

## **Pilot phase relative to the declaration of serious adverse events occurring during biomedical research concerning a medical device**

### **Transient measures within the framework of the transposition of Directive 93/42/EC revised and 90/385/EC revised**

#### **I. Objectives of the pilot phase**

Directives 93/42/EEC and 90/385/EC revised for the directive 2007/47/EC for which the application is effective since March 2010 mention in their annexes that "All serious adverse events must be fully recorded and immediately notified to all the competent authorities of the Member states in which the clinical investigation is being performed."

Thus, each European Union country must implement a procedure that allows declaring the serious adverse events using a support shared by all the European countries. This support in the form of a table has been established at the European level by a working group for the European commission.

While waiting for the transposition into French law of directive 2007/47/EC on these aspects, the ANSM is implementing a pilot phase to allow the application of these measures and makes available the English version of the table (strictly identical in all the European countries). A French version integrating a simplification of form is also possible for trials that take place solely in France. The serious adverse events to be declared are defined in the 6th paragraph of article R.1123-39 of the Public Health Code (PHC)

This serious adverse event declaration procedure provides a simplification for the sponsor making available summarised information, homogeneous from one European country to another, which is easy to read.

Also this pilot phase is proposed both to industrial and institutional sponsors.

While waiting for the review of the legislative and regulatory texts on biomedical research in France, the sponsor, both institutional and private, or the legal representative, is strongly invited to declare the vigilance data during biomedical research concerning a medical device (MD) according to the procedures specified below. If the sponsor, or the legal representative, chooses to apply these transient measures for a given clinical trial, we request that the declaration procedures be followed until the end of the trial. The sponsor does not need to inform the ANSM specifically of the choice made for a given trial.

For the sponsors or their legal representatives who do not choose to participate in the pilot phase, the declarations will continue to be carried out according to the procedures implemented in application of the public health law no. 2004-806 dated 09 August 2004, its decree of application and orders.

The pilot phase concerns immediate safety declarations to the ANSM and to the committee for the protection of persons (CPP).

This table may also be used for the CPP within the framework of the bi-annual declaration which requires that the sponsor declare twice a year the suspicions of effects, events or incidents as indicated in article R.1123-42 of the CSP.

## **2. Scope of application of the pilot phase**

### **2.1 Scope of application of the pilot phase**

It concerns:

- all biomedical research concerning a MD and that have been authorised, irrespective of whether they started or not before the organisation of the pilot phase. The biomedical research authorised may concern indiscriminately a non-CE marked MD, a CE-marked MD and used as intended by the CE mark, a CE-marked MD and used outside the destination covered by the CE mark. The biomedical research authorised may have an institutional or private sponsor. The biomedical research is performed partly or totally in France.

For this research, the pilot phase concerns the immediate safety declarations to be transmitted to the ANSM, CPP and to the other Member states participating in the clinical trial and who have made the table available.

### **2.2 Safety data declarations of the pilot phase**

Serious adverse events and serious side effects concerned by this pilot phase are those defined in article R.1123-39 of the PHC and new information concerning them.

### **2.3 Safety data declarations not included by the pilot phase**

The following safety data are not concerned by the pilot phase:

- new elements: in compliance with the French regulation, new elements which may modify significantly the benefit risk ratio of an experimental MD or which may lead to modify the conditions of use of the experimental MD must still be declared immediately to the ANSM (for further information on these safety data, see paragraph 3.5.31.1.2 of the notice to sponsors of clinical trials concerning MD and IVD-MD page 47).

- vigilance data during non-interventional trials and ordinary care trial.

## **3. I. Development of the pilot phase**

The table provided in the annex is updated for each event to be reported or for any update of the data concerning an event already reported. This table may be filled in in English or French, as decided by the sponsor. It should be noted that the French version is an adaptation of the English version of the table prepared by the work group for the European commission and is intended for the sponsor of a trial performed solely in France. The table in English may be used by the sponsor simultaneously in the other Member states participating in the clinical trial and who have made the table available.

It should also be highlighted that the ANSM may ask for additional information or clarifications with respect to the events declared in the table.

## **4. Who declared and to whom should it be declared?**

The events/effects are to be declared by the sponsor, institutional or private, or the legal representative.

The declarations table is sent to the ANSM, CPP and other Member states participating in the clinical trial, if required.

## **5. Declaration deadlines**

The declaration deadlines by the sponsor to the ANSM are the following:

- for a serious adverse event associated with an imminent risk of death or serious injury or disease that requires a fast curative treatment or any new information concerning it: immediately, but no later than 48h,

- for other SAEs or any new information concerning it: immediately, but no later than 7 calendar days, after the sponsor has learned about it.

The sponsor or the legal representative must set up and maintain an organisation that allows him to ensure that the information concerning the events to be declared are sent to him by the investigator within acceptable time periods and not exceeding 3 calendar days.

The sponsor or the legal representative, is in charge of identifying the new/updated information of the table in the corresponding column according to the following coding: letter a = addition of new event, m = modifications, new information provided concerning a previously declared event, u = unchanged. The changes on one line must be highlighted in bold and/or colour in the corresponding column.

In certain cases, a different periodicity (or requirements) of vigilance declarations during the clinical trial may be accepted by the concerned Competent Authorities (including the ANSM for France) taking into account the schedule of the trial or the concerned disease. This allows an appropriate adaptation of the concerned clinical trial (for example palliative anticancer treatment, etc.) during which the frequency of occurrence of expected SAEs is high due to the evolution of the disease. This requires an agreement between the sponsor or the legal representative and the Competent Authorities concerned, including the ANSM, before the actual start of the clinical trial.

## **6. Declaration procedures in France**

The declaration table provided in the annex, allows having a global vision of all the events that occurred during the clinical trial. This table will be updated and transmitted each time a new event to be declared or new information concerning a previously declared event is to be declared. More detailed information is to be provided if the ANSM requests it.

The table, French or English version, is completed in the language corresponding to the choice of the table. It is strongly recommended to send the table to the ANSM by e-mail to the following address: [EC.DM-COS@ansm.sante.fr](mailto:EC.DM-COS@ansm.sante.fr) and to the CPP at the corresponding e-mail address. This table is to be sent preferably in Excel format or an equivalent format.