2 in Art. 2, issue 3 the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

§ 30. In Protection of Customers Act (promulgated, SG No 99 of 2005; amended and supplemented, No 30 and 51, 53, 59, 105 and 108 of 2006) in Art. 186, para 2, issue 4 the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

§ 31. The following amendments shall be introduced in the Health Act (promulgated, SG 70 of 2004; amended and supplemented, 46, 76, 85, 88, 94 and 103 of 2005 and 18, 30, and 34, 59, 71, 75, 81,95



and 102 of 2006):

1. In Art. 4 the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

2. In Art. 21, para 3, the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

§ 32. The following amendments shall be introduced in the Control on Drugs and Precursors Act (promulgated, SG 30 of 1999; amended and supplemented, 63 of 2000, 74, 75, and 120 of 2002, 56 of 2003, 76, 79, and 103 of 2005, and 30,75 and 82 of 2006):

1. In Art. 32, para 3 the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

2. In Art. 33, para 1, item 1 the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

3. In Art. 34 after the word "issued" the words "on master of pharmacy" are deleted.

4. In Art. 39, para 2 the words "Art. 55, item 2 of Medicinal Products in Human Medicine Act" shall be replaced by "Art. 197, para 2 of Medicinal Products in Human Medicine Act".

5. In Art. 44 a, para 3 is deleted.

6. In Art. 44b the words master of pharmacy are deleted.

7. In § 1, item 14 of the Additional provision the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

§ 33. In the Act on Blood, Blood Donation, and Blood Transfusion (promulgated, SG 102 of 2003; amended and supplemented, 70 of 2004 and 30 and 65 of 2006) in Art. 8, para 4, the words "Medicinal Products in Human Medicine Act" shall be replaced by "Medicinal Products in Human Medicine Act".

§ 34. In Art. 140 of Environmental Protection Act (promulgated, SG 91 of 2002; correction, 98 of 2002; amended and supplemented, 86 of 2003, 70 of 2004, 74, 77, 88, 95, and 105 of 2005, and 30,65, 82, 99, 102 and 105 of 2006.) in the Art. 140 after the words "pharmaceutical products and medical devices" the expression "within the meaning of the Medicinal Products in Human Medicine Act" shall be added and the words "within the meaning of § 1, item 40 of the additional provisions of the Medicinal Products in Human Medicine Act and medical devices " shall be deleted.

§ 35. In Foodstuffs Act (promulgated, SG 90 of 1999; amended and supplemented, 102 of 2003, 70 of 2004, 87, 99, and 105 of 2005 and 30, 31, 34, and 51,55 and 96 of 2006) in Art.2, para 3, issue 4 shall be amended:

"4. medicinal product within the meaning of the "Medicinal Products in Human Medicine Act".

§ 36 Until coming into force of the provisions pursuant to § 19 the issued normative acts for applying the repealed "Medicinal Products in Human Medicine Act" shall be applied, until they shall not contradict to that Act.

§ 37. This Act shall take effect as from the date of its promulgation in State Gazette, except § 22, which shall take effect after one year from the date of the promulgation of this Act.

This Act has been adopted by the 40 National Assembly on 30 of March 2007 and has been

sealed with the official seal of the National Assembly.

This Act was adopted by the 40th National Assembly on 30 March 2007 and has been sealed by the official stamp of the National Assembly.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ON MEDICINAL PRODUCTS**  
**IN THE HUMANE MEDICINE ACT**

(PUBL. - SG 71/2008, IN FORCE FROM 12.08.2008)

§ 65. (1) The issued according to the repealed Act on Medicines and Pharmacies in the Humane Medicine (publ., SG 36/1995; amen., 61/1996, 38/1998, 30/1999, 10, 37, 59 and 78/2000, 41/2001, 107 and 120/2002, 2, 56, 71 and 112/2003, 70 and 111/2004, 37, 76, 85, 87, 99 and 105/ 2005, 30, 31, 34, 75 and 105/2006; repealed 31/2007) permissions for use of medicinal products, falling in the scope of the repealed Council Regulation (EC) № 2309/93 of 22 July 1993, which established the Community procedure for issuing authorisations (licences) and exercising supervision over the medicinal products, used in the human and veterinary medicine and is established European Agency for evaluation of medicinal products, but have not been permitted in the other Member States according to the procedure, established by the repealed Council Directive 87/22/EEC of 22 December 1986 on approximation of the national measures, related to placement on the market of highly technological medicinal products, especially those, received through biotechnology, or by Regulation (EC) № 2309/93, shall be terminated.

(2) The issued after 20 November 2005, as provided by the repealed Act on the Medicines and Pharmacies in the Human Medicine authorisation for use if medicinal products in the scope of Regulation (EC) № 726/2004 of the European Parliament and of the Council, but have not been permitted according to centralised procedure, shall be terminated.

§ 66. (1) Master of Pharmacy and Assistant Pharmacist, who have authorisation for opening a pharmacy as sole traders, the medical establishments, as well as the municipalities, received authorisation for opening a pharmacy, as provided by the Act on the Medicines and Pharmacies in the Human Medicine shall perform their activity as provided by their issued authorisations.

(2) By this Act comes into force, the filed applications for issuing authorisation for retail trade with medicinal products shall be examined under the terms and conditions, provided by it.

(3) Apart from the cases under para 1, the persons, status quo at the time of this Act comes into force, who have received authorisation for opening a pharmacy, shall comply their activity with its requirements within 1 year after its coming into force.

(4) The persons under para 3 shall file in the Ministry of Health an application for re-registration, which shall contain:

1. application for issuing authorisation for retail trade with medicinal products by the persons under Art. 222, para 1, according to a form, approved by the Minister of Health;

2. updated certificate for listing into the trade register, correspondingly a document for updated registration of the person under Art. 222, para 1;

3. copy of the issued authorisation for opening a pharmacy, as provided by the Act on the Medicines and Pharmacies in the Human Medicine

4. certified copy of the employment contract or a contract for assignment of management of the head of the pharmacy – in the cases, where such is required;

5. declaration of the persons under Art. 222, para 1, that the conditions have been met for issuing

the authorisation for retail trade with medicinal products of the persons under para 2;

6. document for a single paid fee in the amount of BGN 100.

§ 67. The persons, who have filed by this Act comes into force application for re-registration as provided by the repealed § 16 of the Transitional and Final Provisions, who will perform their activity as provided by the requirements of this Act, shall file in the Ministry of Health within 3 months after its coming into force, the following documents:

1. application, according to a form, approved by the Minister of Health;

2. updated certificate for listing in the trade register, or a document for updated registration or a certified copy of a similar document according to the national legislation of an EU Member State or the legislation of another Member- State – party of the EEA, under Art. 222, para 1;

3. employment contract or a contract for management of the pharmacy, signed with a Master of Pharmacy of Assistant Pharmacist.

§ 68. (1) Master of Pharmacy of Assistant Pharmacist, who has received authorisation for opening a pharmacy, as provided by the repealed § 16 of the Transitional and Final Provisions may transfer the issued authorisation to a person under Art. 222, para 1.

(2) For performing the transfer, the persons under para 1 shall file in the Ministry of Health an application, which shall contain:

1. an application for issuing authorisation for retail trade with medicinal products by the persons under Art. 222, para 1, according to a form, approved by the Minister of Health;

2. an updated certificate for listing in the trade register, or a document for updated registration of the persons under Art. 222, para 1;

3. copy of the issued, as provided by the Act on the Medicines and Pharmacies in the Human Medicine, authorisation for opening a pharmacy or authorisation for re-registration, as provided by the repealed § 16 of the Transitional and Final Provisions;

4. a certified copy of the employment contract or a contract for management of the head of the pharmacy;

5. a declaration of the persons under Art. 222, para 1 that the conditions, in which the authorisation for retail trade with medicinal products of the persons under para 1 have been met;

(3) The transfer under para 1 may be done within the term of 1 year after this Act comes into force.

§ 69. The drugstores, status quo at the time of this Act's coming into force shall continue to perform its activity on the basis of the certificates, issued for registration.

§ 70. The Commission on the Positive medicine list, assigned by the time of this Act coming into force shall continue to perform its activity by the assignment of its new staff, in compliance with Art. 261, para 6.

§ 71. The products, falling into the scope of Art. 37 – traditional herbal medicinal products and have been placed on the market in the country before the date of this Act coming into force, shall be complied with its requirements not later than 30 April 2011.

§ 72. (1) By 31 December 2008 the file under Art. 27 for authorisation of use of a medical

product on the procedure of mutual recognition or decentralised procedure may be filed in the form of "general technical document".

(2) By 31 December 2009 the file under Art. 27 for authorisation for use of medicinal product upon national procedure may be submitted in the form "General technical document"

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§ 75. This Act shall come into force from the day of its publishing in the State Gazette, with the exception of the provision of § 64, p. 2, which shall come into force from 14 April 2008 and of the provisions of § 9, p. 4, § 41, 42 and 43, which shall come into force from 26 July 2008.

### **Concluding provisions**

## **TO THE ACT AMENDING THE MEDICINAL PRODUCTS IN HUMAN MEDICINE ACT**

(PUBL. - SG 10/2009, IN FORCE FROM 29.01.2009)

§ 2. The Act shall come into force from 29 January 2009.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICINAL PRODUCTS IN HUMAN MEDICINE ACT**

(PUBL. - SG 23/2009, IN FORCE FROM 30.03.2009)

§ 4. Persons, who have received by the time this Act comes into force authorisation under Art. 229, para 2, including performing trade with food supplements, may perform retail trade with dietetic foods for special medical purposes.

§ 5. Within 2 months after this Act comes into force, the Ministry of Health shall officially sent to the relevant RIPCPH of the locality of the pharmacies for listing into the register under Art. 14, para 1 of the Foodstuffs Act, a copy of the authorisations under Art. 229, para 2, issued by this Act comes into force.

.....

§ 7. This Act shall come into force from 30 March 2009.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT**

(PUBL. - SG 41/2009, IN FORCE FROM 02.06.2009)

§ 92. (1) Persons, who have received by the time this Act comes into force authorisation under Art. 229, para 2 of the Medicinal Products in Human Medicine Act, including performing trade with food supplements, may perform retail trade also with Infant formulas and transitional foods.

(2) Within the term of 2 months after this Act comes into force, the Ministry of Health shall officially submit in the relevant RIPCPH on the locality of the pharmacies, which perform retail trade with Infant formulas and transitional foods under Art. 1 for listing into the register under Art. 14, para 1 of the Foodstuffs Act copy of the authorisations under Art. 229, para 2 of the Medicinal Products in Human Medicine Act issued by the time this Act comes into force.

.....

§ 96. This Act shall come into force from the day of its publication in the State Gazette, with the exception of:

1. para 3, 5, 6 and 9, which shall come into force from 1 January 2009;
2. para 26, 36, 38, 39, 40, 41, 42, 43, 44, 65, 66, 69, 70, 73, 77, 78, 79, 80, 81, 82, 83, 88, 89 and 90, which shall come into force from 1 July 2009;
3. para 21, which shall come into force from 1 June 2009.

### **Concluding provisions**

## **TO THE ACT SUPPLEMENTING THE MEDICINAL PRODUCTS IN THE HUMANE MEDICINE ACT**

(PUBL. - SG 88/2009 IN FORCE FROM 06.11.2009)

§ 2. The Act shall enter into force from the day of its promulgation in the State Gazette.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICINAL PRODUCTS IN HUMAN MEDICINE ACT**

(PROM. - SG 102/09, IN FORCE FROM 22.12.2009)

§ 4. (1) Master-pharmacists and assistant pharmacists who, prior to the entry into force of this Act, have been granted permissions to open a pharmacy in populated areas referred to in Art. 228, para 4 according to the revoked Act on Medicines and Pharmacies for the Human Medicine, and who have not submitted an application for re-registration within the term fixed in § 66, para 3 of the Act on Amendment and Supplementation of the Medicinal Products in Human Medicine Act (SG 71/08), shall bring their activity in compliance with the requirements of this Act by 31st of January 2010.

(2) The persons referred to in para 1 shall submit to the Ministry of Health an application for re-registration, to which shall be enclosed the following documents:

1. an application for authorisation for retail trade with medicinal products by the persons under Art. 222, para 1 in a form. Approved by the Minister of Health
2. up-to-date certificate for entry in the commercial register, respectively a document certifying up-to-date registration of the person as per Art. 222, para 1;
3. a copy of the permission to open a pharmacy pursuant to the revoked Medicinal Products in Human Medicine Act;
4. a verified copy of the employment contract with the manager of the pharmacy – where such is required;

5. a declaration by the persons as per Art. 222, para 1 that the requirements under which is granted the authorisation for retail trade in medicinal products to persons under para 1, have been met;
6. a document issued by the mayor of the respective municipality verifying the number of citizens in the respective populated area;
7. a document for paid fee amounting to 100 BGN.

§ 5. Within three months from the entry into force of this Act the Minister of Health shall make the respective amendments in the ordinance as per Art. 219, para 2.

§ 6. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICAL  
ESTABLISHMENTS ACT**

(PROM. – SG 59/10, IN FORCE FROM 31.07.2010)

§ 77. The Act shall enter into force from the day of its promulgation in the State Gazette, except for:

1. paragraphs 9 (regarding Art. 19, para. 4), 53, 60 and 66 (regarding Art. 98, para 5 and 6), which shall enter into force from 1 January 2011;
2. paragraph 75, which shall enter into force from 30 September 2011.

**Transitional and concluding provisions  
TO THE ACT ON THE BUDGET OF THE NATIONAL HEALTH INSURANCE FUND  
FOR YEAR 2011**

(PROM. – SG 98/2010, IN FORCE FROM 01.01.2011)

§ 5. (1) In year 2011 activities on diagnosing and treatments of malignant illnesses and of ill of renal insufficiency treated with dialysis, including provision of the medical products and articles, as well as the other medical activities, which in 2010 has been funded through the budget of the Ministry of Health and through the assigned by the state activities to the municipalities, shall be paid with the funds envisaged in Art. 1, Para 2, line 5.

(2) Activities, medical products and articles envisaged in Para 1 shall be paid under a procedure and method, determined by the Minister of Health.

(3) Funds envisaged in Art.1, Para 2, line 5 shall be transferred monthly the end of the current month.

§ 7. Supervising Board of the National Health Insurance Fund shall be entitled to execute internal compensated changes of the credits between the elements of the expenses and of the transfers envisaged in Art.1, Para 2, which shall be within the frames of the approved budgeted.

§ 8. Supervising Board of the National Health Insurance Fund, on the grounds of Art. 26, Para 2 of the Health Insurance Act, shall be entitled to spend the funds of the reserve for unexpected and urgent expenditures envisaged in Art.1, Para 2, line 3.

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§ 15. This Act shall enter into force from 1st of January 2011, except for § 10, which shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT**

(PROM. - SG 98/2010, IN FORCE FROM 01.01.2011)

§ 106. In the Medicinal Products in Human Medicine Act (prom. – SG 31/2007; amend. – SG 19/08; decision No. 5 of the Constitutional Court of 2008- SG 65/08; amend. – SG 71/08, 10,23, 41, 88 and 102 of 2009 and SG 59/10), everywhere words "regional inspectorate(s) on/for protection and control of the public health", and "RIPCPH" shall be replaced respectively by "regional health inspectorate(s)" and "RHI".

.....

§ 121. This Act shall enter into force from 1st of January 2011, except for:

1. paragraphs 1, 16, 20, 29, 30, 33, 34, 35, 42, 44, § 56, items 1 and 2, § 65, 68, 70, 76, 80, 81, 90, 92, 96, § 102, items 3,4,7 and 8; § 105, items 1,3, and 5; § 107, items 1,2,3,4,6, letter "a", items 7, 10, 11, 13, and 15, letter "a"; § 109, 110, 112, 113; § 116, items 4 and 6; § 117, items 5 and 7 and § 118, item 1, which shall enter into force from the day of promulgation of the Law in the State Gazette;

2. paragraph 102, items 1,2 and 6, which shall enter into force from 1st of March 2011;

3. paragraphs 22, item1 (regarding Art. 36, Para 1, Sentence Two), § 37, § 48, item2, § 51 and 59, which shall enter into force from 1st of July 2011;

4. paragraph 107, item 15, letter 'b', which shall enter into force from 30 September 2011.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICINAL PRODUCTS IN  
HUMAN MEDICINE ACT**

(PROM. – SG 12/2011, IN FROCE FROM 08.02.2011)

§ 24. Lodged before the entering into force of this Act valid applications and notifications for variations to marketing authorisations shall be decided under the existing procedure.

§ 25. Minister of Health shall bring the ordinance envisaged in Art. 42 in accordance with this Act within three-months term from the moment it enters into force.

§ 27. This Act shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICINAL PRODUCTS IN**  
**HUMAN MEDICINE ACT**

(PUBLISHED – SG, 60/2011, IN FORCE FROM 5. 8. 2011)

§ 66. (1) The producers under § 12, Para. 2 of the Transitional and final provision shall be complied with the relevant requirements of Art. 148 of the Good production practice, determined under Art. 152 within the term of 6 months from the enforcement of this Act.

(2) After expiry of the term of Para. 1, the BDA shall perform an inspection on the compliance with the requirements under Art. 148 and the Good production practice, determined under Art. 152.

(3) Where after the inspection under Para. 2, BDA finds that the conditions for production, control and storage of the out coming materials for production and of the ready medicinal products fail to meet the requirements of this Act, and of the Good production practice, it shall notify the relevant person under Para. 1 and shall give written instructions.

(4) In case that within the term of 60 days from the date of the notification the relevant persons under Para. 1 fails to remove the found non-compliances, the executive director of the BDA shall withdraw the issued under the repealed Act on the Medicines and Pharmacies in the Human Medicine (published, SG, 36/1995; Decision N 10 of the Constitutional court of 1996 - 61/1996; amend., 38 /1998, 30/1999, 10/ 2000; Decision N 3 of the Constitutional court of 2000 – 37/ 2000; amend., 59/2000; Decision N 7 of the Constitutional court of 2000 - 78/2000; amend, 41/2001, 107 and 120 of 2002; corr., 2/2003; amend., 56, 71 and 112/2003, 70 and 111 of 2004, 37, 76, 85, 87, 99 and 105 /2005, 30, 31, 34, 75, 80 and 105/2006.; repealed., 31/2007) permit for production under the conditions of Art. 160a.

(5) Where after the inspection under Para. 2 it is found that the relevant persons under Para. 1 has not complied with the requirements of Art. 148 and of the Good production practice under Art. 152, the BDA shall withdraw the issued authorisation for production under the conditions of Art. 160a.

(6) Where after the inspection under Para. 2 it is found that the relevant persons under Para. 1 has complied with the requirements of Art. 148 and of the Good production practice under Art. 152, the BDA shall issue a new authorisation for production under this Act, after:

1. submitting an application and the documentation under Art. 150 and 151, and
2. producing a document for a paid charge in the amount of BGN 1500.

(7) Where within one month term after finalisation of the inspection under Para. 2, the person under Para. 6 has not submitted an application and the documentation under Art. 150 and 151, the issued permit for production under the repealed Act on the Medicines and Pharmacies in the Human Medicine shall be terminated.

§ 67. (1) The open and non-finalised up to the enforcement of this Act procedures for issuance or changes of authorisations for retail trade with medicinal products shall be examined and finalised under the previous order without producing proposals of the High council of pharmacy.

(2) Within the term of 3 months from the enforcement of this Act, the Ministry of Health shall submit to the BDA with a protocol the archive of the finalised procedures.

(3) Within the term of up to 2 months from the enforcement of this Act, the Ministry of Health shall submit to the BDA with a protocol they kept by the Ministry of Health register of the issued authorisations for retail trade with medicinal products in a pharmacy.

(4) After issuance of an authorisation under Para. 1, the Ministry of Health shall submit within 3 day term officially to the BDA a copy of it for entering into the register of the issued authorisations for



retain trade with medicinal products.

(5) After finalisation of the procedures under Para. 1, the Ministry of Health shall submit to the BDA with a protocol their archive.

§ 68. (1) The applications for issuance or changes of registrations certificates for drugstores, submitted before the enforcement of this Act, shall be examined under the terms and conditions, provided by it.

(2) Within the term of 1 month after the enforcement of this Act, the BDA shall submit to the relevant Regional health inspectorate with a protocol the applications and the documentation, submitted for procedures for issuance of registration certificates of drugstores, as well as the archive of the finalised procedures.

(3) Within the term of 1 month after the enforcement of this Act, the BDA shall submit to the Ministry of Health with a protocol the kept in BDA register of the issued registration certificates for a drugstore.

(4) Within the term of 1 month after the submission of the register under Para. 3, the Ministry of Health shall draw up and publish on its website the national register of the issued before the enforcement of this Act registration certificate for drugstores.

§ 69. (1) Within the term of 3 months from the enforcement of this Act, the procedures for conforming or registration of prices of medicinal products shall be done under the current procedure by the Commission of prices of the medicinal products.

(2) After expiry of the term under Para. 1, the Commission of prices of the medicinal products shall submit to the Commission on prices and reimbursement with a protocol the applications and documents. Submitted rot the procedures under Para. 1, as well as the archive of the finalised procedures for confirming or registration of prices of medicinal products.

(3) After expiry of the term under Para. 1, the Commission of prices of the medicinal products shall submit to the Commission on prices and reimbursement with a protocol they kept by the Commission registers of issued authorisations for confirmation or registration of prices of medicinal products.

§ 70. (1) Within the term of 3 months after the enforcement of this Act, the procedures for including, excluding and/or changes of medicinal products in the Positive Medicines List shall be done in the current procedure by the Commission on the Positive Medicines List.

(2) After expiry of the term under Para. 1, the Commission of the Positive Medicines List shall submit to the Commission on prices and reimbursement with a protocol the application and documents, submitted for the procedures under Para. 1, as well as the archive of the finalised procedures for including, excluding and/or changes of medicinal products of the Positive Medicines List.

§ 71. The state charges, paid under the procedures under § 69, Para. 1 and § 70, Para. 1, shall be spend for the administrative procedures, as well as for the activity of the Transparency commission.

§ 72. (1) The prices, determined under Art. 258, Para. 1 of the medicinal products, which at the enforcement of this Act have been included in the Positive Medicines List, shall be considered for their limit prices at their retail sale under Art. 258, Para. 3.

(2) Within the term of 3 months from the enforcement of this Act, the Commission of prices of the medicinal products shall delete from the register of the limit prices they formed limit prices of the

medicinal products under Para. 1.

(3) By 31 December 2012 the holders of authorisations for use shall not change the price of a medicinal products with the exception of its lowering for products, which at the enforcement of this Act have has a determined price, but have not been included in the Positive Medicines List.

§ 73. (1) With the enforcement of this Act, the formed limit prices of medicinal products, sold on doctor's prescription and the registered prices of medicinal products, sold without doctor's prescription shall be considered for their registered prices under Art. 258, Para. 2.

(2) Apart from the cases under Para. 1, with the enforcement of this Act the formed limit prices of medicinal products, which belong to an international non-patent name, which has been included in the Positive medicinal list, with the exception of the products, included in Annex N2 of the list, shall be considered for their limit prices at their retail sale and shall not be changed until the adoption of the Ordinance under Art. 258, Para. 5.

(3) Within the term of up to 3 months from the enforcement of this Act, the Commission of prices of the medicinal products shall draw up the register under Art. 261, Para. 3, which shall contain the prices under Para. 1.

§ 74. Within the term of up to 3 months from the enforcement of this Act, the Commission on the Positive Medicines List shall comply the Positive Medicines List with the requirements of Art. 262, Para. 5, p. 1-3.

§ 75. Within the term of up to 3 months from the enforcement of this Act the Council of Ministers shall select a staff of the Commission on prices and reimbursement.

§ 76. Within the term of up to 3 months from the enforcement of this Act:

1. The Minister of Health shall amend and supplement the ordinances under Art. 82, Para. 3, Art. 219, Para. 2 and Art. 243 in compliance with this Act.

2. The Council of Ministers shall adopt the Ordinance under Art. 258, Para. 5 and shall amend the tariff under Art. 21, Para. 2 and the Rules of procedure of the Ministry of Health in compliance with this Act.

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§ 84. This Act shall come into force from the day of its publication in the State Gazette, with the exception of § 65, which shall come into force from 30 September 2011.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANTS ACT**

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month after the promulgation of this Act in the State Gazette:

1. The Council of Ministers shall adjust the Classified of positions in administration to the provision of this Act;

2. the competent bodies shall adjust the structural acts of the respective administration to the provisions of this Act.

§ 85. (1) The legal relationships with the persons from administrations under the Radio and Television Act, Independent Financial Audit Act, Electronic Communications Act, Financial Supervision Commission Act, Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, Act on Seizure in Favour of the State of Property, Acquired through Criminal Activity Act on Prevention and Findings of Conflict of Interests, Code of Social Insurance, Health Insurance Act, Agricultural Producers Assistance Act, Roads Act shall be regulated subject to compliance with the provisions and following the procedure of § 36 of the Transitional and Conclusive Provisions of the Act amending and supplementing the Civil Servants Act (SG 24/06).

(2) By the act of appointment of a civil servant:

1. the minimum rank for the occupied position shall be conferred, as determined in the Classified of positions in the administration, unless the servant hold a higher rank;

2. individual monthly salary shall be fixed.

(3) Additionally required funds for insurance contributions of the persons under par. 2 shall be provided within the cost of salaries, remunerations and insurance contributions within the budgets of the respective administrators of budget credits.

(4) Council of Ministers must make necessary adjustments in the out-of-budget account of State Fund "Agriculture", arising out of this Act.

(5) Managing bodies of National Social Insurance Institute and of National Health Insurance Fund must make necessary adjustments in the respective budgets, arising out of this Act.

(6) The non-used leaves regulated in the employment agreement shall be kept and shall not be compensated with a financial benefit.

§ 86. (1) Within one month after entering of this Act into force the individual basic monthly salary of the employee shall be determined in such a way that the salary after the due tax and the obligatory insurance contributions chargeable to the insured person, where they have been payable, shall not be less than the gross monthly salary received by that time after the due obligatory insurance contributions chargeable to the insured person, where they have been payable, and the due tax.

(2) The gross salary under par. 1 shall include:

1. the basic monthly salary or the basic monthly remuneration;

2. additional payments payable permanently together with the payable basic monthly salary or basic monthly remuneration and depend solely on the hours worked.

§ 87. The law shall enter into force from 1 July 2012, except for § 84, which shall enter into force from the day of its promulgation in the State Gazette.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH INSURANCE ACT**

(PROM. - SG 60/12, IN FORCE FROM 07.08.2012)

§ 44. The Act shall enter into force from the day of its promulgation in the State Gazette.

**Additional provisions**  
**S TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON MEDICINAL PRODUCTS**  
**IN HUMANE MEDICINE**

(PUBL. – SG, 102/2012, IN FORCE FROM 21.12.2012)

§ 118. This act shall introduce the provisions of Directive 2012/84/EU on the European Parliament and of the Council of 15 December 2012 amending, as regards pharmaco-vigilance, Directive 2001/83/EC on the Community code relating to medicinal products for human use (OJ, L 348/74 of 31 December 2010) and Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products (OJ, L 174/74 of 1 July 2011).

**Transitional and concluding provisions**  
**TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON MEDICINAL**  
**PRODUCTS IN HUMANE MEDICINE**

(PUBL. – SG, 102/2012, IN FORCE FROM 21.12.2012)

§ 119. (1) After 2 January 2013, the manufacturers, importers and wholesale traders of active substances shall submit to BDA within the term of up to 2. March 2013 an application and entry documents under Art. 167b.

(2) The manufacturers and importers, who have manufactured or imported active substances on the basis of their issued authorisations for manufacture/import by 2 January 2013, shall not pay fee for their entry into the register under Art. 167d.

(3) By 2 March 2013 the persons under Para. 2 shall carry out activities of manufacture and import of active substances, based on their issued authorisations for manufacture/import.

§ 120. Persons, who carry out intermediation in the area of medicinal products and have started their activity before 2 January 2013, shall be registered under the conditions and procedure of Art. 212a within the term of up to 2 March 2013.

§ 121. The started marketing authorisation procedures by the enforcement of this act shall be finalised under the terms and procedure, provided by it.

§ 122. (1) The marketing authorisations holders shall not apply a system for risk management under Art. 192, Para. 1, p. 2 for medicinal products, who have been issued marketing authorisations before 21, July 2012, apart from the cases under Para. 2.

(2) The BDA may impose obligations of the marketing authorisation holder to establish and apply a risk management system, where he/she considers, that for a certain medicinal products there are suspects, which may influence the benefit/risk ratio. In this case BDA shall require from the marketing authorisation holder to produce a detailed description of the risk management system, which he/she intends

to introduce for the relevant medicinal product.

(3) In the cases under Para. 2, BDA shall notify in writing the marketing authorisation holder by pointing out the motives for imposing the obligation and the term for producing a detailed description of the risk management system.

(4) Within 30-day term after receiving the notification under Para. 3, the marketing authorisation holder may request from BDA providing an opportunity for producing information about the imposed obligation under Para. 2.

(5) After receiving the request under Para. 4, BDA shall determine and term for producing the information by the marketing authorisation holder.

(6) Based on the produced information, BDA may confirm the imposed obligation under Para. 2 or withdraw it.

(7) The BDA shall notify the holder about the decision, taken under Para. 6.

(8) Where BDA confirms the obligation, the executive director shall issue officially a change of the marketing authorisation by including in it a condition for the imposed obligation under Para. 2.

§ 123. The marketing authorisation holders of medicinal products, issued before 21 June 2012, shall fulfill the obligation under Art. 192, Para. 1, p. 1 starting from 21 July 2015 or from the date of renewal of the marketing authorisation of the relevant medicinal product, depending on which of the two dates will come first.

§ 124. The started non-interventional studies before the enforcement of this act shall be finalised under the current procedure.

§ 125. (1) By occurrence of the conditions and term under Art. 2, p. 3 of Directive 2010/84/EU the marketing authorisation holders shall submit the notifications for serious reverse medicinal reactions, occurred on the territory of the Republic of Bulgaria to BDA and to the European Medicines Agency within the term of up to 15 days from their receiving.

(2) The BDA shall check the fulfillment of the obligation under Para. 1.

(3) Where the notification refers a serious reverse medicinal reaction, occurred on the territory of a third state, the marketing authorisation holders within the term under Para. 1 shall notify the European Medicines Agency.

§ 126. (1) The marketing authorisation holders shall submit to BDA periodic updated safety reports in compliance with the time intervals under Art. 194k, Para. 3 for the medicinal products, which have issued marketing authorisations before 21 June 2012 and for which the frequency and the dates a of submitting the periodic updated safety reports have not been entered as conditions in the marketing authorisations.

(2) The provision of Para. 1 shall apply by determination of another frequency or other dates for submitting the reports in the marketing authorisation or by determining dates and frequency under Art. 194l-194n.

§ 127. (1) The marketing authorisation holders shall provide periodic updated safety reports under Art. 194h, Para. 1 in the register under Art. 194h, Para. 3 after expiry of 12 months from the date on which the European Medicines Agency announces its functioning.

(2) By the time the term under Para. 1 comes, the marketing authorisation holders shall produce

periodic updated safety reports to BDA and to the regulatory bodies if the other Member States, in which the relevant medicinal products is permitted for use.

§ 128. The wholesale trade authorisation/certificate holders of medicinal products in a pharmacy or drug store under Art. 234, Para. 5 shall place on the internet site the logo under Art. 234, Para. 6 within the term of up to 1 year from the date of publication of the act under Art. 85a, Para. 3 of Directive 2001/83/EC.

§ 129. The BDA shall carry out the first audit of the system under Art. 183, Para. 1 and shall submit to the European Commission a report with the results from it by 21, September 2013 latest.

§ 130. (1) By 20 March 2013 the initiated and not finalised procedures before the Commission on Prices and Reimbursement shall be finalised by it under the current procedure.

(2) After 1 April 2013 not finalised procedure before the Commission on Prices and Reimbursement shall be finalised by the National council on prices and reimbursement of medicinal products under the terms and procedure of this act.

(3) Within the term of up to 31 March 2013 the Commission on Prices and Reimbursement shall produce to the National council on prices and reimbursement of medicinal products by a record protocol the applications and documents, submitted for the procedures under Para. 1 as well as the archive of the finalised procedures.

(4) Within the term of up to 31 March 2013 Commission on Prices and Reimbursement shall produce to the National council on prices and reimbursement of medicinal products by a record protocol the kept registers by the Commission.

§ 131. (1) By 20 March 2013 the fees for submitting an application for confirmation of process / limit prices, registration of process of medicinal products, for inclusion, exclusion or changes of medicinal products in the Positive Medicines List shall be collected by the Ministry of Health within the sizes, provided by the tariff under Art. 21, Para. 2.

(2) The collected by 20 March 2013 financial means under Para. 1 shall be spent for the activity of the Commission on Prices and Reimbursement and the Transparency Commission.

§ 132. Within the term of up to 3 months from the enforcement of this act, the Council of Ministers upon proposal of the Minister of Health shall:

1. select the chairperson and the members of the National council on prices and reimbursement of medicinal products;
2. adopt rules of procedure of National council on prices and reimbursement of medicinal products.

§ 133. (1) Within the term of 2 months from the enforcement of this act, the Counsel of Ministers shall amend the tariff under Art. 21, Para. 2.

(2) Within the term of up to 1 April 2013 the Council of Ministers shall adopt the ordinance under Art. 261a, Para. 5.

§ 134. The obligations under Art. 159, Para. 4, Art. 168, Para. 8, Art. 168a and 168b shall begin

to be implemented 3 years after the date of publication of the delegated acts under Art. 54a of Directive 2001/83/EC in Official Journal of the EU.

§ 138. This act shall come into force from the day of its publication in the State Gazette with the exception of:

1. Para. 9, p. 1, letter a, § 29 – 36, § 38-43, § 44 about Art. 167a, 167b, 167c, 167d, Art. 167f, Para. 1 and Para. 2, p. 1 and Art. 167h, § 65-76, § 98, p. 1 and 2, § 101, p.1, letters a and b, § 102, 103, 106-108, 111, § 117, p. 1 letters a, f, g and l, which shall come into force from 2 January 2013;
2. Para. 20 and 117, p. 2, which shall come into force from 1 April 2013;
3. Para. 44 about Art. 167, Para. 2, p. 2 and Para. 3 and Art. 167g, which shall come into force from 2 July 2013.

### **Transitional and concluding provisions TO THE PUBLIC FINANCE ACT**

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

### **Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT**

(PROM. SG 1/14, IN FORCE FROM 03.01.2014)

§ 18. Within one month from entry into force of this Act the Minister of Health shall bring the ordinance under Art. 221, para 1 of the Medicinal Products in Human Medicine Act in compliance therewith.

§ 19. This Act shall enter into force from the date of its promulgation in the State Gazette.

### **Transitional and concluding provisions TO THE ACT AMENING AND SUPPLEMENTING THE HEALTH INSURANCE ACT**

(PROM. - SG 48/15)

§ 46. (1) Within three months from entry into force of this Act, medical scientific societies shall provide the National Council on Prices and Reimbursement of Medicinal Products with manuals and algorithms under Art. 259, para 1, item 4 of the Medicinal Products in Human Medicine Act.

(2) Where medical scientific societies fail to provide guidelines and algorithms under Art. 259, para. 1, item 4 of the Medicinal Products in Human Medicine Act within the time limits under para 1, the National Council on Prices and Reimbursement of Medicinal Products shall organize their preparation by national consultants or other medical professionals who have experience in the field.

(3) The National Council on Prices and Reimbursement of Medicinal Products shall approve the manuals and algorithms under Art. 259, para 1, item 4 of the Medicinal Products in Human Medicine Act within three months from expiry of the time limit set under para 1.

§ 47. (1) Within three months from entry into force of this Act, the Minister of Health shall issue an ordinance under Art. 262, para 4 of the Medicinal Products in Human Medicine Act.

(2) Within 6 months from entry into force of this Act in the Positive Medicines List may be included medicines with new international non-proprietary names without health technology assessment.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON LIMITATION OF THE ADMINISTRATIVE REGULATION AND THE ADMINISTRATIVE CONTROL OVER THE BUSINESS ACTIVITY**

(PROM. - SG 103/17, IN FORCE FROM 01.01.2018)

§ 68. The Act shall enter into force on 01 January 2018.

Relevant legislative Documents from the European Legislation:

Directive 2001/83/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL of 6 November 2001 on the Community code relating to medicinal product for human use

DIRECTIVE 2001/20/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use

DIRECTIVE OF COUNCIL 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications.

COUNCIL DIRECTIVE FROM 14 OF JUNE 1989 extending the scope of application of the Directive 65/65/EEC and (89/381/EEC) and 75/319/EEC for the approximation of the laws, regulations and administrative provisions regarding the medicinal products and establishing specific provisions for the medicinal products derived from human blood and plasma

COUNCIL DIRECTIVE 87/18/EEC OF 18 DECEMBER 1986 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for trials on chemical substances.

COUNCIL DIRECTIVE 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy

SECOND COUNCIL DIRECTIVE 75/319/EEC of 20 May 1975 on the approximation of provisions laid down by Law, Regulation or Administrative Action relating to proprietary medicinal products

DIRECTIVE 2004/27/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use

REGULATION (EC) NO 726/2004 OF THE EUROPEAN PARLIAMENT AND OF THE



COUNCIL of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency.

COMMISSION REGULATION (EC) NO 1084/2003 of 3 June 2003 concerning the examination of variations to the terms of a marketing authorisation for medicinal products for human use and veterinary medicinal products granted by a competent authority of a Member State.

REGULATION (EC) NO 141/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 1999 on orphan medicinal products.

COMMISSION REGULATION (EC) NO 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (OJ, L 334/7 of 12.12.2008).

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICINAL PRODUCTS IN**  
**HUMAN MEDICINE ACT**

(PROM. - SG 84 OF 2018, IN FORCE FROM 12.10.2018)

§ 70. Clinical trials with medicinal products containing narcotic substances, authorized until the entry into force of this Act, shall be carried out in the healthcare establishments for which permits have been obtained for conducting the relevant clinical trials under the previous order.

§ 71. (1) The Minister of Health shall determine the composition of the committee under Art. 103, Para. 1 within three months of the entry into force of this Act.

(2) The committee under Art. 103, Para. 1 shall be the successor to the Ethics Committee for Multi-Centre Testing.

(3) The committee under Art. 103, Para. 1 shall also give opinions on the unfinished proceedings before the ethics committees established at the medical establishments under the previous order.

(4) Until establishing the composition of the committee under Art. 103, Para. 1, the Ethics Committee for Multi-Centre Testing shall continue to operate under the current order.

§ 72. (1) The Central Ethics Committee shall terminate its activity after the completion of all proceedings initiated before it.

(2) The Chairperson of the Central Ethics Committee shall transmit the Central Ethics Committee's archive, with an Acceptance protocol, to an official from the Ministry of Health designated with an order of the Minister of Health within one month from the termination of the activity of the Central Ethics Committee.

§ 73. (1) The managers of the healthcare establishments, in which clinical trials are carried out under this Act, shall designate a contact person in accordance with the requirements of Art. 107a within three months from the entry into force of Art. 107a.

(2) The ethics committees established at the healthcare establishments under the previous order shall continue to carry out their activities until the contact person under Art. 107a, Para. 1 has been designated.

(3) After appointing a contact person under Art. 107a, Para. 1, the functions of the ethics committees established at the healthcare establishments under the previous order shall be performed by the contact person under Art. 107a, Para. 1, except for giving an opinion under Art. 83, which is to be carried

out by the committee under Art. 103, Para. 1.

(4) The archives of the ethics committees, established at the medical establishments under the previous order, shall be submitted and stored in the respective healthcare establishment.

§ 74. Within 6 months from the publication of the announcement under Art. 82, paragraph 3 of Regulation (EU) № 536/2014, clinical trials shall be permitted and conducted under the current conditions and order, except in the cases of Art. 98 of Regulation (EU) № 536/2014.

§ 75. (1) The Bulgarian Drug Agency shall create the specialized electronic system under Art. 217b, Para. 1 in compliance with the requirements of this Act within 4 months of the Act's entry into force.

(2) The First List of medicinal products included in the Positive Drug List, for which a shortage is established on the territory of the Republic of Bulgaria, shall be prepared in compliance with the requirements of Art. 217c, whereby the shortage of medicinal products is to be established on the basis of the necessary quantities to satisfy the health needs of the population for a period of one month, calculated based on the average monthly consumption of the respective medicinal product for the preceding 6 months through the specialized electronic system under Art. 217b.

(3) In order to prepare the first list under Art. 217c, Para. 1, the information under Art. 217b, Para. 3, items 1 - 3 shall be provided for the previous 6 months from the day of creating the specialized electronic system under Para. 1, which is publicly disclosed on the BDA website. The information shall be provided within two months of the establishment of the specialized electronic system under Para. 1.

(4) The list under Para. 2 shall also be sent by the BDA to the Customs Agency in an official order.

(5) The Ministry of Health shall assist the BDA in the establishment of the specialized electronic system under Art. 217b, Para. 1.

§ 76. The secondary legislation for the implementation of this Act shall be adopted, respectively issued and brought into compliance with the requirements of this Act within three months of its entry into force.

§ 77. Notifications submitted until the entry into force of this Act for the export of medicinal products included in the Positive Drug List under Art. 262, Para. 1, from the territory of the Republic of Bulgaria shall be considered and completed according to the previous order.

§ 78. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 5, § 7 - 12, § 14 - 21, § 27 - 30, § 31, item 2, § 32, § 39 - 41, § 56, § 60 and § 66, items 1-8, 10, 12, 15 - 17, 19 - 22, which are to enter into force 6 months after the publication of the notice under Art. 82, paragraph 3 of Regulation (EU) № 536/2014.

### **Transitional and concluding provisions**

## **TO THE ACT ON THE BUDGET OF THE NATIONAL HEALTH INSURANCE FUND FOR 2019**

(PROM. - SG 102/18, IN FORCE FROM 01.01.2019)

§ 43. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraph 29, item 13, letter "b", items 14 and 15, § 30 and § 42 item 2, which shall enter into force on the day of promulgation of the Act in the State Gazette;

2. paragraph 28, items 6 - 12 and items 14 - 19, § 35, item 3 with the exception of Art. 7a, Para. 4 and Art. 7c, Para. 4, item 5 and 6, item 8 - 22 and items 36 - 40, § 41, items 2 - 8, item 9, letters "a" and "c" and item 10 which shall enter into force on 1 April 2019;

3. paragraph 29, item 5, letter "a" on the words "through the budget of the Ministry of Health for the payment of medical devices, aids, devices and facilities for people with disabilities", item 9, letter "a" on the words "as well as medical devices, aids, devices and facilities for people with disabilities", item 9, letter "d" on the words "aids, devices and facilities for people with disabilities" and on the words "as well as with the persons carrying out activities related to delivery and repair of medical devices, aids, devices and facilities for people with disabilities, registered as traders and entered in the register of persons, performing activities related to delivery and repair of medical devices, aids, devices and facilities for people with disabilities", and item 9, letter "e" regarding Para. 15, item 3 and Para. 16 on the words "as well as persons carrying out activities related to delivery and repair of medical devices, aids, devices and facilities for people with disabilities, registered as traders and entered in the register of persons performing activities related to delivery and repair of medical devices, aids, devices and facilities for people with disabilities - for the payment of medical devices, aids, devices and facilities for people with disabilities", item 25, letter "a" - Para. 1, item 13 on the words "aids, devices and facilities for people with disabilities" and item 25 concerning Para. 4 on the words "persons carrying out activities related to delivery and repair of medical devices, aids, devices and facilities for people with disabilities, registered as traders and entered in the register of persons, performing activities related to delivery and repair of medical devices" and "and aids, devices and facilities for people with disabilities", § 36 and § 37 concerning Art. 14, Para. 8, item 2, letter "b", which shall enter into force from 1 January 2020.

### **Transitional and concluding provisions TO THE FOODSTUFFS ACT**

(PROM. - SG 52/20, IN FORCE FROM 09.06.2020)

§ 19. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of the provision of Art. 76, para. 2, item 2, which shall enter into force on 22 February 2021.

### **Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICINAL PRODUCTS IN HUMAN MEDICINE ACT**

(PROM. - SG 67/20)

§ 68. Within three months from the entry into force of this Act, the Bulgarian Drug Agency shall enter in the register under Art. 19, Para. 1, item 3 medicinal products authorized for use under a centralized procedure by the order of Regulation (EC) № 726/2004 of the European Parliament and of the Council.

§ 69. (1) Within three months from the entry into force of this Act, the Bulgarian Drug Agency shall enter a national number for identification as per Art. 19, Para. 3 of all medicinal products, entered in the register under Art. 19, Para. 1, item 3.

(2) For the medicinal products, which are included in the Positive Drug List, in the register of marginal prices and in the register of maximum selling prices, the Bulgarian Drug Agency shall enter in the

register under Art. 19, Para. 1, item 3 as a national number for identification of a medicinal product the identification number indicated in the respective register, kept by the National Council for Prices and Reimbursement of Medicinal Products.

(3) Within 18 months from the expiration of the term under Para. 1, the holders of authorizations for use shall ensure the introduction of the unique national identification number under Art. 19, Para. 3 for each of their medicinal product as part of the individual identification mark under Art. 68a.

§ 70. (1) The persons which, until the entry into force of this Act, have at the same time a permit for wholesale trade and a permit for retail trade in medicinal products in a pharmacy, shall bring their activity in compliance with the requirements of Art. 195a and 222a within 6 months from the entry into force of this Act.

(2) When, within the term under Para. 1, the person has not brought his activity in compliance, the Executive Director of the BDA shall revoke the permit, which has been issued with a later date. When the second type of activity is retail trade in medicinal products, the Executive Director of the BDA shall revoke the permits issued to the person for all pharmacies.

(3) The requirements of Art. 195a and 222a shall also apply to the applications for wholesale and / or retail trade in medicinal products submitted before the entry into force of this Act.

§ 71. (1) Within 12 months from the entry into force of this Act, the National Council for Prices and Reimbursement of Medicinal Products shall enter the information under Art. 262<sup>1</sup>, Para. 2 about medicinal products included in the Positive Drug List.

(2) The Bulgarian Drug Agency shall provide the necessary information to the National Council on Prices and Reimbursement of Medicinal Products under Para. 1 within 6 months from the entry into force of this Act.

§ 72. (1) The methodology under Art. 227b, Para. 5 shall be issued within 6 months from the entry into force of this Act.

(2) The National Pharmacy Map under Art. 227a, Para. 1 shall be adopted within one year from the entry into force of this Act.

§ 73. Within three months from the entry into force of this Act, the Director of the National Health Insurance Fund may, as a one-off thing, determine a new size of the individual basic monthly salaries of directors of the regional health insurance funds, without exceeding the maximum amount of the basic monthly salary for the respective level and rank, within the personnel costs under the budget of the National Health Insurance Fund for the respective year, regardless of the already made or forthcoming increases of monthly salaries during the respective year.

.....

§ 78. (1) Secondary legislation for the implementation of this Act, the Health Insurance Act, the Medical Devices Act and the Disabled Persons Act shall be adopted, respectively issued and brought into compliance, within three months from the entry into force of this Act.

(2) Until the adoption, respectively the issuance, and the bringing into compliance of the secondary legislation under Para. 1, the effective secondary legislation shall apply, insofar as they do not contradict the respective act.

**Transitional and concluding provisions**  
**TO THE ACT ON THE BUDGET OF THE NATIONAL HEALTH INSURANCE FUND**  
**FOR 2021**

(PROM. - SG 103/20, IN FORCE FROM 01.01.2021)

§ 20. (1) Within three months from the entry into force of this Act the Bulgarian Drug Agency shall submit to the National Council on Prices and Reimbursement of Medicinal Products in electronic format in electronic format, according to a sample approved by him, information on the authorized and registered medicinal products on the territory of the Republic of Bulgaria and for medicinal products authorized for use under the centralized procedure under Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency.

(2) The National Council on Prices and Reimbursement of Medicinal Products shall approve the sample under para. 1 within 7 days from the entry into force of this Act.

§ 21. (1) The identification numbers of the medicinal products, entered in the Positive medicinal list, in the register of the marginal prices and in the register of the maximum selling prices, shall be considered as national number for identification of the medicinal product in the sense of art. 259 1, para. 1 of the Law on Medicinal Products in Human Medicine.

(2) Within 6 months from the provision of the information under § 20, para. 1 The National Council for Prices and Reimbursement of Medicinal Products shall publish on its website the register under Art. 259, para. 2, item 4 of the Medicinal Products in Human Medicine Act.

(3) Within three months from the entry into force of this Act, the holders of marketing authorizations / certificates for registration of a medicinal product shall submit to the Executive Agency for Medicinal Products for all medicinal products that have received a marketing authorization / registration certificates on the territory of the country through the specialized electronic system under Art. 217b, para. 1 of the Law for the medicinal products in human medicine, information about the product code in the sense of art. 4 (b) (i) of Commission Commission Delegated Regulation (EU) 2016/161 of 2 October 2015 supplementing Directive 2001/83/EC of the European Parliament and of the Council by laying down detailed rules for the safety features appearing on the packaging of medicinal products for human use (OJ L 32/1 of 9 February 2016), hereinafter referred to as "Delegated Regulation (EU) 2016/161", for medicinal products as defined in Delegated Regulation (EU) ) 2016/161.

(4) Within three months from the entry into force of this Act, the holders of permits for parallel import of a medicinal product shall submit to the Bulgarian Drug Agency for all medicinal products that have received a permit for parallel import on the territory of the country through the specialized electronic system under Art. 217b, para. 1 of the Medicinal Products in Human Medicine Act, information about the product code in the sense of art. 4 (b) (i) of Delegated Regulation (EU) 2016/161 for medicinal products defined therein

.....

§ 24. The Act shall enter into force on January 1, 2021, with the exception of § 17, 22 and 23, which shall enter into force on the day of its promulgation in the State Gazette.

**Concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT**

(PROM. - SG 105/20, IN FORCE FROM 11.12.2020)

§ 9. The Act shall enter into force on the day of its promulgation in the State Gazette.