Guidance on UK Procedures for product renewal applications (Article 43 of Regulation 1107/2009)

BACKGROUND

The process for renewal of product authorisations is described by Article 43 of Regulation EC No 1107/2009 (1107) and is further explained in the EU Guidance document SANCO 2010/13170. This UK specific guidance explains what is required by HSE and how HSE will charge for this work.

- A product renewal application for every product containing a renewed active (either alone or in mixture) must be submitted within 3 months of the renewal of that active substance.

- The zonal Rapporteur Member State (zRMS) for the product renewal must be agreed in advance. The application must be made to all MSs in which the product is being supported (the zRMS and the ‘concerned Member States’ (cMS)).

- Products not supported at the 3 month deadline will expire 1 year after the expiry of the previous approval of the active substance. A subsequent 18 month grace period, comprising of an additional 6 months sale plus 12 months storage and use, will normally apply.

- Voluntary changes in the formulation or GAP of a product cannot be considered under an Article 43 renewal application. If you wish to make a change to the formulation or authorised uses then this must be submitted under a separate Article 33 application. If a change in GAP is unavoidable (e.g. it is driven / triggered by a change in end points and/or guidance documents) then this should be highlighted. A justification for each use/change is required.

Renewal guidance continues to be developed and will be updated and added to the HSE website as we gain experience.

TIMING OF A RENEWAL APPLICATION

The Regulation requires a submission, within 3 months of the related active renewal deadline, for each product authorised in the UK. Submissions are required for each relevant active substance deadline if a product contains more than one active. This includes those products where the UK is zRMS, cMS or where the submission and assessment of the draft Registration Report will be delayed due to either:

(a) Category 4 data as described in paragraph 3.8 of the EU guidance document.

(b) The product contains 2 actives which expire within 12 months of each other (as described in para 3.9 of the EU Guidance document).

NOTE: HSE cannot issue any authorisations for products considered to the old endpoints after the renewal Date of Application (except where we are a cMS). Please bear this in mind if you are submitting a non-renewal application close to the expected renewal of an active substance.
UK SUBMISSION REQUIREMENTS:

Authorisation holders should make all renewal applications for their products containing a particular active substance at the same time. Applications should include the following:

1. **Covering letter & Application Overview**
   The covering letter or application overview should summarise what has been supplied and briefly detail how the product portfolio is being supported through the renewal process (highlighting risk envelopes, data access agreements etc.).

2. **Renewal application form**
   A completed renewal application form (form CRD-R) for each product is required. Please note that the form allows for the inclusion of existing identical (back to back) products and Extensions of Authorisations for Minor Use (EAMUs) that are supported within the renewal draft Registration Report (dRR).

   The application form includes two declarations under Part C (relating to compliance with the renewal regulation). Both declarations must be confirmed for each product. A description of how to determine compliance with the second declaration (relating to technical material) can be found in Annex 1a. Products which cannot satisfy both declarations are ineligible for the renewal process or Art 43.6 Cat 4 extension.

3. **Draft label**
   A draft label for each product is required. There should be no change to the wording of this document from that which was previously authorised.

4. **Demonstration of access to the active substance data**
   Applicants must demonstrate access to, or match, the relevant active substance data relied upon during the renewal of the active substance.

   For AIR2 active substances, the active substance RMS will produce a list of new data relied upon and this should be available from the Commission website and a copy uploaded to the public area of CIRCABC. If the list is not yet available please contact the RMS directly to request this. In future such a list will be made available with the EFSA conclusion.

   Applicants may demonstrate access by providing:
   - Evidence of ownership
   - Letter (s) of access from the data owner (or for vertebrate studies, evidence that negotiations are ongoing)
   - Matching studies (except vertebrate studies)
   - Evidence that the protected studies are not relevant to the product/use
• Applicants may identify active substance data which fall into category 4 (insufficient time to generate) as defined in the product renewal guidance document SANCO 2010/13170. In these circumstances a justification must be provided which addresses:

  a) Why the study could not have been anticipated prior to the publication of the renewal EFSA conclusion

  b) Why there was insufficient time from publication of the EFSA conclusion to submission of the product renewal dossier to generate an equivalent study, or negotiate access to the original study

  c) A declaration that the study is underway

  d) When the matching study will be available

Unless the submission is reliant solely on the active substance data relied upon for approval or on a letter of access to such data, a table in the format provided at Annex 1b must be submitted.

5. A copy of the UK authorisation

6. A list of new studies supplied
   Please use the table included at Annex 1c. This must include evidence/justification that the new data provided (or to be submitted if Cat 4 applies) are necessary as a result of data requirements, endpoints or guidance documents that were not in force when the authorisation of the PPP was granted.

7. A draft Registration Report (dRR) which presents new data and risk assessments required as a result of amendments in data requirements (AIR 3 and later), and criteria.
   Advice on how to approach the dRR for renewal is given in Annex 1d.

   In the case of products containing 2 or more actives where original expiry dates are within 12 months of each other, or where Cat 4 data is justified, the dRR submission can be delayed until all data are available.

8. Comparative assessment (If the product contains a candidate for substitution: see COMPARATIVE ASSESSMENT AND SUBSTITUTION: Guide for UK applicants for Plant Protection Product authorisation)

9. Letter(s) of access (where applicable):
   Note that if administrative back-to-back products are highlighted in the application form and these have different authorisation holders then any letters of access must cover all requested companies.
FEES FOR RENEWAL:

HSE will charge renewal applications according to the current modular fee system. Applications which request a delayed submission of the supporting dRR (mixed actives / Cat 4 data) will initially be charged fees to cover the work required at this stage of the assessment. The full assessment fee will be determined and invoiced when the complete dRR is submitted.
Annex 1a

Technical specification at renewal

Where there is no change in the renewal conditions of the active substance the technical equivalence assessments conducted under 91/414 will remain valid. If there is any change to the minimum purity and/or relevant impurity levels in the renewal regulation, some new consideration will be required.

It is the authorisation holder’s responsibility to ensure that the agreed specifications for all sources of active substance that they intend to use in their product comply with the renewal requirements.

There should be a step wise approach to considering this.

1. If appropriate, provide a declaration in Form CRD-R that the existing agreed technical specification complies with the renewal requirement.

2. If the previously agreed specification does not comply with the requirements of the Renewal Regulation then it may not be used in a renewed product until a revised specification is agreed.

   (a) It may be possible that the renewal regulation has changed how the active substance and/or relevant impurities are expressed. If this is the case it may be possible to base a reasoned argument for a revised specification on the previous technical equivalence assessment. E.g. if the active substance was previously expressed in the hydrated form but the renewal expresses this in the hydrated form, the minimum purity is likely to change.

   (b) If (a) is not suitable then a new technical equivalence assessment based on new batch data will be required ensuring that all relevant and significant impurities are analysed for. Such a consideration should be by way of a separate technical equivalence application which can run concurrently to the renewal assessment. This approach will allow applicants to change the source (or the specification of an existing source) to one which is compliant with the renewal requirements within the necessary time frame.
MATCHING PROTECTED ANNEX II DATA FOR [ACTIVE SUBSTANCE]

Active substance source =

<table>
<thead>
<tr>
<th>Annex point /reference number</th>
<th>Title of study or case for which data protection has been claimed</th>
<th>Year</th>
<th>Title of alternative study or case referenced / submitted by applicant</th>
<th>Year</th>
<th>In EC review</th>
<th>Reason for equivalence / justification for non provision</th>
<th>MS opinion</th>
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Notes on completion of table
1. The list of studies for which data protection has been claimed in Appendix III A of the review report must be checked, in particular the column detailing previous use in granting national authorisations. Where the report indicates that the studies were used as the basis of a regulatory decision in a Member State prior to the Commission dossier submission date (specified in the review report), these are not eligible for protection in accordance with Article 13(3)(d) and do not need to be matched by an alternative source.
2. Any alternative studies / cases submitted or referenced by the applicant must **match** those Annex points with data / information **protected** at Community level.
Checks should establish that they satisfactorily address the regulatory requirement (e.g. any studies follow an appropriate protocol, or correct parameters are used in any modelling, etc); and
Where assessments have already been carried out at Community level for studies or cases made in the EC review, documents supporting the review report may provide an indication as to their acceptability.
3. Opinion on the acceptability of the data / information provided or referenced should be provided in the final column.
### Appendix 1 - Template for the study list in Article 43 applications

<table>
<thead>
<tr>
<th>Annex Point</th>
<th>Study title (if available) or study type</th>
<th>Study duration</th>
<th>Completion date/report number (if available)</th>
<th>Justification (including if study is a cat4 study)</th>
</tr>
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<tr>
<td>XX</td>
<td>Field trials.....</td>
<td></td>
<td>2017-10-15</td>
<td>Efficacy data required following change in endpoint for Al Cat 4 study</td>
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How to present the draft Registration Report (dRR)

Which version of dRR

Renewal requires the product risk assessment to be updated to reflect new data requirements and new criteria (endpoints, guidance etc.).

For AIR2 renewal submissions there are no new data requirements to consider and as a consequence applicants should use the ‘2009’ version of the registration report (SANCO 6895/2009).

For AIR 3 onwards, new data requirements and the new dRR format apply.

See: European Commission website - Guidelines on Active Substances and Plant Protection Products

What the dRR should include

A complete dRR containing a full product risk assessment is required. However the existing risk assessment only needs updating where the data requirements or criteria have changed.

With each product submission an application overview looking at each area of the risk assessment should be provided. This should summarise what has changed and what areas of the risk assessment need to be reconsidered.

A similar summary should be repeated at the beginning of each section of the dRR. Where sections of the risk assessment have been updated this should be clearly identified either by highlighting the updated sections or by greying out the sections that have not been updated. It should be explained when and by whom each section of the assessment was undertaken (Regulatory authority or applicant).
Renewal timelines

Product Renewal

Within DoA + 3m
WITHOUT CAT 4 DATA
Application submitted including complete dRR with updated sections highlighted

Within DoA + 4m
zRMS consider data matching table and inform cMS

Before Submission deadline
Applicant makes renewal submission including all necessary studies and full dRR.

Within Sub D/L + 1m
zRMS consider if dossier is complete.
If package is incomplete cMS are informed and revocation action taken immediately

By Sub D/L + 6m
zRMS renewal report finalised.
cMS assessment begins

By Sub D/L + 9m
renewal authorisations issued

Product Renewal

- Cat 4 data

Within DoA + 3m
WITH CAT 4 DATA
Application made with just declaration, Cat. 4 justification and data matching table — no dRR required.

Within DoA + 4m
zRMS will consider data matching table & Cat 4 justification and set a suitable submission deadline (max 2yrs) and inform cMS so they can take suitable action to extend existing authorisations to submission deadline + 9m

By DoA + 9m
zRMS renewal report finalised.
cMS assessment begins

By DoA + 1yr
renewal authorisations issued

Product Renewal – Mixed active product, 2 actives renewed within 12 months

Within DoA + 3m
Declaration (only) submitted confirming product complies with conditions & restrictions in the renewal regulation

Within DoA + 3m
Application submitted including complete dRR with updated sections highlighted

Within DoA + 4m
zRMS consider data matching table and inform cMS

By DoA + 9m
zRMS renewal report finalised.
cMS assessment begins

By DoA + 1yr
renewal authorisations issued