FRENCH REPUBLIC

Ministry of Labour, Health, Solidarity
and Family

Decree No. of

on medical cannabis

NOR: xxx

Groups concerned: *Healthcare professionals and patients; pharmaceutical companies engaged in the manufacture of medicinal products; companies or bodies operating a medicinal product; pharmaceutical companies engaged in the wholesale distribution of medicinal products; National Agency for the Safety of Medicines and Health Products.*

Subject: *Supervision of cannabis for medical use. The Decree lays down the framework for cannabis-based medicinal products. It creates a new section in the Public Health Code on the authorisation of medicinal products based on medical cannabis and amends the common provisions with proprietary medicinal products on pharmacovigilance, manufacture and wholesale distribution and the provisions on poisonous substances to include medicinal products based on cannabis.*

Entry into force: *The text shall enter into force on the day after its publication.*

Application: *The Decree is issued pursuant to Article 78 of Act No. 2023-1250 of 26 December 2023 on the financing of social security for 2024. The articles of the Public Health Code that it creates can be consulted on the Légifrance website (http://www.legifrance.gouv.fr).*

The Prime Minister,

On the report of the Minister for Labour, Health and Solidarity,

Having regard to the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961;

Having regard to Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001, as amended by Directive 2004/27/EC of 31 March 2004 on the Community code relating to medicinal products for human use, particularly Article 5 thereof;

Having regard to Directive (EU) No. 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down an information procedure in the field of technical regulations and of rules on Information Society services;

Having regard to the Public Health Code, in particular Articles L. 5121-1, L. 5121-15 and L. 5121-20 thereof;

Having regard to Act No. 2023-1250 of 26 December 2023 on the financing of social security for 2024, notably Article 78;

Having regard to Decree No. 2022-194 of 17 February 2022 on cannabis for medical use;

Having regard to notification No. XXX of XXX addressed to the European Commission;

Having heard the Council of State (social section),

Hereby decrees:

Article 1

Following Article R. 5121-76-12 of the Public Health Code, a section 7d shall be inserted as follows:

‘Section 7d: Authorisation for use of cannabis-based medicinal products for a temporary period

‘Subsection 1: *Application for authorisation*

‘Article R. 5121-76-13.- The application for authorisation to use cannabis-based medicinal products for a temporary period referred to in Article L. 5121-15 shall be addressed to the Director-General of the National Agency for the Safety of Medicines and Health Products. This shall indicate:

‘1° The name and address of the applicant for authorisation and, where applicable, those of the undertaking operating the medicinal product, as well as those of the manufacturer where neither the applicant for authorisation nor the undertaking operating the medicinal product, as defined in 3° of Article R. 5124-2, manufactures the product;

‘2° the name of the medicinal product which complies with the provisions laid down in Articles R. 5121-2 and R. 5121-3;

‘3° the full composition of the medicinal product, either per dose unit or per unit of weight or volume, including the name of its constituents as provided for by the Order referred to in the first paragraph of 4° of Article L. 5121-1.

‘Article R. 5121-76-14.- The applicant shall be responsible for the accuracy and veracity of the documents and data provided to the Agency when submitting the application for authorisation and during its investigation.

‘It shall without delay transmit to the Agency, indicating its scope, any new data that it has or becomes aware of, in particular the results of studies or research involving the human person carried out within or outside the European Community or the European Economic Area, which could lead to a change in the evaluation of the medicinal product as defined in Article L. 5121-15.

‘Article R. 5121-76-15.- The application provided for in Article R. 5121-76-13 shall be accompanied by a file, the submission procedures of which shall be defined by decision of the Director-General of the National Agency for the Safety of Medicines and Health Products, including the following information and documents, updated as necessary:

‘1° The chemical, pharmaceutical and pharmacological data required by the order referred to in the first paragraph of 4° of Article L. 5121-1;

‘2° The available toxicological, pharmacodynamic and pharmacokinetic data or, failing that, the appropriate bibliographical documentation;

‘3° The draft summary of product characteristics drawn up in accordance with the Order provided for in Article R. 5121-21;

‘4° A summary describing the risk management and pharmacovigilance system of the applicant for authorisation or of the undertaking operating the medicinal product and including the following elements:

‘a A declaration signed by the applicant certifying that the applicant for authorisation or the undertaking operating the medicinal product has a qualified person responsible for pharmacovigilance in a Member State of the European Union or a State party to the Agreement on the European Economic Area;

‘b) The Member State in which the qualified person resides and carries on his activities;

‘c) The contact details of the qualified person responsible for pharmacovigilance;

‘d) A declaration signed by the applicant certifying that the applicant for authorisation or the undertaking operating the medicinal product has the necessary means to carry out its pharmacovigilance tasks and responsibilities;

‘e) The address of the place of storage of the pharmacovigilance system master file corresponding to the medicinal product concerned;

‘5° The therapeutic indications in accordance with those laid down by the Order referred to in the first paragraph of 4° of Article L. 5121-1, contra-indications and undesirable effects;

‘6° The dosage, the pharmaceutical form, the method and route of administration and the assumed period of stability of the finished product;

‘7° Explanations on the precautionary and safety measures to be taken during the storage of the medicinal product, its administration to the patient and the disposal of waste;

‘8° A declaration that the manufacturer of the medicinal product has verified that the manufacturer of the active substance has complied with good manufacturing practice by carrying out audits.

‘This declaration shall mention the date of the audit and attest that the results obtained allow the assertion that the manufacture complies with good manufacturing practice;

‘9° One or more mock-ups or samples of the outer packaging and the immediate packaging and, where appropriate, the draft package leaflet accompanied by the results of the assessment of its legibility, clarity and ease of use carried out in cooperation with target groups of patients;

‘10° A copy of the decisions authorising the manufacture of the medicinal product concerned and issued, as the case may be, either under the national legislation of the manufacturer or pursuant to Articles R. 5124-6, R. 5124-7 and R. 5124-10 or, where appropriate, a copy of the receipts of applications for authorisation if those applications have not yet given rise to a decision;

‘11° A copy of the authorisations obtained for this medicinal product, either in another Member State of the European Union or State party to the Agreement on the European Economic Area or in a third country, accompanied by summaries of the safety information including the data contained in the periodic safety update reports, where available, and notifications of suspected adverse reactions, summaries of product characteristics and package leaflets where the authorisations have been obtained in another Member State of the European Community or State party to the Agreement on the European Economic Area;

‘12° The list of Member States of the European Union or States party to the Agreement on the European Economic Area in which applications for marketing authorisations for the same medicinal product have been submitted and are being examined, together with the summaries of the product characteristics and the proposed package leaflets;

‘13° A copy of the decisions to refuse authorisation of this medicinal product made in a Member State of the European Union or a State party to the Agreement on the European Economic Area or in a third country, together with the reasons therefore;

‘14° The assessment and indication of the risks which the medicinal product is likely to present for the environment; this impact shall be studied and, on a case-by-case basis, special provisions to limit it shall be considered.

‘Subsection 2: Expert qualification. (Article R5121-76-16)

‘Article R. 5121-76-16.- The detailed summaries of the tests accompanying the application for authorisation and the expert reports shall be drawn up and signed by persons with the necessary qualifications and experience as referred to in Article R. 5121-33.

‘Subsection 3: Instruction and conditions of the authorisation. (Articles R5121-76-17 to R5121-76-34)

‘Article R. 5121-76-17.- When examining an application for authorisation, the Director-General of the National Agency for the Safety of Medicines and Health Products may order any measure of inquiry he considers necessary, in particular:

‘1° Carry out any investigation relating to the manufacture of the medicinal product;

‘2° Consult the experts who have been selected to carry out the tests with a view to compiling the application dossier for authorisation;

‘3° Obtain the opinion of experts designated by him;

‘4° Designate rapporteurs to ensure the regularity of the applications in relation to the provisions of this Code;

‘5° Require the applicant to complete his dossier;

‘6° Subject the medicinal product, its starting materials and, if necessary, its intermediate products or other components to the supervision of the National Agency for the Safety of Medicinal Products and Health Products or a laboratory designated by it to ensure that the control methods used by the manufacturer and described in the application for authorisation are satisfactory.

‘Article R. 5121-76-18.- The Director-General of the National Agency for the Safety of Medicines and Health Products shall take a decision within two hundred and ten days of the submission of a complete application file.

‘Where the Director-General of the Agency makes use of the power conferred on him by 5° of Article R. 5121-76-17, those time limits shall be suspended until the additional information required has been provided.

‘The Director-General of the Agency shall draw up an evaluation report for the medicinal product containing comments relating to the data referred to in Article R. 5121-76-15 1° and 2° and to the risk management and pharmacovigilance system established for the medicinal product concerned. The assessment report shall be updated by the Director General of the Agency as soon as new information that is relevant for the evaluation of the quality, safety and efficacy of the medicinal product concerned becomes available.

‘Article R. 5121-76-19.- The authorisation shall be granted for a period of five years by the Director-General of the National Agency for the Safety of Medicines and Health Products.

‘The authorisation shall contain the national number identifying the presentation of the medicinal product provided for in Article R. 5121-4.

‘It shall indicate, where appropriate, the classification of the medicinal product into the following categories:

‘1° Medicinal product subject to prescription by reason of its inclusion on one of the lists defined in Article L. 5132-6;

‘2° Medicinal product subject to special prescription by virtue of its classification as a narcotic drug or the application of the provisions of Articles R. 5132-23 or R. 5132-39;

‘3° Medicinal product subject to restricted prescription pursuant to the provisions of Article R. 5121-77.

‘For a medicinal product classified in one of the categories of medicinal products mentioned in 1°, 2°, 3° or 4° of Article R. 5121-77, it includes, where appropriate, the mention ‘Article R. 5121-96 of the Public Health Code’ and designates authorised users. For a medicinal product classified in the class of prescription medicinal products reserved for certain specialist doctors, it shall indicate the proprietary medicinal product or specialities required to be able to prescribe it.

‘It shall indicate, where appropriate, that the medicinal product may be supplied only to healthcare professionals authorised to prescribe and administer them pursuant to Article R. 5121-80.

‘The authorisation shall be accompanied by the summary of the characteristics of the medicinal product referred to in Article R. 5121-21, the wording of the package leaflet and the wording of the labelling, as approved by the Director-General of the Agency.

‘Article R. 5121-76-20.- The authorisation may require the execution of one or more of the following conditions, which must be mentioned in the risk management system:

‘1° The implementation of measures to ensure the safe use of the medicinal product;

‘2° The carrying out of post-authorisation safety studies;

‘3° Compliance with special obligations with regard to the recording or reporting of suspected adverse reactions;

‘4° Any other conditions or restrictions intended to ensure the safe and effective use of the medicinal product;

‘5° The existence of an adequate pharmacovigilance system;

‘6° The conduct of post-authorisation efficacy studies where the acquisition of additional data is necessary after the medicinal product has been placed on the market.

‘The authorisation shall specify, where appropriate, the time limits within which those conditions must be complied with.

‘The holder of the authorisation shall assess whether the results of the studies referred to in 2° and 6° of this Article have an impact on that authorisation. The holder shall, where appropriate, submit an appropriate application for amendment of the authorisation to the Director-General of the National Agency for the Safety of Medicinal Products and Health Products, in accordance with the timetable laid down for its implementation.

‘Art. R. 5121-76-21.- After the authorisation has been issued, the authorisation holder shall, with regard to the methods of manufacture and control, take into account scientific and technical progress and introduce all necessary modifications to ensure that the medicinal product is manufactured and checked according to recognised scientific methods.

‘Such amendments must be authorised in advance under the conditions laid down in Article R. 5121-76-27.

‘Art. R. 5121-76-22.- After the authorisation has been issued, the holder shall transmit without delay to the National Agency for the Safety of Medicinal Products and Health Products, indicating the scope of the authorisation, any new data that he has or becomes aware of which could lead to a change in the evaluation of the medicinal product. It shall transmit the results of all studies, in particular safety and efficacy studies, and the results of research involving the human person carried out within or outside the European Union or the European Economic Area, whether favourable or unfavourable, for all indications and populations, whether or not mentioned in the authorisation, as well as data on any use of the medicinal product which does not comply with the terms of the authorisation.

‘It shall communicate to the Agency any new data which might lead to a modification of the authorisation dossier, as well as any prohibition or restriction decided by the competent authority of any country in which the medicinal product is placed on the market.

‘The authorisation holder shall ensure that the information on the medicinal product is updated in the light of current scientific knowledge.

‘The holder shall inform the Director-General of the Agency when new risks, changes in existing risks or changes in the presumed favourable relationship between the benefits and risks of the medicinal product are acknowledged.

‘At the request of the Director-General of the Agency, he shall communicate to him, in compliance with the rules on business confidentiality, any information relating to the volume of sales, the state of stocks and the volume of prescriptions.

He is responsible for the accuracy and sincerity of the documents provided to the agency in this context.

‘Article R. 5121-76-23.- Subsequent to the granting of an authorisation, the Director-General of the National Agency for the Safety of Medicinal Products and Health Products may, by reasoned decision and notified in writing, where he has concerns regarding the risks associated with the authorised medicinal product, require the holder of that authorisation to set up a risk management system, accompanied by a detailed description of that system within a period to be determined by him. Such a decision may be taken only after the proprietor has been invited to submit his observations within 30 days. On the basis of the written observations provided by the marketing authorisation holder, the National Agency for the Safety of Medicines and Health Products shall withdraw or confirm the obligation. If it confirms the obligation, the authorisation is amended to include the measures to be taken as part of the risk management system as conditions of the authorisation, in accordance with 1° of Article R. 5121-76-20.

‘Article R. 5121-76-24.- After an authorisation has been issued, the Director-General of the National Agency for the Safety of Medicines and Health Products may require the holder of that authorisation to carry out a post-authorisation safety or efficacy study or studies, or a specific follow-up of the risk, its complications and medico-social care.

‘The Director-General of the Agency may request that such studies or specific monitoring be carried out jointly by several authorisation holders.

‘The managing director shall inform the holder or holders of his or her intention, specifying the objectives and deadlines of the studies and specific monitoring envisaged. It shall invite them to submit their observations within 30 days.

On the basis of the observations provided by the holder or holders, the Director-General of the Agency shall give reasons and notify his decision in writing.

If it confirms the obligation, the authorisation shall be amended to reflect that obligation and the risk management system shall be adapted accordingly.

‘Following the completion of a safety or efficacy study as provided for in Article L. 5121-8-1, the authorisation holder shall assess whether the results of the study have an impact on that authorisation. The holder shall, where appropriate, submit an appropriate application for amendment of the authorisation to the Director-General of the Agency, in accordance with the timetable laid down for its implementation.

‘Article R. 5121-76-25.- The Director-General of the National Agency for the Safety of Medicinal Products and Health Products may require the submission of specimens and mock-ups at the time of marketing the medicinal product.

‘Article R. 5121-76-26.- The authorisation holder shall submit to the Director-General of the National Agency for the Safety of Medicines and Health Products any proposed change to an

element relating to the labelling or package leaflet, other than changes to the summary of product characteristics.

‘If the Director-General of the Agency has not taken a decision within 90 days of the date of submission of the application, the applicant may proceed with the implementation of the amendments.

‘Article R. 5121-76-27.- Where a medicinal product has been granted an initial authorisation in accordance with Article L. 5121-15, any variation or extension, as provided for in Chapter I of Commission Regulation (EC) No. 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of a marketing authorisation for medicinal products for human use and veterinary medicinal products, shall also be subject to authorisation.

Amendments and extensions to an authorisation shall be submitted and examined under the conditions laid down in Chapters I and IIa of the Regulation referred to in the first paragraph, with the exception of a change in the holder of an authorisation which is authorised under the conditions laid down in Article R. 5121-76-31.

‘Art. R. 5121-76-28.- In the interests of patients or for any other public health reason, and, where appropriate, at the request of the Minister responsible for health, the Director General of the National Agency for the Safety of Medicines and Health Products may, by reasoned decision indicating the means and time limits for appeal, amend the authorisation, where it is necessary to update it in the light of scientific knowledge.

Except in cases of urgency, the holder of the authorisation must be given the opportunity to submit his observations before the decision to amend is taken.

‘Article R. 5121-76-29.- I.- The Director-General of the National Agency for the Safety of Medicines and Health Products shall refuse authorisation for use for a temporary period on the grounds referred to in Article L. 5121-15.

‘The rejection decision shall state the reasons on which it is based and shall specify the appeal procedures and time limits applicable to it.

‘II.- The Director-General of the National Agency for the Safety of Medicines and Health Products may, by reasoned decision stating the appeal procedures and time limits, amend ex officio, suspend, for a period not exceeding one year, or withdraw an authorisation on the grounds mentioned in Article L. 5121-15.

‘The authorisation shall also be modified ex officio, suspended or revoked by the Director-General of the Agency:

‘1° Where it appears that the information supplied in connection with the application for authorisation is incorrect or has not been amended in accordance with Articles R. 5121-76-21 and R. 5121-76-22, that the conditions laid down in this Section are not or are no longer fulfilled, or that the checks have not been carried out;

‘2° Where the labelling or package leaflet of the medicinal product does not comply with the general or specific requirements laid down in this Title;

‘3° Where the obligations imposed pursuant to Article R. 5121-76-20 are not performed.

‘Except in cases of urgency, the automatic amendment, suspension or withdrawal may take place only after the statement of objections has been sent to the holder of the authorisation and, in the case provided for in 2°, only if the latter, having been given formal notice to regularise the situation of the medicinal product or product, has not acted on the formal notice within the time limit fixed by the Director-General of the Agency.

‘Without prejudice to the application of the provisions of the second paragraph of Article R. 5121-76-33, the decision on ex officio modification, suspension or withdrawal shall be subject to such other publicity measures as the Director-General of the Agency deems necessary to order.

‘Where the authorisation is suspended or withdrawn, or where a decision on ex officio modification so requires, the holder must take all appropriate measures, in particular with stock holders, to ensure that the distribution of the medicinal product is stopped. If those provisions are not adopted within a period compatible with the interests of public health, the Director-General of the Agency shall take all appropriate measures.

Art. R. 5121-76-30.- The authorisation is renewable at the request of the holder addressed to the National Agency for the Safety of Medicines and Health Products at the latest nine months before its expiry date.

‘The application for renewal shall be accompanied by a consolidated version of the dossier containing administrative information, data relating to the quality and safety of the medicinal product, including the evaluation of data contained in the suspected adverse reaction reports and periodic safety update reports provided for in Article R. 5121-174-1, as well as all modifications authorised since the initial authorisation or the previous renewal. The contents of this file are specified by decision of the Agency Director General.

‘The authorisation shall not be renewed if the ratio between the benefits and risks associated with the medicinal product as defined in the fifth paragraph of Article L. 5121-15 assessed by the Director General of the Agency is no longer presumed to be favourable.

‘If no decision is notified or no request for further justification is made to the applicant by the expiry date of the authorisation, the authorisation shall be deemed to have been renewed for a period of five years by that date.

‘If a request for additional justification or a draft refusal of renewal is sent to the applicant before the expiry date of the authorisation, the authorisation shall be extended until notification of the Agency’s decision.

‘Once renewed, the authorisation shall be issued for a period of five years. At the end of that period, the holder shall apply for renewal of the authorisation under the conditions laid down in this Article.

Art. R. 5121-76-31.- The change of the holder of the authorisation is subject to an authorisation of the Director General of the National Agency for the Safety of Medicines and Health Products.

‘The application shall contain the particulars provided for in Article R. 5121-76-13 and shall be accompanied by a dossier containing:

‘1° A letter from the applicant specifying all the medicinal products concerned;

‘2° A copy of the authorisation;

‘3° The agreement of the holder on the transfer of the authorisation;

‘4° The designation of the places of manufacture, inspection and packaging;

‘5° An undertaking by the applicant to comply with all the conditions to which the authorisation of the medicinal product has been subject and, in particular, to comply with the methods of manufacture and control;

‘6° The draft Summary of Product Characteristics, Package Leaflet and Labelling amended accordingly;

‘7° Copy of decisions authorising the manufacture of the medicinal product concerned and issued, as appropriate, either under the national legislation of the manufacturer or pursuant to Articles R. 5124-6, R. 5124-7and R. 5124-10 or, where appropriate, a copy of the receipts of applications for authorisation if those applications have not yet given rise to a decision;

‘8° Where applicable, the unique identification number of the applicant.

‘In the case of a merger or partial contribution of assets, the interested companies may submit an application for the transfer of the authorisations before the merger or the contribution is definitively carried out. They shall provide, in support of their request, the memorandum of understanding of principle concerning the merger or contribution. The transfer shall be granted subject to the condition precedent of final realisation, which shall be notified to the Director-General of the National Agency for the Safety of Medicines and Health Products.

‘The Director-General of the National Agency for the Safety of Medicinal Products and Health Products shall notify its decision within 60 days from the date of receipt of the application. Failing that, the silence of the Director General of the National Agency for the Safety of Medicines and Health Products shall be deemed to constitute authorisation at the end of that period.

‘Article R. 5121-76-32.- Without prejudice to decisions to amend, suspend or withdraw the authorisation referred to in Article L. 5121-15, the Director-General of the National Agency for the Safety of Medicines and Health Products may withdraw a cannabis-based medicinal product from the market on the grounds referred to in Article L. 5121-14-2-1. The decision shall state the reasons on which it is based and, except in cases of urgency, may be taken only after the proprietor has been invited to submit his observations.

‘Article R. 5121-76-33.- Decisions on the authorisation of a cannabis-based medicinal product, the suspension, withdrawal and ex officio amendment of the authorisation shall be published on the website of the National Agency for the Safety of Medicinal Products and Health Products.

‘Without prejudice to the provisions of the first paragraph, the National Agency for the Safety of Medicinal Products and Health Products shall publish annually on its website the list of cannabis medicinal products for which authorisations have been refused, withdrawn or suspended in France, mentioning the reasons for those measures.

‘Subsection 4: *Sampling. (Article R5121-76-34)*

‘Article R. 5121-76-34.- The Director-General of the National Agency for the Safety of Medicines and Health Products shall require the Agency’s inspectors to take samples of medicinal products to ensure that they comply with the declared formula.

‘The samples taken shall be collected in bags identified with the name and number of the manufacturing batch, the date of sampling and the name of the inspector who carried it out.

‘These levies shall not give rise to any payment to be made by the State or the National Agency for the Safety of Medicines and Health Products.

‘Subsection 5: *Prior training of physicians (Article R5121-76-35)*

‘Article R. 5121-76-35.- In accordance with Article L. 1151-1 of the Public Health Code, in order to be able to prescribe cannabis-based medicinal products, doctors must first undergo training, the terms and content of which are laid down by joint order of the ministers responsible for health and social security, after consulting the High Authority for Health. ’.

Article 2

In the first paragraph of Article R. 5121-77 of the Public Health Code, after the second occurrence of the words: ‘5121-12-1’, the following words shall be inserted: ‘Or the authorisation provided for in Article L. 5121-15’.

Section 3

In Article R. 5121-80 of the same code, after the second occurrence of the words: ‘5121-12-1’, the following words shall be inserted: ‘the authorisation referred to in Article L. 5121-15’.

Article 4

In the first sentence of the first paragraph of Article R. 5121-108 of the same code, after the words: ‘5121-1 or’, the following words shall be inserted: ‘the authorisation referred to in Article L.5121-15 or’.

Article 5

In the third paragraph of Article R. 5121-114 of the same code, after the words: ‘L. 5121-13’, the words: ‘Or the authorisation referred to in Article L.5121-15’ shall be inserted.

Article 6

A subsection 6 shall be inserted after Article R. 5121-146-3 of the Public Health Code, worded as follows:

‘Subsection 6: Cannabis-based medicinal products. (Article R. 5121-146-4)

‘Article R. 5121-146-4.- The labelling and package leaflet of the medicinal products referred to in 4° of Article L. 5121-1 shall be defined in accordance with their authorisation and in accordance with the provisions referred to in Articles R. 5121-138, R.5121-139 and R. 5121-149. ’.

Article 7

8° of Article R. 5121-150 of the same Code is amended as follows:

1° The first occurrence of the word: ’. ’ shall be replaced by the word: ‘;’;

2° At the end, the following sentence shall be added: ‘9° For the medicinal products referred to in 4° of Article L.5121-1, after the issue of the authorisation provided for in Article L. 5121-15. ’.

Article 8

In point II 6° of Article R. 5121-154 of the same code, the third occurrence of the word: ’. ’ shall be replaced by the words: ‘; 7° Reports of adverse reactions occurring in France and reports submitted by undertakings operating the medicinal products referred to in 9° of Article R. 5121-150 pursuant to Article R. 5121-174-1;’.

Article 9

In the third paragraph of I of Article R. 5121-155 of the same code, after the words: ‘R. 121-166’, the words: ‘or Article R. 5121-174-1’ shall be inserted.

Article 10

Article R. 5121-163 of the same Code is amended as follows:

1° to 1°, after the words: ‘2012-07-21’, the following words shall be inserted: ‘Or holding the authorisation referred to in Article L. 5121-15’;

2° To 2°, after the words: ‘R. 5121-43’, the words: ‘and R. 5121-76-24’ shall be inserted.

Article 11

Article R. 5121-164 of the same Code is amended as follows:

1° In 3°:

a) The third occurrence of the word: ‘and’ shall be replaced by: ‘,’;

b) After the words: ‘R. 5121-170’, the words: ‘and R. 5121-174-1’ shall be inserted;

2° In 4:

a) The third occurrence of the word: ‘and’ shall be replaced by: ‘,’;

b) After the words: ‘R. 5121-37-3’, the words: ‘and R. 5121-76-24’ shall be inserted;

3° In 7°, the word: ‘biomedical’ shall be replaced by the words: ‘involving the human person’.

Article 12

Article R. 5121-174-1 shall be inserted after Article R. 5121-174-1 of the same Code and shall read as follows:

‘Art. R. 5121-174-1.- I. By way of derogation from the provisions of Article R. 5121-166, any undertaking operating a medicinal product with an authorisation provided for in Article L. 5121-15 shall be required:

‘1° To record all adverse reactions suspected of being due to this medicinal product which have occurred in a Member State of the European Union or a State party to the Agreement on the European Economic Area or a third country of which it is aware, whether these reactions have been reported spontaneously or requested by healthcare professionals or patients or observed during a post-authorisation study;

‘2° To declare to the Director-General of the National Agency for the Safety of Medicinal Products and Health Products:

‘a) Any suspected serious adverse reaction of which he is aware, without delay and at the latest within 15 days of receipt of the information;

‘b) Any suspected non-serious adverse reaction of which he becomes aware within 90 days of receiving the information.

‘II. By way of derogation from the provisions of Article R. 5121-168(II), any company operating a medicinal product with an authorisation provided for in Article L. 5121-15 shall send to the Director-General of the Agency a periodic safety update report referred to in I of Article R. 5121-168:

‘1° Immediately on request;

‘2° Semi-annually for the first two years following the first authorisation provided for in Article L. 5121-15;

‘3° Annually, for the following three years;

‘This report shall be drawn up in accordance with the standard model laid down by the European Commission. ’.

Article 13

In the second paragraph of Article R. 5121-178 of the same code, after the words: ‘L. 5121-8’, the words: ‘or the holder of the authorisation referred to in Article L. 5121-15’ shall be inserted.

Article 14

Article R. 5121-178-1 of the same Code is amended as follows:

1° In the first paragraph:

a) After the words: ‘an obligation imposed’ the word: ‘respectively’ shall be inserted;

b) At the end, the following words shall be added: ‘or Articles R. 5121-76-20 and R. 5121-76-24’;

2° In the second paragraph, the words: ‘of the authorisation provided for under in Article L. 5121-8’ shall be replaced by the words: ‘of one of the authorisations’;

3° In the third paragraph, after the words: ‘L. 5121-8’, the words: ‘or Article L. 5121-15’ shall be inserted;

4° In the fourth paragraph, after the words: ‘L. 5121-8’, the words: ‘or Article L. 5121-15’ shall be inserted;

5° At the end of the last subparagraph, the words: ‘or Article R. 5121-76-22’ shall be added.

Article 15

Article R. 5121-178-2 of the same Code is amended as follows:

1° At the end of I, the following words shall be added: ‘or Articles R. 5121-76-20 and R. 5121-76-24’;

2° In 3° of II, the word: ‘biomedical’ shall be replaced by the words: ‘involving the human person’.

Article 16

In the third paragraph of 3° of Article R. 5124-2 of the same code, after the words: ‘L. 5121-12’, the words: ‘The authorisation referred to in Article L.5121-15’ shall be inserted.

Article 17

The following words shall be added to the end of Article R. 5124-48-2 of the same Code: ‘of the marketing authorisation referred to in Article L. 5121-8, of the authorisation for an advanced therapy medicinal product referred to in 17° of Article L. 5121-1, of the authorisation for early access referred to in Article L. 5121-12, of the authorisation referred to in Article L.5121-15 or of one of the registrations referred to in Articles L. 5121-13 and L. 5121-14-1’.

Article 18

In the first sentence of the second paragraph of Article R. 5124-49 of the same code, after the words: ‘L. 5121-12’, the words: ‘An authorisation referred to in Article L.5121-15’.

Article 19

In the fifth paragraph of Article R. 5124-52 of the same Code, after the words: ‘L. 5121-8’, the words: ‘Or an authorisation referred to in Article L.5121-15’.

Article 20

After the first paragraph of Article R. 5132-29 of the same code, a paragraph shall be inserted and shall read as follows:

‘By way of derogation from the provisions of the first paragraph, the prescription and dispensing of the medicinal products referred to in 4° of Article L. 5121-1 of the Public Health Code shall be authorised. ’.

Article 21

Article R. 5132-86 of the same Code is amended as follows:

1° In II, the words: ‘in the event of a stock shortage or risk of a stock shortage of medicinal products’ shall be replaced by: ‘or of the authorisation provided for in Article L. 5121-15. ’

2° III is replaced by two subparagraphs worded as follows:

‘III. The operations referred to in I may be authorised where they relate to a starting material for pharmaceutical use, containing any of the substances referred to in 1° and 2° of I, with a view to its export.

‘The operations referred to in I may be authorised, where they relate to medicinal products within the meaning of Article L. 5111-1 containing one of the substances referred to in 1° and 2° of I and which have not obtained any of the authorisations referred to in II, with a view to their export. ’

Article 22

The Ministry of Labour, Health, Solidarity and Family shall implement this Decree, which shall be published in the *Official Journal* of the French Republic.

Done on

By the Prime Minister:

Minister of Labour, Health, Solidarity and Family