Medicinal Products in Human Medicine Act

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Chapter one
GENERAL TERMS
Section I
General provisions
Article 1.

This Act shall specify the terms and procedure for:
1. Authorisation of the use or of the registration of medicinal products that have been manufactured industrially or using a method, involving an industrial process, and which are destined for human medicine;
2. Authorisation of the manufacturing and importation of medicinal products and active substances;
3. Authorisation and conduct of clinical trials;
4. Wholesale and retail trade in medicinal products;
5. Parallel importation of medicinal products;
6. Advertisement of medicinal products;
7. Monitoring the safety of medicinal products placed on the market;
8. Classification of the manner in which medicinal products are prescribed and dispensed for use;
9. Control of the manufacturing and importation, of the wholesale and retail trade, of the conduct of clinical trials, of advertisement and of the safety monitoring system for medicinal products placed on the market;
10. The pricing of medicinal products;
11. The preparation of a Positive Drug List.

Article 2.

This Act shall have the purpose of making conditions available for placing medicinal products on the market in compliance with the requirements for quality, safety and efficacy.

Article 3.

(1) A medicinal product shall be any substance or combination of substances that:
1. Are destined for the treatment or prevention of human disease or
2. Are administered to the purpose of restoring, correcting or changing human physiological functions through their pharmacological, methabolic or immunological action or are used for diagnosis.
(2) A substance shall be any matter, of which the origin may 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, plant parts, plant extracts, secretions and others);
4. Chemical (elements, natural chemical material, synthetic or semi-synthetic substances and others).

Article 4.

Where a product simultaneously qualifies, based on its characteristics, as a medicinal product and as a product regulated in another Act, the requirements hereof shall apply.

Article 5.

Medicinal products shall be classified in accordance with an Anatomic Therapeutic Chemical Classification system in compliance with the requirements of the World Health Organisation (WHO).

Article 6.

This Act shall not apply to:
1. Hermetically closed radionuclides;
2. Blood, plasma or blood cells of human origin, to the exception of plasma obtained through a method involving an industrial process.

Article 7.

(1) Manufacturing, importation, wholesale and retail trade, advertising treatment, prevention and diagnosis shall only be allowed with medicinal products that have been granted a authorisation for use for use in pursuance of:
1. This Act or
2. Of Regulation (EC) No. 726/2004 of the European Parliament and of the Council.

(2) The importation of, trade in, and the treatment, prevention and diagnosis with medicinal products whose shelf life has expired shall be prohibited.
(3) Holding a authorisation for use or an authorisation/certificate of the use, manufacturing or clinical trials of medicinal products, which have been issued in pursuance of this Act, shall not serve as grounds for the exemption from liability under the legislation in force.

Article 8.

No authorisation for use for use in pursuance of this Act shall be required for:
1. A medicinal product prepared under a magisterial formula in a pharmacy;
2. A medicinal product prepared under an official formula in a pharmacy;
3. Intermediate products intended for industrial processing to be carried out by a person having obtained a manufacturing authorisation in pursuance of this Act;
4. Active subsatnces and excipents;
5. Medicinal products being developed and/or tested;
6. Medicinal products intended for exportation.

Article 9.

(1) The treatment of a specific patient may entail the administration of a medicinal product that has not been authorised in pursuance of Chapter three, following a special order of the hospital treatment establishment under the terms and conditions set out in an Ordinance of the Minister of Health.
(2) The head of the treatment establishment shall incur liability for the administration of treatment under para 1.

Article 10.

(1) The Minister of Health, following a reasoned proposal of the chief state health inspector, in coordination with the Executive Director of the Bugarian Drugs Agency (BDA), may, for a set period, by an order allow a treatment with the use of a medicinal product which has not been authorised in pursuance of Chapter three, where an epidemic has been declared in the country, caused by pathogenic microorganisms or toxins, or an alleged or confirmed spread of chemical agents or nuclear radiation exist and there is no suitable medicinal product allowed for use.
(2) In cases under para 1, the authorisation for use holders, manufacturers and medical specialists shall incur no civil or penal administrative liability on account of the effects from the use of a non-authorised indication of a medicinal product or of a medicinal product which has not been authorised under Chapter three.
(3) The provision of para 2 shall not exclude liability for deficient goods in accordance with the Consumer Protection Act.

Article 11.

(1) The Minister of Health, for reasons concerned with protecting the health of the population, may by order instruct the Executive Director of the BDA to authorise the marketing/use of a medicinal product which has not been authorised on the territory of the Republic of Bulgaria and for which no licensing application has been made, but which is authorised in another Member-State.
(2) In cases under para 1, the BDA Executive Director or an official thereby authorised shall:
1. Inform the authorisation for use Holder of the medicinal product about the launching of a procedure for authorising the use of the product;
2. Enter the person under item 1 as the holder of the issued authorisation;
3. Obtain from the regulatory body of the Member-State in which the authorisation for use has been delivered a copy of the evaluation report and a copy of the authorisation for use.
(3) The Bugarian Drugs Agency must ensure compliance of the label, patient brochure, classification, advertisement and safety monitoring of the medicinal product placed on the market under para 1 with the requirements of this Act.
(4) The BDA Executive Director shall inform the European Commission of the authorisations issued under para 1, of the name and address of the authorisation holder, as well as of the date of termination of their validity.

Article 12.

(1) The official pharmacopoeia in the Republic of Bulgaria shall be the European pharmacopoeia.
(2) The official pharmacopoeia may be supplemented with the requirements of the Bulgarian one.
(3) The Minister of Health shall specify by order the dates of entry into force of the up-to-date issue of the official pharmacopoeia and of the supplements thereto.

(4) The order under para 3 shall be promulgated in the State Gazette and posted on the BDA website.

Article 13.

(1) The European Pharmacopoeia monographs shall be mandatory for all substances, preparations and pharmaceutical forms therein contained. In case no European Pharmacopoeia monographs exist, the requirements of up-to-date editions of pharmacopoeias of the Member-States, the USA and Japan shall apply, provided they are in line with the general rules of the European Pharmacopoeia.
(2) Where the specification contained in a monograph of the European Pharmacopoeia or in another national pharmacopoeia is insufficient to ensure the quality of the substance or pharmaceutical form, BDA may require that the specification be supplemented by the authorisation for use applicant/holder .

Chapter two
MANAGEMENT AND FINANCE BODIES
Section I
Management bodies

Article 14.

(1) Drug policy shall be part of the state health policy of the Republic of Bulgaria and it shall be implemented by the Minister of Health.
(2) The Minister of Health shall:
1. Be the national coordinator for any issues pertaining to medicinal products;
2. Sit on international bodies and organisations carrying out operations in the area of medicinal products;
3. Issue licenses for retail trade in medicinal products in pharmacies and close pharmacies down;
4. Carry out other operations provided for by law.
(3) When carrying out operations under para 2, item 3, the Ministry of Health shall collect fees at the amount set out in the Tariff under Art. 21, para 2.

Article 15.

(1) A Pharmacopoeia Committee shall be set up with the Minister of Health as a consultative body on any issues concerning the effective pharmacopoeia.
(2) The Minister of Health, based on a proposal of the BDA Executive Director, shall specify by order the composition of the Pharmacopoeia Committee and of the expert groups attached to it and he shall endorse their Rules of Operation.
(3) The operations of the Pharmacopoeia Committee shall be funded from the budget of the Ministry of Health.

Article 16.

(1) A High Pharmacy Council shall be set up with the Minister of Health to be composed of five members designated by the Minister of Health, five members designated by the Bulgarian Pharmacy Union, two members designated by National Health Insurance Fund (NHIF) and of one member designated by each of the Pharmacy Departments of Higher Medical Schools. The Minister of Health shall be the Chair of the Council and have no right to vote.
(2) The High Pharmacy Council shall be a consultative body, deliberating and giving an opinion of:
1. The general directions and main priorities in the area of pharmacy;
2. Ethical issues in pharmacy;
3. Draft legislative acts in relation to pharmacy;
4. The scientific priorities in the area of pharmacy;
5. Programmes for public education campaigns in the field of medicinal products.
(3) The High Pharmacy Council shall examine applications for retail trade in medicinal products and come up with a reasoned proposal to the Minister of Health for the issuance of an authorisation or a refusal, as well as for the withdrawal of licenses already issued.
(4) The organisation and operations of the High Pharmacy Council shall be specified in a Rules issued by the Minister of Health based on a proposal of the High Pharmacy Council.

Article 17.

(1) The Bugarian Drugs Agency shall be a specialised body of the Minister of Health supervising the quality, safety and efficacy of drugs.
(2) The Bugarian Drugs Agency shall be a public budget legal person seated in Sofia, a secondary spender of budget appropriations attached to the Minister of Health.

(3) The Bugarian Drugs Agency shall be headed and represented by an Executive Director appointed in pursuance of the Public Administration Act.
(4) The structure, functions and work organisation of BDA shall be specified in Organic Rules adopted by the Council of Ministers.
(5) The Bugarian Drugs Agency shall:
1. Issue licenses for the manufacturing of medicinal products;
2. Issue licenses for use and certificates of registration of medicinal products;
3. Issue licenses for wholesale trade in medicinal products;
4. Issue licenses for the parallel importation of medicinal products;
5. Issue certificates of registration of drug stores;
6. Issue licenses for conducting clinical trials of medicinal products;
7. Carry out quality, efficacy and safety evaluations of medicinal products in relation to their authorisation for use;
8. Issue authorisations for the advertisement of medicinal products;
9. Carry out control of the manufacturing, importation, storage, wholesale and retail trade, clinical testing, safety and advertisement of medicinal products;
10. Conduct laboratory analyses in case of doubt about quality, efficacy and safety deviations of medicinal products and take the measures provided for by the law;
11. Set up a system of drug safety and take appropriate measures;
12. Issue certificates in accordance with the WHO certification scheme;
13. Issue certificates of good manufacturing practice;
14. Agree construction development projects for new and/or for the reconstruction of existent sites related to the manufacturing of medicinal products in accordance with the rules of good manufacturing practice;
15. Carry out the functions of a coordinator and of a consultative body on issues of quality, efficacy and safety of medicinal products;
16. Carry out consultancy, scientific, information and publishing operations in the drugs sector;
17. Coordinate and take part in operations pertaining to the European Pharmacopoeia and to the development of the Bulgarian pharmacopoeia;
18. Take part in operations in the area of medicinal products which concern the work of the European Medicines Agency, the European Directorate for the Quality of Medicines and Healthcare, of international bodies and organisations, as well as the performance of international treaties to which the Republic of Bulgaria is a party;
19. Carry out other operations provided for by law.
(6) The BDA shall coordinate its operations in the area of medicinal products control with the Regional Inspectorates for the Protection and Control of Public Health (RIPCPH).

Section II
Registries
Article 18.

The Ministry of Health shall keep and maintain a public registry of licenses issued for retail trade in medicinal products in pharmacies.

Article 19.

(1) The Bugarian Drugs Agency shall keep and maintain registries of:
1. The manufacturers of medicinal products on the territory of the Republic of Bulgaria and of the individuals qualified under Art. 148, item 2;
2. The importers of medicinal products on the territory of the Republic of Bulgaria and of the individuals qualified under Art. 161, para 2, item 1;
3. The medicinal products authorised for use and registered on the territory of the Republic of Bulgaria;
4. Wholesale traders in medicinal products on the territory of the Republic of Bulgaria;
5. The certificates of registration of drug stores issued;
6. The authorised clinical trials;
7. The authorisations for parallel importation issued;
(2) Data on the registries under para 1, items 1 – 5, and 7 shall be posted within 14 days of issuance of the respective authorisation on the BDA website.

(3) The Bugarian Drugs Agency shall maintain systems for the electronic exchange of data with the regulatory bodies of other Member-States, the European Commission and the European Medicines Agency.

Section III
Funding
Article 20.

(1) The Bugarian Drugs Agency operations shall be funded by the public budget and with revenues therefrom.
(2) A public budget subsidy shall be provided from the budget of the Ministry of Health.

Article 21.

(1) The Bugarian Drugs Agency shall administer the revenues from its own operations generated from:
1. Chemical and pharmacy expert assessments;
2. Laboratory analyses and trials;
3. Evaluations of documents and the issuance of licenses, certificates, attestations and other documentation herein specified;
4. Evaluations upon the renewal, modification and deletion of licenses for use and certificates of registration of medicinal products;
5. Maintaining licenses for use or certificates of registration of medicinal products;
6. Fines and pecuniary sanctions imposed by penal decrees issued for violations of this Act;
7. Consultancy, publishing and scientific research operations in the drug sector;
8. Agreeing construction development projects for new and/or for the reconstruction of existent sites related to the manufacturing of medicinal products;
9. The conduct of inspections for evaluation of compliance of manufacturing conditions with the requirements of good manufacturing practice;
10. Other sources.
(2) When conducting operations under para 1, items 1 – 5, and 7 – 9, the BDA shall collect fees at the amounts specified in a Tariff adopted by the Council of Ministers.

Article 22.

(1) Financial resources under Art. 21 shall be expended for:
1. Bugarian Drugs Agency control operations;
2. The payment of operations under Art. 21, para 1, items 1 and 2, in cases these have been entrusted by BDA with other persons by virtue of a contract;
3. The acquisition, maintenance and repairs of the Bugarian Drugs Agency fixed assets;
4. The creation, maintenance and keeping of registries under Art. 19, para 1;
5. The maintenance of systems for the electronic exchange of data with the regulatory bodies of other Member-States, the European Commission and the European Medicines Agency;
6. Information and publishing operations pertaining to the quality, efficacy and safety of medicinal products;
7. Providing support for the operations of specialised commissions under Art. 47, paras 1 and 2 and of the Council under Art. 251, para 3;
8. Carrying out training programmes for BDA officers;
9. Participation in international and national interlaboratory trials;
10. Supplementary material incentives for BDA officers at the amount of 40 per cent of the resources under Art. 21, para 1 under the terms and conditions set out in the Internal Rules by the BDA Executive Director.
(2) Financial resources under Art. 14, para 3 shall be expended for:
1. Operations of the High Pharmacy Council;
2. Operations of the Pharmacopoeia Committee;
3. Operations of the Commission for the Prices of Medicinal Products; the Commission for the Positive Drug List; the Commission for Transparency, the Central Commission for Ethics and the Commission for Ethics in Multi-Centre Trials;
4. The implementation of programmes for the training of Ministry of Health officers in the area of drug policy;

5. Additional material incentives for officers of the Ministry of Health at the amount of up to 40 per cent of the resources under Art. 14, para 3 under the terms and conditions set out in the Internal Rules of the Minister of Health.

Chapter three
MARKET PLACEMENT OF MEDICINAL PRODUCTS
Section I
General terms
Article 23.

(1) An industrially manufactured medicinal product or a medicinal product obtained through a method involving an industrial process may only be placed on the market after obtaining a authorisation for use or a certificate of registration, issued in pursuance of:
1. This Act; or
2. Of Regulation (EC) No. 726/2004 of the European Parliament and of the Council.
(2) A authorisation for use within the meaning of para 1 shall also be required for a radionuclide generator, a radionuclide precursor and for a kit.
(3) The types of procedures under para 1 shall be:
1. Centralised;
2. A procedure of mutual recognition/decentralised;
3. National.

Article 24.

(1) No authorisation for use shall be required for radio pharmaceuticals prepared immediately prior to their use in radionuclide generators, radionuclide precursors and kits authorised for use in compliance with the instructions of their manufacturer.
(2) Products under para 1 shall be prepared by qualified persons in laboratories or institutes authorised to conduct such operations in pursuance of the Safe Use of Nuclear Energy Act.
(3) The preparation, use and administration of products under para 1 shall be carried out in accordance with the medical standard in nuclear medicine.

Article 25.

(1) Criteria for the qualification of medicinal products intended for the treatment, prevention or diagnosis of rare diseases are provided for in Regulation (EC) No. 141/2000 of the European Parliament and of the Council.
(2) The terms and conditions for issuance of licenses for the use of medicinal products under para 1 are provided for in Regulation (EC) No. 726/2004 of the European Parliament and of the Council.

Article 26.

(1) An authorisation for the use of a medicinal product, a certificate of the registration of a homeopathic medicinal product under Art. 35 or a certificate of the registration of a traditional herbal medicinal product under Art. 37 on the territory of the Republic of Bulgaria shall be issued by the Bugarian Drugs Agency Executive Director to a natural or legal person established on the territory of a Member-State or a European Economic Area country.
(2) Where the person under para 1 is not established on the territory of the Republic of Bulgaria, he shall designate au authorised representative.
(3) The holder of a authorisation for use shall incur liability for medicinal products placed on the market. Designating a person under para 2 shall not exempt the holder of a authorisation for use from liability in accordance with the effective legislation in the Republic of Bulgaria.

Section II
Requirements to the documentation for the issuance of licenses for use
Article 27.

(1) A person under Art. 26, para 1 shall file a model-based application for the issuance of a authorisation for use with the Bugarian Drugs Agency to be accompanied by a dossier in the format of a General Technical Document, which shall contain:
1. The name and business/permanent address of the applicant and of the representative under Art. 26, para 2; where the applicant is a person other than the manufacturer or manufacturers – the address of production sites;
2. The name of the medicinal product;

3. Data about the quantitative and qualitative composition of the medicinal product, stating the international non-patented name recommended by WHO, if available, or the respective chemical name;
4. Therapeutic indications, counterindications and adverse reactions;
5. The dosage, pharmaceutical forms, method and route of administration and proposed shelf life;
6. Precautionary and safety measures for the storage of the product, for its administration to patients and for the destruction of product waste accompanied by instructions about the potential environmental hazards of the medicinal product;
7. A description of the manufacturing process;
8. A description of the control methods, used by the manufacturer;
9. An evaluation of the potential environmental hazard of the medicinal product in each specific case and measures foreseen for its limitation;
10. The results from:
a) pharmaceutical (physical and chemical, biological or microbiological) trials;
b) preclinical (toxicological and pharmacological) trials;
c) clinical trials;
11. A declaration to the effect that, during clinical testing, performed outside the territory of Member-States, the ethical principles of good clinical practice have been complied with;
12. A description of the system for drug safety that will be introduced and, where appropriate, also a description of the risk management system;
13. Data about the person under Art. 186, para 1, i.e. the name, address and professional qualifications thereof;
14. A product summary in accordance with Art. 34;
15. A mock-up of the immediate and outer packaging of the product and a proposal for a brochure in compliance with the requirements of Chapter six;
16. A copy of the manufacturing authorisation issued by the regulatory body of the state in which manufacturing takes place, accompanied by a certificate of good manufacturing practice or a certificate to the effect that the manufacturing of the medicinal product and of the active substances in its composition is carried out in compliance with standards, at least equivalent to those for good manufacturing practice;
17. A copy of a document, whereby the medicinal product has been designated for the treatment, prevention or diagnosis of rare diseases, accompanied by a copy of the opinion of the European Medicines Agency;
18. A copy of all licenses for use, issued in another Member-State or in a third country, for the medicinal product for which a authorisation for use is requested.
19. A list of the Member-States in which an application has been filed for the issuance of an authorisation for the use of a medicinal product;
20. A copy of the summary of product characteristics proposed by the person under Art. 26, para 1 or a copy of the Summary of Product Characteristics approved by a regulatory body of a Member-State(s) or of a country within the European Economic Area, which have already issued a authorisation for use;
21. A copy of the refusal to grant a authorisation for use in a Member-State or in a third country accompanied by reasons; information about any provisional suspension or about the termination of the effect of a authorisation for use;
22. A copy of the proposed patient information leaflet accompanied by a summary of the results from the evaluation of brochure content understanding by a target group of patients selected by the applicant or a copy of the brochure approved by a regulatory body of a Member-State which has already delivered a authorisation for use;
23. A document evidencing the payment of a fee at the amount set out in the Tariff under Art. 21, para 2.
(2) Documents under para 1, item 18, with regard to Member-States, respectively under item 19, shall only be filed in procedures under Section VII.
(3) The following documents shall be submitted in respect to radionuclide generators, in addition to data under para 1:
1. A description of the system together with a detailed description of its components, which could influence the composition or quality of daughter radionuclides;
2. Qualitative and quantitative characteristics of the eluate or sublimate.

(4) Documents and data from pharmaceutical, preclinical and clinical trials shall be accompanied by summary reports prepared by experts with the required level of technical and professional qualifications. A CV for the experts who have drafted the report shall be attached to it.
(5) The dossier of the medicinal product shall be provided in the Bulgarian and/or the English language.

Article 28.

(1) The person under Art. 26, para 1, insofar as such person does not infringe upon any industrial or commercial property rights, shall not submit data under Art. 27, para 1, item 10, b) and c) to the Bugarian Drugs Agency, where it may prove that a medicinal product listed in the application is the generic product of a reference medicinal product which is or has been authorised for use in a Member-State or in a country within the European Economic Area before no less than 8 years.
(2) The holder of a authorisation for use of the generic product under para 1 may not place it on the market before 10 years have elapsed from the date of the initial authorisation for use of the reference medicinal product.
(3) The person under Art. 26, para 1, subject to the terms of paras 1 and 2, may also file an application with the Bugarian Drugs Agency for an authorisation for the use of the generic product of a reference medicinal product, where the latter has not had any authorisation for use issued on the territory of the Republic of Bulgaria.
(4) In cases under para 3, the person under Art. 26, para 1 shall indicate, in the application under Art. 27, para 1, the Member-State in which the reference product is or has been authorised for use.
(5) In cases under para 3, the Bugarian Drugs Agency shall obtain from the regulatory body of the Member-State specified in the application under Art. 27, para 1 a confirmation of the information under para 4, the quantitative and qualitative composition of the reference product and, if necessary, additional documentation.
(6) The Bugarian Drugs Agency shall provide, upon request from a regulatory body of a Member-State in which an application for the generic product of a reference medicinal product has been filed, the latter being or having been authorised for use on the territory of the Republic of Bulgaria, the necessary information under para 5 within one month of the date of request.
(7) The ten-year period under para 2 may be extended by no more than one year upon request of the holder of the authorisation for use of the reference medicinal product where within the first 8 years following issuance of the authorisation for use of the reference medicinal product its holder obtains, in respect to the same product, an authorisation for a new therapeutic indication whose significant clinical advantages compared to existent treatment courses have been scientifically substantiated.

Article 29.

(1) The person under Art. 26, para 1 shall submit to the Bugarian Drugs Agency the results from the required preclinical and/or clinical trials in cases where a medicinal product listed in the application:
1. May not be defined as generic, or
2. The trials for bio-availability do not prove bioequivalence, or
3. A change has occurred in the active substance or substances, in the therapeutic indications, in the pharmaceutical form and in the route of administration compared to the reference medicinal product, or
4. Is offered in dosage units other than those of the reference medicinal product.
(2) Where a biological medicinal product listed in the application, similar to the reference biological medicinal product, falls short of the requirements for qualification as a generic medicinal product, due to a difference in the manufacturing process or to different input material compared to the reference product, or due to any other reasons, the applicant shall submit to the Bugarian Drugs Agency the results from the required preclinical and/or clinical trials associated with those requirements.
(3) In cases under paras 1 and 2, the documentation specified by the Ordinance under Art. 42 shall also be submitted.

Article 30.

(1) The person under Art. 26, para 1, insofar as that person does not go against industrial and commercial property rights, shall not submit to the Bugarian Drugs Agency the data under Art. 27, para 1, item 10, b) and c) where he can prove, subject to the conditions specified in the Ordinance under Art. 42, that the active substance in the composition of the medicinal product proposed to be authorised for use has an established use in medical practise, a recognised efficacy and an acceptable level of safety. In such cases the results from trials and the trials may be replaced by the respective scientific publications.

(2) The person under para 1 shall submit the results from the required preclinical and clinical trials in the case of a medicinal product containing active substances with a well established use which have not been used in the proposed combination for therapeutic purposes. In this case no documentation with regard to each and every separate active substance shall be submitted.
(3) Where the active substance within the meaning of para 1 has a new therapeutic indication proven on the basis of significant preclinical and clinical data associated with the new indication, no subsequent applicant may refer to data about the new indication of the active substance for a one-off period of one year.

Article 31.

In case where a medicinal product contains active substances used in the composition of medicinal products authorised for use but which are not used in the proposed combination for therapeutic purposes, the person under Art. 26, para 1 shall submit the results from the preclinical and from the clinical trials associated with this combination. In this case the applicant shall not submit any documentation with regard to the safety and efficacy of each and every active substance.

Article 32.

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

Article 33.

Carrying out the required research and trials with the aim of preparing the documentation for a authorisation for use and in order to comply with any subsequent practical requirements in relation to authorising the medicinal products under Art. 28 and Art. 29 for use shall not be a violation of the patent or of the certificate for additional protection of a medicinal product.

Article 34.

(1) The summary of the product shall specify the following information:
1. The name of the medicinal product, the quantity of the active substance per dosing unit and the pharmaceutical form;
2. The qualitative and quantitative composition, in terms of active substances, and of those of the excipients, the information about which is of significance for the regular administration of the product; the common name or the chemical description shall be used;
3. The pharmaceutical form;
4. Clinical data:
a) therapeutic indications;
b) dosage and route of administration for adults and for children;
c) counterindications;
d) special warnings and precautions for use; as regards immunological medicinal products – precautions for persons who will handle and administer them to patients, as well as any precautionary measures to be taken by the patient;
e) interaction with other medicinal products or other forms of interaction;
f) use during pregnancy or lactation;
g) effects on ability to drive and to use machines;
h) adverse reactions;
i) overdose (symptoms, antidotes, emergency procedures);
5. Pharmacological data:
a) pharmacodynamic properties;
b) pharmacokinetic properties;
c) preclinical safety data;
6. Pharmaceutical data:
a) a list of excipients;
b) main incompatibilities;
c) shelf life; shelf life after solving the medicinal product (where necessary) or after opening the immediate packaging for the first time;
d) special instructions for storage;
e) type and composition of packaging;

f) special instructions for disposing of the remaining medicinal product or of the waste material from it;
7. The holder of the authorisation for use;
8. The registration number;
9. The date of the first authorisation for use or of the renewal of the authorisation for use;
10. The date on which a modification of the summary content for the product is made;
11. As regards radiopharmaceuticals – exhaustive information about the internal radiation dosimetry;
12. As regards radiopharmaceuticals - detailed instructions for their extemporaneous preparation and for the quality control thereof and, where appropriate, the maximum storage time during which any intermediate product, such as an eluate or the ready-to-use pharmaceutical, will conform to its specifications.
(2) The summary of medicinal products under Art. 28 – 33 may not include those parts of the summary of the reference medicinal product, which refer to the indications and pharmaceutical forms, having made the object of patent protection when the generic product was on the market.
(3) The requirements to the form and content of the product summary shall be specified in the Ordinance under Art. 42.

Section III
Specific requirements applicable to homeopathic medicinal products

Article 35.

(1) A certificate of registration for a homeopathic medicinal product shall be issued in pursuance of a simplified procedure where the product meets the following conditions:
1. It is administered orally or externally;
2. No specific therapeutic indication appears on the labelling of the medicinal product or in any information relating thereto;
3. There is sufficient dilution to guarantee the safety of the medicinal product; in particular, the medicinal product may not contain either more than one part of the mother tincture per 10000 or more than 1/100th of the smallest dose used in allopathy, sa regards active substances whose presence in an allopathic medicinal product results in mandatory medical prescription.
(2) In order to obtain a certificate of registration for a homeopathic medicinal product, the person under Art. 26, para 1 shall file a model-based application with the Bugarian Drugs Agency, which could specify a series of medicinal products obtained from the same homeopathic stock or from one and the same stocks.
(3) The following documentation shall be attached to the application under para 2, in order to prove the pharmaceutical quality and the batch-to-batch homogeneity of the medicinal product concerned:
1. The scientific name or other name of the homeopathic stock or stocks given in a pharmacopoeia, together with a statement of the various routes of administration, the pharmaceutical forms and degree of dilution;
2. The 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. A dossier of the manufacturing and control methods for each pharmaceutical form and a description of the methods of dilution and potentisation;
4. A manufacturing authorisation accompanied by a certificate of good manufacturing practice or a certificate to the effect that the product has been manufactured under conditions equivalent to the requirements of good manufacturing practice;
5. Copies of any registrations or licenses obtained for the same medicinal product in other Member States;
6. A mock-up of the immediate and/or outer packaging of the product;
7. Data concerning the stability of the product.
(4) The requirements to the data under para 3 shall be specified in the Ordinance under Art. 42.

Article 36.

(1) The provisions of Art. 27 – 32 shall apply to homeopathic medicinal products other than those listed in Art. 35, para 1.
(2) The person under Art. 26, para 1 shall submit no results from preclinical and clinical trials for homeopathic medicinal products under para 1, where such person may prove, using bibliographic data from scientific literature, the established safe homeopathic use of the medicinal product concerned or of the homeopathic stocks within its composition.

(3) In cases under para 2, bibliographic data must establish:
1. The homeopathic nature of the raw materials and their traditional administration, in presence of the indication applied for;
2. The non-harmful nature of the homeopathic medicinal product, in terms of the level of dilution of each of its ingredients.

Section IV
Specific requirements applicable to traditional herbal medicinal products

Article 37.

(1) A certificate of registration for a traditional herbal medicinal product shall be issued in pursuance of a simplified procedure where the product meets the following conditions:
1. It has therapeutic indications inherent to the use of traditional herbal medicinal products and, bearing in mind its composition and intended use, is destined for use without prescription by a doctor and without medical supervision;
2. It is only administered as a set quantity of the medicinal substance per dosing unit, at a set dose;
3. It is administered orally, through inhalation or is intended for external use;
4. The period of traditional use under Art. 38, para 1, item 5 has expired;
5. Data about the traditional use of the medicinal product prove that it is not harmful under the set conditions for use and the pharmacological effect or efficacy of the medicinal product has been established through its long-term use and the experience accumulated.
(2) The Bugarian Drugs Agency may apply the procedure under para 1 to a herbal medicinal product containing vitamins or minerals whose safety has been documentally proved and whose action in respect to herbal medicinal substances in the product, as regards the latter's specific indications, is auxiliary.

Article 38.

(1) In order to obtain a certificate of registration for a traditional herbal medicinal product, the person under Art. 26, para 1 shall submit an application to the Bugarian Drugs Agency accompanied by the following documents:
1. The data specified in Art. 27, para 1, items 1 – 9 and item 10, a);
2. A product summary, with the exception of data under Art. 34, para 1, item 4;
3. In the case of an herbal medicinal product, within the meaning of Art. 37, para 2, or of a combined medicinal product – the information under Art. 37, para 1, item 5, as regards the combination; where the active substances of the combined product are not sufficiently known, if taken separately, data about the traditional use of each shall be submitted;
4. A copy of the authorisation for use or of the certificate of registration for the herbal medicinal product issued by a Member-State or a third country, and/or a copy of a refusal accompanied by the reasoning of the decision concerned;
5. Bibliographic data or expert opinions proving that the herbal medicinal product, for which an application for registration has been filed, or that a corresponding product has been in use, until the date on which the application for registration was filed, for more than 30 years in world medical practice, of which at least 15 on the territory of a Member-State or a country within the European Economic Area;
6. Bibliographic data about the safety of the product accompanied by a report of experts;
7. A copy of the manufacturing authorisation accompanied by a certificate of good manufacturing practice or by a certificate proving that the product is manufactured under conditions that are equivalent to the requirements of good manufacturing practice.
(2) The Bugarian Drugs Agency may require from the applicant additional information in order to evaluate the safety of medicinal products under para 1.
(3) The Bugarian Drugs Agency may request the opinion of the Committee on herbal medicinal products attached to the European Medicines Agency as regards the truthfulness of data under para 1, item 5, providing it with the necessary parts of the medicinal product dossier.
(4) Data submitted under para 1, item 5 shall also be valid in cases where, in the 30-year period of use in medical practice:
1. The medicinal product corresponding to the one for which an application is submitted for its registration has been on the market without an authorisation or registration for use or
2. Where the number of ingredients in the medicinal product, for which an application is filed for its registration, is reduced or their quantity per dosing unit is reduced.

Article 39.

(1) Where the herbal medicinal product has been on the Community market for less than 15 years but it meets the conditions of Art. 37, para 1, the Bugarian Drugs Agency shall submit the documentation under Art. 38, para 1 to the Committee on Herbal Medicinal Products attached to the European Medicines Agency, in order to obtain its opinion.
(2) The Bugarian Drugs Agency shall make a final decision after publication of the monograph of the Committee under para 1 with regard to the compliance of the product with registration criteria for traditional use.
(3) In cases under para 1, the period under Art. 44 shall be suspended.

Article 40.

The Bugarian Drugs Agency may require the applicant, in case of an herbal medicinal product, to file the documentation under Art. 27 - 32 and under Art. 35.

Article 41.

(1) The Bugarian Drugs Agency shall post on its website a list, to be prepared by the Committee on Herbal Medicinal Products attached to the European Medicines Agency, of the herbal substances, preparations or combinations thereof used in traditional herbal medicinal products. For each herbal substance the list shall specify its therapeutic indications, the active ingredient content per dosing unit, the route of administration ad other information required for the safe use of the herbal substance as a traditional medicinal product.
(2) Where the product, as proposed in the traditional use application for registration, contains an herbal substance, preparation or a combination thereof, as per the list under para 1, the applicant shall not submit data specified in Art. 38, para 1, items 4 – 6.
(3) Where the herbal substance, preparation or the combination thereof is taken off the list under para 1, the holder of a certificate for registration of the herbal medicinal product must submit to the Bugarian Drugs Agency the full documentation set under Art. 38 within a period of three months after any such change.
(4) In case the holder of a certificate of registration for an herbal medicinal product fails to perform the duty under para 3, the Bugarian Drugs Agency shall terminate the certificate of registration for the product.

Section V
Procedure for issuance of an authorisation for the use of medicinal products and for registration of homeopathic and traditional herbal product

Article 42.

The requirements to data and documents in the dossiers under Art. 27 - 32, Art. 35, para 3, Art. 36, para 2 and under Art. 38 shall be specified in an Ordinance of the Minister of Health.

Article 43.

(1) Within a period of 30 days from the date of submission of the documentation under Art. 27 – 32, Art. 35, para 3 or under Art. 38, the BDA shall examine the various sections of the dossier for completeness and their compliance with the requirements for issuance of the authorisation for use or of the certificate of registration under this Act.
(2) Where no incompleteness or discrepancies are found in the documentation submitted, the Bugarian Drugs Agency shall notify the applicant in writing, within the period under para 1, that the documentation is valid. The notification shall specify the date from which the period under Art. 44 will start running.
(3) Where incompleteness and/or discrepancies are found in the documentation under para 1, the Bugarian Drugs Agency shall notify the applicant in writing to submit additional information and/or a verbal or written explanation of the incompleteness and discrepancies found, within a period of 14 days of the date of notification.
(4) Where the requirements under para 3 are not met within the specified period, the BDA shall notify the applicant in writing that the application is not valid. In this case, the BDA shall return within 14 days the documentation submitted and shall reimburse 75 per cent of the fee paid by the applicant.
(5) Where the requirements under para 3 are met within the specified period, the Bugarian Drugs Agency shall notify the applicant in writing that the documentation is valid, the notification specifying the date from which the period under Art. 44 will start running.

Article 44.

The procedure for issuance of a authorisation for use or of a registration of a medicinal product shall start on the date specified in the notification under Art. 43, para 2 or under Art. 43, para 5, correspondingly, and shall terminate within a period of 210 days.

Article 45.

(1) Where an application has been filed with the Bugarian Drugs Agency for a authorisation for use or for the registration of a medicinal product, for which information is available from data under Art. 27, para 1, item 18 that a authorisation for use of the same medicinal product has been issued in a Member-State, the Bugarian Drugs Agency shall notify the applicant in writing of the application of the procedure under Art. 74.

(2) Where an application with the Bugarian Drugs Agency has been filed for a authorisation for use or for the registration of a medicinal product, for which information is available from data under Art. 27, para 1, item 19, that the dossier of the same medicinal product in the Member-State is under evaluation, the Bugarian Drugs Agency shall not examine the documentation under Art. 27 - 32 or under Art. 35, para 3, or under Art. 38, and shall notify the applicant in writing of the application of the procedure under Art. 75.

(3) For the purposes of applying the provisions of paras 1 and 2, a medicinal product authorised in another Member-State shall be considered as one and the same or as a product for which the file is under evaluation in another Member-State, where two medicinal products:

1. Are of identical quantitative and qualitative composition, in terms of the active substance(s) and are offered as one and the same pharmaceutical form, variation being allowed with regard to the excipients, provided it has no impact over safety and efficacy and where

2. They belong to the same company or an application for the medicinal products is filed by persons belonging to one and the same company or a group of companies, or an application is filed for the medicinal products by persons who have entered a licensing or another agreement or who take joint actions, relating to the marketing of the respective medicinal product in the different Member-States.

Article 46.

(1) When evaluating the documentation, the Bugarian Drugs Agency shall:

1. Be able to test the end product, the intermediate product or the raw materials for the medicinal product concerned, as well as to send them for testing to a laboratory within the system of official medicine control laboratories in a Member-State, in order to establish whether control methods of analysis used by the manufacturer and described in the dossier meet the relevant requirements;

2. Following an on-site or document-based inspection, confirm whether manufacturers of medicinal products from third countries carry out manufacturing in accordance with data described in Art. 27, para 1, item 7 and/or exercise control in accordance with the methods described in Art. 27, para 1, item 8;

3. Inspect the manufactured object specified in the application where the manufacturer/manufacturers of medicinal products from third countries have, by way of exception, outsourced certain stages of the manufacturing or control of the medicinal product concerned to another manufacturer.

(2) Where the Bugarian Drugs Agency conducts an on-site inspection of a manufacturing site, the period under Art. 44 shall be stayed until the report containing the outcomes of the inspection comes out.

(3) In cases under para 1, items 2 and 3, manufacturers shall pay a fee at the amount specified in the Tariff under Art. 21, para 2.

Article 47.

(1) The following specialised commissions shall be set up as consultative bodies attached to the Bugarian Drugs Agency Executive Director:

1. A Commission for Medicinal Products;
2. A Commission for Immunological Medicinal Products;
3. A Commission for Homeopathic Medicinal Products;
4. A Commission for Herbal Medicinal Products;
5. A Commission for Radiopharmaceuticals.

(2) Where necessary, the BDA Executive Director may also set up other specialised commissions outside those specified in para 1.

(3) The specialised commissions shall be composed of specialists with scientific achievements and practical experience in the respective fields of application of the medicinal products.

(4) External experts with scientific knowledge and practical experience in the area of the specific class of drugs could also be used in addition to the permanent composition of the commissions.

(5) The Bugarian Drugs Agency Executive Director shall specify, by order, the composition of commissions for a period of three years, the amount of their remuneration and shall endorse Rules on the terms and conditions of their work.
(6) No later than 30 January of each year, the Bugarian Drugs Agency Executive Director shall endorse lists of experts outside the composition of commissions under para 1 after approval of the Minister of Health.
(7) The BDA Executive Director may relieve early a member of a specialised commission from office at his request in case of failure to discharge his duties for a period of more than three months or in case of negligent performance of his functions.
(8) The composition of commissions and the list of experts under para 6 shall be posted on the Bugarian Drugs Agency website.

Article 48.

(1) The members of specialised commissions under Art. 47, para 1 and experts under Art. 47, para 4 shall sign a declaration, thereby taking the obligation not to:
1. Disclose data and circumstances of which they have become aware while or on the occasion of carrying out their operations;
2. Take part in operations associated with the manufacturing or wholesale and retail trade in medicinal products.
(2) In case individuals under para 1 have taken part in any of the stages in the preparation of documentation required for the authorisation of the use of the medicinal product concerned, they may not take part in sessions of the respective specialised commission under Art. 47.
(3) Individuals under para 1 shall not vote when decisions are made on matters in which they or members of their families have commercial, financial or other interests.

Article 49.

(1) Within a period of up to 200 days from receiving valid documentation, the Bugarian Drugs Agency, together with the respective commission under Art. 47, shall evaluate the quality, safety and efficacy of the medicinal product concerned and prepare an evaluation report which it shall submit to the Agency Executive Director. The evaluation report shall be updated upon receipt of new information concerning the quality, safety and efficacy of the product.
(2) Where the medicinal product contains genetically modified organisms, the Bugarian Drugs Agency shall provide the Ministry of Environment and Waters with the necessary documentation from the medicinal product's dossier and obtain an opinion, within a period of 60 days, on the potential risk to the environment. The sixty-day period shall be comprised within the period under para 1.
(3) In the case of radiopharmaceuticals, the Bugarian Drugs Agency shall provide the necessary documentation from the medicinal product's dossier and obtain an opinion within a period of 60 days from the Nuclear Regulation Agency with regard to the quality and safety of the product. The sixty-day period shall be comprised within the period under para 1.
(4) Where the Ministry of Environment and Waters and the Nuclear Regulation Agency fail to rule within the periods set under paras 2 and 3, it shall be considered that their opinion is positive.

Article 50.

(1) Where the Bugarian Drugs Agency finds lack of compliance in the dossier with the requirements for issuance of a authorisation for use or of a certificate of registration under this Act, it shall notify the applicant in writing to submit additional information relating to the documentation under Art. 27 – 32 or under Art. 35, para 3 or under Art. 38, and/or to submit a verbal or written explanation with regard to the incompleteness and discrepancies found, within a period of 180 days from the date of notification.
(2) In cases under para 1, the period under Art. 44 shall be stayed from the date of notification until submission of the requested information.
(3) The Bugarian Drugs Agency Executive Director shall terminate the procedure for issuance of a authorisation for use or of a certificate of registration of a medicinal product, where:
1. The applicant fails to submit the information under para 1 within the specified period;
2. The persons under Art. 26, para 1 request its termination in writing.

Article 51.

Within a period of 10 days from preparing the evaluation report under Art. 49, para 1, the Bugarian Drugs Agency Executive Director shall issue a authorisation for use/certificate of registration of the medicinal product or issue a reasoned refusal.

Article 52.

(1) Within 5 days from issuance, the authorisation for use/certificate of registration shall be entered on the registry under Art. 19, para 1, item 3, which shall contain:

1. A registration number;
2. A number and date of the authorisation for use/certificate of registration of the medicinal product;
3. The name of the medicinal product;
4. The international non-patent name of each active substance;
5. The name and address of the holder of a authorisation for use/certificate of registration;
6. The date of the change introduced in the authorisation for use/certificate of registration;
7. The date of termination of the authorisation for use/certificate of registration;
8. Other data.

(2) The authorisation for use/certificate of registration of the medicinal product shall be served on the person under Art. 26, para 1 and shall enter into force on the date of entry into the registry under Art. 19, para 1, item 3.

Article 53.

(1) The Bugarian Drugs Agency shall post on its website data under Art. 52 concerning the issued authorisation for use/certificate of registration and the approved summary of the product within a period of 14 days following issuance thereof.

(2) Based on the evaluation report under Art. 49, para 1, the Bugarian Drugs Agency shall prepare a public evaluation report, including the reasoning for the decision made, without the data constituting commercial secrecy. The report shall be posted on the Bugarian Drugs Agency website.

Article 54.

(1) The holder of the authorisation for use/certificate of registration of a medicinal product shall notify the Bugarian Drugs Agency in writing of the date on which the medicinal product shall be placed on the market.

(2) The holder of the authorisation for use/certificate of registration of a medicinal product shall notify the Bugarian Drugs Agency in writing of each case in which sales of the medicinal product have been stayed, whether temporarily or permanently.

(3) In case of a planned stay of sales of the medicinal product, the holder of the authorisation for use/certificate of registration of the medicinal product shall notify the BDA in writing at least two months before doing so.

(4) In case the sales of the medicinal product have been stayed as a result of unforeseeable circumstances, the holder of the authorisation for use/certificate of registration of the medicinal product shall notify the BDA in writing within a period of 24 hours from establishing the presence of such circumstances.

Article 55.

(1) The authorisation for use/certificate of registration of the medicinal product shall be issued by the executive director of the Bugarian Drugs Agency for a period of 5 years.

(2) Following expiry of the term under para 1, the authorisation for use/certificate of registration of the medicinal product may be renewed by the Bugarian Drugs Agency, based on an evaluation of the benefit/risk ratio.

(3) In cases under para 2, at least 6 months before the term of the authorisation for use/certificate of registration has expired, its holder shall file with the Bugarian Drugs Agency an application for renewal accompanied by a summary dossier regarding the quality, safety and efficacy of the medicinal product, including the changes made in the period of validity of the authorisation under para 1.

(4) The authorisation for use/certificate of registration shall stop being limited in time following its renewal.

(5) In presence of valid reasons concerning the safety of the product, the Bugarian Drugs Agency may obtain from the holder of the authorisation for use/certificate of registration the submission of an application for renewal in pursuance of para 3 for 5 more years.

(6) Upon expiry of the term of the authorisation for use the medicinal product may be sold until the quantities available in the country are exhausted, but for not more than one year of the date of expiry of the authorisation for use.

(7) The Bugarian Drugs Agency Executive Director shall by order withdraw the authorisation for use/certificate of registration of a medicinal product, where:

1. Its holder has not placed the medicinal product on the market within up to three years from the date of issuance of the authorisation for use or
2. The sales of the medicinal product have been stayed for a period of up to three consecutive years after it has been placed on the market.
(8) The order under para 7 shall be subject to appeal in pursuance of the Administrative Procedure Code.
(9) By way of exception and in the interest of public health, the provision of para 7 may not be applied, if the holder of the authorisation for use of the medicinal product provides valid reasons. In such cases the Bugarian Drugs Agency Executive Director shall provide reasoning for his decision.
(10) The holder of a authorisation for use shall pay an annual fee at the amount set in the Tariff under Art. 21, para 2 for the maintenance of the authorisation for use issued.

Article 56.

(1) By way of exception, when objective reasons have been provided and the relevant evidence submitted, the Bugarian Drugs Agency Executive Director, following consultations with the applicant, may issue a conditional authorisation for use.
(2) The type and scope of the conditions under para 1 and the terms for their execution shall be specified in appendices to the authorisation for use/certificate of registration issued.
(3) A authorisation for use in the cases under para 1 shall be issued for a period of one year and it shall be extended for each subsequent year on the basis of an evaluation of the execution of para 2 conditions by the Bugarian Drugs Agency.
(4) The conditions under para 2 and the terms for their execution shall be posted on the Bugarian Drugs Agency website.
(5) The Bugarian Drugs Agency Executive Director shall withdraw a authorisation for use where the conditions under which the authorisation was issued are not complied with within the periods set under para 2.

Article 57.

(1) The Bugarian Drugs Agency Executive Director shall refuse a authorisation for use or a certificate of registration of a medicinal product where, after evaluation of the dossier under Art. 27 – 32, he finds that:
1. The benefit/risk ratio is unfavourable or
2. The efficacy of the medicinal product is not convincingly defended by the applicant or
3. The quantitative and qualitative composition of the medicinal product does not correspond to the one described in the dossier.
(2) The Bugarian Drugs Agency Executive Director shall refuse issuing a authorisation for use or a certificate of registration of a medicinal product where some of the data in the dossier do not comply with the requirements of Art. 27 – 32.
(3) The Bugarian Drugs Agency Executive Director shall refuse the registration of a traditional herbal medicinal product when it is found, after evaluation of the documentation, that the product does not meet the conditions under Art. 37, para 1, data in the dossier do not comply with Art. 38 or:
1. The quantitative and qualitative composition does not comply with the description in the dossier;
2. The medicinal product may be harmful under regular use;
3. Data about its traditional use are insufficient, especially if pharmacological properties or efficacy are not proved through long-term use based on the accumulated experience;
4. The pharmaceutical quality of the medicinal product has not been sufficiently justified.

Article 58.

The holder of the authorisation for use shall incur liability for the completeness and truthfulness of data in the dossier.

Article 59.

(1) The refusal of the Bugarian Drugs Agency Executive Director to issue a authorisation for use/certificate of registration of a medicinal product may be appealed in pursuance of the Administrative Procedure Code.
(2) A refusal of the BDA Executive Director and the reasons for it shall be posted on the Agency website.

Section VI

Changes in a authorisation for use that has already been issued

Article 60.

(1) The holder of an authorisation for the use of a medicinal product shall be obligated to immediately notify the Bugarian Drugs Agency of each change in the conditions under which the authorisation was issued.
(2) The changes could be slight – of the IA and IB type, or significant - of the II type.
(3) Criteria on the basis of which changes are defined as being of the IA or IB type shall be specified in the Ordinance under Art. 42.
(4) All changes, other than those of the IA or IB type, shall be significant changes of the II type.

Article 61.

(1) In case of IA or IB changes, or of type II changes, the person under Art. 26, para 1 shall file an application with the Bugarian Drugs Agency accompanied by:
1. Documentation concerning the changes, as specified in the Ordinance under Art. 42;
2. A document evidencing the payment of a fee at the amount set in the Tariff under Art. 21, para 2.
(2) The application under para 1 shall also include a proposed date for the entry of changes into force.
(3) For each IA, IB or type II change, the holder of a authorisation for use of a medicinal product shall file a separate application.
(4) Where the holder of an authorisation for the use of a medicinal product makes more than one change in the authorisation for use issued, he shall file a separate application for each change, each of the applications setting out information about the type of changes for which other applications have been submitted.
(5) Where the change applied for results in subsequent interconnected changes of the same type, the holder of the authorisation for use of the medicinal product shall file a single application, stating therein the connection between the main change and those related thereto.
(6) Where a IB type of change results in subsequent interconnected IA or IB types of changes, the holder of the authorisation for use of a medicinal product shall file a single IB type of application, therein stating the connection between the main change and those related thereto.
(7) Where a change results in a modification of the data in the product summary, the packaging and/or the brochure, these changes shall be taken as part of the change applied for and no separate application for them shall be filed.

Article 62.

(1) The Bugarian Drugs Agency Executive Director shall approve the IA type of changes within 14 days of submission of an application, provided the requirements of Art. 60, para 3 and Art. 61 have been met.
(2) Where the requirements of Art. 60 and Art. 61 have not been met, the Bugarian Drugs Agency shall notify the applicant within the period under para 1 that the application is not valid and the changes are not accepted.

Article 63.

(1) The Bugarian Drugs Agency Executive Director shall approve IB type of changes within a 30-day period of submission of the application and he shall issue an authorisation for the change concerned, indicating therein the date on which said changes shall enter into force.
(2) Where the Bugarian Drugs Agency finds lack of compliance of the submitted documentation with the requirements of Art. 61, para 1, item 1, it shall notify the holder of the authorisation for use.
(3) The holder of the authorisation for use shall amend or supplement the documentation within a period of 30 days from the date of receiving the notification. In this latter case the period under para 1 shall be suspended.
(4) Where in the period under para 3 the holder of an authorisation for the use of the medicinal product concerned fails to submit the requested documentation, the Bugarian Drugs Agency Executive Director shall terminate the procedure and notify the holder of the authorisation thereof.

Article 64.

(1) Within a period of 60 days from the date of submission of a valid application for a type II change, the Bugarian Drugs Agency shall prepare an evaluation report concerning said change.
(2) The period under para 1 may be:
1. Reduced in urgent cases concerned with the safe use of the medicinal product or
2. Extended up to 120 days in the event of change, amending or supplementing a therapeutic indication.
(3) Where the Bugarian Drugs Agency finds incompliance of the documentation submitted with the requirements under Art. 61, para 1, item 1, it shall notify the holder of the authorisation for use and set a term for the submission of additional information.

(4) In cases under para 3, the term under para 1 shall be suspended until submission of the additional information concerned.
(5) The Bugarian Drugs Agency Director, based on the evaluation report under para 1, shall approve the changes and issue an authorisation for changing the authorisation for use or give a reasoned refusal. The authorisation shall specify the date on which changes shall enter into force.
(6) A refusal under para 5 shall be subject to appeal in pursuance of the Administrative Procedure Code.

Article 65.

(1) Where the holder of a authorisation for use finds a health hazard associated with the use of the medicinal product, he shall take urgent restrictive measures and immediately notify the BDA in writing.
(2) The Bugarian Drugs Agency shall rule on these measures within 24 hours of notification.
(3) Where the Bugarian Drugs Agency fails to rule within the period under para 2, the measures shall be considered approved.
(4) Where the Bugarian Drugs Agency finds that there is a risk to human health associated with the use of the medicinal product, it shall order the holder of the authorisation for use to forthwith take restrictive measures.
(5) In cases under paras 1 and 4 the holder of the authorisation for use of the medicinal product concerned shall agree with the BDA the manner and terms for implementing the measures taken.
(6) The holder of a authorisation for use of the medicinal product concerned shall file an application for change with the Bugarian Drugs Agency Executive Director in pursuance of Art. 64 no later than 15 days after the date on which measures were taken.

Article 66.

(1) The holder of an authorisation for the use of the medicinal product concerned shall file an application for extending the scope of the authorisation for use issued in presence of:
1. A change in the quality of the active substance indicated in the dossier, which does not significantly change the safety and efficacy characteristics of the medicinal product and the changed substance shall not be defined as new where:
a) the medicinal substance(s) are replaced by a different salt/esther complex/derivatives (having the same therapeutic section);
b) a blend with an isolated polymer is replaced by a different isomer or a different blend of isomers.
c) a biologically active substance or a biotechnological product is replaced by a substance or product with a slightly changed molecular structure; the vector used to obtain the antigen/raw material is modified, including a new primary cell bank from a different source;
d) a new ligand or connection mechanism is available in the case of radio pharmaceuticals;
e) A change is found in the extracting solvent or in the herbal substance/herbal preparation ratio;
2. A change in the bioavailability;
3. A change in pharmacokinetics, such as a change in the rate of discharge;
4. A change or addition of a new amount/activity of the active substance;
5. A change or addition of a new pharmaceutical form;
6. A change or addition of a new route of administration – in the case of parenteral administration a distinction needs to be made between the intra-arterial, intravenous, intramuscular, subcutaneous and other routes of administration.
(2) The application under para 1 shall be filed together with the documentation under Art. 27, para 1, item 10 concerning the changes under para 1.
(3) The requirements to the documentation under para 2 shall be specified in the Ordinance under Art. 42.
(4) The name of the medicinal product shall not be changed in the authorisation issued expanding the scope of the initial authorisation for use.
(5) The issuance of an authorisation expanding the scope of an authorisation for the use of a medicinal product already issued shall take place in pursuance of the terms and conditions of Art. 49 - 51.

Article 67.

(1) The holder of an authorisation for the use of the medicinal product shall file an application for the issuance of a new authorisation for use where:
1. One or more active substances, including antigen components for vaccines, have been added or removed;

2. The quality of the active substance has been changed as specified in the dossier, significantly changing the characteristics of safety and efficacy in respect to the medicinal product, the changed substances thereby being defined as new;
3. An indication for the treatment, prevention or diagnostics has been added in another therapeutic area or has been changed.
(2) The application shall be accompanied by the documentation specified in the Ordinance under Art. 42.
(3) In cases under para 1 the procedure under Art. 49 – 51 shall apply.

Article 68.

(1) The holder of an authorisation for the use of a medicinal product shall be obligated to immediately inform the Bugarian Drugs Agency of the following:
1. Any new piece of information susceptible of influencing the benefit/risk ratio and impose a change in the data under Art. 27 – 32 and in the product summary;
2. Any prohibition or restriction imposed by regulatory bodies of other states in which the medicinal product is on sale and of the reasons on account of which such measures have been imposed.
(2) The holder of a authorisation for use shall be obligated, upon request from the Bugarian Drugs Agency, to submit data:
1. In support of a favourable risk/benefit ratio with regard to the medicinal product;
2. Relating to the volume of sales of the medicinal product and data from the medical prescriptions issued for the product, if available to it.

Article 69.

(1) The holder of an authorisation for the use of a vaccine or an immunological medicinal product intended for immunisation shall be obligated, prior to placing each batch of the product concerned on the market, to submit to the Bugarian Drugs Agency the following:
1. A sample of the end product and/or a sample of the product in bulk/not poured into bottles;
2. Manufacturing and quality control protocols;
3. A document evidencing the payment of a fee at the amount set out in the Tariff under Art. 21, para 2.
(2) The holder of a authorisation for use of new immunological medicinal products or of immunological medicinal products manufactured using new or changed technologies or using technologies that are new to a particular manufacturer, shall discharge the obligations under para 1 for the specific period stated in the authorisation for use.
(3) Within a period of 60 days following the date of submission of the full set of documents, the Bugarian Drugs Agency shall evaluate the manufacturing and quality control protocols for live vaccines, immunological and new immunological medicinal products and for testing the samples provided in an accredited laboratory, in order to establish whether the medicinal products under paras 1 and 2 have been manufactured in accordance with the approved specifications.
(4) In case of a positive testing outcome, the Bugarian Drugs Agency shall issue a certificate of release for the batch.
(5) The terms, conditions and the requirements to the documentation for issuance of a certificate of release for the batches of products under paras 1 and 2 shall be specified in an Ordinance of the Minister of Health.
(6) Where the testing and evaluation under para 3 for the respective batch of the medicinal products have been carried out by an official medicinal product control laboratory in another Member-State, the holder of the authorisation for use shall submit the certificate of release issued by the regulatory body of the Member-State for the batch of medicinal products to the BDA.
(7) In cases under para 6, the Bugarian Drugs Agency shall carry out the operations under paras 3 and 4.

Article 70.

(1) The holder of an authorisation for the use of a medicinal product obtained from human blood or plasma, prior to placing each product batch on the market, shall be obligated to submit to the Bugarian Drugs Agency the following:
1. A sample of the end product and/or a sample of the product in bulk/not poured into bottles;
2. Manufacturing and quality control protocols;
3. A document, evidencing the payment of a fee at the amount set out in the Tariff under Art. 21, para 2.

(2) Within a period of 60 days following the submission of the full set of documents, the Bugarian Drugs Agency shall evaluate the manufacturing and quality control protocols for the medicinal product concerned obtained from human blood or plasma and for testing the samples provided in an accredited laboratory, in order to establish whether the medicinal product under para 1 has been manufactured in compliance with the approved specifications.
(3) In case of a positive testing outcome, the Bugarian Drugs Agency shall issue a certificate of release for the batch.
(4) The terms, conditions and the requirements to the documentation for issuance of a certificate of release for the batches of products under para 1 shall be specified in the Ordinance under Art. 69, para 5.
(5) Where the testing and evaluation under para 2 for the respective batch of medicinal products have been carried out by an official medicinal product control laboratory in another Member-State, the holder of the authorisation for use shall submit the certificate of release issued by the regulatory body of the Member-State for the batch of the medicinal product to the BDA.
(6) In cases under para 5, the Bugarian Drugs Agency shall not carry out the operations under paras 2 and 3.

Article 71.

(1) The holder of a authorisation for use shall be obligated to maintain a system for the prohibition and market withdrawal of medicinal products falling short of the requirements for quality, safety and efficacy.
(2) The holder of a authorisation for use shall be obligated to prohibit and withdraw from the market medicinal products that have demonstrated lack of compliance with quality, efficacy and safety requirements in pursuance of the Ordinance under Art. 274, para 1.

Article 72.

(1) The holder of a authorisation for use of the medicinal product shall be obligated to update the information under Art. 27, para 1, items 7 and 8 in accordance with changes in the generally accepted methods as a result of scientific and technical progress.
(2) Changes under para 1 shall be approved by the Bugarian Drugs Agency Executive Director in pursuance of this section.

Article 73.

(1) The holder of a authorisation for use may transfer rights into the authorisation for use of the medicinal product to another legal person or to groups, having no legal personality, established on the territory of the Member-States.
(2) The holder of a authorisation for use shall submit to the BDA an application to which the documentation specified in the Ordinance under Art. 42 shall be attached, proposing the date of transfer.
(3) Where incompleteness of the documentation under para 2 is found, the Bugarian Drugs Agency shall notify the holder of the authorisation for use in writing to submit the necessary additional information within a period of 30 days. The period under para 5 shall stop running from the date of notification until provision of the requested information.
(4) Where the holder of the authorisation for use fails to supplement the documentation within the period under para 3, the procedure for transfer of the authorisation for use of the medicinal product shall be terminated.
(5) Within a period of 30 days from the date of submission of the application under para 2, the Executive Director of the Bugarian Drugs Agency shall issue an authorisation for change, thereby approving the transfer. The authorisation for change shall also specify the date of transfer of the authorisation for use.
(6) The new holder of the authorisation for use shall fully assume the rights and obligations of the previous use authorisation holder.
(7) Where the authorisation for use has been transferred in pursuance of paras 1 – 6, its term of validity shall not be changed.

Section VII
Mutual recognition and decentralised procedures

Article 74.

(1) Where the person under Art. 26, para 1 holds a authorisation for use issued in another Member-State for the same medicinal product within the meaning of Art. 45, para 3, for which an application for a authorisation for use has been submitted with the Bugarian Drugs Agency, this person shall file a request with the regulatory body of a Member-State it has designated in the application, hereinafter referred to as "reference Member-State", to proceed with an evaluation report or update the existent one.
(2) Together with the application, the person under para 1 shall also file with the BDA a dossier identical to the one filed in the reference Member-State and in the other Member-States designated in the application, hereinafter referred to as "concerned states".
(3) The Bugarian Drugs Agency and the applicant shall obtain through official channels the evaluation report, together with the approved product summary, packaging mock-up and patient brochure from the regulatory body of the reference state under para 1.
(4) The Bugarian Drugs Agency shall examine the documents under para 3 and shall inform in writing the reference state of the decision made within 90 days of the date on which it has received these.
(5) Within a period of 30 days from receiving the notification that the reference state has terminated the procedure, the Bugarian Drugs Agency Executive Director shall issue an authorisation for the use of the medicinal product on the territory of the Republic of Bulgaria with the approved product summary, packaging mock-up and patient brochure.

Article 75.

(1) Where the person under Art. 26, para 1 simultaneously submits with the Bugarian Drugs Agency and in other Member-States an application for an authorisation to use a medicinal product for which no authorisation for use is issued on the territory of a Member-State, that person shall indicate in the application the regulatory body of the Member-State, hereinafter referred to as "reference Member-State", which shall prepare a draft evaluation report, a draft product summary and a project for a mock-up packaging and a draft patient brochure.
(2) Together with the application, the person under para 1 shall submit a dossier with the Bugarian Drugs Agency identical to the one filed in all other Member-States designated in the application, hereinafter referred to as "concerned states".
(3) The Bugarian Drugs Agency and the applicant shall obtain through official channels the draft evaluation report, the draft product summary, the project for a packaging mock-up and the draft patient brochure from the regulatory body of the reference state.
(4) The Bugarian Drugs Agency shall examine the documents under para 3 and shall inform the reference Member-State in writing of the decision made within 90 days from the date of receiving these.
(5) Within a period of 30 days from receiving a notification that the reference Member-State has terminated the procedure, the Bugarian Drugs Agency Executive Director shall issue an authorisation for the use of the medicinal product on the territory of the Republic of Bulgaria with the approved product summary, packaging mock-up and patient brochure.

Article 76.

(1) Where the Republic of Bulgaria is a reference Member-State under Art. 74, the Bugarian Drugs Agency shall:
1. Within a period of 90 days from the date of submission of valid documentation, send the regulatory bodies of the concerned states and the applicant an evaluation report accompanied by the approved product summary, packaging mock-up and patient brochure.
2. Close the procedure and notify the applicant and the concerned states, where all concerned states have approved thereof.
(2) Within a period of 30 days from closing the procedure under para 1, item 2, the Bugarian Drugs Agency Executive Director shall issue an authorisation for the use of the medicinal product on the territory of the Republic of Bulgaria with the approved product summary, packaging mock-up and patient brochure.
(3) Where the Republic of Bulgaria is a reference state under Art. 75, the BDA shall:
1. Within a period of 120 days from the date of submission of valid documentation, send the regulatory bodies of the concerned states and the applicant the draft evaluation report, a draft product summary, a project for a packaging mock-up and a draft patient brochure.
2. Close the procedure and notify the applicant and the concerned states, where all concerned states have approved thereof.

(4) Within a period of 30 days from closing the procedure under para 3, item 2, the Bugarian Drugs Agency Executive Director shall issue an authorisation for the use of the medicinal product on the territory of the Republic of Bulgaria with the approved product summary, packaging mock-up and patient brochure.

Article 77.

(1) Where the Bugarian Drugs Agency fails to approve the documentation submitted under Art. 74, para 3 or under Art. 75, para 3 due to potential serious risk to the health of the population, it shall prepare a detailed reasoned report to the reference Member-State, the other concerned states and to the applicant.
(2) The disputed issues under para 1 shall be examined by the Coordination Group of the Member-States. The applicant may give a statement on the issues examined in writing or verbally.
(3) The Bugarian Drugs Agency shall take part in the Coordination Group under para 2 until the reference states closes the procedure.
(4) Within 30 days from receiving a notification that the reference state closes the procedure, the BDA Executive Director shall issue a authorisation for use of the medicinal product with the approved product summary, packaging mock-up and patient brochure.

Article 78.

(1) Where the Member-States fail to reach agreement within the procedure under Art. 77, para 2, taking place before the Coordination Group, the disputed issues shall be examined by the Committee for Medicinal Products for Human Use with the European Medicines Agency in an arbitration procedure. A copy of the documentation shall be sent to the applicant.
(2) The applicant shall submit the dossier of the medicinal product and the product summary to the European Medicines Agency.
(3) In cases under para 1, if the Bugarian Drugs Agency has approved the evaluation report, the draft product summary, the project for a packaging mock-up and the draft patient brochure, provided by the reference state, the Bugarian Drugs Agency Executive Director, at the request of the applicant, may issue an authorisation for the use of the medicinal product prior to the completion of the arbitration procedure under para 1.
(4) Following completion of the arbitration procedure, the Bugarian Drugs Agency Executive Director shall bring the authorisation for use issued under para 3 in line with the decision of the European Commission.

Article 79.

(1) Where regulatory bodies of one or more Member-States have adopted differing decisions with regard to the authorisation for use of one and the same medicinal product or for its temporary suspension or withdrawal, the Bugarian Drugs Agency shall bring the issue to the Committee for Medicinal Products for Human Use with the European Medicines Agency for the implementation of an arbitration procedure. The applicant or the holder of a authorisation for use may, if they so deem appropriate, bring the issue to the Committee for Medicinal Products for Human Use with the European Medicines Agency for the implementation of an arbitration procedure.
(2) Where the use of the product creates a risk to public health, the Bugarian Drugs Agency or the applicant or the holder of a authorisation for use may bring the issue of delivering a authorisation for use of a specific medicinal product, its temporary suspension, the termination of the validity of such licenses or of its modification in relation to the information under Chapter eight to the Committee under para 1 for an arbitration procedure to be carried out.
(3) In cases under paras 1 and 2, the BDA or the applicant for/holder of the authorisation for use of the medicinal product concerned shall provide the European Medicines Agency with the full available information on a particular issue.
(4) Depending on the decision of the European Commission, following termination of the arbitration procedure, within 30 days of receiving the notification, the BDA shall:
1. Issue or terminate a authorisation for use or
2. Require that changes are made in an issued authorisation in order to make it compliant with the decision of the European Commission.
(5) The Bugarian Drugs Agency shall notify the European Commission and the European Medicines Agency of the act issued under para 4.

Article 80.

The terms and conditions for changing the authorisations issued under this section are provided for in Regulation (EC) No. 1084/2003 of the European Commission.

Chapter four
CLINICAL TRIALS
Section I
General provisions
Article 81.

Clinical testing of medicinal products on people may take place, in order to:
1. Discover or confirm the clinical, pharmacological or pharmacodynamic effects of one or more tested medicinal products;
2. Identify the adverse reactions to one or more tested medicinal products;
2. Study the absorption, distribution, metabolism and excretion of one or more tested medicinal products and/or establish their safety and/or efficacy.

Article 82.

(1) Clinical testing on people is carried out subject to the fundamental principles of protection of human rights and dignity in each medico-biological study in accordance with the Helsinki Declaration.
(2) All clinical trials of medicinal products on people, including trials of bioavailability and bioequivalence shall be planned, carried out and reported in compliance with the rules of good clinical practice and with the requirements of this Act.
(3) The rules of good clinical practice shall be specified in an Ordinance of the Minister of Health.

Article 83.

(1) The rights, safety and health of the subjects in a clinical trial shall be placed above the interests of science and the public.
(2) Any available preclinical and/or clinical data about the tested medicinal product must be adequate to justify the clinical trial being carried out.

Article 84.

(1) A clinical trial must be scientifically justified and described in a clear and detailed way in the testing protocol.
(2) When developing the documentation and carrying out the clinical trial for a medicinal product, the sponsor and the researcher shall take all available guidelines published by the European Commission and the European Medicines Agency and the scientific committees attached to it.

Article 85.

(1) Clinical testing of medicinal products on people shall be carried out in conformity to the required procedures, assuring the quality of every aspect of clinical testing.
(2) The entire information about clinical testing shall be recorded, processed and stored in a way that shall ensure its accurate reporting, interpretation and validation, the personal data of subjects being protected.

Article 86.

(1) All persons administering a clinical trial, must have relevant professional qualification, training and experience, in order to discharge the tasks associated with testing in compliance with the rules of good clinical practice.
(2) The clinical testing of a medicinal product shall take place under the directions of a physician or a doctor of dental medicine with a recognised medical specialisation in the respective area who is aware of the available preclinical and/or clinical data about the product and the study risks and procedures.
(3) A physician with suitable qualifications or a doctor of dental medicine shall be responsible for the medical care provided to test subjects during the clinical trial and for making medical decisions.

Article 87.

(1) Clinical testing may be carried out in hospital treatment establishments, dispensaries and diagnostic consultative centres that have obtained a positive accreditative evaluation of overall operations and of operations carried out in separate structures of the treatment establishment associated with clinical testing in accordance with the Treatment Establishments Act.
(2) A clinical trial may only be carried out in a treatment establishment where, in pursuance of Art. 103, an Ethics Committee exists, set up in pursuance of Art. 103 that is entered on the BDA registry.
(3) The head of the treatment establishment in which a medicinal product will be tested, shall give consent for the participation of the chief researcher and for carrying out the trial.

Article 88.

(1) Clinical testing on people shall be carried out for:

1. Medicinal products not authorised for use in the Republic of Bulgaria;

2. Medicinal products that have been authorised for use in the Republic of Bulgaria when tested for an unauthorised indication, for a pharmaceutical form other than the authorisationd one, in a group of patients who have not been studied so far or for obtaining additional information.

(3) Medicinal products authorised for use in the Republic of Bulgaria, within the meaning of para 1, item 2 shall be those that have obtained a authorisation for use in pursuance of this Act or of Regulation (EC) No. 726/2004 of the European Parliament and of the Council.

Article 89.

(1) Clinical testing on people shall be carried out with medicinal products that are manufactured, maintained and stored in accordance with the rules of good manufacturing practice for medicinal products under development and research.

(2) The rules of good manufacturing practice for medicinal products under development and research shall be specified in the Ordinance under Art. 152.

(3) A medicinal product that has made the object of pharmacological and toxicological studies in accordance with the requirements of good laboratory practice may be proposed for clinical testing.

Article 90.

A clinical trial may commence and shall be carried out where:

1. The expected therapeutic benefits for trial subjects, for present and future patients and the benefits for healthcare justify the foreseeable risks;

2. The physical and mental integrity of the trial subject, his right to privacy and personal data protection, in accordance with the Personal Data Protection Act, are guaranteed.

3. An insurance or compensation covering researcher or sponsor liability has been envisaged.

Article 91.

The sponsor and the chief researcher shall make an insurance covering their liability for material and immaterial damages caused to subjects during or on the occasion of clinical testing.

Article 92.

(1) The sponsor shall be liable in case of health deterioration or of causing death during or on the occasion of clinical testing, where the trial is carried out in accordance with the requirements and procedures based on the protocol approved by the Ethics Commission.

(2) The chief researcher shall be liable in case of health deterioration or of causing death during or on the occasion of clinical testing when the requirements and procedures based on the protocol approved by the Ethics Commission have not been observed.

Article 93.

(1) The sponsor of a clinical trial shall be a person established on the territory of a Member-State.

(2) The sponsor and researcher may be one and the same person.

Article 94.

The sponsor shall ensure the tested medicinal product/s and all articles required for its administration free of charge.

Article 95.

(1) The sponsor shall prepare the labelling of the tested medicinal product in compliance with the requirements laid down in the rules of good manufacturing practice in respect to medicinal products under development and research.

(2) Requirements to data appearing on the packaging of medicinal products destined for testing shall be specified in the Ordinance under Art. 170.

Article 96.

(1) Clinical testing of medicinal products shall only be admitted on an individual who is:

1. Informed, in a preliminary conference with a physician, i.e. a member of the research team, of the purposes, risks and inconveniencies of testing and of the terms under which it will be carried out;

2. Informed of his right, at any time, to withdraw from testing without any negative consequences for him;

2. Has personally given consent in writing to take part, once he has been made aware of the nature, significance, effects and possible risks of clinical testing.

(2) Where the individual cannot write, informed consent for the participation in clinical testing shall be given orally in the presence of at least one independent witness who shall certify in writing that the individual has personally given informed consent for taking part in the clinical trial.
(3) A fully capacitated individual, understanding the nature, implications, significance and possible risks of clinical testing may only give informed consent under para 1, item 3 and para 2. The informed consent for participation in a clinical trial may be withdrawn at any time.
(4) The informed consent under para 1, item 3 shall be given, for incapacitated adults, by their statutory representatives. The consent given by the statutory representative must represent the presumed will of the subject and may be withdrawn at any time without negative consequences for the subject.
(5) In cases under Art. 162, para 3 Health Act, informed consent shall be given by a person appointed by the court.
(6) The incapacitated adult shall be provided with information about testing, the possible risks and benefits, which shall correspond to his ability of understanding.
(7) The express wish of the incapacitated adult to refuse taking part or to withdraw at any time from the clinical trial must be taken into account by the researcher and, where necessary, by the chief researcher.

Article 97.

(1) Clinical testing on a child shall be carried out after obtaining written informed consent from both parents and from the legal guardians of the individual, subject to Art. 96, paras 1 and 3.
(2) The consent of the parents and legal guardians must represent the presumed will of the child and may be withdrawn at any time without negative consequences for him.
(3) The express wish of the child to refuse taking part or to withdraw at any time from clinical testing, must be taken into account by the researcher and, where necessary, by the chief researcher.
(4) Clinical testing on a young person shall be carried out after obtaining written informed consent from the individual and both parents or from the custodian, subject to Art. 96, paras 1 and 3. Where one of the parents is unknown, deceased or deprived of parental rights or, in case of divorce no such rights have been given to him, written informed consent shall be given by the young person and the parent exercising parental rights.
(5) The consent of the young person, of the parents or of the custodian may be withdrawn at any time without negative consequences for the young person.
(6) The express wish of the young person to withdraw at any time from the clinical trial must be taken into account by the researcher and, if necessary, by the chief researcher.
(7) The child or young person shall be given information about the trial and the possible risks and benefits, in a way that will ensure understanding, by a physician who has experience with children and young persons.

Article 98.

No informed consent to take part in clinical testing is required, where an immediate decision is required in order to save the individual's life and provided at this time no such consent may be obtained. The decision shall be made by at least two physicians not involved in the research team.
Article 99. (1) During testing, the subject shall receive at his request additional information from a person independent from the sponsor.
(2) Written information provided to subjects of clinical testing of a medicinal product, shall contain contact details of the independent person for additional information.

Section II

Clinical testing with vulnerable groups of patients

Article 100.

Clinical testing on children and young persons may be undertaken, provided that:
1. The protocol has been approved by the relevant Ethics Commission after discussion of the clinical, moral and psycho-social aspects of childhood in which at least two paediatricians have taken part;
2. A direct benefit is expected from the clinical trial for the group of patients that will be included in it;
3. Testing is directly related to the clinical condition of the suffering child or young person;
4. The tested medicinal product is destined for diagnosis, treatment or prevention of diseases that is specific to children and young persons;
5. Testing is intended to be carried out on children and young persons;
6. The purpose of testing is the verification of data obtained from clinical trials on individuals that are able to give informed consent or of data obtained through other research methods;

7. The results obtained from clinical trials on adults and their interpretation may not also be considered valid for children and young persons;
8. Testing is planned in a way to minimise pain, inconvenience, fear and other foreseeable risks associated with the disease and the level of risk and physical pain have been predefined and are constantly controlled during testing;
9. The study has been planned and is carried out in accordance with the guidelines of the European Medicines Agency;
10. No financial or other incentives are provided, other than compensation.

Article 101.

(1) Clinical trials on individuals under Art. 96, paras 4 and 5, who are not able to give informed consent, shall be carried out in accordance with the requirements of Art. 90.
(2) Other than requirements under para 1, the participation of adults who are not able to give informed consent in clinical trials shall be allowed, provided that:
1. The respective Ethics Commission, involving specialists with competence in respect to the disease concerned or to the group of patients, has approved the protocol after discussing the clinical, moral and psycho-social aspects of relevance to the particular disease and to the group of patients;
It may be expected that taking the medicinal product that is being tested will bring benefits exceeding the risks or that risks have been fully eliminated;
3. The purpose of trials is to check data obtained through clinical trials on people who are able to give informed consent or of data obtained through other research methods;
4. Trials are directly connected to a life-threatening or disabling disease of which the adult person concerned who is not able to give informed consent suffers;
5. Clinical trials have been planned so that pain, inconvenience, fear and other foreseeable risks associated with the disease have been reduced to a minimum and the level of risk and the degree of physical pain have been set in advance and are constantly monitored during trials;
6. No financial and other incentives are provided, except for compensation.

Article 102.

No clinical trials of a medicinal product may be conducted on pregnant women and lactating mothers, unless the medicinal product concerned is required for their treatment and may not be tested on any other group of patients.

Section III
Commissions for Ethics

Article 103.

(1) A Commission for Ethics concerning multi-centre trials shall be set up with the Minister of Health and its composition shall be specified by an order thereby issued.
(2) Commissions for ethics shall be set up with treatment establishments in which clinical trials take place, whose composition shall be specified by the head of the respective treatment establishment.
(3) The Bugarian Drugs Agency shall keep and maintain a registry of the commissions for ethics.
(4) The registry of treatment establishments with which commissions for ethics have been set up shall be posted on the Bugarian Drugs Agency website.

Article 104.

(1) Commissions under Art. 103, paras 1 and 2 shall be composed of 7 to 12 members, having the qualifications and experience required to examine and evaluate the scientific, medical and ethical aspects of the proposed clinical trial.
(2) Commissions under para 1 shall comprise no less than two members, having no medical background, representing both genders and being financially and administratively independent of the treatment establishment in which the clinical trial takes place.
(3) Commissions under para 1 may use the services of external experts for the needs of their work.
(4) While conducting clinical trials on children and young persons, in order to get additional support for its operations, the respective commission for ethics with the treatment establishment shall mandatorily use the services of external experts.

Article 105.

(1) The term of office of commission for ethics members under Art. 103, paras 1 and 2 shall be of 4 years.
(2) Every two years half of the commissions' composition shall be renewed.

(3) No commission for ethics member may be appointed to the same commission for more than two consecutive terms of office.

Article 106.

(1) Commissions for ethics under Art. 103, paras 1 and 2 shall produce written standard operational procedures in compliance with the rules of good clinical practice within a month of being set up, thereby fixing the terms and conditions of their work.
(2) Standard operational procedures of the commissions for ethics shall be approved by the Bugarian Drugs Agency Executive Director.
(3) Commissions for ethics shall conduct sessions behind closed doors. Where necessary, the char of the commission for ethics may invite the sponsor or chief researcher to take part therein.
(4) Only those members of the commissions for ethics who do not take direct part in a specific trial and are administratively and financially independent of the sponsor and chief researcher may vote and take part in deliberations.
(5) In order to certify the circumstances under para 4, commissions for ethics members shall sign a statement of conflict of interests.

Article 107.

(1) A Central Commission for Ethics shall be set up with the Council of Ministers.
(2) The Central Commission for Ethics shall consist of 9 members, representing both genders, and it shall mandatorily comprise physicians, doctors of dental medicine, a psychologist, a theologist, and a lawyer.
(3) The composition of the commission shall be determined by resolution of the Council of Ministers at the proposal of the Minister of Health for a period of 4 years.
(4) The Central Commission for Ethics shall draft an opinion on deontological and ethical issues in the area of clinical trials when it has been approached by the ethics commissions under Art. 103, paras 1 and 2, by the BDA or by the sponsor.
(5) The Central Commission for Ethics shall provide methodological direction to the commissions for ethics under Art. 103, paras 1 and 2.
(6) The sessions of the Central Commission for Ethics shall be conducted behind closed doors. Where necessary, the chair of the Central Commission for Ethics may invite the sponsor or chief researcher to take part therein.
(7) The Council of Ministers, at the proposal of the Minister of Health, shall specify the terms and conditions of work of the Central Commission for Ethics issuing Rules to this effect.

Article 108.

(1) No member of the Central Commission for Ethics may be appointed to the same commission for more than two consecutive terms of office. The term of office shall have a 4-year duration.
(2) Every two years the composition of a half of the Central Commission for Ethics shall be renewed.

Section IV
Authorisation to conduct clinical trials

Article 109.

A clinical trial may begin when the following conditions are fulfilled:
1. The respective commission for ethics has given a positive opinion and
2. The Bugarian Drugs Agency Executive Director has issued a written authorisation when one of the tested medicinal products is:
a) a medicinal product for a gene therapy;
b) a medicinal product for somatic cell therapy;
c) a medicinal product containing genetically modified organisms;
d) a high-technology medicinal product, as specified in the Appendix to Regulation (EC) No. 726/2004 of the European Parliament and of the Council;
e) a medicinal product containing a biologically active substance(s) of human or animal origin or containing biological components of human or animal origin or such components are used in its manufacturing, or
3. The sponsor failed to notify the BDA in writing within the period set by law that trials may not take place in respect to medicinal products outside those under item 2.

Article 110.

(1) In order to obtain an opinion, the chief or coordinating researcher and the sponsor shall submit to the respective commission for ethics under Art. 103:
1. Administrative documentation;
2. Information about subjects;
3. Documentation concerning the trial protocol;
4. Documentation about the tested medicinal product;
5. Documentation about the technical requirements and the staff;
6. Data about funding and the administrative organisation of trials.
(2) The content, format and the requirements to the documentation under para 1 shall be specified in the Ordinance under Art. 82, para 3.

Article 111.

(1) The commission for ethics shall draft an opinion, taking the following into account:
1. The significance of the clinical trial;
2. The positive evaluation of the ratio between the expected benefits and the risks in accordance with Art. 90, item 1 and to what extent the conclusions are justified;
3. The clinical trial protocol;
4. To what extent the chief researcher and the research team are suitable to carry out the clinical trial;
5. The researcher's brochure;
6. The availability of the necessary equipment and its quality;
7. The consistency and completeness of written information to be provided and the procedure for obtaining informed consent, as well as to what extent the trial on people incapable of giving informed consent is justified in the cases falling under Art. 100 and Art. 101;
8. The foreseen compensation or restitution in case of damages or death that may result from the clinical trial;
9. The insurance covering researcher and sponsor liability;
10. Where necessary, the terms and conditions of remunerating or compensating researchers and subjects in the clinical trial and the elements of the contract between the sponsor and the treatment establishment;
11. The terms and conditions of recruiting subjects.
(2) The commission for ethics shall:
1. Give a positive opinion;
2. Provide a reasoned refusal or
3. Require a modification of part of the documentation as a condition for obtaining a positive opinion.

Article 112.

(1) Within a period of 60 days of filing an application, the commission for ethics concerned shall rule, issuing an opinion, which it shall send to the applicant and the BDA.
(2) Where the clinical trial includes a medicinal product for gene therapy or for somatic cell therapy or a medicinal product containing genetically modified organisms, the term under para 1 shall be extended up to 30 days.
(3) The term for drafting an opinion shall be 180 days where the examination of clinical trial involving medicinal product for gene therapy or for somatic cell therapy or a medicinal product containing genetically modified organisms requires consulting an expert commission specifically set up to this effect by order of the Bugarian Drugs Agency Director.

Article 113.

(1) When evaluating the documentation, the commission for ethics may require, on a one-off basis, the applicant to provide additional documentation. The periods under Art. 112 shall be suspended until submission of the requested documentation.
(2) The procedure for examination of the study shall terminate where, within 60 days of receiving a request for additional information, the sponsor fails to submit the documentation requested by the commission.

Article 114.

(1) Where the trial will take place in more than one centre on the territory of the Republic of Bulgaria, an application shall be filed with the commission for ethics for multi-centre trials under Art. 103, para 1.

(2) Where the trial will take place in only one centre on the territory of the Republic of Bulgaria, an application may be filed with the respective commission for ethics under Art. 103, paras 1 or 2 at the choice of the applicant.
(3) The opinion of the commission for ethics under Art. 103, para 1 shall be valid for all centres on the territory of the Republic of Bulgaria.

Article 115.

(1) Where the opinion of the respective commission for ethics under Art. 103 is negative, the sponsor may, within a period of 90 days of the date of notification, file appeal from its decision before the Central Commission for Ethics.
(2) Where the negative opinion of the respective commission for ethics under Art. 103 has been drafted without taking account of the opinion of the expert commission under Art. 112, para 3, the sponsor may, within 14 days of the date of notification, request in writing from the commission to reconsider its opinion.
(3) The expert commission under Art. 112, para 3, within 60 days of the date of receiving the written application from the sponsor, shall rule on the negative opinion of the respective commission for ethics, contesting or supporting it, of which it shall notify the latter in writing. The commission for ethics shall come up with a final opinion, which it shall send out to the sponsor.
(4) Where the expert commission under Art. 112, para 3 grants support to the negative opinion, the sponsor, within 14 days of the date of notification, may appeal the decision before the Central Commission for Ethics.
(5) The opinion of the Central Commission for Ethics shall be final and binding on the respective commission for ethics.

Article 116.

(1) The sponsor shall submit to the Bugarian Drugs Agency a model-based application for the conduct of a clinical trial.
(2) Where the applicant for a clinical trial is not a sponsor, the application shall be accompanied by documentation, certifying that the person has been authorised by the sponsor.
(3) Where the sponsor is not registered as a natural or legal person on the territory of the Republic of Bulgaria, the application shall be accompanied by a document specifying the data about his authorised representative on the territory of the Republic of Bulgaria.
(4) The following shall be attached to the application:
1. Administrative documents;
2. Information about subjects;
3. Documentation about the trial protocol;
4. Documentation about a tested medicinal product(s);
5. Documentation about the technical requirements and about the staff;
6. Documentation about the funding and the administrative organisation of the trial.
(5) The content, format and requirements to the documentation under para 4 shall be specified in the Ordinance under Art. 82, para 3.

Article 117.

(1) When evaluating the documentation under Art. 116, the Bugarian Drugs Agency may obtain, on a one-off basis, additional documentation from the applicant.
(2) The periods under Art. 118, 119 and 120 shall be suspended until submission of the requested documentation.

Article 118.

(1) Within 60 days of the date of submission of the application for a clinical trial of medicinal products under Art. 109, item 3, the Bugarian Drugs Agency shall notify the applicant in writing that the trial:
1. May be conducted on the territory of the Republic of Bulgaria or
2. May not be conducted, specifying the reasons therefor.
(2) In cases under para 1, item 2, the sponsor may, within a period of 30 days, submit to the Bugarian Drugs Agency an application modified in compliance with the reasons set out or submit the required information in compliance with the Bugarian Drugs Agency requirements.
(3) Within a period of 30 days of the date of submission of the modified application or of the additional information under para 2, the BDA shall notify the applicant in writing that:
1. The trial can take place on the territory of the Republic of Bulgaria or

2. Refuse that the clinical trial be conducted, stating the reasons for this.
(4) A refusal under para 3, item 2 shall be subject to appeal in pursuance of the Administrative Procedure Code.
(5) A clinical trial may begin, if within the period under para 1 the Bugarian Drugs Agency has not issued a notification refusing to approve the clinical trial.
(6) If the applicant fails to submit an application under para 2 within the specified period, the procedure shall terminate and the clinical trail shall not take place.

Article 119.

(1) Within a period of 60 days of the date of submission of the application for a clinical trial involving medicinal products under Art. 109, item 2, the Bugarian Drugs Agency Executive Director shall:
1. Issue an authorisation for conducting the clinical trial or
2. A reasoned refusal to issue an authorisation.
(2) The refusal under para 1, item 2 shall be subject to appeal in pursuance of the Administrative Procedure Code.

Article 120.

(1) In cases of medicinal products under Art. 109, item 2, a) – c), the period under Art. 119, para 1 for the issuance of an authorisation by the Bugarian Drugs Agency to conduct a clinical trial, may be extended by 30 days.
(2) In case the Bugarian Drugs Agency consults the expert commission under Art. 112, para 3, which will evaluate the safety of medicinal products under para 1, the period extended under para 1 may be extended by another 90 days.

Article 121.

The Bugarian Drugs Agency Executive Director shall refuse issuing an authorisation for conducting a clinical trial of medicinal products for gene therapy where a risk exists that the genome of the reproductive cells of the trial subject could be modified.

Article 122. (1) In case of a multi-centre trial in the Republic of Bulgaria and in a third country, the Bugarian Drugs Agency shall require from the sponsor to submit a declaration that he would allow access for inspection by Bugarian Drugs Agency representatives to the purpose of establishing compliance with the requirements and principles of good clinical practice and of good industrial practice.
(2) Where the sponsor fails to submit the declaration under para 1, the Bugarian Drugs Agency shall not examine the application filed.

Article 123.

The sponsor shall declare that the documentation filed with the Bugarian Drugs Agency and with the commission for ethics contains one and the same information.

Article 124.

(1) Procedures at the commission for ethics and at the Bugarian Drugs Agency may take place simultaneously or consecutively, at the sponsor's choice.
(2) The period under Art. 118, para 1 for the examination of the documentation shall not be suspended in case no decision is made by the Commission for ethics.

Article 125.

A clinical trial shall be conducted in compliance with the protocol that has obtained a positive opinion from the respective commission for ethics under Art. 103 and subject to the terms specified in the documentation that has been filed.

Section V
Changes

Article 126.

(1) The sponsor may introduce changes, other than significant ones under Art. 127, para 2, to the clinical trial protocol at any time.
(2) In cases under para 1 the sponsor shall store the documentation related to the changes and shall submit it to the Bugarian Drugs Agency and the commission for ethics upon request.

Article 127.

(1) A change in the way a clinical trial is conducted could be requested by the Bugarian Drugs Agency where this is necessary, in order to guarantee the safety of subjects, the scientific value of the trial and/or compliance with the rules of good clinical practice.

(2) A significant change in the way a study is conducted shall be any change in the protocol and/or in the information and the documentation under Art. 110 and Art. 116 that affects:
1. The safety or physical and mental integrity of the subjects;
2. The scientific value of the study;
3. The implementation of the arrangements for the study;
4. The quality or safety of one of the tested medicinal products.

Article 128.

(1) The sponsor may apply significant changes planned in the trial protocol and in the documentation under Art. 110 and Art. 116, where:
1. The respective commission for ethics has given a written positive opinion;
2. The Bugarian Drugs Agency Executive Director has issued a written authorisation for this in respect to clinical trials involving medicinal products under Art. 109, item 2 or
3. Within the period specified by law, the sponsor has not been notified by the Bugarian Drugs Agency that the proposed changes in the clinical trial involving medicinal products under Art. 109, item 3 have not been accepted.
(2) The provision of para 1 shall not apply to changes in the approved protocol which are required in order to protect the subjects from imminent danger when new information is discovered pertaining to the conduct of the trial or to the development of the tested medicinal product.
(3) In cases under para 2, the sponsor shall immediately notify the commission under para 1, item 1 and the Bugarian Drugs Agency of the available new information, of the measures taken and of the changes in the protocol that have been applied.

Article 129.

(1) When planning significant changes in the clinical trial and the documentation under Art. 110 and Art. 116, the sponsor shall file a written application, based on a model, with the BDA and the respective commission for ethics.
(2) The application shall be accompanied by documentation required to justify the changes and certifying that after applying the change, the evaluation of the ratio between the benefits and the risks under Art. 90, item 1 shall be kept.
(3) The requirements to the application and the documentation about the change shall be specified in the Ordinance under Art. 82, para 3.

Article 130.

(1) Within a period of up to 35 days of receiving an application for change, the commission for ethics shall notify the applicant of its resolution, issuing:
1. A positive opinion of the requested changes or
2. A reasoned refusal of changes in the clinical trial.
(2) Within a period of up to 35 days of the date of receiving an application, subject to a positive opinion of the commission for ethics, the BDA shall:
1. Approve the changes in the clinical trial involving medicinal products under Art. 109, item 2 or
2. Fail to approve the changes, expressly submitting reasons therefor.
(3) If, within a period of 35 days of submitting the documentation about the change in respect to clinical trial involving medicinal products under Art. 109, item 3, the applicant fails to receive a notification of refusal, the proposed changes could be made.

Article 131.

(1) In cases under Art. 130, para 2, item 2 the sponsor may submit a modification into the proposed changes, in line with the reasons, 14 days before applying the changes at the latest.
(2) Within a period of 14 days of the date of receiving the changed documentation under para 1, the BDA shall issue a change to the authorisation for a clinical trial involving medicinal products under Art. 109, item 2 or a refusal.
(3) A refusal under para 2 shall not be subject to appeal.

Section VI

Suspension of the clinical trial

Article 132.

(1) The sponsor or the researcher can undertake urgent measures, in order to safeguard the subjects of the clinical trial against any risks to their safety and health which may occur.

(2) In cases under para 1, the sponsor shall immediately notify the Bugarian Drugs Agency and the respective commission for ethics of the action undertaken and the reasons that have caused them.

Article 133.

(1) When the trial is conducted under terms, other than those specified upon issuance of the authorisation, or information is available that the scientific validity of the study is vitiated or there is a risk to the safety of the subjects, the Bugarian Drugs Agency may provisionally suspend the trial or terminate it.
(2) Termination may be imposed on a particular centre or on all centres, for a multi-centre clinical trial on the territory of the Republic of Bulgaria.
(3) In case of termination of the clinical trial in all centres on the territory of the Republic of Bulgaria, the Bugarian Drugs Agency, prior to taking action under para 1, shall notify in writing the sponsor and the chief or coordinating researcher.
(4) Within 7 days of receiving the notification, the sponsor and/or the chief researcher may give an opinion of the measures taken by the Bugarian Drugs Agency.
(5) The provision of para 3 shall not apply where there is immediate risk to the health and safety of trial subjects.

Article 134.

In cases under Art. 133, para 1, the Bugarian Drugs Agency shall immediately notify the respective commission for ethics, the regulatory bodies of all Member-States, the European Medicines Agency and the European Commission of the measures taken and the reasons for this.

Section VII

Monitoring safety

Article 135.

(1) The chief researcher shall immediately notify the sponsors, verbally or in writing, of any serious adverse event that has occurred in the course of clinical trial with a subject in the centre of which he is in charge.
(2) After the notification under para 1 a detailed report in writing shall be submitted.
(3) When a notification under para 1 or a report under para 2 is made, the trial subject shall be identified by a unique code specified in the trial protocol.
(4) The provisions of paras 1 and 2 shall not apply where it has been expressly noted in the clinical trial protocol or the researcher brochure that no urgent notification is required of a specific serious adverse event.
(5) The researcher shall report to the sponsor of all adverse events or laboratory deviations specified in the protocol as critical to safety, within the period and in the format compliant to the requirements of the protocol.

Article 136.

When the outcome of an adverse event during the conduct of a clinical trial is lethal, the researcher shall be obligated to provide the sponsor and the commission for ethics with all additional information requested.

Article 137.

The sponsor shall keep detailed records of all serious adverse events that have been provided to him by researchers and upon request shall hand these over to the BDA or to the regulatory bodies from Member-States in which the trial takes place, in the case of a multi-centre trial.

Article 138.

(1) The sponsor shall notify the BDA, the regulatory bodies of all Member-States in which a trial takes place, in the case of a multi-centre trial, and the commission for ethics, respectively, of any suspected unexpected serious adverse reaction that has occurred in the course of a clinical trial and resulted in death or has proven to be life threatening, within 7 days, at the latest, of receiving the information about it.
(2) The sponsor shall provide the bodies under para 1 with additional information about the case within 8 days of the date on which a notification was sent.
(3) The sponsor shall notify the bodies under para 1 of all suspected unexpected serious adverse reactions other than those specified in para 1 that have occurred in the course of the clinical trial, 15 days at the latest from receiving the information about their occurrence.

Article 139.

(1) The sponsor may fulfil his duties under Art. 138, paras 1 and 3 submitting notifications to the European database of adverse reactions.
(2) When a clinical trial also takes place outside the Member-States and the countries of the European Economic Area, the sponsor shall submit notifications of suspected unexpected adverse reactions to the European database of adverse reactions.
(3) The format and content of the notifications of adverse reactions shall be specified in the Ordinance under Art. 191, para 1.
(4) The sponsor shall inform the researchers carrying out the clinical trial with a medicinal product of any suspected unexpected adverse reaction associated with the tested medicinal product, irrespective of its origin.

Article 140.

(1) Once a year the sponsor shall submit to the Bugarian Drugs Agency and to the respective commission for ethics a list of all suspected serious adverse reactions that have occurred within the past period and a report on the safety of trial subjects.
(2) The format and content of the reports shall be specified in the Ordinance under Art. 191, para 1.

Article 141.

(1) The Bugarian Drugs Agency shall record all information provided in pursuance of Art. 138, paras 1 and 3 about the suspected unexpected serious adverse reactions caused by tested medicinal products.
(2) The Bugarian Drugs Agency shall immediately introduce the information under para 1 to the European database of adverse reactions.

Section VIII
Notification of completion of the clinical trial

Article 142.

(1) The sponsor shall notify the Bugarian Drugs Agency and the respective commission for ethics in writing of the termination of the trial on the territory of the Republic of Bulgaria.
(2) The notification shall be filed within 90 days of termination of the study in the format specified in the Ordinance under Art. 82, para 3.
(3) Unless otherwise specified in the protocol approved by the respective commission for ethics, the last visit of a subject shall be considered as a termination of trial.
(4) Where a trial terminates early, the sponsor shall notify the Bugarian Drugs Agency and the respective commission for ethics within up to 15 days of making a decision, stating the reasons for it.

Article 143.

The sponsor shall present the Bugarian Drugs Agency and the respective commission for ethics with a final report on the clinical trial.

Article 144.

(1) The Bugarian Drugs Agency shall input data in the European clinical trials database about each clinical trial on the territory of the Republic of Bulgaria, i.e. the application filed, the resolution of the commission for ethics, the authorisation of conducting trial, any significant changes, termination of the study and data about inspections carried out.
(2) Upon request of another member-state, of the European Medicines Agency or the European Commission, the Bugarian Drugs Agency shall provide additional information other than the one entered in the European clinical trials database.
(3) In case it fails to fulfil its obligations under para 1, the Bugarian Drugs Agency shall observe the published guidelines of the European Commission.

Section IX
Non-intervention study

Article 145.

(1) A non-intervention study shall be conducted with the use of medicinal products authorised for use in the Republic of Bulgaria when they are tested for additional information about the product prescribed in the usual way, complying with the terms specified in the authorisation for use.
(2) The sponsor shall submit with the respective commission for ethics and with the Bugarian Drugs Agency documentation for the conduct of a non-intervention study as specified in the Ordinance under Art. 82, para 3.

(3) The conduct of a non-intervention study may begin, if the candidate does not get express refusal by the Bugarian Drugs Agency Director within one week of filing an application and the documents under para 2 with the Bugarian Drugs Agency.

Chapter five
AUTHORISATION FOR MANUFACTURING AND IMPORTING MEDICINAL PRODUCTS
Section I
Manufacturing
Article 146.

(1) The manufacturing of all types of medicinal products within the meaning of this Act, of active substances used as raw materials and of medicinal products intended for clinical trial may be carried out on the territory of the Republic of Bulgaria only by natural and legal persons registered as traders on the territory of Member-States, who have obtained an authorisation for manufacturing, issued by the BDA Director.
(2) A manufacturing authorisation shall also be required in cases where products under para 1 are only intended for exportation.
(3) A manufacturing authorisation shall also be required for persons who simultaneously or separately carry out one of the following operations: preparation for packaging, packaging, repackaging and labelling of medicinal products and of medicinal products intended for clinical testing.
(4) A manufacturing authorisation shall be required for persons who carry out, simultaneously or separately, one of the following operations: the full or partial manufacturing of active substances intended for the production of medicinal products and various processes, i.e. of preparation for packaging, packaging, repackaging and placing new labels on the active substances.
(5) No manufacturing authorisation shall be required where the process of preparation for packaging, mixing or packaging takes place in accordance with an official or magisterial formulation in a pharmacy.

Article 147.

The Bugarian Drugs Agency shall send the European Medicines Agency a copy of the authorisations issued under Art. 146 to be entered into the EU database.

Article 148.

In order to obtain a manufacturing authorisation, the person under Art. 146 should have:
1. Suitably qualified staff, depending on the specificity of the medicinal products and pharmaceutical forms manufactured;
2. At any point in time, at least one qualified individual meeting the conditions of Art. 159;
3. Premises for manufacturing, controlling and storing medicinal products having the required technical equipment and control laboratories.

Article 149.

Heads of production and control over the quality of medicinal products at the manufacturing undertaking shall be individuals:
1. With an educational and qualification degree of "master" in the speciality area of "pharmacy", "chemistry" or "biology" and at least two years of practical experience in pharmaceutical manufacturing;
2. Meeting the requirements under item 1 and having a recognised additional speciality in radiobiology or radiochemistry with regard to radiopharmaceuticals or medicinal products subject to ionising radiation;
3. Having a recognised speciality in clinical haematology, medical microbiology, virusology or immunology with regard to manufacturing immunological medicinal products, i.e. vaccines, toxins, serums, biotechnological products and medicinal products obtained from human plasma or human blood.

Article 150.

(1) A person under Art. 146 shall submit with the Bugarian Drugs Agency an application based on a model approved by the Agency Director.
(2) The following shall also be submitted by the applicant together with the application under para 1:
1. A diploma of higher education, a document of acquired speciality, a document evidencing the record of service, a criminal record certificate and a labour contract – for persons under Art. 148, item 2 and Art. 149;
2. Copies of contracts for entrusting the manufacturing and/or control of the products for whose manufacturing an application is made in cases under Art. 151;

3. An up-to-date certificate of recordation in the commercial registry or a document evidencing an up-to-date court registration;
4. A list of the medicinal products, formulations and active substances to be manufactured;
5. Drawings of manufacturing, control and storage premises and a dossier for the production facility;
6. An environmental impact assessment when medicinal products are manufactured in cases provided for by the Environmental Protection Act;
7. An authorisation from the Nuclear Regulation Agency when the application concerns the manufacturing of radio pharmaceuticals or of medicinal products subject to ionising radiation during manufacturing;
8. An authorisation to use manufacturing, control and storage premises issued in pursuance of the Spatial Development Act or another substitute document;
9. A conclusion from RIPCPH following on-site inspection;
10. A document evidencing the payment of a fee at the amount specified in the Tariff under Art. 21, para 2.
(3) The requirements of the Narcotic Substances and Precursors Control Act shall also be observed when narcotic substances and pharmaceutical forms containing these substances are manufactured.

Article 151.

When some stages of the manufacturing or control trials during the production process are carried out, by virtue of a contract, in another site on the territory of the Republic of Bulgaria or outside it, the persons under Art. 146 shall be obligated to indicate the location of this site and to submit a copy of the contract, specifying the duties of each of the parties with regard to the observation of the requirements of good manufacturing practice in respect to medicinal products, as well as the obligations of the qualified person under Art. 148, item 2.

Article 152.

The conditions for issuing a manufacturing authorisation and the principles and requirements of good manufacturing practice for all types of medicinal products, for medicinal products for clinical trial and for active substances shall be provided for in an Ordinance of the Minister of Health.

Article 153.

(1) When an application under Art. 150 is received, the Bugarian Drugs Agency shall evaluate the documentation filed and conduct an on-site inspection of the manufacturing, control and storage sites, also including the cases under Art. 151, in order to establish the level of compliance of the submitted documentation with the manufacturing, control and storage conditions applicable to raw materials used in manufacturing and the latter's conformity to the requirements of good manufacturing practice.
(2) The costs of the on-site inspection under para 1 shall be borne by the applicant.
(3) In order to have an on-site inspection under para 1 carried out, the applicant shall pay a fee at the amount specified in the Tariff under Art. 21, para 2.

Article 154.

(1) When the Bugarian Drugs Agency finds incompleteness of the submitted documentation and/or incompliance of the content of the submitted documentation with the state of affairs on site or with the requirements to the qualification of staff, it shall notify the applicant in writing and issue written instructions.
(2) In cases under para 1, the period under Art. 155, para 1 shall be suspended until the site or the documentation are brought in line with the requirements.

Article 155.

(1) The Bugarian Drugs Agency Executive Director, within a period of 90 days of submission of the application under Art. 150, shall:
1. Issue a manufacturing authorisation or
2. Come up with a reasoned refusal.
(2) A manufacturing authorisation shall only be issued in respect to the medicinal products and formulations, active substances and medicinal products intended for clinical trials indicated in the application and in respect to the premises in which manufacturing, control and storage will take place.
(3) The acts under para 1 shall be served on the applicant.
(4) A manufacturing authorisation shall not be limited in time.
(5) A refusal under para 1, item 2 shall be subject to appeal in pursuance of the Administrative Procedure Code.

Article 156.

(1) The holder of a manufacturing authorisation shall file an application in case there is a change in:
1. The person under Art. 148, item 2;
2. The persons under Art. 149;
3. The manufacturing equipment;
4. The location or a restructuring of one of the manufacturing, control or storage sites;
5. Manufacturing operations;
6. The active substances, medicinal products and formulations manufactured;
7. The court registration.

(2) Documents relating to the change shall be attached to the application under para 1, as specified in the Ordinance under Art. 152.

(3) A manufacturing authorisation shall terminate in case its holder terminates operation, of which he is obligated to notify the Bugarian Drugs Agency.

Article 157.

(1) When the authorisation for admission of the change is issued, the provisions of Art. 150 and Art. 151 shall apply, the period for its delivery being no longer than:
1. 14 days, in cases under Art. 156, para 1, items 1, 2, and 7;
2. 90 days, in cases under Art. 156, para 1, items 3, 4, 5 and 6.

(2) Where the changes under Art. 156, para 1, items 3, 4, 5, and 6 may not be evaluated on the basis of documents, the Bugarian Drugs Agency shall conduct an on-site inspection. In these cases the period under para 1, item 2 shall be suspended until completion of the inspection.

(3) The on-site inspection costs under para 2 shall be borne by the applicant.

(4) In order to have an on-site inspection under para 2 take place, the applicant shall pay the fee set out in the Tariff under Art. 21, para 2.

Article 158.

(1) The Bugarian Drugs Agency shall keep a registry under Art. 19, para 1, item 1 of the manufacturing licenses issued, that shall contain:
1. The number and date of the manufacturing authorisation;
2. The name, seat and business address of the person who has obtained a manufacturing authorisation;
3. The address of the manufacturing, control and storage premises for the drugs;
4. The active substances, medicinal products and formulations for which authorisation is obtained;
5. The names of persons under Art. 148, item 2;
6. The names of persons under Art. 149;
7. The date of deletion from the registry of the manufacturing authorisation and the grounds to do so.

(2) Data from the registry of issued manufacturing licenses shall be posted on the Bugarian Drugs Agency website.

(3) Upon request from the European Commission or a regulatory body of a Member-State, the BDA shall provide information about a manufacturing authorisation it has issued.

Article 159.

(1) The holder of a manufacturing authorisation shall hire under labour contract at least one qualified person under Art. 148, item 2, who shall be constantly available for him.

(2) The qualified person under para 1 must meet the following requirements:
1. Be a master of medicine, pharmacy, chemistry, biotechnology or biology;
2. Have at least two years of practical experience in pharmaceutical production and/or in carrying out qualitative and quantitative analysis of medicinal products and active substances.

(3) When the holder of a manufacturing authorisation for a medicinal product meets the requirements of para 2, he may discharge the obligations of a qualified person.

(4) The qualified person shall issue a certificate of release for each batch, certifying that the batch of medicinal products has been manufactured and controlled in compliance with the requirements of the authorisation for use in pursuance of this Act.

(5) The qualified person shall issue a certificate of release for each batch, certifying that the batch of medicinal products intended for clinical trials has been manufactured and controlled in compliance with the requirements of good manufacturing practice, with the production dossier for the product and the information provided under Art. 110, para 1, item 4.

(6) The qualified person shall keep a registry of the issued certificates of release for each batch of the medicinal product concerned.
(7) Data on the registry under para 6 shall be stored for at least 5 years after the last entry and shall be presented upon request to the control bodies.
(8) When penal administrative proceedings are instituted on account of violations committed in the discharge of the qualified person's duties, the BDA shall order the holder of the manufacturing authorisation to temporarily relieve from office the qualified person.
(9) The criteria and requirements to the qualifications and education of persons under Art. 148, item 2 shall be specified in the Ordinance under Art. 152.

Article 160.

(1) The holder of a manufacturing authorisation shall:
1. Ensure the conduct of manufacturing operations in compliance with the requirements of good manufacturing practice and in compliance with the information under Art. 27, para 1, items 7 and 8 approved by the BDA, and in cases of medicinal products for clinical trials, in compliance with the information under Art. 110, para 1, item 4 provided by the applicant to the sponsor;
2. Use as raw material only active substances manufactured in compliance with the requirements of good manufacturing practice;
3. Ensure the constant presence of qualified staff for manufacturing and control in accordance with the requirements of the Ordinance under Art. 152;
4. Only have available medicinal products with a authorisation for use or medicinal products intended for trials, in compliance with the requirements of this Act;
5. Notify control bodies in advance of each change under Art. 156;
6. Forthwith notify the control bodies in case the qualified person under Art. 148, item 2 has been replaced.
7. Ensure at any time access by control bodies of the premises and documentation;
8. Provide the necessary conditions to the qualified person under Art. 148, item 2, in order to allow him to proceed with his duties.
(2) The holder of a manufacturing authorisation shall store the mock-ups and the documentation concerning the medicinal products, active substances and medicinal products intended for clinical trials manufactured by him, subject to the terms and conditions specified in the Ordinance under Art. 152.
(3) In the case of a medicinal product intended for clinical trial, the holder of a manufacturing authorisation shall guarantee that all production operations shall be carried out in accordance with the information provided by the sponsor to the Bugarian Drugs Agency as per the Ordinance under Art. 82, para 3.
(4) The documentation concerning any concluded transaction shall be stored for 5 years and specify the date, name of medicinal product, the amount supplied, the name and address of the recipient and the batch number.
(5) The holder of a manufacturing authorisation shall ensure and maintain a system for the prohibition and market withdrawal of medicinal products that have demonstrated lack of compliance with quality requirements.
(6) The holder of a manufacturing authorisation must prohibit and withdraw the medicinal products that have demonstrated lack of compliance with quality, efficacy and safety requirements in pursuance of the Ordinance under Art. 274, para 1.
(7) The holder of a manufacturing authorisation shall be obligated to update the manufacturing methods following the development of new technologies and the production of medicinal products for trial.

Section II

Importation of medicinal products and active substances

Article 161.

(1) Only natural and legal persons registered as traders in accordance with the legislation of a Member-State who have obtained an authorisation for importation issued by the Bugarian Drugs Agency Executive Director can import, into the territory of the Republic of Bulgaria from third countries, all types of medicinal products, active substances used as raw materials and medicinal products destined for clinical trials.
(2) In order to obtain an authorisation for importation, the person under para 1 must have:

1. At any point in time, at least one qualified person meeting the requirements of Art. 159, paras 2 and 9;
2. A quality control laboratory in accordance with the requirements of the Ordinance under Art. 152 and premises for the storage of medicinal products, active substances and excipients and of medicinal products for clinical trials having the necessary technical equipment subject to the requirements of the Ordinance under Art. 198.

Article 162.

(1) In order to obtain an authorisation for importation, the person under Art. 161, para 1 shall file with the Bugarian Drugs Agency an application based on a model approved by the Agency Director.
(2) The following shall be attached to the application under para 1:
1. An up-to-date certificate of entry on the commercial registry or a document of an up-to-date court registration;
2. A list of the active substances, medicinal products and forms to be imported;
3. A copy of the manufacturing authorisation issued by the regulatory body of the exporting state;
4. Documents certifying the circumstances under Art. 159, paras 1 and 2 with regard to the qualified person;
5. Data about the address of the laboratory on the territory of the Republic of Bulgaria that will carry out a full quantitative and qualitative analysis at least of the active substances and of all other tests and inspections substantiating the quality of each imported batch of medicinal products, in compliance with the requirements of the authorisation for use in pursuance hereof, as well as the address of the storage premises;
6. A contract specifying the duties of each party with regard to the observation of the principles of good manufacturing practice, by the contractor, and the way in which the qualified person under Art. 161, para 2, item 1 will discharge his obligations, in cases where the person under Art. 161, para 1 has no laboratory of his own;
7. A document evidencing the payment of a fee specified in the Tariff under Art. 21, para 2.
(3) Where manufacturing premises are located in a third country with which the European Community has entered an agreement for the mutual recognition of certificates of good manufacturing practice, the persons under Art. 161, para 1 shall attach to their application the address of all premises for the manufacturing of medicinal products, active substances or medicinal products intended for clinical trials, the name, seat and business address of the person who has obtained a manufacturing authorisation, a certificate of the compliance of manufacturing, control and storage conditions with standards that are equivalent to those approved under the requirements of good manufacturing practice and the name of the qualified person.
(4) In cases, other than those under para 3, the Bugarian Drugs Agency, where necessary, shall conduct an on-site inspection to establish compliance of the documentation with the manufacturing, control and storage conditions for medicinal products in the exporting state. When compliance is established with good manufacturing practice, the Bugarian Drugs Agency shall issue a certificate.
(5) The costs of the on-site inspection under para 4 shall be borne by the importer.
(6) In order to have an on-site inspection under para 4 conducted, the applicant shall pay a fee at the amount specified in the Tariff under Art. 21, para 2.

Article 163.

(1) The qualified person under Art. 161, para 2, item 1 shall issue a certificate for the release of each batch, evidencing that the batch of a medicinal product imported from a third country, irrespective whether the product was manufactured or not in another Member-State, prior to being placed on the territory of the Republic of Bulgaria, has been subjected to a full qualitative and quantitative analysis, at lest of the active substances and that all necessary trials and inspection, in compliance with the requirements for issuing a authorisation for use in pursuance hereof, have been carried out.
(2) Where the batch of a medicinal product imported from a third country has been subjected to the analyses under para 1 in another Member-State and is accompanied by a certificate of release thereof signed by another qualified person, no control trials on the territory of the Republic of Bulgaria shall be required.
(3) Where the batch of a medicinal product is imported from a third country with which the European Community has entered an agreement for the mutual recognition of certificates of good manufacturing practice, a qualified person shall issue a certificate of release of the batch on the basis of the

documentation that accompanies said batch, without having to carry out control trials on the territory of the Republic of Bulgaria.
(4) The qualified person under para 1 shall issue a certificate of release for each imported batch to the effect that the batch of a medicinal product on the territory of the Republic of Bulgaria, which is intended for clinical trials, has been manufactured and controlled in compliance with standards that are equivalent to good manufacturing practice, to the product's manufacturing dossier and that in respect to every batch of medicinal products all necessary quality analyses and tests have been carried out in accordance with the information provided to the BDA by the sponsor as per the Ordinance under Art. 82, para 3.
(5) The qualified person under para 1 shall issue a certificate of release in respect to every batch of a medicinal product used for the sake of comparison in a clinical trial on the territory of the Republic of Bulgaria which is imported from a third country and is not accompanied by a document certifying that it has been manufactured and controlled in compliance with standards that are equivalent to good manufacturing practice, also including the cases in which for this medicinal product a authorisation for use has been issued.
(6) No control trials are required on the territory of the Republic of Bulgaria when the requirements under para 4 or 5 have been complied with in another Member-State or another EEA country and the medicinal product intended for clinical trials is accompanied by a certificate of release of the batch issued by another qualified person.
(7) The qualified person under para 1 shall store the documentation in respect to every batch of a medicinal product for at least 5 years and shall, upon request, submit it to the control bodies.
(8) The holder of an authorisation for importation shall ensure and maintain a system for the prohibition and market withdrawal of medicinal products that have shown lack of compliance with quality requirements.
(9) The holder of an authorisation for importation must prohibit and withdraw from the market medicinal products that have shown lack of compliance with the requirements to safety and efficacy as per the Ordinance under Art. 274, para 1.
(10) The provisions of Art. 160, para 1, items 4, 5, and 7 shall also apply with respect to the holders of an authorisation for importation.
(11) The holder of an authorisation for importation shall provide the qualified person under Art. 161, para 2, item 1 with the necessary conditions for the discharge of his duties and shall immediately notify the control bodies when he is replaced.
(12) When penal administrative proceedings are instituted for violations committed while the qualified person is discharging his duties, the Bugarian Drugs Agency shall order the holder of the authorisation for importation to temporarily relieve from office the qualified person.

Article 164.

(1) The Bugarian Drugs Agency Executive Director shall issue an importation authorisation within a period of 30 days of the date of submission of the application under Art. 162 or a reasoned refusal.
(2) The refusal under para 1 shall be subject to appeal in pursuance of the Administrative Procedure Code.
(3) The authorisation for importation shall only be issued in respect to medicinal products, the forms of their active substances and in respect to the medicinal products intended for clinical trials indicated in the application, as well as in respect to the premises in which control and storage will take place.
(4) An authorisation for importation shall not be limited in time.

Article 165.

(1) The holder of an authorisation for importation from a third country shall file an application with the Bugarian Drugs Agency in case the following are changed:
1. The person under Art. 161, para 2, item 1;
2. The active substances, the medicinal products and the forms in respect to which the authorisation for importation has been issued;
3. The address of the laboratory under Art. 161, para 2, item 2;
4. The court registration of the trader.
(2) Documents relating to the change as specified in the Ordinance under Art. 152 shall be attached to the application under para 1.

Article 166.

(1) The provisions of Art. 164 shall apply to the issuance of the authorisation, the term for this being:
1. In cases under Art. 165, para 1, items 1, 2, and 4 - of 14 days;
2. In cases under Art. 165, para 1, item 3 - of up to 30 days.
(2) When the change under Art. 165, para 1, item 3 may not be assessed on the basis of documents, the Bugarian Drugs Agency shall conduct an on-site inspection. In such cases the term under para 1, item 2 shall stop running until completion of the inspection.
(3) The costs of the on-site inspection under para 2 shall be borne by the applicant.
(4) In order to have an on-site inspection under para 2 carried out, the applicant shall pay a fee at the amount specified in the Tariff under Art. 21, para 2.

Article 167.

(1) The Bugarian Drugs Agency shall keep a registry under Art. 19, para 1, item 2 of the authorisations for importation issued, that shall contain:
1. The number and date of the authorisation for importation;
2. The name, seat and business address of the person who has obtained an authorisation for importation;
3. The address of the control and storage premises for medicinal products;
4. The active substances, the medicinal products and formulations for which authorisation has been obtained;
5. The name of the person under Art. 161, para 2, item 1;
6. The date of deletion from the registry of the date of the authorisation for importation and the grounds for this.
(2) Registry data shall be posted on the Bugarian Drugs Agency website.

Chapter six
MEDICINAL PRODUCTS PACKAGING AND BROCHURES

Article 168.

(1) The packaging of a medicinal product shall consist of immediate and/or outer packaging and of a patient brochure.
(2) The outer packaging of medicinal products, containing the substances listed in Appendix 2 to Art. 3, para 2 of the Narcotic Substances and Precursors Control Act shall be marked by two diagonal red bands and the outer packaging of medicinal products containing substances on Appendix No. 3 to Art. 3, para 2 of the Narcotic Substances and Precursors Control Act – by two blue bands. The packaging shall mandatorily bear an indication that a medicinal product is only dispensed by special medical prescription.
(3) The outer packaging and the medicinal products brochure may contain symbols or pictogrammes intended to illustrate the information contained in them, in order to make them easier for patients to assimilate.
(4) The outer packaging and the transport containers of medicinal products containing radionuclides must be marked in accordance with the requirements for the safe transportation of radioactive material of the International Atomic Energy Agency.
(5) When a medicinal product is allowed for use on the territory of the Republic of Bulgaria, the outer packaging shall be marked for separate collection and recycling in accordance with the Waste Management Act and the instruments for its implementation.
(6) When a medicinal product is allowed for use, its name on the outer packaging, the pharmaceutical form and the content of the active substance per dosing unit shall also be printed in Braille.
(7) The requirements of para 6 shall not apply to vaccines and medicinal products in hospital packaging.

Article 169.

(1) The information on packaging and brochures for a medicinal product must be in full compliance with data on the product summary approved by the Bugarian Drugs Agency upon issuance of the authorisation for use and meet the requirements specified in the Ordinance under Art. 170.
(2) Information on packaging and in the brochure may be in several languages, one mandatorily being Bulgarian. The content of information in different languages must be identical.
(3) The name of the medicinal product shall be mandatorily written in the Bulgarian language and the international non-patent name of the medicinal substance shall be printed in accordance with the Anatomic Therapeutic Chemical Classification System of the WHO. The name and address of the holder of a authorisation for use may be printed in Latin.

(4) The information on packaging and in brochures must be in a language that the patient understands, be easy to read and non-erasable.

Article 170.

The requirements to packaging and brochures of medicinal products shall be specified in an Ordinance of the Minister of Health.

Chapter seven
CLASSIFICATION OF MEDICINAL PRODUCTS

Article 171.

(1) Depending on the manner in which medicinal products are dispensed for use, they shall be classified as follows:
1. Medicinal products dispensed for use by prescription;
2. Medicinal products dispensed for use without prescription.
(2) The regime for the dispensation of medicinal products shall be determined by the Bugarian Drugs Agency in the authorisation for use/certificate of registration.
(3) The person under Art. 26, para 1 shall specify the regime for dispensation of medicinal products in the application for a authorisation for use/certificate of registration, for changing a authorisation for use or upon renewal thereof.

Article 172.

Medicinal products under Art. 171, para 1, item 1 shall fall in the following categories:
1. Medicinal products of limited prescription intended for use only in some specialised areas;
2. Medicinal products making the object of special prescription;
3. Medicinal products for one-off or multiple dispensation by a single prescription.

Article 173.

Medicinal products meeting the following requirements shall be dispensed by prescription:
1. They may constitute a direct or indirect threat to people's health, even if used by the rules, if administered without medical supervision;
2. Often they are widely administered incorrectly and, as a result, may constitute a threat to people's health;
3. They contain substances whose activity and/or adverse reactions require subsequent additional study;
4. They are usually prescribed by a doctor for parenteral use.

Article 174.

Medicinal products shall be subject to special medical prescription when they meet any of the following conditions:
1. They contain narcotic substances, within the meaning of the Narcotic Substances and Precursors Control Act, at amounts admitted for use;
2. If used incorrectly, they may create considerable risk of abuse, resulting in drug dependence or be used for illegal purposes;
3. They contain new medicinal substances whose characteristics are sufficiently well known and, for this reason, to a preventative purpose, they may be categorised as item 2 medicinal products.

Article 175.

Medicinal products shall be subject to limited medical prescription if they meet any of the following conditions:
1. They are limited for use only in hospitals because of limited experience of use or in the interest of public health;
2. They are intended for the treatment of medical conditions that may only be diagnosed in treatment establishments, even though they may be administered and the course of treatment may be monitored in other medical establishments as well;
3. They are intended for outpatient treatment, but their use may cause serious adverse reactions requiring a prescription by a specialist and supervision during treatment.

Article 176.

(1) The Bugarian Drugs Agency may approve the regime of dispensation of a medicinal product requested by the applicant under Art. 26, para 1, based on a judgement of:
1. The minimum single dose, the maximum daily dose, the amount of active substance per dosing unit, the pharmaceutical form, the specific type of immediate packaging of the product and/or
2. Other specific conditions for use.

(2) The Bugarian Drugs Agency may indicate the exact category of the medicinal product under Art. 172, but in accordance with the criteria under Art. 174 and Art. 175 it shall determine whether the medicinal product shall be classified as a product dispensed only by medical prescription.

Article 177.

Medicinal products falling short of the requirements under Art. 173, Art. 174, and Art. 175 and of the criteria specified in the Ordinance under Art. 178, shall be dispensed without medical prescription.

Article 178.

The criteria for the classification of medicinal products and the requirements to the documentation for introducing a change in the classification shall be specified in an Ordinance of the Minister of Health.

Article 179.

(1) The Bugarian Drugs Agency shall prepare and post on its website a list of medicinal products that are dispensed by medical prescription on the territory of the Republic of Bulgaria.
(2) The list under para 1 shall be updated annually.

Article 180.

In the presence of new data about a medicinal product, for which a authorisation for use has been issued or a certificate of registration, the BDA shall reconsider and, if necessary, amend the classification in accordance with the requirements of Art. 173 and the criteria specified in the Ordinance under Art. 178.

Article 181.

In cases when a change in the classification of a medicinal product is allowed based on considerable preclinical and clinical trials, no subsequent applicant or holder of a authorisation for use may refer, within a period of one year following the date of the authorisation for change issued by a regulatory body of a Member-State, to the classification of the same substance when filing an application for change.

Article 182.

The Bugarian Drugs Agency shall notify the European Commission and the regulatory bodies of other Member-States on an annual basis of the changes that have occurred in the list under Art. 179.

Chapter eight
MONITORING DRUG SAFETY

Article 183.

Medical specialists shall be obligated to immediately inform the holder of a authorisation for use and the Bugarian Drugs Agency about any suspected serious or unexpected adverse reaction, notwithstanding whether the medicinal product has been used or not in compliance with the approved product summary.

Article 184.

(1) The Bugarian Drugs Agency shall set up and maintain a system for monitoring the safety of medicinal products placed on the market.
(2) The system under para 1 shall record in a database all incoming notifications of adverse reactions from medicinal products authorised for use, including any information about the abuse thereof or their use which is not in compliance with the BDA-approved product summary, about the scientific analysis of collected data and about the measures provided for in this Act that have been taken to reduce the risk.
(3) The Bugarian Drugs Agency shall electronically provide the information, as collected through this system, about any suspected serious adverse reactions observed on the territory of the Republic of Bulgaria to the regulatory bodies of other Member-States and to the European Medicines Agency, which shall then be entered into the database set up under Regulation (EC) No. 726/2004 of the European Parliament and of the Council, no later than 15 days from receiving it.
(4) The Bugarian Drugs Agency shall provide the notifications of suspected serious adverse reactions observed on the territory of the Republic of Bulgaria to the holder of a authorisation for use of the respective product within a period of 15 days from the date of receiving such notification.
(5) The Bugarian Drugs Agency shall post on its website the manuals for monitoring the safety of medicinal products published by the European Commission and by the European Medicinal Agency.

Article 185.

The holder of a authorisation for use shall be obligated to set up and maintain a system for monitoring and evaluation of the safety of medicinal products, thereby guaranteeing its responsibility for medicinal products placed on the market and its readiness to take immediate action where needed.

Article 186.

(1) The holder of a authorisation for use shall appoint a qualified person for drug safety established on the territory of a Member-State.
(2) Data about the person under para 1, his name, professional background, address, telephone and fax numbers shall be provided to the BDA together with the application for a authorisation for use.
(3) The holder of a authorisation for use shall notify the Bugarian Drugs Agency of any change in the date under para 2.

Article 187.

The qualified person under Art. 186, para 1 shall be responsible for:
1. Recording and analysing all notifications of suspected adverse reactions of which the holder of a authorisation for use under Art. 188 has become aware;
2. Filing urgent reports with the Bugarian Drugs Agency of notifications of adverse reactions and of regular safety reports under Art. 189 and Art. 190;
3. The immediate submission, upon request by the Bugarian Drugs Agency, of additional information required to evaluate the ratio of the benefit to the risk of the use of a medicinal product, including data about the sales or level of prescription of the medicinal product;
4. Providing the Bugarian Drugs Agency with any new information, irrespective of its source, which is relevant to the evaluation of the ratio of the benefit to the risk of the use of a medicinal product, including information from postmarketing studies of the product safety.

Article 188.

(1) The holder of a authorisation for use shall be obligated, acting on his duties under Art. 185, to record all notifications of suspected adverse reactions observed on the territory of the European Union or in third countries.
(2) Notifications under para 1 must be accessible for reviewing, inspection and evaluation in presence of at least one person under Art. 186, para 1.

Article 189.

The holder of a authorisation for use shall file with the Bugarian Drugs Agency a report within a period of 15 days of the date of receiving a notification of an adverse reaction in the following cases:
1. In presence of notifications from medical specialists of a suspected adverse reaction observed on the territory of the Republic of Bulgaria;
2. In presence of other notifications of serious adverse reactions observed on the territory of the Republic of Bulgaria meeting the criteria specified in the Ordinance under Art. 191, para 1 of which he has been informed;
3. In presence of notification of suspected serious and of unexpected adverse reactions, as well as in all cases of suspected transmission of infectious agents through a medicinal product, observed in third counties in accordance with the requirements of the Ordinance under Art. 191, para 1;
4. In presence of notifications of suspected serious adverse reactions observed in other affected Member-State, in cases under Art. 76.

Article 190.

(1) Outside cases under Art. 189 and when no other requirements have been imposed as a condition to authorisation use, the holder of a authorisation for use shall be obligated to provide the Bugarian Drugs Agency with regular reports on safety, containing all notifications of adverse reactions and an evaluation of the ratio of benefits to risk of the use of the medicinal products, immediately upon request of the Bugarian Drugs Agency or every 6 months from the date of the authorisation for use until the date of release on the market under Art. 54, para 1.
(2) The holder of a authorisation for use, when no other requirements have been imposed as a condition to authorisation use, shall be obligated to submit regular reports to the BDA on safety, which shall contain an evaluation of the ratio of the benefit to the risk of use of the medicinal product, immediately upon request of the Agency or:
1. Every 6 months during the first two years after the date of placing the medicinal product on the market;
2. Once a year during the next two years;
3. Once every three years after the fourth year following the date of placing the medicinal product on the market.
(3) After issuance of a authorisation for use, its holder may request a change in the periods under paras 1 and 2 for the submission of regular safety reports in pursuance hereof.

Article 191.

(1) The requirements to the collection, validation and provision of information about adverse reactions and to the content and format of reports under Art. 189 and Art. 190 shall be specified in an Ordinance of the Minister of Health.

(2) When discharging their duties under this Chapter, the holders of licenses for use shall also take into consideration the requirements of manuals published by the European Medicines Agency and the European Commission and they shall also use the internationally accepted medical terminology.

Article 192.

(1) The holder of a authorisation for use may not provide the public with information associated with safety data about a medicinal product authorised for use without prior coordination with the BDA.

(2) The information under para 1 must be objective and not misleading.

Article 193.

(1) In cases where, as a result of the evaluation of data about drug safety, the BDA decides that a authorisation for use must be temporarily suspended, withdrawn or changed, it shall inform its holder, the other Member-States and the European Medicines Agency to the purpose of obtaining an official opinion from the respective committee to the European Commission.

(2) Where urgent measures must be taken to protect public health, the BDA may temporarily suspend the authorisation for use of a medicinal product, notifying the European Medicines Agency, the European Commission and the other Member-States within up to one business day.

(3) The Bugarian Drugs Agency shall be obligated to take the provisional and/or final measures recommended by the European Commission.

Article 194.

The provisions of this Chapter shall not apply to homeopathic medicinal products under Art. 35.

Chapter nine
WHOLESALE TRADE IN AND PARALLEL IMPORTATION OF MEDICINAL PRODUCTS
Section I
Wholesale trade in medicinal products

Article 195.

(2) Natural and legal persons holding an authorisation for this type of operations issued by a regulatory body in the respective Member-State can carry out wholesale trade in medicinal products.

(2) Where the person under para 1 has warehouse facilities on the territory of the Republic of Bulgaria, he may carry out wholesale trade in medicinal products after obtaining an authorisation from the BDA Executive Director.

Article 196.

(1) The manufacturer of medicinal products, within the meaning of this Act, may only carry out wholesale trade in the medicinal products for which he holds a manufacturing authorisation.

(2) The importer of medicinal products, within the meaning of this Act, may only carry out wholesale trade in the medicinal products for which he holds an authorisation for importation.

Article 197.

Persons under Art. 195 must have:

1. Suitable premises, equipment and installations and suitable transportation vehicles ensuring the right storage, distribution and transportation of medicinal products in compliance with the requirements of good distribution practice;
2. Qualified staff and a responsible master of pharmacy with at least two years of service record in the area of specialisation whose duties shall be specified in the Ordinance under Art. 198.

Article 198.

The principles and requirements of good distribution practice shall be specified in an Ordinance of the Minister of Health.

Article 199.

(1) The persons under Art. 195, para 2 shall file with the Bugarian Drugs Agency:

1. An application, specifying the name, seat and business address of the trader; the address and a description of the premises and installations for the storage of medicinal products;
2. An up-to-date certificate of registration in the commercial registry;
3. The name, a certificate of criminal record, a diploma of higher education and a document of service record of the responsible master of pharmacy under Art. 197, item 2 and a copy of his labour contract;

4. An authorisation for the use of storage premises under Art. 197, item 1, issued in pursuance of the Spatial Development Act or another substitute document;
5. A development project for the premises under Art. 197, item 1 approved in pursuance of the Spatial Development Act;
6. A document certifying the legal grounds for the use of premises;
7. A conclusion from the RIPCPH, following an on-site inspection for the observation of health requirements in the premises for wholesale trade in accordance with the Ordinance under Art. 198;
8. A document evidencing the payment of a fee at the amount set in the Tariff under Art. 21, para 2.
(2) The persons under Art. 195, para 1 shall file an application with the Bugarian Drugs Agency together with:
1. A copy of the authorisation for wholesale trade issued by a regulatory body in a Member-State;
2. The name and address of a contact person on the territory of the Republic of Bulgaria;
3. The address of storage premises for medicinal products on the territory of the Member-States.
(3) In the case of wholesale trade in narcotic substances and in pharmaceutical forms containing these, the requirements of the Narcotic Substances and Precursors Control Act shall also apply.
(4) In the case of wholesale trade in radiopharmaceuticals an opinion of the Nuclear Regulation Agency shall also be submitted.

Article 200.

The Bugarian Drugs Agency shall evaluate the documentation and conduct an on-site inspection of the sites specified in the application, in order to find their compliance with the requirements of good distribution practice.

Article 201.

(1) The Bugarian Drugs Agency shall notify the applicant in writing where it finds incompleteness of the submitted documentation.
(2) In cases under para 1 the period under Art. 202, para 1 shall be suspended.

Article 202.

(1) Within a period of 90 days of the date of submission of the application under Art. 199, para 1, the Bugarian Drugs Agency Executive Director shall issue an authorisation for wholesale trade or a reasoned refusal.
(2) A refusal under para 1 shall be subject to appeal in pursuance of the Administrative Procedure Code.

Article 203.

Within a period of 15 days of the date of submission of the documentation under Art. 199, para 2, the Bugarian Drugs Agency Executive Director shall issue a certificate of registration for wholesale trade on the territory of the Republic of Bulgaria to the person under Art. 195, para 1.

Article 204.

(1) An authorisation for wholesale trade in medicinal products shall not be limited in time.
(2) An authorisation under Art. 202 or a certificate under Art. 203 shall terminate where its holder so requests in writing from the BDA Executive Director.
(3) The person under Art. 195 shall be obligated to notify the BDA in writing within 7 days of terminating its operations for wholesale trade in medicinal products. In these cases the Bugarian Drugs Agency Executive Director shall terminate the authorisations/certificates of wholesale trade in medicinal products that have been issued.

Article 205.

(1) The Bugarian Drugs Agency shall keep a registry of the authorisations issued under Art. 202, para 1 for wholesale trade in medicinal products that shall contain the following:
1. The number and date of the authorisation;
2. The name, seat and business address of the person who has obtained the authorisation;
3. The address of the premises for storage of medicinal products;
4. Data about the responsible master of pharmacy under Art. 197, item 2;
5. A list of the drugs containing narcotic substances, of radiopharmaceuticals, immunological medicinal products and medicinal products obtained from human plasma and human blood;
6. The date of deletion of the authorisation from the registry and the grounds to do so;
7. Comments about any of the recorded circumstances.
(2) The Bugarian Drugs Agency shall keep a registry of the certificates issued under Art. 203 for wholesale trade in medicinal products that shall contain:

1. The number and date of the certificate;
2. The number of the authorisation for wholesale trade in medicinal products and the issuing body;
3. The name, seat and business address of the person who has obtained the certificate;
4. Data about the person under Art. 199, para 2, item 2;
5. The date of deletion of the certificate from the registry and the grounds to do so;
6. Any comments about the recorded circumstances.
(3) Registry data shall be posted on the Bugarian Drugs Agency website.

Article 206.

(1) When circumstances pertaining to the issued authorisation for wholesale trade have changed, the holder thereof shall file an application with the Bugarian Drugs Agency in pursuance of Art. 199, attaching thereto documentation relating to such changes.
(2) An authorisation for change shall be issued under the terms and conditions of Art. 200 – 202. Where storage premises have changed, the period under Art. 202 shall apply, the period in all other cases being of 14 days.

Article 207.

(1) The holder of an authorisation for wholesale trade carrying out his operations on the territory of the Republic of Bulgaria shall be obligated to:
1. Provide access, at any time, by the control bodies of storage premises for medicinal products;
2. Only trade in medicinal products allowed in pursuance hereof;
3. Trade in medicinal products whose packaging and brochures are in compliance with the authorisation for use issued, under the terms and conditions hereof, the shelf life of which has not expired;
4. Is supplied in medicinal products only from manufacturers, importers or wholesale traders who hold licenses for these operations in pursuance hereof;
5. Supplies other holders of wholesale authorisations, pharmacies and drugstores opened in pursuance hereof with medicinal products;
6. Supplies physicians and doctors of dental medicines with medicinal products when there is no pharmacy in the respective populated area, under the terms and conditions specified in an Ordinance of the Minister of Health;
7. Keeps a system to trace the movement of received and expedited medicinal products that shall contain:
a) The date of receipt and submission;
b) The name of the medicinal product;
c) The batch number and the number of the certificate of release of the batch issued by the qualified person under Art. 148, item 2 or by the qualified person under Art. 161, para 2, item 1 and the number of the certificate of release of the batch issued by the Bugarian Drugs Agency in cases under Art. 69 and Art. 70;
d) The amount received or supplied;
e) The name and address of the person from whom the medicinal product has been received or to whom it has been supplied;
8. Store documentation about purchases and/or sales of all medicinal products;
9. Observe the requirements of good distribution practice specified in the Ordinance under Art. 198.
(2) The documentation under para 1, items 7 and 8 shall be stored for at least 5 years and shall be provided, upon request, to the control bodies.

Article 208.

The provisions of Art. 207, para 1, items 2 – 9 and para 2 shall also apply to wholesale traders under Art. 203, as well as to importers and manufacturers who trade in medicinal products they have manufactured.

Article 209.

The special requirements of other laws shall also apply to the wholesale trade in medicinal products containing narcotic substances or obtained from blood, in immunological products and in radiopharmaceuticals.

Article 210.

(1) The manufacturers, importers and wholesale traders in medicinal products may provide samples of medicinal products authorised for use to:
1. Physicians and doctors of dental medicine;

2. Higher medical schools and medical colleges;
3. Other manufacturers and wholesale traders in medicinal products.
(2) In cases under para 1 the packaging of medicinal products under para shall read the word "sample".
(3) No more than two samples of the same pharmaceutical form in one calendar year of the smallest existent packaging may be provided to persons under para 1, item 1, and to higher medical schools and medical colleges - the amounts which are only required for training purposes.
(4) The manufacturers, importers and wholesale traders in medicinal products shall keep a record of all persons provided with samples, of the amounts and time of supplies and, upon request, shall submit these data to the control bodies.

Article 211.

(1) Wholesale traders must have a system for prohibiting and withdrawing medicinal products from the market which have demonstrated not to be compliant with quality, safety and efficacy requirements.
(2) The holder of a wholesale trade authorisation shall be obligated to prohibit and withdraw from the market medicinal products that have demonstrated lack of compliance with quality, safety and efficacy requirements, in pursuance of the procedure specified in the Ordinance under Art. 274, para 1.

Article 212.

(1) The BDA Executive Director shall notify the European Commission, the regulatory bodies of other Member-States and the European Medicines Agency of the authorisations for wholesale trade issued, of the authorisations suspended provisionally or withdrawn and of the reasons for this.
(2) When the Bugarian Drugs Agency Executive Director finds that a person under Art. 195, para 1 does not discharge his duties under Art. 207, para 1, items 2 - 9, he shall notify the regulatory body of the Member-State that has issued a wholesale trade authorisation and the European Commission.
(3) When the regulatory body under para 2 suspends provisionally or withdraws the wholesale trade authorisation of a person under Art. 195, para 1, it shall notify the Bugarian Drugs Agency Executive Director and the European Commission.

Section II
Parallel importation of medicinal products

Article 213.

A natural or legal person registered under the Commercial Act, under the legislation of a Member-State or an EEA country, after obtaining an authorisation for parallel importation issued by the Bugarian Drugs Agency Executive Director, may carry out parallel importation of medicinal products on the territory of the Republic of Bulgaria.

Article 214.

(1) A medicinal product authorised for use in another Member-State may be imported parallelly on the territory of the Republic of Bulgaria when it is identical or similar to a medicinal product authorised for use in the Republic of Bulgaria in pursuance hereof.
(2) For the purposes of para 1 a medicinal product shall be identical or similar where:
1. It has an identical qualitative and quantitative composition, in terms of the active substance(s), is offered in one and the same pharmaceutical form, immediate packaging, under one and the same name, with a similar graphic design of the packaging or where
2. The medicinal product authorised for use in the Republic of Bulgaria and the product imported parallelly have been manufactured by different manufacturers with whom the holder of a authorisation for use has entered a licensing or other type of manufacturing contract.

Article 215.

(1) In order to obtain an authorisation for parallel importation on the territory of the Republic of Bulgaria, the person under Art. 213 shall file an application with the Bugarian Drugs Agency Executive Director, indicating the Member-State from which parallel importation will be made.
(2) The following data and documents shall be attached to the application:
1. The name, pharmaceutical form and amount of active substance per dosing unit of the medicinal product authorised for use in the Republic of Bulgaria;
2. The name, pharmaceutical form and amount of active substance per dosing unit of the medicinal product intended for parallel importation;
3. The name of the holder of the authorisation for use and of the manufacturer, if other than the holder of the authorisation for use;

4. The number of the authorisation for use of the medicinal product in the Republic of Bulgaria and the number of the authorisation for use of the medicinal product in the Member-State from which it will be imported parallelly;
5. A declaration establishing the circumstances under Art. 217, item 1;
6. A copy of the patient brochure and a sample of the medicinal product as it is sold in the Member-State from which it will be imported parallelly, a translation of the brochure content into Bulgarian accompanied by a declaration that the translation corresponds to the original brochure;
7. A proposed patient brochure for the medicinal product imported parallelly accompanied by a declaration that the brochure content is identical with the brochure content of the medicinal product authorised for use in the Republic of Bulgaria with the exception of the following data:
a) The name and business address of the person carrying out parallel importation;
b) The name of the manufacturer where different for the two products;
c) Period of stability when different for the two products;
d) Excipients when different for the two products;
8. In case of repackaging:
a) A sample of the product imported parallelly;
b) A copy of the contract between the person carrying out parallel importation and the persons carrying out partial manufacturing operations, i.e. packaging, labelling, etc.;
c) A certificate of good manufacturing practice when the processes of repackaging are carried out outside the territory of the Republic of Bulgaria;
d) If carried out by the person under Art. 213, a copy of the manufacturing authorisation issued by the regulatory body of the Member-State in which repackaging takes place;
9. A document evidencing the payment of a fee at the amount specified in the Tariff under Art. 21, para 2.
(3) Where differences exist between the parallelly imported medicinal product and the product authorised for use on the territory of the Republic of Bulgaria (in terms of the composition of excipients or others), the person under para 1 shall submit evidence that these do not have any impact on the therapeutic qualities of the medicinal product imported parallelly.
(4) In cases under para 3, the person under para 1 shall indicate the differences on the packaging and in the patient brochure of the parallelly imported medicinal product.
(5) Where the person under Art. 213 carries out repackaging and/or labelling of the medicinal product in Bulgaria on the territory of the Republic of Bulgaria, he must hold a manufacturing authorisation issued by the BDA Executive Director.
(6) The product parallelly imported shall be used under the terms of the issued authorisation for use of the medicinal product on the territory of the Republic of Bulgaria.

Article 216.

(1) An authorisation for parallel importation on the territory of the Republic of Bulgaria shall be issued within 45 days of the date of submission of the documentation to the Bugarian Drugs Agency.
(2) When the Bugarian Drugs Agency requires additional documentation from the applicant, the period under para 1 shall be suspended until receipt of the requested documentation.
(3) When the Bugarian Drugs Agency requires from the regulatory body of the Member-State from which parallel importation is carried out information relating to the issuance of the authorisation for use of the imported medicinal product, the period under para 1 shall be extended by 45 days.
(4) Where the Bugarian Drugs Agency does not receive the requested documentation in the period under para 3, the procedure for issuance of an authorisation for parallel importation on the territory of the Republic of Bulgaria shall terminate.
(5) Authorisations issued for parallel importation on the territory of the Republic of Bulgaria shall be posted on the Bugarian Drugs Agency website.
(6) The authorisation for parallel importation shall be valid for 5 years. A new authorisation shall be issued in pursuance of Art. 215.
(7) The authorisation for parallel importation shall not terminate automatically when the holder of the authorisation for the use of the medicinal product placed on the market on the territory of the Republic of Bulgaria withdraws it for reasons unrelated to a threat for the health of the population.

Article 217.

The holder of an authorisation for parallel importation shall be obligated to:

1. Notify the holder of the authorisation for use of the medicinal product placed on the market on the territory of the Republic of Bulgaria of his intentions to carry out parallel importation and, upon request, to provide a sample of the medicinal product parallelly imported;
2. Store for a period of 5 years the following documentation: the name and address of the person to whom the parallelly imported medicinal product has been supplied, the date of submission, the amount supplied and the batch number;
3. Shall submit to the Bugarian Drugs Agency:
a) An updated patient brochure of the parallelly imported product in compliance with the changes made in the issued authorisation for use of the medicinal product authorised in the Republic of Bulgaria;
b) A declaration that the content of the brochure under a) is identical to the content of the product brochure authorised for use in the Republic of Bulgaria with the exception of data under Art. 215, para 2, item 8, a) – d);
4. Record and report to the holder of the authorisation for use and to the Bugarian Drugs Agency all notifications of suspected adverse reactions to the imported medicinal product.

Chapter ten
RETAIL TRADE IN MEDICINAL PRODUCTS

Article 218.

Retail trade in medicinal products shall only be carried out in pharmacies and drug stores in pursuance hereof, with the exception of cases under Art. 232, para 2.

Article 219.

(1) A pharmacy shall be a medical establishment in which the following operations shall take place: storage, preparation, packaging, control, consultations, dispensation, with or without medical prescription, of medicinal products authorised for use in the Republic of Bulgaria, of medical products, as well as of nutrition supplements, of cosmetic and sanitary products on a list specified by the Minister of Health.
(2) The structure, work procedures and arrangements of pharmacies, the nomenclature of medicinal products, as well as the list under para 1, shall be specified in an Ordinance of the Minister of Health.
(3) Pharmacies may offer nutrition supplements without registering in pursuance of the Foodstuffs Act.

Article 220.

(1) The operations under Art. 219, para 1 shall be carried out by a master of pharmacy.
(2) A master of pharmacy shall be obligated to comply with a medical prescription by a doctor, also in respect to pharmaceutical forms prepared under magisterial and official formulations in pursuance of the procedure specified in the Ordinance under Art. 221.
(3) An assistant pharmacist may carry out all operations under Art. 219, para 1 in the presence and under the control of a master of pharmacy with the exception of: dispensation of medicinal products under medical prescription, control and consultations.

Article 221.

The Minister of Health shall designate in an Ordinance medical specialists who can issue prescriptions, the procedure for prescribing medicinal products, the period of execution, the cases in and the procedure under which a master of pharmacy may decline to execute a medical prescription.

Article 222.

(1) Only a master of pharmacy registered as trader, within the meaning of the Commercial Act, i.e. as sole proprietor or a single-owner limited liability company, under the legislation of a Member-State or an EEA country shall have the right of carrying out retail trade in medicinal products by opening a pharmacy. Only retail trade in medicinal products shall be mandatorily inscribed in the objectives of the trader.
(2) The master of pharmacy who has obtained an authorisation for retail trade in medicinal products under para 1 shall be the head of the pharmacy and shall mandatorily work in it.
(3) The following shall have the right of opening a pharmacy for their own needs:
1. Treatment establishments, under Art. 5 Treatment Establishments Act, providing hospital care;
2. Treatment establishment for hospital care;
3. Dispensaries;
4. Hospices with inpatient facilities under Art. 10, item 5 Treatment Establishments Act.

(4) Pharmacies of treatment establishments for outpatient care with the Ministry of Defence and the Ministry of Interior may be headed by an assistant pharmacist at the proposal of the respective agency, once an authorisation to this effect has been issued by the Minister of Health.
(5) In populated areas where no pharmacy has been opened in pursuance of para 1, the respective municipality shall also have the right to obtain an authorisation for retail trade in medicinal products, acting through a single-owner municipal commercial company, after entering a labour or pharmacy management contract with an assistant pharmacist.

Article 223.

(1) A master of pharmacy or assistant-pharmacist may only head one pharmacy and he shall mandatorily work in it.
(2) A master of pharmacy or an assistant pharmacist who is the head of a pharmacy may not be hired to work under a contract with a sole proprietor or commercial company the objectives of which are the manufacturing, importation, wholesale trade or retail trade in medicinal products or work anywhere else.
(3) A person under para 1 who holds an authorisation for retail trade in medicinal products may not be the owner or take part in commercial companies whose objectives are the manufacturing, importation, wholesale or retail trade in medicinal products, including the cases of companies belonging to related parties within the meaning of the Commercial Act.

Article 224.

The head of a pharmacy must:
1. Be a master of pharmacy, or an assistant-pharmacist in cases provided for by law;
2. Not be disbarred from exercising the profession;
3. Not be sentenced for criminal offences associated with the exercise of his profession or for criminal offences against property and the economy or for intentional criminal offences against the person;
4. Have at least one year of experience as a master of pharmacy.

Article 225.

(1) An assistant-pharmacist registered as trader under the Commercial Act shall have the right to carry out retail trade in medicinal products by opening a pharmacy in a populated area on the territory of which no pharmacy has been opened, until authorisation is granted to a master of pharmacy for retail trade.
(2) An assistant-pharmacist, who has obtained an authorisation for retail trade in medicinal products under para 1, shall be the head of pharmacy and shall mandatorily work in it.

Article 226.

(1) Pharmacies for the sale of medicinal products to the citizens may be opened on the territory of outpatient treatment establishments.
(2) No pharmacies for the sale of medicinal products to the citizens may be opened on the territory of medical establishments under Art. 21, para 2 Health Act, of hospital treatment establishments and of treatment establishments under Art. 10 Treatment Establishments Act.

Article 227.

The requirements to the locations and to the premises of pharmacies shall be specified in the Ordinance under Art. 219, para 2.

Article 228.

(1) An authorisation for retail trade in medicinal products in a pharmacy shall be issued by the Minister of Health upon submission of a model-based application, to which the following shall be attached:
1. An up-to-date certificate of entry on the commercial registry or a document of an up-to-date court registration or a copy of the act of incorporation of the persons under Art. 222, para 3;
2. A development project for the premises approved in pursuance of the Spatial Development Actand a document certifying the legal grounds for the use of premises;
3. Documents certifying compliance with the requirements under Art. 224;
4. A criminal record certificate for the master of pharmacy or the assistant pharmacist designated as head of pharmacy;
5. A medical certificate for the master of pharmacy or the assistant-pharmacist designated as head of pharmacy;
6. An authorisation for the use of premises or a substitute document issued in pursuance of the Spatial Development Act;
7. A hygiene conclusion from the respective RIPCPH;

8. A certificate of entry on the registry of the respective Regional College of the Bulgarian Pharmacist Union for the head of pharmacy;
9. An opinion of the Bulgarian Pharmacist Union concerning the opening of a pharmacy;
10. A document evidencing the payment of a fee at the amount specified in the Tariff under Art. 21, para 2.
(2) Pharmacies under Art. 222, paras 3, 4, and 5 shall be opened and closed down at the request of the person representing the treatment establishment or municipal company.
(3) The requirements of the Narcotic Substances and Precursors Control Act shall also apply to the opening of a pharmacy where medicinal products containing narcotic substances shall be dispensed and sold.
(4) In cases under para 3 the application for issuance of an authorisation for retail trade and storage of medicinal products containing narcotic substances on Appendices No. 2 and 3 to Art. 3, para 2 of the Narcotic Substances and Precursors Control Act may be filed simultaneously with the application for retail trade under para 1. Other than para 1 documents, the following shall also be attached thereto:
1. A certificate that no charges have been brought against the master of pharmacy for an intentional publicly actionable criminal offence;
2. A certificate of criminal record for the applicant who is a sole proprietor master of pharmacy or for the manager of the applicant legal person, as well as for the person in charge of the operations under Art. 34 Narcotic Substances and Precursors Control Act;
3. Judicial certificates that the applicant has not been declared bankrupt, is not party to bankruptcy proceedings and is not in the process of liquidation;
4. A certificate of BULSTAT registration;
5. A document to the effect that the applicant has no public debt to the State;
6. A copy of the security contract with the bodies of the Ministry of Interior or with the natural or legal person holding an authorisation for private security operations, as well as a copy of this authorisation;
7. Rules for conducting operations with narcotic substances approved by the head of pharmacy;
8. An order designating the individuals who will be in charge of the safe in which medicinal products containing narcotic substances are stored in the absence of the pharmacy manager;
9. A protocol issued by the Inspector of narcotic substances with the Regional Health Centre in the area on the territory of which pharmacy premises are located, testifying to the compliance of the factual situation with the documentation submitted.
(5) In cases under para 4 a fee under this Act shall be collected as well as the relevant fee under the Narcotic Substances and Precursors Control Act.

Article 229.

(1) The High Pharmacy Council shall make a reasoned proposal to the Minister of Health for the issuance of an authorisation or a refusal to carry out retail trade in medicinal products in a pharmacy.
(2) Within a month of receiving the documentation under Art. 228, the Minister of Health shall issue an authorisation for retail trade in medicinal products in a pharmacy or a reasoned refusal for the issuance of an authorisation. The authorisation or the refusal shall be served on the person who has filed an application.
(3) Where discrepancies or incompleteness are found in the submitted documentation, the High Pharmacy Council shall notify the applicant in writing and give instructions for their removal. In these cases the period under para 2 shall be suspended from the date of notification until removal of deficiencies.
(4) The refusal of the Minister of Health to issue an authorisation shall be subject to appeal in pursuance of the Administrative Procedure Code.

Article 230.

(1) The Minister of Health shall keep a registry of authorisations issued for retail trade in medicinal products under Art. 229, para 2, that shall contain:
1. The number and date of the authorisation;
2. The name, seat and business address of the person who has been granted authorisation;
3. The name, personal data and the address of the head of pharmacy;
4. The address of the pharmacy;
5. The operations to be carried out in the pharmacy;

6. The date of termination of the authorisation and of deletion from the registry and the grounds to do so;
7. Comments with regard to any of the registered circumstances.
(2) Registry data shall be published on the website of the Ministry of Health.

Article 231.

(1) In case circumstances entered on the registry under Art. 230, para 1, items 2 - 5 have changed, the person who has been granted an authorisation for retail trade in medicinal products shall file an application in pursuance of Art. 228, para 1, attaching thereto the documents pertaining to any such changes.
(2) Upon issuance of the authorisation admitting the changes under para 1, the provisions of Art. 229 shall apply.

Article 232.

(1) Physicians and doctors of dental medicine may store medicinal products on a list specified by the Minister of Health.
(2) Where there is no pharmacy in a populated area, the persons under para 1 may store and sell medicinal products, only where they have obtained an authorisation to this effect in pursuance of a procedure specified in an Ordinance of the Minister of Health.

Article 233.

The head of pharmacy shall incur liability for the operations specified in Art. 219, para 1.

Article 234.

(1) The sale of medicinal products from automated machines shall be prohibited, except for medicinal products specified on the list included in the Ordinance under Art. 219, para 2.
(2) Automated machines under para 1 may only be owned by persons under Art. 222 and Art. 238, para 2.
(3) The sale of second-hand medicinal products shall be prohibited.
(4) The sale of medicinal products on the Internet dispensed by medical prescription shall be prohibited.

Article 235.

(1) An authorisation for retail trade in medicinal products under Art. 229, para 2 shall terminate upon termination of the operations of persons under Art. 222 and Art. 225.
(2) The Minister of Health shall terminate an authorisation for retail trade in medicinal products:
1. At the request of the person who has been granted an authorisation for retail trade;
2. Where it has been found that the head of pharmacy falls short of the requirements specified in Art. 224 and Art. 225.
(3) Within 14 days of terminating the operations under para 1, the persons under Art. 222 and Art. 225 shall notify thereof the Minister of Health in writing.

Article 236.

(1) A pharmacy may not be closed more than 30 days in the same calendar year on account of the absence of its head.
(2) Where the head of pharmacy is prevented from discharging his duties due to being on leave because of temporary inability to work, pregnancy, child birth, adoption or child care, the pharmacy may operate for a term of no more than two years under the direction of another master of pharmacy or assistant-pharmacist, correspondingly, in cases under Art. 225 who meets the requirements of Art. 224. An authorisation shall be issued by the Minister of Health in these cases.
(3) The authorisation under para 2 shall be issued for a term of up to 30 days.

Article 237.

Upon termination of operations by the person who has been granted an authorisation to open a pharmacy, medicinal products may be sold to persons who have been granted an authorisation for retail trade in medicinal products.

Article 238.

(1) Products of significance to human health and medicinal products dispensed without medical prescription specified in lists by the Minister of Health may be sold in a drug store.
(2) All natural and legal persons registered under the Commercial Act, under the legislation of a Member-State or that of an EEA country shall have the right of carrying out retail trade in medicinal products by opening a drug store.
(3) The head of a drug store must be a medical specialist.

Article 239.

(1) Drug stores shall be opened following registration with the Bugarian Drugs Agency.
(2) Persons under Art. 238, para 2 shall file an application for registration with the Bugarian Drugs Agency, to which the following documents shall be attached:
1. An up-to-date certificate of entry on the commercial registry;
2. A document evidencing education and a certificate of criminal record for the person designated as head of the drug store;
3. A medical certificate for the person under item 2;
4. An authorisation for the use of premises or another substitute document issued in pursuance of the Spatial Development Act;
5. A hygiene conclusion from the respective RIPCPH;
6. A document evidencing the payment of a state fee at the amount specified in the Tariff under Art. 21, para 2.

Article 240.

(1) Within a period of 30 days of receiving the documentation under Art. 239, para 2, the BDA Executive Director shall issue a certificate of registration of the drug store or a reasoned refusal to do so.
(2) The refusal of the Executive Director under para 1 shall be subject to appeal in pursuance of the Administrative Procedure Code.

Article 241.

(1) The Bugarian Drugs Agency shall keep a registry of drug stores that shall contain:
1. The number and date of the issued certificate;
2. The seat and business address of the person who has been granted a certificate of drug store registration;
3. The name, personal data and address of the head of drug store;
4. The drug store address;
5. The date of termination of the registration and the grounds for it;
6. Comments about any of the registered circumstances.
(2) Registry data shall be posted on the Bugarian Drugs Agency website.

Article 242.

In case the drug store or head's address have changed, the person who has been granted the certificate of its opening shall file an application in pursuance of Art. 239, para 2 and documents pertaining to any such change.

Article 243.

The terms and conditions of the drug store work arrangements shall be specified in an Ordinance of the Minister of Health.

Chapter eleven
ADVERTISEMENT OF MEDICINAL PRODUCTS

Article 244.

(1) Any form of information, presentation, promotion or proposals to the purpose of encouraging the prescription, sale or use of medicinal products shall be considered as advertisement thereof, including the following:
1. Advertisement intended for the population;
2. Advertisement intended for medical specialists;
3. Visits by medical trade representatives to medical specialists;
4. Provision of sample medicinal products;
5. Sponsorship of promotional meetings and scientific congresses attended by medical specialists, including the coverage of their travel and accommodation in the respective country in which the event takes place.
(2) The following shall not be considered advertisement of medicinal products:
1. Text appearing on the outer packaging approved during the licensing procedure for use;
2. The correspondence concerning a specific issue or problems pertaining to a particular medicinal product;
3. Information and instructions with regard to changes in packaging, warnings about adverse reactions as part of general measures for the safety of a medicinal product, trade catalogues and pricelists,

provided they do not include data of advertisement nature with regard to the medicinal product concerned;
4. Statements concerning human health or diseases when they do not, directly or indirectly, suggest a course of treatment, the prevention or diagnosis involving the use of medicinal products;
5. Campaigns conducted by the Ministry of Health for the vaccination of the population, if material associated with them contains no data about a particular medicinal product.

Article 245.

(1) The holder of the authorisation for use shall be obligated to set up a scientific unit for the distribution of information about the medicinal products for which he has been granted a authorisation for use in pursuance hereof.
(2) The holder of a authorisation for use shall be obligated to:
1. Guarantee that the advertisement of a medicinal product has been presented to the population or to medical specialists in a manner compliant with the requirements of this Chapter and with the authorisation for advertisement issued by the Bugarian Drugs Agency;
2. Have data and material available from all advertisement campaigns undertaken as part of its operations, including information about the groups for which advertisement is intended, about the manner of its implementation and about the date on which the advertisement campaign will be launched;
3. Guarantee training for medical commercial representatives;
4. Implement with accuracy and within the set timelines the instructions of officials controlling advertisement action.
(3) Medical commercial representatives must report to the scientific units under para 1 any information about the use of medicinal products they advertise, especially as regards information about adverse reactions notified to them by medical specialists.

Article 246.

(1) The content of advertisement must correspond to data from the medicinal product summary approved during licensing for use and present only indications specified during licensing for use.
(2) The advertisement of a medicinal product must only suggest its correct use, objectively presenting its therapeutic indications, without exaggerating possibilities for treatment, prevention or diagnosis using the medicinal product concerned.
(3) Advertisement must not contain misleading information.

Article 247.

Only the advertisement to the population of medicinal products dispensed without medical prescription shall be admitted.

Article 248.

Outside cases under Art. 247, vaccination advertisement campaigns shall be admitted carried out by holder of a authorisation for use, subject to the requirements of Art. 251.

Article 249.

The requirements to the advertisement of medicinal products shall be specified in an Ordinance of the Minister of Health.

Article 250.

An application for authorisation of the advertisement of a medicinal product shall be filed by a holder of a authorisation for use of the medicinal product concerned or by a person thereby authorised.

Article 251.

(1) In order to be granted advertisement authorisation, the person under Art. 250 shall file with the Bugarian Drugs Agency an application based on a model approved by the Agency Executive Director to be accompanied by:
1. A project for the advertisement;
2. A notarised power of attorney from the holder of a authorisation for use, where the application is filed by another person;
3. The literary sources of quotations, tables or other material used, if any;
4. A document evidencing the payment of a fee at the amount specified in the Tariff under Art. 21, para 2.
(2) Advertisement projects under para 1, item 1 must be clear, with a text that is easy to understand, in case one is available, and allow evaluating all of its elements, i.e. text and illustrations.

(3) An Advertisement Expert Council shall be set up with the Bugarian Drugs Agency. Its composition shall include physicians and specialists with practical experience in the field of advertisement. The Bugarian Drugs Agency Executive Director shall by order determine the composition of the Council, including a representative of the Commission for Professional Ethics of the Bulgarian Union of Physicians, of the Bulgarian Dentists Union and of the Bulgarian Pharmacy Union, the amount of remuneration of its members and he shall approve Rules on the Terms and Conditions of its Work. Representatives of patient organisations may also be included in the composition of the Council.
(4) The Council under para 3 shall execute an expert assessment of the project for advertisement and come up with an opinion for the Bugarian Drugs Agency Executive Director.
(5) Where the advertisement is found to be incompliant with the requirements hereof, within 7 days of the date of submission of the application under para 1, the BDA shall give written instructions for the removal of incompliance within a month of the date of notification. The period for ruling shall start running on the day of notification until removal of incompliance.
(6) In case the applicant fails to act on the instructions within a month of the date of notification under para 5, the authorisation procedure shall terminate.

Article 252.

(1) Within a month of submission of the documentation under Art. 251, para 1, based on the opinion under Art. 251, para 4, the Bugarian Drugs Agency Executive Director shall by order authorise the advertisement or issue a reasoned refusal, of which the holder of the authorisation for use shall be notified.
(2) The refusal of the Executive Director shall be subject to appeal in pursuance of the Administrative Procedure Code.

Article 253.

(1) The authorisation for advertisement issued under Art. 252, para 1 shall refer to a specific medicinal product within the term of validity of its authorisation for use.
(2) Where changes have been made in the authorisation for use of a medicinal product, resulting in changes in an authorised advertisement for the product, the holder of a authorisation for use shall file with the BDA an application for change.

Article 254.

In case the authorised advertisement has changed, the person under Art. 250 shall file an application in pursuance of Art. 251.

Article 255.

(1) The distribution of sample medicinal products containing narcotic substances within the meaning of the Narcotic Substances and Precursors Control Act shall be prohibited.
(2) The direct provision of sample medicinal products by medical commercial representatives under Art. 244, para 1, item 3 to the population shall be prohibited.

Article 256.

Sample medicinal products shall be provided to medical specialists under the terms and conditions specified in the Ordinance under Art. 249.

Article 257.

(1) Medical commercial representatives under Art. 244, para 1, item 3 must have been trained through arrangements made by the holder of the authorisation for use who has appointed them, have scientific knowledge and be able to provide accurate information, as full as possible, about the medicinal product they present.
(2) At each visit medical commercial representatives must have available a product summary, data about the prices of the medicinal product, the terms of payment and provide these upon request.
(3) When medicinal products are presented to medical specialists, the medical commercial representatives may not offer gifts or any other material or non-material benefits.

Chapter twelve
PRICES OF MEDICINAL PRODUCTS

Article 258.

(1) The State shall regulate the prices of medicinal products included on the Positive Drug List under Art. 262, para 4 and paid by public means in accordance with the lowest reference prices from the Member-States.

(2) The State shall regulate the ceiling prices of medicinal products dispensed without medical prescription outside those under para 1.
(3) The State shall register the maximum retail prices of medicinal products dispensed without medical prescription.

Article 259.

(1) At the proposal of the Minister of Health, the Council of Ministers shall set up a Commission for the Prices of Medicinal Products and determine its composition.
(2) Representatives of the Ministry of Health, the Ministry of Finance, the Ministry of Economy and Energy and of the Ministry of Labour and Social Policy, of the National Health Insurance Fund and of the BDA shall mandatorily be included in the Commission for the Prices of Medicinal Products.
(3) The members of the Commission for the Prices of Medicinal Products shall have a 4-year term of office.
(4) A person who is a member of the Commission for the Prices of Medicinal Products may not be a member of the commissions under Art. 261 and Art. 265 at the same time.
(5) Every two years half of the composition of the Commission under para 1 shall be renewed.
(6) The terms and conditions for the work of the Commission for the Prices of Medicinal Products shall be specified in an Ordinance of the Council of Ministers.
(7) The Commission under para 1 shall sit at least once a month.
(8) An Information and Analysis Unit shall be set up with the Commission for the Prices of Medicinal Products. The Unit shall collect, analyse and provide the Commission with information about the prices of medicinal products in the Member-States under a procedure specified in the Ordinance under para 6.
(9) The Commission for the Prices of Medicinal Products shall keep a website on which it shall post information about its operations.

Article 260.

(1) At the proposal of the Minister of Health the Council of Ministers shall specify in an Ordinance the rules and conditions for price regulation of medicinal products under Art. 258, para 1, for regulation of ceiling prices for medicinal products under Art. 258, para 2 allowed for use by medical prescription, in case of retail sales, as well as the terms and conditions for retail trade registration of the prices of medicinal products dispensed without medical prescription.
(2) The Commission for the Prices of Medicinal Products shall rule within a period of up to:
1. 45 days, in respect to medicinal products under Art. 258, paras 1 and 2;
2. 30 days, in respect to medicinal products under Art. 258, para 3.
(3) The period under para 2 shall start running on the date of submission of the application in pursuance of the Ordinance under para 1.
(4) The Ministry of Health shall collect a fee at the amount specified in the Tariff under Art. 21, para 2 for filing an application for the formation, registration of or change in the formed or registered price of a medicinal product.

Article 261.

(1) A Commission for the Positive Drug List shall be set up with the Council of Ministers.
(2) The Commission for the Positive Drug List shall examine and make decisions on applications for the inclusion in, change and/or exclusion of medicinal products from the Positive Drug List of the Republic of Bulgaria.
(3) Members of the Commission for the Positive Drug List shall have a 4-year term of office.
(4) Every two years half the composition of the Commission under para 1 shall be renewed.
(5) The composition of the Commission for the positive drug list shall be determined by the Council of Ministers at the proposal of the Minister of Health.
(6) An equal number of representatives of the Ministry of Health, the Ministry of Labour and Social Policy, the NHIF, the Bugarian Drugs Agency, the Bulgarian Union of Physicians and of the Bulgarian Dentists Union shall be included in the Commission for the Positive Drug List.
(7) Medical specialists, lawyers and economists with academic achievements and/or practical experience in the field of medicinal products and in the respective areas of their application may be appointed as members of the Commission for the Positive Drug List.
(8) A person who is a member of the Commission for the Positive Drug List may not be a member of the Commission under Art. 259 and Art. 265 at the same time.

(9) Records of proceedings from the session of the Commission under para 1 shall be posted on its website.

Article 262.

(1) The positive drug list shall include medicinal products dispensed by medical prescription, required to cover the health needs of the population and paid out with means from the NHIF budget, the national budget, outside the scope of mandatory health insurance, and from the budget of treatment establishments under Art. 6 Treatment Establishments Act and from the budget of treatment establishments with sate and/or municipal interest under Art. 9 and Art. 10 Treatment Establishments Act.
(2) The positive drug list shall be a list of medicinal products drafted by pharmacological classes with the respective international non-patent names, with the respective daily dose defined, a price under Art. 258, para 1, a daily dose reference value, a price calculated on the basis of a reference value and a level of payment.
(3) A treatment course and a corresponding reference value shall be determined for medicinal products for which no daily dose has been defined.
(4) The positive drug list shall include medicinal products:
1. Intended for the treatment of diseases paid in pursuance of the Health Insurance Act;
2. Paid from the budget of the treatment establishments under Art. 5 Medical-Treatment Facilities Act and from the budget of treatment establishments with state and/or municipal interest under Art. 9 and 10 Medical-Treatment Facilities Act;
3. Intended for the treatment of diseases outside the scope of the Health Insurance Act paid in pursuance of Art. 82, para 1, item 8 Health Act;
4. Intended for the treatment of rare diseases, AIDS and infectious diseases.
(5) The level of payment for medicinal products under para 4, item 1 shall be determined in accordance with the NHIF budget for the respective year.
(6) The Ministry of Health shall collect a fee at the amount specified in the Tariff under Art. 21, para 2 for filing an application for inclusion or for changing a medicinal product included on the list under para 1.

Article 263.

(1) Medicinal products on the positive drug list shall be selected in accordance with evidence for efficacy, therapeutic efficiency, and safety and of the analysis of pharmacological and economic indicators.
(2) The period for inclusion of medicinal products on the Positive Drug List shall be 90 days from the date of submission of an application pursuant to Ordinance under Art. 264.

Article 264.

At the proposal of the Minister of Health the Council of Minister shall specify in an Ordinance the terms, rules and criteria for inclusion, changes and/or exclusion of medicinal products on/from the Positive Drug List, as well as the terms and conditions of work of the Commission for the Positive Drug List.

Article 265.

(1) The Council of Ministers shall set up a Transparency Commission.
(2) The composition of the Transparency Commission shall be determined by the Council of Ministers at the proposal of the Minister of Health. Representatives of the Ministry of Health, the BDA, the NHIF, the Bulgarian Union of Physicians, the Bulgarian Dentists Union, the Bulgarian Union of Pharmacists, and of patient and pharmaceutical industry organisations shall be mandatorily included in the Commission.
(3) A member of the Transparency Commission may not be a member of the Commissions under Art. 259 and under Art. 261 at the same time.
(4) The Council of Ministers shall specify by Rules the terms and conditions of work of the Transparency Commission.

Article 266.

(1) The Transparency Commission shall be a body before which the decisions of commissions under Art. 259, para 1 and Art. 261, para 1 may be appealed.
(2) Decisions of the Transparency Commission shall be made by a majority of two thirds of its composition.
(3) Decisions under para 2 shall be subject to appeal in pursuance of the Administrative Procedure Code, the appeal thereof not suspending their execution.

Chapter thirteen

STATE CONTROL OF MEDICINAL PRODUCTS

Article 267.

(1) The Ministry of Health shall head the state control of medicinal products. Immediate direction shall be provided by the Chief State Health Inspector, the Bugarian Drugs Agency Executive Director and by RIPCPH Directors, who shall be state inspectors controlling medicinal products.
(2) The Bugarian Drugs Agency and the RIPCPH shall be state control bodies for medicinal products.
(3) Immediate control shall be exercised by officials – inspectors and experts designated by orders of the Bugarian Drugs Agency Director or of the respective RIPCPH Director.
(4) When discharging their control functions, the bodies under para 1 may request assistance from the bodies of the Ministry of Interior.

Article 268.

(1) The Bugarian Drugs Agency shall exercise control over:
1. Compliance of premises, installations and conditions for the manufacturing, control of and trade in medicinal products and the observation of requirements of good manufacturing practice for medicinal products and of good distribution practice;
2. Operations of manufacturers, importers, the holder of a authorisation for use, of wholesale traders in medicinal products, of pharmacies and drug stores;
3. The quality, safety and efficacy of medicinal products;
4. The clinical trials of medicinal products and the observation of requirements of good clinical practice;
5. The information about drugs in relation to their licensing for use and advertisement;
6. The system for drug safety of the holders of a authorisation for use.
(2) The Regional Inspectorates for the Protection and Control of Public Health shall exercise control over the premises, installations and conditions of storage and over the trade in medicinal products, as well as over the operations of wholesale traders, pharmacies and drug stores located in the territory of the respective region.
(3) Development projects for the construction of new and/or the reconstruction of existent sites associated with the manufacturing of medicinal products shall be coordinated with the BDA in accordance with the rules of good manufacturing practice for medicinal products.

Article 269.

(1) Control under Art. 267 shall be performed through inspections and laboratory tests.
(2) Inspections and laboratory tests under para 1 shall be performed:
1. In relation to the issuance of licenses for use, manufacturing, of authorisations for importation and of certificates in pursuance of this Act;
2. In relation to performing supervision of the market of medicinal products;
3. Upon request of the European Commission, the European Medicines Agency or of a competent body in another Member-State;
4. Upon request of a manufacturer, importer or a holder of a authorisation for use outside the cases under item 1.
(3) The Bugarian Drugs Agency shall perform inspections as part of the certification procedure in relation to the monographs of the European pharmacopoeia.
(4) The Bugarian Drugs Agency shall perform inspections of medicinal product manufacturers established in third countries in relation to an application they have filed to obtain a authorisation for use or an authorisation of importation.
(5) When compliance with the conditions and requirements of good manufacturing practice is found as a result of the inspection, the Bugarian Drugs Agency shall issue a certificate of good manufacturing practice within a period of 90 days from conducting such inspection.
(6) The Bugarian Drugs Agency shall notify the European Medicines Agency of any certificates of good manufacturing practice it has issued.
(7) Where an inspection finds lack of compliance of the actual conditions with the requirements of good manufacturing practice, the BDA shall notify the European Medicines Agency thereof.

Article 270.

(1) The officials under Art. 267, para 3 shall have the right, within their competence:
1. Of access to all documents directly or indirectly associated with a violation of this Act of the legislation of Member-States transposing the requirements of Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use, last amended by

Directive 2004/27/EC of the European Parliament and of the Council, irrespective of the document format;
2. To order any person to provide information about the violation under item 1, which he is aware of;
3. To inspect, at any time, the sites subject to control and to obtain, inspect and make copies of all documents pertaining to the overall operation of the controlled site;
4. To take samples of medicinal products, of active substances and excipients for laboratory testing;
5. To inspect the premises, records and documents of the holders of licenses for use or persons, whom the holder of a authorisation for use has entrusted the implementation of operations under Chapter eight;
6. To draw up acts establishing the presence of administrative violations.
(2) The officials under Art. 267, para 3 shall draw up a report of the inspection they have conducted that will then be provided to the inspected manufacturer or holder of a authorisation for use of a medicinal product.
(3) The Bugarian Drugs Agency Executive Director or the respective RIPCPH Director, depending on the hierarchical system of the official, who has found the presence of a violation, shall have the right to:
1. Order in writing the offender to cease and desist the violation under para 1, item 1;
2. Require the offender to declare that he will cease and desist the violation under para 1, item 1 and, if necessary, require him to publicly disclose the declaration;
3. Order the termination or prohibition of any violation under para 1, item 1 and, where necessary, publicly disclose the order of termination or prohibition of the violation.

Article 271.

(1) The Regional Inspectorates for the Protection and Control of Public Health shall have the right to:
1. Stay construction operations and issue prescriptions when they find violations of hygiene standards and requirements in the process of construction; in case of illegal construction of sites and installations for the manufacturing, storage and sale of medicinal products they shall notify the National Control of Construction Directorate or the municipal technical service;
2. Prohibit putting into operation and suspend the operation of sites and installations when requirements and hygiene standards have been violated in the manufacturing, storage and sale of medicinal products until violations have been removed;
3. Prohibit medicinal products in the presence of recorded information about: incompliance with quality requirements; medicinal products imported or manufactured in violation of this Act; medicinal products offered in packaging with brochures falling short of the requirements of this Act; where necessary, they shall order withdrawing thereof from pharmacies and drug stores, wholesale trade warehouses, manufacturers and treatment establishments and notify the Ministry of Health thereof;
4. Giving conclusions with regard to the compliance of controlled sites with statutory requirements;
5. Issue orders, prescriptions and instructions within their competence that shall be binding on all persons on the territory of the respective region.
(2) Compulsory administrative measures under para 1 or under Art. 270, para 3 shall be imposed by order of the RIPCPH Director.
(3) Orders under para 2 shall be subject to appeal in pursuance of the Administrative Procedure Code, the appeal therefrom not staying their execution.

Article 272.

(1) The Bugarian Drugs Agency shall:
1. Prohibit putting into operation and suspend the operations of sites and installation when the rules of good manufacturing practice of medicinal products are violated until removal of such violations;
2. Prohibit the manufacturing, importation, exportation and trade in medicinal products which directly or indirectly threaten the health of people and order their destruction, processing or use for other purposes;
3. Provisionally suspend the operation of sites for wholesale and retail trade in medicinal products when the conditions under which the respective authorisation or authorisation have been issued;
4. Prohibit medicinal products in presence of recorded information about: incompliance with quality, efficiency and safety requirements; medicinal products imported or manufactured in violation of this Act, as well as medicinal products offered in packaging with brochures falling short of the requirements hereof; where necessary, order their withdrawal from pharmacies and drug stores, from wholesale trade

warehouses, from manufacturers and treatment establishments and notify the Ministry of Health thereof;
5. Suspend clinical trials in the presence of established violations until their removal or order the termination thereof;
6. Issue orders, prescriptions and instructions within its competence that shall be binding on all persons.
(2) Compulsory administrative measures under para 1 and under Art. 270, para 3 shall be imposed by order of the Bugarian Drugs Agency Director.
(3) The orders under para 2 shall be subject to appeal in pursuance of the Administrative Procedure Code, the appeal therefrom not staying their execution.

Article 273.

(1) The terms and conditions for taking samples, conducting trials and tests and the payment for them shall be specified in an Ordinance of the Minister of Health.
(2) When the outcomes of laboratory tests are contested, these shall be repeated. Repeated tests shall be conducted upon written request of the interested party, submitted within 7 days of the date of receipt of the result of the initial test.
(3) Repeated tests under para 2 shall be conducted by experts designated by the BDA Executive Director who have not been involved in the initial testing, in the presence of an authorised representative of the interested party.

Article 274.

(1) The terms and conditions for prohibiting and withdrawing from the market of medicinal products that have demonstrated lack of compliance with quality, safety and efficacy requirements shall be specified in an Ordinance of the Minister of Health.
(2) The terms and conditions for the destruction, processing or use for other purposes of medicinal products shall be specified in an Ordinance of the Minister of Health.

Article 275.

(1) When exercising control, the Bugarian Drugs Agency shall take all necessary measures in order to ensure the right validation of manufacturing and refinement of medicinal products, obtained from human blood or human plasma, the sustainability of batch quality and in order to guarantee, within technological constraints, the absence of a specific virus contamination.
(2) The manufacturers shall notify the Bugarian Drugs Agency of the method used to reduce or eliminate pathogenous viruses, which may be transmitted through medicinal products obtained from human blood or human plasma.
(3) The Bugarian Drugs Agency shall test and send for testing to another official laboratory for the control of medicinal products in the Republic of Bulgaria or in another Member-State samples of bulk product/not poured into bottles and/or of a medicinal product intended for trial either in the course of evaluating the application for a authorisation for use under Art. 46, para 1, item 2 or after issuing a authorisation for use.

Article 276.

By order the Bugarian Drugs Agency Executive Director shall temporarily suspend, withdraw, terminate or amend a authorisation for use of a medicinal product/registration, where it is found that:
1. There is an admissible adverse reaction in case of correct use or
2. There is no therapeutic efficacy (there shall be no therapeutic efficacy where it is found that the therapeutic results announced during licensing for use cannot be obtained) or
3. The ratio of benefits to risks is unfavourable for a correct use or
4. The quantitative and qualitative composition of the medicinal product do not correspond to those declared during licensing for use or
5. Data from the dossier under Art. 27 – 32 are untrue or
6. Data from the dossier under Art. 27 – 32 have not been completed or have been changed in accordance with the requirements of Chapter three, Section VI or
7. Control trials are not conducted in accordance with the methods indicated in Art. 27, para 1, item 8 or
8. Data on the packaging and/or in the brochure do not correspond to those approved when the authorisation for use was issued.

Article 277.

(1) The Bugarian Drugs Agency Executive Director, irrespective of the measures under Art. 276, shall prohibit by order the supply of medicinal products concerned and shall order their prohibition and withdrawal from the market when:
1. There is an inadmissible adverse reaction in case of correct use or
2. There is no therapeutic efficacy or
3. The ratio of benefit to risk is unfavourable in case of correct use or
4. The quantitative and qualitative composition of the medicinal product concerned does not correspond to those declared during licensing for use or
5. No control of the medicinal product and/or of the ingredients and at the intermediate stages of the manufacturing process has been exercised or the requirements under which the manufacturing authorisation has been issued are not implemented.
(2) The Bugarian Drugs Agency Executive Director may impose a prohibition under para 1 in respect only of specific batches of the medicinal product.

Article 278.

(1) The Bugarian Drugs Agency Executive Director shall, by order, temporarily suspend or withdraw the authorisation for use of a class or of all medicinal products for which the requirements under which a manufacturing authorisation has been issued are not observed in respect to the place of manufacturing.
(2) By order the Bugarian Drugs Agency Executive Director may take, other than the measures under Art. 276, a provisional suspension of importation of a class or of all medicinal products from third countries or withdraw the authorisation for importation of a class or of all medicinal products when they fall short of the requirements of Chapter five.
(3) By order the Bugarian Drugs Agency Executive Director may take, other than the measures under Art. 276, a provisional suspension or the withdrawal of a manufacturing authorisation for a class or for all medicinal products that fall short of the requirements of Chapter five.

Article 279.

(1) The orders under Art. 276, 277 or 278 shall be served on the holder of a authorisation for use or to a manufacturer or an importer.
(2) The orders under para 1 shall be subject to appeal under the Administrative Procedure Code, the appeal therefrom not staying their execution.

Article 280. (1) When a violation of the provisions of Chapter eleven has been found, or of the Ordinance under Art. 249, the Bugarian Drugs Agency Executive Director shall order the suspension of distribution or of the advertisement.
(2) By virtue of the order under para 1, the Bugarian Drugs Agency Director may obligated the advertiser to publish or distribute, in coordination with the Bugarian Drugs Agency, a disclaimer of the allegations contained in the advertisement through the same means, in the same format and amount.
(3) The order under para 2 shall be subject to appeal in pursuance of the Administrative Procedure Code.

Chapter fourteen
PENAL ADMINISTRATIVE PROVISIONS

Article 281.

(1) Anyone manufacturing, importing, selling, storing or allowing for use in the Republic of Bulgaria medicinal products that have not been authorised for use, outside the cases under Art. 8, 9, and 10, unless subject to a more serious sanction, shall be sanctioned by fine of BGN 25,000 to BGN 50,000.
(2) The same sanction shall be imposed on persons manufacturing, importing, selling or allowing the use, in the Republic of Bulgaria, of medicinal products that fall short of the requirements of the effective pharmacopoeia and fail to meet the conditions stipulated during their licensing for use.
(3) When the violations under paras 1 and 2 relate to medicinal products not authorised for use containing narcotic substances or when they have been committed for a second time, unless the acts constitute criminal offences, the authorisation issued in pursuance hereof shall be withdrawn.
(4) Medical specialists who manufacture, sell or allow the use of medicinal products that have not been authorised shall be disbarred from exercising the profession for a term of 6 months to 2 years.
(5) The sanction under para 4 shall be imposed by order of the Minister of Health at the proposal of the Bugarian Drugs Agency Executive Director.

Article 282.

(1) Anyone selling medicinal products in packaging or with patient brochures falling short of the requirements of this Act, shall be sanctioned by fine of BGN 750 to BGN 1,500 and in case of repeating the same violation – by fine of BGN 1,500 to BGN 3,000.
(2) Anyone selling medicinal products without patient brochures shall be sanctioned by fine of BGN 750 to BGN 1,500 and in case of repeating the same violation – by fine of BGN 1,500 to BGN 3,000.

Article 283.

(1) Anyone importing, trading in or allowing the use of medicinal products whose shelf life has expired, shall be sanctioned by fine of BGN 10,000 to BGN 20,000.
(2) Anyone breaking the immediate/outer packaging or selling/allowing the use of medicinal products whose immediate/outer packaging has been broken, shall be sanctioned by fine of BGN 750 to BGN 1,500 and in case of repeating the same violation - by fine of BGN 1,500 to BGN 3,000.

Article 284.

(1) Anyone manufacturing, importing or conducting wholesale trade in medicinal products or selling such products without an authorisation or authorisation therefor shall be sanctioned by fine of BGN 50,000.
(2) Anyone manufacturing, importing or conducting wholesale trade in medicinal products or selling medicinal products in violation of the issued authorisation or authorisation or selling, storing or allowing the use of medicinal products of unestablished origin shall be sanctioned by fine of BGN 25,000 to BGN 50,000.
(3) In cases under para 1 the bodies of state control shall suspend by order the operation of the site concerned.
(4) The order under para 3 shall be subject to appeal in pursuance of the Administrative Procedure Code, the appeal therefrom not staying its execution.

Article 285.

(1) Anyone trading in medicinal products without a certificate of batch release shall be sanctioned by fine of BGN 5,000 to BGN 10,000 and in case of repeating the same violation, by fine of BGN 10,000 to BGN 20,000.
(2) A wholesale trader supplying drug stores with medicinal products outside the lists approved by the Minister of Health shall be sanctioned by a pecuniary sanction of BGN 2,500 to BGN 5,000 and in case of repeating the same violation, by fine of BGN 5,000 to BGN 10,000.
(3) A qualified person who has allowed the sale of batches of medicinal products without a certificate of release of each separate batch shall be sanctioned by fine of BGN 2,500 to BGN 5,000.

Article 286.

(1) For clinical trials conducted in violation hereof, unless the act constitutes a criminal offence, the guilty persons who have allowed or committed this violation shall be imposed a fine of BGN 5,000 to BGN 10,000 and in case of allowing or committing the same violation for a second time, a fine of BGN 10,000 to BGN 20,000.
(2) Medical specialists who have allowed or committed violations under para 1 may also be imposed the sanction of "disbarment from exercising the profession" for a period of 6 months to two years.
(3) The measure under para 2 shall be imposed by the Minister of Health at the proposal of the Bugarian Drugs Agency Executive Director.

Article 287.

(1) Anyone conducting retail trade in medicinal products without an authorisation/authorisation/certificate for this or who works in violation of the authorisation/authorisation/certificate issued to him shall be sanctioned by fine of BGN 5,000 to BGN 10,000.
(2) The sanction under para 1 shall also be imposed on persons conducting retail trade in a pharmacy or drug store after termination of the effects of the authorisation/authorisation/permit.
(3) Anyone selling in a drug store medicinal products outside the lists under Art. 238, para 1 shall be sanctioned by the fine under para 1 and in case of repeating the same violation the certificate of registration of the drug store shall be withdrawn.
(4) In cases under paras 1 and 2, the state control bodies for medicinal products shall suspend by order the operation of the site concerned.
(5) The order under para 4 shall be subject to appeal in pursuance of the Administrative Procedure Code, the appeal therefrom staying its execution.

(6) In case violations under paras 1 and 2 have been found, the Minister of Health may disbar the respective medical specialist from exercising his profession for a term of up to 2 years.

Article 288.

(1) A retail trader in medicinal products who has allowed the operations under Art. 219 to be carried out by an incompetent person shall be sanctioned by a pecuniary sanction of BGN 5,000 to BGN 10,000 and in case of repeating the same violation the authorisation for retail trade shall be withdrawn.
(2) In cases under para 1, the state control bodies shall suspend the operation of the site by order.

Article 289.

Anyone selling medicinal products at prices other than those formed in pursuance hereof, shall be sanctioned by fine of BGN 5,000 to BGN 10,000 and in case of repeating the same violation, by a fine of BGN 6,000 to BGN 12,000.

Article 290.

(1) Anyone advertising medicinal products not authorised for use in pursuance hereof and/or claims or suggests they have properties for the prevention, diagnosis or treatment of human disease shall be sanctioned by fine of BGN 10,000 to BGN 20,000.
(2) Anyone advertising medicinal products in violation hereof shall be sanctioned by fine of BGN 10,000 to BGN 20,000.
(3) The sanctions under para 2 shall also be imposed on persons who have allowed the broadcasting, publication and distribution of advertisement.

Article 291.

(1) When the violations under Art. 281 – 287, Art. 289, Art. 290, Art. 292 and Art. 294 have been committed by legal persons or sole proprietors, pecuniary sanctions at an amount no lesser than triple amount of the envisaged minimums for the respective fines and no larger than the triple amount of the envisaged maximum amounts of the respective fines shall be imposed.
(2) For violations of Art. 289, the pecuniary sanction shall be nine times the amount of the sum taken in excess where the latter exceeds the maximum amount of the sanction under para 1.
(3) The imposition of a pecuniary sanction shall not exclude the imposition of a fine to the guilty officials.
(4) The imposition of pecuniary sanctions shall not exclude the imposition of measures envisaged with regard to the competency of medical specialists and qualified persons.

Article 292.

(1) Anyone failing to implement an order, prescription or instruction of the state control bodies under this Act, outside the cases under Art. 270, para 1, item 2 or para 3, shall be sanctioned by fine of BGN 1,500 to BGN 3,000.
(2) For failure to implement an order under Art. 270, para 1, item 2 or para 3 the guilty persons shall be sanctioned by fine of BGN 500 to BGN 1,000.

Article 293.

(1) In cases under Art. 281, paras 1 – 3, Art. 283, para 1, as well as in case of failure to observe the conditions under which the authorisation for retail trade in medicinal products in a pharmacy, the Minister of Health shall issue an order for its withdrawal.
(2) For failure to observe the conditions under which the authorisations/licenses/certificates for manufacturing, importation, parallel importation, wholesale trade in medicinal products or for the registration of a drug store, as well as in cases under Art. 281, paras 1 - 3, Art. 283, para 1 and Art. 287, para 3, the Bugarian Drugs Agency Executive Director shall issue an order for their withdrawal.
(3) In case of failure to discharge notification duties under Art. 204, para 3 of termination of operations by a wholesale trader in medicinal products, the Bugarian Drugs Agency Executive Director shall issue an order for withdrawal of the issued authorisation.
(4) In case of failure to discharge the duties of notification under Art. 235, para 3 of termination of operations by the holder of an authorisation for retail trade in medicinal products, the Minister of Health shall issue an order for withdrawing the authorisation issued.
(5) The orders under paras 1 – 4 shall be subject to appeal in pursuance of the Administrative Procedure Code, the appeal therefrom not staying their execution.

Article 294.

Anyone violating the provisions of this Act or the Ordinances for its implementation, outside the cases under Art. 281 –293, shall be sanctioned by fine of BGN 1,000 to BGN 3,000 and in case of repeating the same violation, by fine of BGN 3,000 to BGN 5,000.

Article 295.

(1) The presence of violations under this Act shall be established by acts drafted by Bugarian Drugs Agency or RIPCPH state inspectors.
(2) The presence of violations under Art. 289 shall be established by officials designated by the Minister of Health.
(3) Penal decrees shall be issued by the Minister of Health, the Chief State Health Inspector, by the Bugarian Drugs Agency Executive Director or the Directors of RIPCPH, depending on the hierarchical system of the official who has found the presence of a violation.

Article 296.

The drafting of acts, the issuance, appeal from and the execution of penal decrees shall be carried out in pursuance of the Administrative Violations and Sanctions Act.

Article 297.

In cases under Art. 281, Art. 282, Art. 283, Art. 284, Art. 285 and Art. 287 the sanctioning body shall also order seizure to the benefit of the state of medicinal products making the object of violation, subject to the terms and conditions specified in an Ordinance of the Minister of Health.

ADDITIONAL PROVISIONS

§ 1. For the purposes of this Act:
1. **"Active substance"** shall be any substance (ingredient) intended for use as a pharmacologically active ingredient of the pharmaceutical form concerned.
2. **"Bioequivalence"** shall be present where medicinal products are pharmaceutically equivalent or pharmaceutical alternatives and if their bioavailability after administration in the same molar dose is similar to the extent that their effect in terms of efficacy and safety is substantively similar.
3. **"Bioavailability"** shall be the speed and level at which the active substance or its therapeutically active part are absorbed from the pharmaceutical form and becomes available at the location of activity. When the medicinal substance is intended to have a systemic therapeutic effect, bioavailability shall mean the speed and level at which the medicinal substance or its therapeutically active part are released from the pharmaceutical form and pass into general circulation.
4. **"Researcher brochure"** shall be the overall clinical and non-clinical data about the tested medicinal product(s) that are relevant to the trial of the product or products on people.
5. **"Valid documentation"** shall be the documentation which, in terms of content and completeness, meets the requirements specified in a particular procedure hereof.
6. **"A substance whose use is well established in medical practice"** shall be a substance to which the following criteria may apply:
a) The period for substantiating well established use in medical practice is not lesser than 10 years from the date of the first systematised and documented use of the substance as a medicinal product in the EU or the EEA;
b) The quantitative aspects of the use of the substance, taking into account its level of use in medical practice, its level of use in terms of geographical spread and its level of monitoring through the system of safety, including the studies carried out prior to marketing and thereafter and the published scientific literature concerning epidemiological studies and, in particular, comparative epidemiological studies;
c) a high level of scientific interest in the use of the substance (i.e. based on the number of scientific publications) and uniformity of scientific evaluations within academic circles.
7. **"Outer packaging"** shall be the packaging not entering immediately in contact with the medicinal product.
8. **"Sponsor"** shall be a natural or legal person, institution or organisation responsible for commencing, managing and/or funding a clinical trial.
9. **"Generic medicinal product"** shall be a medicinal product of the same qualitative and quantitative composition in terms of its active substances and of the same pharmaceutical form as its reference medicinal product and its bioequivalence with the reference medicinal product has been substantiated through suitable bioavailability tests. The various oral pharmaceutical forms of immediate release shall be considered as one and the same pharmaceutical form. The various salts, esthers, ethers, isomers,

isomer mixtures, complexes or derivatives of an active substance shall be considered as one and the same active substance, unless they vary significantly in their safety and/or efficacy.
10. **"Chief researcher"** shall be the physician or doctor of dental medicine designated by the sponsor providing overall direction of the clinical trial in compliance with the approved protocol and manual of good clinical practice, in charge of the work of researchers.
11. **"Defined daily dose"** shall be the average daily maintenance dose of a medicinal product which is administered to adults for the main therapeutic indication of the respective medicinal product.
12. **"Good clinical practice"** shall be all internationally recognised ethical and scientific requirements to quality that are observed in planning, conducting, accounting for and reporting on clinical trials.
13. **"Good laboratory practice"** shall be a system of internationally recognised rules on the conditions for planning, the processes of organisation, conducting, monitoring and recording laboratory trials.
14. **"Good manufacturing practice"** shall be a system of internationally recognised business rules covering all aspects of manufacturing, i.e. staff, premises, installations, material, documentation, quality control, and being intended to ensure safety, efficacy and compliance with specifications.
15. **"Member-State"** shall be a Member-State of the European Union.
16. **"Label"** shall be the information appearing on the immediate or outer packaging of a medicinal product.
17. **"Immunological medicinal product"** shall be a medicinal product containing vaccines, toxins, serums or allergens. Agents used to create active immunity or to establish a state of immunity or to cause passive immunity shall be in the scope of vaccines, toxins and serums. Allergens shall be medicinal products intended to identify or stimulate a specific targeted change in the immunological response to an allergic agent.
18. **"Bioequivalence study"** shall be a clinical trial, aiming to prove that two medicinal products are bioequivalent when these are pharmaceutically equivalent or pharmaceutical alternatives and when their bioavailability, following administration at the same molar dose, is similar to an extent that is a condition of equivalent efficacy and safety.
19. **"Bioavailability study"** shall be a clinical trial aiming to demonstrate what the speed and level are at which the active substance or its therapeutically significant part in the tested medicinal product reach the systemic blood circulation from the respective pharmaceutical form.
20. **"Tested medicinal product"** shall be the pharmaceutical form of an active substance or placebo which is tested or used for comparison in a clinical trial, including products for a which a authorisation for use has been issued, but are used for a non-authorised indication in view of receiving additional information about the authorisationd formulation or have been constituted as a set (in a pharmaceutical form or in a packaging) other than the authorisationd formulation.
21. **"Researcher"** shall be the physician or doctor of dental medicine designated by the sponsor and by the chief researcher who carried out in practice the clinical trial under the direction of the chief researcher in accordance with the approved protocol and the manual of good clinical practice for the conduct of the clinical trial in the research centre. When a clinical trial is carried out by a team, the researcher shall be head in charge of it and shall be referred to as chief researcher.
22. **"Informed consent"** shall be a statement of any person capable of giving consent or, in case the person is not capable of doing so, of its statutory representative, which must be in writing, dated and signed, concerning the participation in a clinical trial and taken in complete freedom after due notification with regard to its nature, significance, effects and risks, and recorded in a suitable way.
23. **"Kit"** shall be any substance, which prior to being used is usually dissolved, suspended, diluted or combined with radionuclides, as a result of which the ready radioactive medicinal product is obtained.
24. **"Clinical trial of a medicinal product"** shall be any study on humans intended to discover or confirm the clinical, pharmacological and/or other pharmacodynamic effects of one or more tested medicinal products and/or to determine the adverse reactions to one or more tested medicinal products and/or to study the absorption, distribution, methabolism and excretion of one or more tested medicinal products to the purpose of establishing their safety and/or efficacy.
25. **"Clinical advantage"** shall be a significant therapeutic or diagnostic advantage of a medicinal product compared to another medicinal product that has already been authorised for use.
26. **"Coordinating researcher"** shall be a researcher appointed to the purpose of coordinating researchers from different centres involved in a multi-centre trial.

27. **"Patient brochure"** shall be a brochure containing information for the user, accompanying a medicinal product.
28. **"Medicinal product obtained from human plasma or from human blood"** shall be a medicinal product manufactured from human blood ingredients, using a method that involves an industrial process. Albumin, immunoglobulin, coagulating factors and antiproteases, solutions of plasmic proteins, other plasmic fractions or combinations thereof shall fall within the above.
29. **"A medicinal product intended for treatment, prevention and diagnosis of rare diseases"** shall be the product which:
a) Is intended for the diagnosis, prevention or treatment of life-threatening diseases or chronic diseases with a progressive course affecting no more than 5 out of 10,000 people on the territory of the country or
b) Intended for the diagnosis, prevention or treatment of life-threatening diseases and of chronic conditons that seriously damage health (diseases with a high share of disease-related inability to work and disability), evidence being attached that the sale of the product does not provide a satisfactory level of return that would justify the required investment in scientific research and development operations without further incentives for the author of the product and
c) When there is no satisfactory method for diagnosis, prevention or treatment of the respective condition or, if one exists, the proposed medicinal product has significantly more advantages than the former and it yields significantly more benefit for the those affected by said condition.
30. **"Pharmaceutical form"** shall be a structure that is suitable for reception and contains the active substance(s), including or not any excipients, obtained through the use of certain technological operations ensuring the desired treatment effect and stability during storage within the set shelf-life.
31. **"A person established on the territory of a Member-State or of an EEA country"** shall be a legal subject registered under the civil or commercial legislation of a Member-State or of a European Economic Area country or that has been created by virtue of a legislative instrument, having a seat and a business address in a Member-State or in an EEA country.
32. **"Magistral preparation"** shall be a prescription for a medicinal products prepared in a pharmacy by presription of a medical specialist following an approved formulation, which is intended for a particular patient.
33. **"International non-patent name"** shall be the recommended name of the active substances approved and published by the WHO.
34. **"Medical specialists"** shall be physicians, doctors of dental medicine, masters of pharmacy, nurses, midwives, medical laboratory analysts, medical auxiliaries and assistant-pharmacists.
35. **"Medical commercial representative"** shall be a person that has gone through special training, having scientific knowledge for the provision of accurate and full information about the medicinal product which he advertises.
36. **"Multi-centre clinical trial"** shall be a clinical trial carried out with the use of a single protocol, but on more than one centre and by more than one researcher. Research centres may be located on the territory of the same Member-State, of more than one Member-States and/or in Member-States and third countries.
37. **"The name of a medicinal product"** shall be the name given to a product, which may be:
a) A freely chosen name (trade name);
b) A generally accepted one, going together with the trademark or the name of the manufacturer;
c) A scientific name, going together with the trademark or the name of the manufacturer.
38. **"Scientific literature"** shall be a publication(s) of the results from scientific research in specialised international medical publications.
39. **"New active substance"** shall be:
a) A chemical, biological or radiopharmaceutical substance, which has not been allowed for use as a medicinal product in the EU;
b) An isomer, mixture of isomers, a complex or derivative or a salt of a chemical substance, which has been authorised for use as a medicinal products in the EU, but varies in terms of safety and efficacy from the previous authorised substance;
c) A biological substance which has been authorised for use as a medicinal product in the EU, but has a different molecular structure and a different origin compared to the raw material or it has been obtained through a different production process;

d) A radiopharmaceutical substance whose radionuclides or molecular ties (or ligands) that have not been authorised as a medicinal product in the EU or the mechanism for connecting molecules and radionuclides in pairs has not been allowed in the EU.
40. **"Adverse event"** shall be any unfavourable change in the health condition observed with the administration of a medicinal product to a patient or subject of a clinical trial, which is not necessarily causally associated with the course of treatment.
41. **"Adverse reaction"** shall be any adverse and unexpected response to a medicinal product, which is manifested upon administration of the product at doses usually used for treatment, prevention or diagnosis of a disease in humans or for the restitution, correction or modification of a physiological function. In the case of clinical trial, any adverse and unforeseen response to a tested medicinal product, irrespective of the administered dose. The types of adverse reactions shall be:
a) **"Unexpected"** – an adverse reaction that has not been mentioned in the product summary or whose nature, weight or outcome do not correspond to those mentioned in the product summary; in the case of clinical trial, a reaction shall be adverse if its nature, weight or outcome do not correspond to the information about the tested medicinal product specified in the researcher brochure;
b) **"Suspected"** – an adverse reaction, of which the notifier or holder of a authorisation for use suspects a possible causal connection with the medicinal product received;
c) **"Serious"** – any unfavourable effect on the health condition, which has become the reason for a lethal outcome, for an imminent threat to life, hospitalisation or extension of the term thereof, for significant or lasting injuries, disability or congenital abnormalities;
d) A combination of reactions under a), b) and c).
42. **"A common name"** shall be the international non-patent name of the medicinal or auxiliary substance (INN) recommended by the WHO; if none exists, the name under the European pharmacopoeia shall be used and if missing there as well – another pharmacopoeian name; when no pharmacopoeian name is available, the usual accepted name shall be used.
43. **"Batch"** shall be a set amount of the drug manufactured in accordance with the established reproducible technological scheme, ensuring the required level of batch homogeneity as regards the required control indicators.
44. **"Maintenance of the authorisation for use of a medicinal product"** shall cover all necessary operations in view of maintaining the up-to-date registration status of a medicinal product, including the monitoring of medicinal safety.
45. **"Benefit"** shall be a positive outcome/therapeutic efficacy of a medicinal product for a particular patient, groups of patients or the public. The quantitative evaluation of the expected benefit shall include an approximate calculation of the probability of a positive outcome.
46. **"Auxiliary substance"** shall be a substance complying to a particular specification, with particular qualitative characteristics that is included in the composition of the pharmaceutical form and confers upon it a structure, stability and regulates its effects.
47. **"Postmarketing study"** shall be any study performed of the use of a medicinal product within the approved product summary in the period following its licensing for use.
48. **"Postmarketing study of safety"** shall be a pharmacological and epidemiological study or a clinical trial carried out in conformity to the conditions of the authorisation for use to the purpose of identifying or proceeding at a quantitative evaluation of the risks associated with the use of the product in clinical practice.
49. **"A potentially serious threat to the health of the population"** shall exist where there is high likelihood that the use of a medicinal product may cause irremovable, unredeemable and irreversible negative consequences. The evaluation process shall identify the threat of causing damages to the health of the population and its actual exposure in presence of wide use of the product concerned. Serious risk to health in the context of use of a particular medicinal product may be assessed under the following conditions:
a) Efficacy – data submitted about therapeutic efficacy with regard to the proposed indication(s), to the proposed target group(s) of patients and to the proposed dosage, specified in the draft patient brochure shall not fully substantiate, from a scientific perspective, claims for efficacy;
b) Safety – the evaluation of data from preclinical toxicity/pharmacological safety and clinical safety may not convincingly substantiate the conclusion that all potential safety aspects with regard to the target

group(s) of patients have been accurately and exhaustively reflected in the proposed patient brochure or that the absolute level of risk is unacceptable;
c) Quality – the proposed manner of production and the control methods may not guarantee the lack of significant defects in product quality that may have an impact on product safety and/or efficacy;
d) The benefit/risk ratio – the evaluation of the ratio of benefits to risk is unfavourable, bearing in mind the nature of the identified risk(s) and the potential benefit with regard to the proposed indication(s) and the target group(s) of patients.
50. **"Representative of the person under Art. 26, para 1 or of the holder of a authorisation for use"** shall be a person established on the territory of the Republic of Bulgaria and designated by the person under Art. 26, para 1 or by the holder of a authorisation for use to represent him before the regulatory bodies on the territory of the Republic of Bulgaria.
51. **"An acceptable level of safety"** shall be available when the data submitted are taken at a statistically reliable safety in clinical trials carried out in conformity to good clinical practice.
52. **"The manufacturing of a medicinal product"** shall be all operations for the provision of material, its processing during the production process, including packaging and labelling, quality control, batch release, storage, expedition and the control operations thereto related.
53. **"A clinical trial protocol"** shall be a document describing the objective(s), the project, the methodology, the statistical processing and the organisation of a trial. The protocol shall also include any and all subsequent modifications and supplements thereto.
54. **"Market placement/release"** shall be the distribution of a medicinal product for trade on the territory of the Republic of Bulgaria outside the immediate control of the holder of a authorisation for use.
55. **"Immediate packaging"** shall be the packaging which comes into immediate contact with the medicinal product.
56. **"Radiopharmaceutical"** shall be a medicinal product which contains, when ready for use, one or more radionuclides (radioactive isotopes) included therein to a medical purpose.
57. **"Radionuclide generator"** shall be any system, including a fixed maternal radionuclide, of which a daughter radionuclide is obtained separated through elution or through other methods and used in a radiopharmaceutical.
58. **"Radionuclide precursor"** shall be any other radionuclide manufactured for the radioactive marking of another substance, immediately prior to its introduction into a patient's body.
59. **"A herbal medicinal product"** shall be a medicinal product containing, as medicinal substances, one or more herbal substances or one or more herbal preparations or one or more herbal substances in combination with one or more herbal preparations.
60. **"Herbal substances"** shall mainly be plants or parts thereof, algae, fungi, lichens, that are entire, broken or cut down and are used unprocessed, usually desiccated, but sometimes fresh as well. Certain exudates that have not been subjected to any specific processing also belong to herbal substances. Herbal substances must have a specific botanical scientific name for the plants of which they originate in accordance with the bionominal system (genus, species, variety and author).
61. **"Herbal preparation"** shall be a product obtained after extraction, distillation, squeezing, fractioning, refinement, concentration or fermentation of a herbal substance. The herbal preparation may also take the form of ground or pulverised herbal substances, tinctures, extracts, etherical oils, processed herbal fluids/juices.
62. **"Rare diseases"** shall be diseases characterised by a frequency of distribution not higher than 5 per 10,000 individuals.
63. **"Reference medicinal product"** shall be a medicinal product authorised in pursuance of Art. 23, subject to the requirements of Art. 27.
64. **"Reference value of the defined daily dose"** for an international non-patent name with the respective pharmaceutical form based on the anatomic therapeutic classification of drugs shall be the lowest value of the defined daily dose determined on the basis of values of the defined daily dose of different medicinal products coming under the respective international non-patent name in the respective medicinal formulation based on the anatomic therapeutic classification of drugs.
65. **"The reference value of a treatment course"** shall be the lowest value of a treatment course determined on the basis of values of treatment courses with drugs coming under an international non-patent name in the respective pharmaceutical form.

66. **"Risk associated with the use of a medicinal product"** shall be:
a) A risk to the patient's health or a risk to the health of the population associated with the quality, safety or efficacy of a medicinal product;
b) A risk of adverse effects on the environment.
67. **"Serious adverse event"** shall be any unfavourable change in the health condition which has become the cause of lethal outcome, an immediate threat to life, hospitalisation or extension of the term thereof, significant or lasting injuries, disability and congenital abnormalities.
68. **"A certificate of batch release"** shall be a document issued by the qualified person to the manufacturer or to the importer for each separate batch and it shall include the requirements as per the specification, as well as all the results from tests for release of the batch concerned.
69. **"Certificate of additional protection"** shall be a document affording additional patent protection to a medicinal product for no more than 5 years of the date of expiry of the main patent.
70. **"Urgent safety restriction measures"** shall be provisional changes in the product information with regard to one or more parts of the product summary, indication, method of administration, counterindications and warning resulting from new information pertaining to the safe use of the medicinal product concerned.
71. **"Spontaneous notification"** shall be a voluntary notification sent about a suspected adverse reaction to the use of a medicinal product addressed to the holder of the authorisation for use, to bodies in charge of the supervision of medicinal products or to other organisation that does not originate in a study or in another organised system for the collection of information.
72. **"The shelf life of a medicinal product"** shall be the period of time in which, if stored in accordance with the prescribed conditions, a medicinal product meets the requirements of the specification produced on the basis of research in the field of stability carried out on several batches of the ready formulation.
73. **"A medicinal product corresponding to a herbal medicinal product"** shall be a product containing one and the same active substances, notwithstanding the composition of excipients, intended for one and the same purpose, of an equivalent amount of the medicinal substance(s) and with one and the same dosage and with the same or a similar manner of administration as the product for which an application has been made.
74. **"Notification of an adverse reaction"** shall be information recorded about one or more suspected adverse reaction relating to the use of one or more medicinal products by the same patient. In order to take a notification of an adverse reaction into consideration, a minimum of data shall be required for the identification of the notifying subject (his initials or address, or profession/speciality), of the patient (initials or age, or date of birth, or gender), of the adverse reaction/event and of the suspected medicinal product.
75. **"Significant change in the clinical trial protocol"** shall be any change in the protocol and/or in the information in the accompanying documentation which could affect:
a) The safety or physical or mental integrity of subjects;
b) The scientific value of the study;
c) The conduct or organisation of the study;
d) The quality or safety of any of the tested medicinal products.
76. **"Third country"** shall be a state outside the EU Member-States, of the European Economic Area and of the Confederation of Switzerland.
77. **"Wholesale trade"** shall be all operations for the acquisition, storage, supply, importation or exportation of medicinal products with the exception of the direct provision of medicinal products to the population.
78. **"Subject"** shall be the person who takes part in a clinical trial, irrespective whether he receives the tested medicinal product or the medicinal product used for comparison.
79. **"Vulnerable groups of patients"** shall be persons whose wish for participation in the clinical trial may be affected by the expectation of benefits or by a possible sanction to be imposed by hierarchical superiors in relation to the participation or refusal thereof by the person in the clinical trial. Examples of a group in a hierarchical structure shall be: medical, pharmacy, dentistry students or nurses, laboratory staff, officers in the pharmaceutical industry, army service officers or persons deprived of liberty. Other vulnerable groups shall be patients with incurable diseases, persons in elderly houses, the unemployed

or beggars, patients whose conditions are urgent, vagrants, travellers, young persons, children and persons who are unable to give consent.
80. **"Pharmacopoeia"** shall be a collection of approved specifications and relevant requirements in relation to the manufacturing, testing, storage and marking of active substances, excipients, pharmaceutical forms, packaging material and ingredients of the medicinal product concerned.
81. **"Official formulation"** shall be a prescription for a medicinal product prepared in a pharmacy based on a formulation under the effective pharmacopoeia intended for provision to patients in the same pharmacy.
82. **"Homeopathic medicinal product"** shall be a medicinal product prepared of substances referred as homeopathic stock in accordance with the manufacturing procedures of European pharmacopoeia and in the absence thereof – in accordance with the national pharmacopoeia of a Member-State.
83. **"The price calculated on the basis of a reference value"** shall be the price formed for each medicinal product on the Positive Drug List calculated on the basis of the set reference value per defined daily dose or treatment course.
84. **"Centre"** shall be a unit of the medical establishment in which a clinical trial takes place.
85. **"Abuse of medicinal products"** shall be the permanent or occasional intentional excessive use of medicinal products accompanied by harmful physical or psychological effects.
§ 2. The name of the Bugarian Drugs Agency shall be written in Latin, as follows Bulgarian Drug Agency.
§ 3. The Council of Ministers shall specify the terms and conditions for the provision, storage and renewal of medicinal products stored by the State Reserve and Wartime Stocks State Agency.
§ 4. This Act shall implement the provisions of Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use, last amended by Directive 2004/27/EC of the European Parliament and of the Council.
§ 5. The periods for the protection of data about reference medicinal products shall apply in accordance with the provisions of Art. 89 of Regulation (EC) No. 726/2004 of the European Parliament and of the Council and of Art. 2 of Directive 2004/27/EC of the European Parliament and of the Council.

TRANSITIONAL AND FINAL PROVISIONS

§ 6. The Human Medicinal Drugs and Pharmacies Act (Promulgated, SG No. 36/1995; No. 61/1996 - Judgement No. 10 of the Constitutional Court/1996; amended, SG No. 38/1998, No. 30/1999, No. 10/2000, No. 37/2000 - Judgement No. 3 of the Constitutional Court/2000; amended, SG No. 59/2000, No. 78/2000 - Judgement No. 7 of the Constitutional Court/2000; amended, SG No. 41/2001, No. 107 and 120/2002; corrected, SG No. 2/2003; amended, SG No. 56, 71 and 112/2003, No. 70 and 111/2004, No. 37, 76, 85, 87, 99 and 105/2005, No. 30, 31, 34, 75 and 105/2006) shall be repealed with the exception of the provision of Art. 10, para 2 which shall apply for a period of up to one year of the date of entry of this Act into force.
§ 7. (1) Authorisation for the use of medicinal products issued until the entry of this Act into force in pursuance of the national procedure that are also authorised in the Member-States in pursuance of the centralised procedure shall terminate as of 1 January 2007.
(2) Licenses for the use of medicinal products issued until the entry of this Act into force in pursuance of the national procedure shall be brought in line with the requirements hereof as of the date of their renewal.
(3) Licenses for the use of medicinal products falling into the scope of Regulation (EC) No. 726/2004 of the European Parliament and of the Council and authorised for use in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act, being significantly similar products, not authorised for use in the European Union in pursuance of the centralised procedure, shall terminate.
(4) Medicinal products authorised for use in the EU in pursuance of the centralised procedure whose national authorisation for use has been terminated in pursuance of para 1 may be sold on the territory of the Republic of Bulgaria in packaging with brochures in compliance with the terminated national authorisation for use over a period not to exceed one year of the date of termination thereof.
§ 8. (1) The approved ceiling prices and the prices registered in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act for medicinal products authorised for use in the EU in pursuance of a centralised procedure whose national authorisation for use has been terminated in pursuance of § 7, para 1 shall remain valid for a period of up to one year of the date of termination thereof.

(2) The approved ceiling prices and the prices registered in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act for medicinal products other than those under para 1, shall remain valid until 31 December 2007.

§ 9. (1) Applications for a authorisation for use, for renewal and change in the issued authorisation filed until the entry of this Act into force shall be examined and completed under the terms and conditions hereof.

(2) The applications and documentation filed for licensing the use of medicinal products falling within the scope of the procedure under Art. 74 or Art. 75 shall be brought in line with the requirements hereof within three months of the entry of this Act into force.

(3) Where, within the period under para 2, the application and the documentation under para 2 have not been brought in line with the requirements hereof, the procedure for their examination shall terminate.

§ 10. (1) Clinical trials authorised until the entry of this Act into force shall be completed under the previous procedure.

(2) Applications for conducting a clinical trial on the territory of the Republic of Bulgaria shall be filed, examined and completed under the terms and conditions hereof after entry into force of the Ordinance under Art. 82, para 3.

(3) Applications for changes in authorised clinical trials filed until the entry of this Act into force shall be examined and completed under the terms and conditions hereof.

§ 11. Applications for the issuance of manufacturing licenses and authorisations for wholesale trade in medicinal products filed until the entry of this Act into force shall be examined and completed under the terms and conditions hereof.

§ 12. (1) Manufacturers of drugs who have obtained a manufacturing authorisation in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act shall bring their manufacturing operations in line with the requirements hereof in terms of the qualified person under Art. 148, item 2 within three months of the entry of this Act into force.

(2) Manufacturers found as of the entry of this Act into force shall pursue their operations on the basis of licenses issued in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act.

§ 13. The persons who have obtained an authorisation for wholesale trade in medicinal products in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act shall bring their operations in line with the requirements hereof within 12 months of entry of this Act into force.

(2) Until an authorisation for wholesale trade in medicinal products has been issued in pursuance hereof, but not later than the expiry of the period under para 1, the persons under para 1 shall pursue their operations based on the authorisation for wholesale trade in medicinal products issued in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act.

(3) The issuance of an authorisation for wholesale trade in medicinal products in pursuance hereof or the expiry of the term under para 1 shall terminate the authorisation for wholesale trade in drugs under the repealed Human Medicinal Drugs and Pharmacies Act.

§ 14. (1) Persons who have obtained an authorisation for wholesale trade in drugs in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act may import medicinal products onto the territory of the Republic of Bulgaria from third countries based on said authorisation until obtaining an authorisation for importation in pursuance hereof, but no later than 12 months of the entry of this Act into force.

(2) Within one month of the entry of this Act into force, the persons under para 1 shall file with the Bugarian Drugs Agency a notification of the person who shall discharge the functions of a qualified person within the meaning of Art. 161, para 2, item 1.

§ 15. The term of validity of authorisations for wholesale trade in medical products issued in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act shall be ex officio extended until 31 December 2007.

§ 16. (1) Masters of pharmacy who have obtained an authorisation to open a pharmacy as sole proprietors, treatment establishments, as well as the municipalities meeting the requirements of Art. 222, para 5, having obtained an authorisation to open a pharmacy in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act shall pursue their operations in the basis of the authorisations issued to them.

(2) (Amended, SG No. 19/2008) Outside the cases under para 1, pharmacies found as of the entry of this Act into force shall bring their operations in line with its requirements until 31 December 2008.

(3) Persons carrying out retail trade in medicinal products who have obtained an authorisation to open a pharmacy in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act shall file within the period under para 2, with the Ministry of Health, a model-based application approved by the Minister of Health for renewal of their registration in compliance of the requirements hereof, attaching the following:
1. A certified copy of a judgement for registration;
2. An up-to-date certificate of entry on the commercial registry;
3. A copy of the authorisation for opening a pharmacy issued in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act;
4. A document evidencing the payment of a fee at the amount of BGN 100.
(4) Within the period under para 2 masters of pharmacy who have received an authorisation for retail trade in and storage of medicinal products containing narcotic substances in pursuance of Art. 33 Narcotic Substances and Precursors Control Act shall file, together with the documents under para 3, an application for change in the issued authorisation. The application shall specify the number of the authorisation for retail trade and storage of medicinal products containing narcotic substances.
§ 17. (1) Drug stores found until the entry of this Act into force shall carry out their operations based on certificates issued in pursuance of the repealed Human Medicinal Drugs and Pharmacies Act.
(2) Applications for the issuance of certificates of registration for drug stores filed until the entry of this Act into force, shall be examined and completed under the terms and conditions hereof.
§ 18. (1) The Positive Drug List for 2008 shall be produced in pursuance hereof and it shall enter into force one year after the entry of this Act into force.
(2) Until the entry into force of the Positive Drug List under para 1, medicinal products shall be negotiated in pursuance of Art. 45, paras 4 and 5 Health Insurance Act at least once a year, based on the effective Positive Drug List as of the moment of opening negotiations.
§ 19. (1) Within a period of three months of the entry of this Act into force:
1. The Council of Ministers shall amend and supplement the Organic Rules of the Bugarian Drugs Agency, bringing it in line with this Act;
2. The Minister of Health shall issue the Ordinance under Art. 82, para 3.
(2) Within a period of up to 6 months of the entry of this Act into force, the Council of Ministers shall adopt and the Minister of Health shall issue the other legislative instruments for the implementation of this Act.
§ 20. After expiry of the first two years of the term of office of the members of Commissions under Art. 103, 107, 259 and 261, half of the members whose term of office will terminate shall be drawn by lot.
§ 21. Within a period of up to one year of the entry of this Act into force, the Bugarian Drugs Agency shall take the necessary action to have its laboratory for the control of medicinal products and active substances accredited by the European Directorate for the Quality of Medicines and Healthcare.
§ 22. (Effective 14.04.2008) The following amendments shall be made to the Health Insurance Act (Promulgated, SG No. 70/1998; amended, SG No. 93 and 153/1998, No. 62, 65, 67, 69, 110 and 113/1999, No. 1, 31 and 64/2000, No. 41/2001, No. 1, 54, 74, 107, 112, 119 and 120/2002, No. 8, 50, 107 and 114/2003, No. 28, 38, 49, 70, 85 and 111/2004, No. 39, 45, 76, 99, 102, 103 and 105/2005, No. 17, 18, 30, 33, 34, 59, 95 and 105/2006, No. 11/2007, No. 26/2007 - Judgement No. 3 of the Constitutional Court/2007):
1. In Art. 45:
a) Paragraphs 4, 5, 6, and 7 shall be repealed;
b) Paragraph 8 shall be amended as follows:
"(8) The terms and conditions for the payment of medicinal products on the Positive Drug List under Art. 262 of the Medicinal Products in Human Medicine Act, of medical products and of dietary food for special medical purposes shall be regulated in an Ordinance of the Minister of Health".
2. In Art. 55, para 2, item 7 shall be amended as follows:
"7. The lists of medical products and dietary foods for special medical purposes and the prices up to which the NHIF shall provide full or partial payment; the conditions for prescription and obtainment of drugs, medical products and dietary foods for special medical purposes".
§ 23. In the Medical-Treatment Facilities Act (Promulgated, SG No. 62/1999; amended, SG No. 88 и 113/1999 ; corrected, SG No. 114/1999; amended, SG No. 36, 65 and 108/2000; SG No. 51/2001 - Judgement No. 11 of the Constitutional Court/2001; amended, SG No. 28 and 62/2002, No. 83, 102 and

114/2003, No. 70/2004, No. 46, 76, 85, 88 and 105/2005, No. 30, 34, 59 and 105/2006) the following supplements shall be made:
1. In Art. 17, a paragraph 4 shall be created:
"(4) Clinical trials may be conducted in the diagnostic and consultative centre in pursuance of the Medicinal Products in Human Medicine Act."
2. In Art. 26, a paragraph 4 shall be created:
"(4) Clinical trials may be conducted in dispensaries in pursuance of the Medicinal Products in Human Medicine Act".
§ 24. In § 14 of the Transitional and Final Provisions to the Amendment Act to the Doctors and Dentists Professional Organisations Act (SG, No. 76/2005) the following amendments and supplements shall be made:
1. The existent text shall become paragraph 1 and shall be amended as follows:
"(1) Individual and group dental practices, stomatological and medical and stomatological centres registered as traders under the Commercial Act or as cooperatives under the Cooperatives Act shall bring their names in line with § 2 hereof and shall enter the change on the commercial registry, the BULSTAT registry and in the respective Regional Health Centre no later than 31 December 2007."
2. Paragraphs 2, 3, and 4 shall be created:
"(2) Individual dental practices that are not registered as traders under the Commercial Act shall bring their names in line with § 2 hereof and shall enter the change on the BULSTAT registry and in the respective Regional Health Centre within the period under para 1."
(3) Entry of the change in the name for practices and centres under para 1 on the commercial registry and on the BULSTAT registry shall be made, as follows:
1. Until 1 July 2007, in pursuance of the Commercial Act, the Cooperatives Act and the BULSTAT Registry Act;
2. After 1 July 2007, in pursuance of the Commercial Registry Act.
(4) No state fees shall be owed for the registration of changes under paras 1 and 2."
§ 25. In the Patents and Utility Models Registration Act (Promulgated, SG No. 27/1993; amended, SG No. 83/1996, No. 11/1998, No. 81/1999, No. 45 and 66/2002, No. 17, 30 and 64/2006), Art. 20, item 7 shall be repealed.
§ 26. Item 9 in Art. 5 of the Professional Organisation of Masters of Pharmacy Act (Promulgated SG, No. 75/2006; amended, No. 105/2006) shall be amended as follows:
"9. Give opinions about the opening of pharmacies in accordance with Art. 228, para 1, item 9 of the Medicinal Products in Human Medicine Act."
§ 27. In § 1, item 7 of the Additional Provision to the Integration of Persons with Disabilities Act (Promulgated, SG No. 81/2004; amended, SG No. 28, 88, 94, 103 and 105/2005, No. 18, 30, 33, 37, 63, 95, 97 and 108/2006) sentence two shall be amended as follows: "Medical products shall not be assistance equipment, devices and installations".
§ 28. In the Excise Duties and Tax Warehouses Act (Promulgated, SG No. 91/2005; amended, SG No. 105/2005, No. 30, 34, 63, 81, 105 and 108/2006), in Art. 22, para 3, item 2 the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
§ 29. In the Genetically Modified Organisms Act (Promulgated, SG No. 27/2005; amended, SG No. 88 and 99/2005, No. 30/2006) in Art. 2, para 2, item 3 the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
§ 30. In the Consumer Protection Act (Promulgated, SG No. 99/2005; amended, SG No. 30, 51, 53, 59, 105 and 108/2006) in Art. 186, para 2, item 4 the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
§ 31. In the Health Act (Promulgated, SG No. 70/2004; amended, SG No. 46, 76, 85, 88, 94 and 103/2005, No. 18, 30, 34, 59, 71, 75, 81, 95 and 102/2006) the following amendments shall be made:
1. In Art. 4, the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
2. In Art. 21, para 3, the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".

§ 32. In the Narcotic Substances and Precursors Control Act (Promulgated, SG No. 30/1999; amended, SG No. 63/2000, No. 74, 75 and 120/2002, SG No. 56/2003, No. 76, 79 and 103/2005, SG No. 30, 75, and 82/2006) the following amendments shall be made:
1. In Art. 32, para 3 the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
2. In Art. 33, para 1, item 1, the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
3. In Art. 34, after the word "issue" the words "to a master of pharmacy" shall be deleted.
4. In Art. 39, para 2 the words "Art. 55, item 2 of the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "Art. 197, item 2 of the Medicinal Products in Human Medicine Act".
5. Paragraph 3 in Art. 44a shall be repealed.
6. In Art. 44b the words "master of pharmacy" shall be deleted.
7. In § 1, item 14 of the Additional provision, the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
§ 33. In the Blood, Blood Donation And Blood Transfusion Act (Promulgated, SG No. 102/2003; amended, SG No. 70/2004, No. 30 and 65/2006) in Art. 8, para 4 the words "the Human Medicinal Drugs and Pharmacies Act" shall be replaced by "the Medicinal Products in Human Medicine Act".
§ 34. In the Environmental Protection Act (Promulgated, SG No. 91/2002; corrected, SG No. 98/2002; amended, SG No. 86/2003, No. 70/2004, No. 74, 77, 88, 95 and 105/2005, No. 30, 65, 82, 99, 102 and 105/2006) in Art. 140, the words "pharmaceutical products and medical products within the meaning of § 1, item 40 of the additional provisions to the Human Medicinal Drugs and Pharmacies Act shall be replaced by "medicinal products, within the meaning of the Medicinal Products in Human Medicine Act."
§ 35. In the Foodstuffs Act (Promulgated, SG No. 90/1999, amended, SG No. 102/2003, SG No. 70/2004, SG No. 87, 99 and 105/2005, SG No. 30, 31, 34, 51, 55 and 96/2006), item 4, in Art. 2, para 3 shall be amended as follows:
"4. Medicinal products within the meaning of the Medicinal Products in Human Medicine Act".
§ 36. Until entry into force of the instruments under § 19, legal instruments issued for the implementation of the repealed Human Medicinal Drugs and Pharmacies Act shall apply, insofar as they do not stand in contradiction hereto.
§ 37. This Act shall become effective on the day of its publication in the State Gazette with the exception of § 22, which shall enter into force one year after the entry of this Act into force.
This Act was adopted by the 40th National Assembly on 30 March 2007 and the official seal thereof has been affixed hereunder.