DIRECTIVES

COMMISSION DIRECTIVE (EU) 2015/565

of 8 April 2015

amending Directive 2006/86/EC as regards certain technical requirements for the coding of human tissues and cells

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 ([1]) on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells, and in particular Article 28 thereof,

Whereas:

(1) Directive 2004/23/EC requires that Member States ensure the traceability of human tissues and cells from the donor to the recipient and vice versa.

(2) In order to facilitate traceability it is necessary to establish a unique identifier applied to tissues and cells distributed in the Union (Single European Code) providing information on the main characteristics and properties of those tissues and cells.

(3) In order to ensure a uniform implementation of the Single European Code throughout the Union, obligations of the Member States competent authorities and of the tissue establishments for the application of the Single European Code should be set out. Only this approach will guarantee a consistent and coherent application of the code in the Union.

(4) Traceability from donor to recipient and vice versa should be ensured through coding of tissues and cells and through accompanying documentation. At the recipient end, the Single European Code provides information on the donation and on the tissue establishment responsible for the procurement of tissues and cells. At the donor end, the tissue establishment responsible for the procurement of tissues and cells may track the tissues and cells distributed for human application by requesting the next operators in the chain to provide data related to the use of the tissues and cells based on the donation identification elements of the Single European Code as contained in the accompanying documentation.

(5) The format of the Single European Code should be harmonised in order to facilitate its application by small and large establishments, whilst allowing some flexibility for establishments to continue using existing codes.

(6) A Single European Code allowing for donation and product identification should be allocated to all tissues and cells distributed for human application, including those imported from third countries. Member States may allow certain exemptions from the application of the code.

(7) Where tissues and cells are excluded or exempted from the application of the Single European Code, the Member States should ensure that appropriate traceability of these tissues and cells is guaranteed throughout the entire chain from donation and procurement to human application.

(8) In situations where tissues and cells are released for circulation, other than for distribution (such as transfer to another operator for further processing with or without return), as a minimum the donation identification sequence should be applied at least in the accompanying documentation. Where tissues and cells are transferred

([1]) OJ L 102, 7.4.2004, p. 48.

from a tissue establishment to another operator just for storage and/or for further distribution, the tissue establishment may already apply the Single European Code on their final label in addition to the donation identification sequence which should be applied at least in the accompanying documentation.

(9) In the case of tissues and cells retrieved from a deceased donor by procurement teams operating for two or more tissue establishments, Member States shall ensure an appropriate traceability system across procurements. This may be ensured by developing a central system for the allocation of the unique donation numbers for each donation event recorded at national level, or by requiring all tissue establishments to ensure robust traceability links between the donation identification numbers allocated by each tissue establishment procuring or receiving tissue and cells originating from the same deceased donor.

(10) The Commission should ensure the implementation of the Single European Code by providing the appropriate tools to the Member States competent authorities and tissue establishments. The Member States competent authorities should update the register for tissue establishments, reflecting any changes in tissue establishment accreditations, designations, authorisations, or licences and the Commission should ensure the update of the register of the tissues and cells whenever new products need to be included. For this the Commission should consult a group of experts, in particular experts nominated by the Member States competent authorities.

(11) For the donation identification sequence in the Single European Code, the importing tissue establishment should use the tissue establishment code allocated to it in the EU Tissue Establishment Compendium and should allocate a unique donation number if the donation number on the imported product is not globally unique.

(12) Pooling of tissues or cells is allowed in some Member States. Therefore, the application of the Single European Code in case of pooling is also addressed by this Directive.

(13) A transitional regime for tissues and cells already in storage at the end of the transposition period should be introduced.

(14) This Directive does not prevent Member States from maintaining or introducing more stringent measures relating to coding of tissues and cells, provided that the provisions of the Treaty are met.

(15) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 29 of Directive 2004/23/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Commission Directive 2006/86/EC [1] is hereby amended as follows:

(1) In Article 2, the following points (k) to (y) are added:

'(k) "Single European Code" or "SEC" means the unique identifier applied to tissues and cells distributed in the Union. The Single European Code consists of a donation identification sequence and a product identification sequence, as further specified in Annex VII to this Directive;

(l) "donation identification sequence" means the first part of the Single European Code consisting of the EU tissue establishment code and the unique donation number;

(m) "EU tissue establishment code" means the unique identifier for accredited, designated, authorised, or licensed tissue establishments in the Union. The tissue establishment code consists of an ISO country code and the tissue establishment number set out in the EU Tissue Establishment Compendium, as further specified in Annex VII to this Directive;

(n) "unique donation number" means the unique number attributed to a specific donation of tissues and cells in line with the system in place in each Member State for allocating such numbers, as further specified in Annex VII to this Directive;

[1] Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells (OJ L 294, 25.10.2006, p. 32).

(o) "product identification sequence" means the second part of the Single European Code consisting of the product code, the split number and the expiry date;

(p) "product code" means the identifier for the specific type of tissue and cell in question. The product code consists of the product coding system identifier indicating the coding system used by the tissue establishment ("E" for the EUTC, "A" for ISBT128, "B" for Eurocode) and the tissues and cells product number foreseen in the respective coding system for the product type, as further defined in Annex VII to this Directive;

(q) "split number" means the number which distinguishes and uniquely identifies tissues and cells having the same unique donation number and the same product code and originating from the same tissue establishment, as further defined in Annex VII to this Directive;

(r) "expiry date" means the date by which the tissues and cells can be applied, as further defined in Annex VII to this Directive;

(s) "EU Coding Platform" means the IT platform hosted by the Commission which contains the EU Tissue Establishment Compendium and the EU Tissue and Cell Product Compendium;

(t) "EU Tissue Establishment Compendium" means the register of all tissue establishments which are authorised, licensed, designated or accredited by the Member States' competent authority or authorities and which contains the information about these tissue establishments as set out in Annex VIII to this Directive;

(u) "EU Tissue and Cell Product Compendium" means the register of all types of tissues and cells circulating in the Union and the respective product codes under the three permitted coding systems (EUTC, ISBT128 and Eurocode);

(v) "EUTC" means the product coding system for tissues and cells developed by the Union consisting of a register of all types of tissues and cells circulating in the Union and their corresponding product codes.

(w) "released for circulation" means distribution for human application or transfer to another operator, e.g. for further processing with or without return.

(x) "within the same centre" means that all steps from procurement to human application are carried out under the same responsible person, quality management system and traceability system, within a healthcare centre comprising at least an accredited, designated, authorised, or licensed tissue establishment and an organisation responsible for human application at the same location;

(y) "pooling" means the physical contact or mixing in a single container, of tissues or cells from more than one procurement from the same donor, or from two or more donors.'

(2) Article 9 is replaced by the following:

'Article 9

Traceability

1. Member States shall ensure that tissues and cells shall be traceable in particular through documentation and the use of the Single European Code from procurement to human application or disposal and vice versa. Tissues and cells used for advanced therapy medicinal products shall be traceable under this Directive at least until transferred to the ATMP manufacturer.

2. Member States shall ensure that tissue establishments and organisations responsible for human application shall retain the data set out in Annex VI for at least 30 years, using an appropriate and readable storage medium.

3. In case of tissues and cells retrieved from a deceased donor by procurement teams operating for two or more tissue establishments, Member States shall ensure an appropriate traceability system across the procurements.'

(3) Article 10 is replaced by the following:

'Article 10

European coding system

1. Without prejudice to paragraphs 2 or 3 of this Article, a Single European Code shall be applied to all tissues and cells distributed for human application. For the other situations where tissues and cells are released for circulation, as a minimum the donation identification sequence shall be applied at least in the accompanying documentation.

2. Paragraph 1 shall not apply to:

(a) reproductive cells from partner donation;

(b) tissues and cells distributed directly for immediate transplantation to the recipient, as referred to in Article 6(5) of Directive 2004/23/EC;

(c) tissues and cells imported into the Union in case of emergency authorised directly by the competent authority or authorities, as referred to in Article 9(3)b of Directive 2004/23/EC.

3. Member States may also allow exemptions from the requirement provided for in paragraph 1 for:

(a) tissues and cells other than reproductive cells for partner donation, when these tissues and cells remain within the same centre;

(b) tissues and cells that are imported into the Union, when these tissues and cells remain within the same centre from importation to application, provided that the centre comprises a tissue establishment authorised, designated, accredited, or licensed to carry out importing activities.'

(4) The following Articles are inserted:

'Article 10a

Format of the Single European Code

1. The Single European Code referred to in Article 10(1) shall comply with the specifications set out in this Article and in Annex VII.

2. The Single European Code shall be in eye-readable format and shall be preceded by the acronym "SEC". The parallel use of other labelling and traceability systems is possible.

3. The Single European Code shall be printed with the Donation Identification Sequence and Product Identification Sequence separated by a single space or as two successive lines.

Article 10b

Requirements related to the application of the Single European Code

1. Member States shall ensure that the following minimum requirements are complied with by tissue establishments, including importing tissue establishments as defined by Commission Directive (EU) 2015/566 (*):

(a) allocate a Single European Code to all tissues and cells requiring application of this code at the latest before their distribution for human application;

(b) allocate a donation identification sequence after procuring the tissues and cells, or when receiving them from a procurement organisation, or when importing tissues and cells from a third country supplier. The donation identification sequence shall include:

(1) their EU tissue establishment code as assigned in the EU Tissue Establishment Compendium;

(2) a unique donation number allocated by the tissue establishment, unless such number is allocated centrally at national level or is a globally unique number as used by the ISBT128 coding system. Where allowed, in case of pooling of tissues and cells, a new donation identification number shall be allocated to the final product; traceability with the individual donations shall be ensured by the tissue establishment in which pooling is carried out;

(c) do not alter the donation identification sequence once it is allocated to tissues and cells released for circulation, unless it is necessary to correct an encoding error; any correction requires proper documentation;

(d) use one of the permitted product coding systems and the corresponding tissue and cell product numbers included in the EU Tissue and Cell Product Compendium at the latest before their distribution for human application;

(e) use an appropriate split number and expiry date. For tissues and cells for which no expiry date is defined, the expiry date shall be 00000000 at the latest before their distribution for human application;

(f) apply the Single European Code on the label of the product concerned in an indelible and permanent manner and mention that code in the relevant accompanying documentation at the latest before its distribution for human application. The tissue establishment may entrust this task to a third party or third parties, provided the tissue establishment ensures compliance with this Directive, in particular in terms of uniqueness of the code. Where the label size precludes the application of the Single European Code on the label, the code shall be unambiguously linked to tissues and cells packaged with such a label through the accompanying documentation;

(g) notify the competent authority or authorities when:

(1) information contained in the EU Tissue Establishment Compendium requires an update or correction;

(2) the EU Tissue and Cell Product Compendium requires an update;

(3) the tissue establishment observes a situation of significant non-compliance with the requirements relating to the Single European Code concerning tissues and cells received from other EU tissue establishments;

(h) take the necessary measures in case of incorrect application of the Single European Code on the label.

2. Member States shall ensure that the following minimum requirements are applied by all competent authorities:

(a) ensure the allocation of a unique tissue establishment number to all tissue establishments authorised, accredited, designated or licensed in its Member State. If a tissue establishment has different physical locations, but has one system for allocating unique donation numbers, it may be deemed to be one and the same tissue establishment. If a tissue establishment uses two or more systems to allocate unique donation numbers, such an entity shall be allocated separate tissue establishment numbers corresponding to the number of allocation systems used;

(b) decide which system or systems shall be used for the allocation of unique donation numbers in their Member State. Permitted systems of allocation include national systems establishing centralised allocation of the nationally unique donation number or systems requiring each tissue establishment to allocate unique donation numbers or international systems that allocate globally unique donation numbers that are compatible with the Single European Code.

(c) monitor and enforce the full implementation of the Single European Code in their Member State;

(d) ensure the validation of the data on the tissue establishments contained in the EU Tissue Establishment Compendium for their Member State and update the Compendium without undue delay in particular in the following situations:

(1) when a new tissue establishment is authorised, designated, accredited, or licensed;

(2) when tissue establishment information changes or is not correctly recorded in the EU Tissue Establishment Compendium;

(3) when the accreditation, designation, authorisation or licence details of a tissue establishment, as listed in Annex VIII to this Directive, change, including:

— accreditation, designation, authorisation or licence for a new tissue or cell type,

— accreditation, designation, authorisation or licence for a new prescribed activity,

— details of any conditions and or exemptions added to an authorisation,

— suspension, in part or in full, of a specific accreditation, designation, authorisation or licence for a particular activity or tissue or cell type;

— revocation, in part or in full, of an accreditation, designation, authorisation or licence for a tissue establishment,

— situations when a tissue establishment voluntarily ceases, in part or in full, the activity or activities for which it is authorised, accredited, designated or licensed.

Without undue delay means in not later than 10 working days for any changes substantially affecting the authorisation, accreditation, designation or licence of the tissue establishments concerned.

When a tissue establishment is authorised by two or more competent authorities for different types of tissues and cells or different activities, each competent authority shall update the information relating to those activities for which it is responsible;

(e) Alert the competent authorities of another Member State when they observe incorrect information in the EU Tissue Establishment Compendium relating to the other Member State or when they observe a situation of significant non-compliance with the provisions relating to the Single European Code relating to the other Member State;

(f) Alert the Commission and the other Competent Authorities when in their assessment the EU Tissue and Cell Product Compendium requires an update.

3. The application of the Single European Code does not preclude the additional application of other codes in accordance with Member States' national requirements.

Article 10c

Accessibility and maintenance of the European coding system

1. The Commission shall host and maintain an IT platform ("EU Coding Platform") which contains:

(a) the EU Tissue Establishment Compendium;

(b) the EU Tissue and Cell Product Compendium.

2. The Commission shall ensure that the information contained in the EU Coding Platform is publicly available before 29 October 2016.

3. The Commission shall update when needed the EUTC and ensure the overall update of the EU Tissue and Cell Product Compendium. The Commission considers that it is necessary that agreements are established with the organisations managing ISBT128 and Eurocode to ensure that updated product codes are regularly made available to the Commission for inclusion in the EU Tissue and Cell Product Compendium. If such organisations do not comply with the terms of the memoranda of understanding, the Commission may suspend, partially or in full, the future use of their respective product codes, having considered the sufficient supply of the concerned type of products in the Member States including a transitional period and having consulted the Member State experts through the Competent Authorities on Substances of Human Origin Expert Group.

Article 10d

Transitional period

Tissues and cells already in storage on 29 October 2016 shall be exempted from the obligations relating to the Single European Code, provided the tissues and cells are released for circulation in the Union within five years following that date and under the condition that full traceability is ensured by alternative means. For tissues and cells which remain in storage and which are only released for circulation after the expiry of this five-year period and for which the application of the Single European Code is not possible, in particular because the tissues and cells are stored under deep-freeze conditions, the tissue establishments shall use the procedures applicable to products with small labels as laid down in Article 10b paragraph 1(f).

(*) Commission Directive (EU) 2015/566 of 8 April 2015 implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissue (OJ L 93, 9.4.2015, p. 56).'

(5) The Annexes are amended in accordance with Annex I to this Directive.

(6) A new Annex VIII is added, the text of which is set out in Annex II to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 29 October 2016 at the latest. They shall forthwith communicate to the Commission the text of those provisions. They shall apply the legislation from 29 April 2017.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 8 April 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

The Annexes to Directive 2006/86/EC are amended as follows:

(1) Annex II, Part E, is amended as follows:

(a) in point 1 the following point (g) is added:

'(g) Single European Code as applicable to the tissues and cells being distributed for human application or the donation identification sequence as applicable to the tissues and cells released for circulation, other than distributed for human application';

(b) the second subparagraph of point 1 is replaced by the following:

'If any of the information under points (d), (e) and (g) above cannot be included on the primary container label, it must be provided on a separate sheet accompanying the primary container. This sheet must be packaged with the primary container in a manner that ensures that they remain together.';

(c) in point 2, the following point (j) is added:

'(j) for imported tissues and cells, the country of procurement and the exporting country (if different from the procurement country)'.

(2) Annexes III and IV are replaced by the following:

'ANNEX III

NOTIFICATION OF SERIOUS ADVERSE REACTIONS

PART A

Rapid notification for suspected serious adverse reactions

Tissue establishment
EU tissue establishment code (if applicable)
Report identification
Reporting date (year/month/day)
Individual affected (recipient or donor)
Date and place of procurement or human application (year/month/day)
Unique donation identification number
Date of suspected serious adverse reaction (year/month/day)
Type of tissues and cells involved in the suspected serious adverse reaction
Single European Code of tissues or cells involved in the suspected serious adverse reaction (if applicable)

Type of suspected serious adverse reaction(s)

PART B

Conclusions of Serious Adverse Reactions Investigation

Tissue establishment
EU tissue establishment code (if applicable)
Report identification
Confirmation date (year/month/day)
Date of serious adverse reaction (year/month/day)
Unique donation identification number
Confirmation of serious adverse reaction (Yes/No)
Single European Code of tissues or cells involved in the confirmed serious adverse reaction (if applicable)
Change of type of serious adverse reaction (Yes/No) If YES, specify
Clinical outcome (if known) — Complete recovery — Minor sequelae — Serious sequelae — Death
Outcome of the investigation and final conclusions
Recommendations for preventive and corrective actions

ANNEX IV

NOTIFICATION OF SERIOUS ADVERSE EVENTS

PART A

Rapid notification for suspected serious adverse events

Tissue establishment				
EU tissue establishment code (if applicable)				
Report identification				
Reporting date (year/month/day)				
Date of serious adverse event (year/month/day)				
Serious adverse event, which may affect quality and safety of tissues and cells due to a deviation in:	Specification			
	Tissues and cells defect	Equipment failure	Human error	Other (specify)
Procurement				
Testing				
Transport				
Processing				
Storage				
Distribution				
Materials				
Others (specify)				

PART B

Conclusions of Serious Adverse Events investigation

Tissue establishment
EU tissue establishment code (if applicable)
Report identification
Confirmation date (year/month/day)
Date of serious adverse event (year/month/day)
Root cause analysis (details)
Corrective measures taken (details)'

(3) Annexes VI and VII are replaced by the following:

'ANNEX VI

Minimum data to be kept in accordance with Article 9(2)

A. BY TISSUE ESTABLISHMENTS

(1) Donor identification

(2) Donation identification that will include at least:

— Identification of the procurement organisation (including contact details) or the tissue establishment

— Unique donation number

— Date of procurement

— Place of procurement

— Type of donation (e.g. single v multi-tissue; autologous v allogenic; living v deceased)

(3) Product identification that will include at least:

— Identification of the tissue establishment

— Type of tissue and cell/product (basic nomenclature)

— Pool number (in case of pooling)

— Split number (if applicable)

— Expiry date (if applicable)

— Tissue/cell status (i.e. quarantined, suitable for use, etc.)

— Description and origin of the products, processing steps applied, materials and additives coming into contact with tissues and cells and having an effect on their quality and/or safety.

— Identification of the facility issuing the final label

(4) Single European Code (if applicable)

(5) Human application identification that will include at least:

— Date of distribution/disposal

— Identification of the clinician or end-user/facility

B. BY ORGANISATIONS RESPONSIBLE FOR HUMAN APPLICATION

(1) Identification of the supplier tissue establishment

(2) Identification of the clinician or end-user/facility

(3) Type of tissues and cells

(4) Product identification

(5) Identification of the recipient

(6) Date of application

(7) Single European Code (if applicable)

ANNEX VII

THE STRUCTURE OF THE SINGLE EUROPEAN CODE

DONATION IDENTIFICATION SEQUENCE			**PRODUCT IDENTIFICATION SEQUENCE**			
EU TISSUE ESTABLISHMENT CODE		UNIQUE DONATION NUMBER	PRODUCT CODE		SPLIT NUMBER	EXPIRY DATE (YYYYMMDD)
ISO country code	Tissue establishment number		Product Coding System identifier	Product number		
2 alphabetic characters	6 alpha-numeric characters	13 alpha-numeric characters	1 alphabetic character	7 alpha-numeric characters	3 alpha-numeric characters	8 numeric characters'

ANNEX II

'ANNEX VIII

Data to be recorded in the EU Tissue Establishment Compendium

A. Tissue establishment information

1. Name of the tissue establishment
2. National or international code of tissue establishment
3. Name of the organisation in which the tissue establishment is located (if applicable)
4. Address of the tissue establishment
5. Publishable contact details: functional e-mail address, phone and fax

B. Details on the authorisation, accreditation, designation, or license of the tissue establishment

1. Name of the authorising, accrediting, designating or licensing competent authority or authorities
2. Name of the national competent authority or authorities responsible for maintenance of the EU Tissue Establishment Compendium
3. Name of the authorisation, accreditation, designation or licence holder (if applicable)
4. Tissues and cells for which the authorisation, accreditation, designation or license was granted
5. Activities actually carried out for which the authorisation, accreditation, designation or licence was granted
6. Status of the authorisation, accreditation, designation or license (authorised, suspended, revoked, in part or in full, voluntary cessation of activities)
7. Details of any conditions and exemptions added to the authorisation (if applicable).'

COMMISSION DIRECTIVE (EU) 2015/566

of 8 April 2015

implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells ([1]), and in particular Article 9(4) thereof,

Whereas:

(1) Directive 2004/23/EC lays down standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of all human tissues and cells intended for human application, and for the donation, procurement, and testing of human tissues and cells contained in manufactured products intended for human application where those products are covered by other Union legislation, so as to ensure a high level of human health protection in the Union.

(2) Exchanges of tissues and cells increasingly take place on a worldwide basis and Directive 2004/23/EC therefore requires that imports of tissues and cells are undertaken by tissue establishments accredited, designated, authorised or licensed by Member States for that purpose. Exceptions to that requirement are laid down in Article 9(3) of Directive 2004/23/EC allowing competent authorities to directly authorise the import of specific tissues and cells under the conditions laid down in Article 6 of Commission Directive 2006/17/EC ([2]) or in case of emergency. These exceptions are regularly used, but not limited to, allowing the import of haematopoietic stem cells from bone marrow, peripheral blood or cord blood which is used in the treatment of a number of life-threatening conditions.

(3) Directive 2004/23/EC, furthermore, requires Member States and importing tissue establishments to ensure that imports of tissue and cells meet standards of quality and safety equivalent to the ones laid down in Directive 2004/23/EC and calls for the establishment of procedures to verify the equivalency of the quality and safety standards of imports of tissues and cells. Those procedures should be laid down in this Directive without prejudice to the Union legislation on customs.

(4) In particular, it is appropriate to establish authorisation and inspection schemes mirroring the verification process in place for activities related to tissues and cells carried out within the Union. It is also appropriate to lay down the procedures to be followed by importing tissue establishments in their relations with their third country suppliers.

(5) With the exception of imports directly authorised by competent authorities pursuant to Article 9(3) of Directive 2004/23/EC, all imports of tissues and cells from third countries must be undertaken by importing tissue establishments. Where competent authorities do directly authorise imports pursuant to Article 9(3) of Directive 2004/23/EC, the responsibility to ensure that such imports meet quality and safety standards equivalent to those laid down in that Directive falls upon the competent authorities.

(6) Tissues and cells should normally be imported by tissue banks or units of hospitals which are accredited, designated, authorised or licensed as importing tissue establishments for the purpose of their import activities. Tissue banks or units of hospitals should be considered to be importing tissue establishments where they are a party to a contractual agreement with a third country supplier for the import of tissues and cells. Where an organisation offering brokerage services is a party to a contractual agreement with a third country supplier to facilitate the import of tissues and cells but not for the import itself, it should not be considered to be an importing tissue establishment. Member States may choose to regulate such services outside the scope of this Directive.

([1]) OJ L 102, 7.4.2004, p. 48.

([2]) Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells (OJ L 38, 9.2.2006, p. 40.)

(7) Where other bodies such as organisations responsible for human application, manufacturers of advanced therapy medicinal products, clinical practitioners or individuals are a party to a contractual agreement with a third country supplier for the import of tissues and cells, they should be considered to be an importing tissue establishment. They must comply with the requirements of this Directive as well as with all relevant provisions of Directive 2004/23/EC and be accredited, designated, authorised or licensed as importing tissue establishments for the purpose of their import activities by their relevant competent authorities. Where, subsequent to the import, they also undertake testing, processing, preservation, storage or distribution of the imported tissues and cells they must also be accredited, designated, authorised or licensed by their relevant competent authorities for the purpose of those activities and comply with the requirements of Directive 2004/23/EC. Alternatively they may obtain tissues and cells originating from third countries from tissue banks or units of hospitals located within the Union which are accredited, designated, authorised or licensed as importing tissue establishments by their relevant competent authorities.

(8) Where importing tissue establishments are also accredited, designated, authorised or licensed as tissue establishments for the activities they carry out within the Union, Member States may align their authorisation, inspection and reporting procedures provided the procedures laid down in this Directive are followed.

(9) In order to facilitate the distribution within the Union of imported tissues and cells including where such distribution is cross-border in nature, the competent authority or authorities should issue the certificate attesting the accreditation, designation, authorisation, or licence of the importing tissue establishment.

(10) Inspection measures play an important role in the verification of the equivalency of imported tissues and cells with the quality and safety standards laid down in Directive 2004/23/EC. Member States are therefore encouraged, where appropriate to also inspect third country suppliers and cooperate with other Member States into which imported tissues and cells are likely to be distributed. Member States in which the importing tissue establishments are located retain the responsibility for deciding on the most appropriate measures to be undertaken and for decisions on whether on-site inspections of third country suppliers are needed.

(11) The Operational Manual for Competent Authorities on inspections has been updated to take into account inspections of importing tissue establishments and their third country suppliers and is available to Member States as a guidance document when undertaking such inspection measures.

(12) Importing tissue establishments should verify that the standards of quality and safety of the tissues and cells they import into the Union are equivalent to the standards of quality and safety laid down in Directive 2004/23/EC. Written agreements with third country suppliers and the documentation to be provided and made available to competent authorities are key elements in ensuring such verification takes place and in particular providing traceability back to the donor and ensuring that the principle of voluntary and unpaid donation is adhered to in line with Directive 2004/23/EC. Importing tissue establishments are also encouraged to audit their third country suppliers as part of this verification process.

(13) Importing tissue establishments should ensure that the Single European Code is applied to imported tissues and cells in line with Commission Directive 2006/86/EC [1], either by carrying out this task themselves or delegating it to third country suppliers as part of the terms of their written agreements with such suppliers.

(14) Member States should be allowed to exempt one-off imports from the requirements laid down in this Directive in respect of documentation and written agreements. Such one-off imports should, however, be carried out by accredited, designated, authorised or licensed importing tissue establishments and as a general rule should not take place on a regular or repeated basis from the same third country supplier. The use of such exemptions should be limited to situations where a person or persons has or have had tissues and cells stored in a third country for their future use, in particular in cases of partner donations of reproductive cells, of autologous donations, or donations directed to close relatives, and subsequently, wishes to have such tissues or cells imported into the Union on their behalf. Such an import of any specific type of tissue or cell should normally not occur more than once for any given recipient and should not include tissues or cells for third parties.

[1] Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells (OJ L 294, 25.10.2006, p. 32.)

(15) This Directive does not prevent Member States from maintaining or introducing more stringent measures relating to imports of tissues and cells, in particular in order to ensure the principle of voluntary and unpaid donation is respected, provided that the provisions of the Treaty are met.

(16) The measures provided for in this Directive are in accordance with the opinion of the Tissues and Cells Regulatory Committee established by Article 29(3) of Directive 2004/23/EC,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1. This Directive shall apply to the import into the Union of:

(a) human tissues and cells intended for human application; and

(b) manufactured products derived from human tissues and cells intended for human applications, where those products are not covered by other Union legislation.

2. Where the human tissues and cells to be imported are intended to be used exclusively in manufactured products which are covered by other Union legislation, this Directive shall only apply to the donation, procurement and testing which takes place outside of the Union as well as to contributing to ensuring traceability from donor to recipient and vice versa.

3. This Directive shall not apply to:

(a) the import of tissues and cells referred to in Article 9(3)(a) of Directive 2004/23/EC which are directly authorised by the competent authority or authorities;

(b) the import of tissues and cells referred to in Article 9(3)(b) of Directive 2004/23/EC which are directly authorised in case of emergencies;

(c) blood and blood components as defined by Directive 2002/98/EC;

(d) organs or parts of organs, as defined in Directive 2004/23/EC.

Article 2

Definitions

For the purposes of this Directive, the following definitions apply:

(a) 'emergency' means any unforeseen situation in which there is no practical alternative other than to urgently import tissues and cells from a third country into the Union for immediate application to a known recipient or known recipients whose health would be seriously endangered without such an import;

(b) 'importing tissue establishment' means a tissue bank or a unit of a hospital or another body established within the Union which is a party to a contractual agreement with a third country supplier for the import into the Union of tissues and cells coming from a third country intended for human application;

(c) 'one-off import' means the import of any specific type of tissue or cell which is for the personal use of an intended recipient or recipients known to the importing tissue establishment and the third country supplier before the importation occurs. Such an import of any specific type of tissue or cell shall normally not occur more than once for any given recipient. Imports from the same third country supplier taking place on a regular or repeated basis shall not be considered to be 'one-off imports';

(d) 'third country supplier' means a tissue establishment or another body, established in a third country, which is responsible for the export to the Union of tissues and cells it supplies to an importing tissue establishment. A third country supplier may also carry out one or more of the activities, which take place outside of the Union, of donation, procurement, testing, processing, preservation, storage or distribution of tissues and cells imported into the Union.

CHAPTER II

OBLIGATIONS ON MEMBER STATES' AUTHORITIES

Article 3

Accreditation, designation, authorisation or licensing of importing tissue establishments

1. Without prejudice to Article 1(3), Member States shall ensure that all imports of tissues and cells from third countries are undertaken by importing tissue establishments accredited, designated, authorised or licensed by a competent authority or authorities for the purposes of these activities.

2. The competent authority or authorities, having obtained the information set out in Annex I to this Directive and, having verified that the importing tissue establishment complies with the requirements of this Directive, shall accredit, designate, authorise or license the importing tissue establishment to import tissues and cells and indicate any conditions which apply such as any restrictions of the types of tissues and cells to be imported or the third country suppliers to be used. The competent authority or authorities shall issue the accredited, designated, authorised or licensed importing tissue establishment with the certificate set out in Annex II to this Directive.

3. The importing tissue establishment shall not undertake any substantial changes to its import activities without the prior written approval of the competent authority or authorities. In particular, any changes to the type of tissues and cells imported, the activities undertaken in third countries which may have an influence on the quality and safety of imported tissues and cells or the third country suppliers used shall be considered as substantial changes. Where an importing tissue establishment undertakes a one-off import of tissues or cells originating from a third country supplier not covered by its existing accreditation, designation, authorisation or licence, such an import shall not be considered as a substantial change if the importing tissue establishment is authorised to import the same type of tissues or cells from another third country supplier or suppliers.

4. The competent authority or authorities may suspend or revoke the accreditation, designation, authorisation, or licence, in part or in full, of an importing tissue establishment if, in particular, inspections or other control measures demonstrate that such an establishment no longer meets the requirements of this Directive.

Article 4

Inspections and other control measures

1. Member States shall ensure that the competent authority or authorities organise inspections and other control measures of importing tissue establishments and, where appropriate, their third country suppliers and that importing tissue establishments carry out appropriate controls in order to ensure the equivalency of the quality and safety standards of the tissues and cells to be imported with the standards laid down in Directive 2004/23/EC. The interval between inspections of any given importing tissue establishment shall not exceed 2 years.

2. Such inspections shall be carried out by officials representing the competent authority or authorities who shall:

(a) be empowered to inspect importing tissue establishments and, where appropriate, the activities of any third country suppliers;

(b) evaluate and verify the procedures and activities carried out in importing tissue establishments and the facilities of third country suppliers that are relevant to ensuring the equivalency of the quality and safety standards of the tissues and cells to be imported with the standards laid down in Directive 2004/23/EC;

(c) examine any documents or other records that are relevant for this evaluation and verification.

3. Member States shall, upon a duly justified request from another Member State or the Commission, provide information on the results of inspections and other control measures relating to importing tissue establishments and third country suppliers.

4. Member States into which tissues and cells are imported shall, upon a duly justified request from another Member State into which imported tissues and cells are subsequently distributed, consider carrying out inspections or other control measures on importing tissue establishments and the activities of any third country suppliers. The Member State in which the importing tissue establishment is located shall decide on the appropriate measures to take following consultation with the Member State which made such a request.

5. Where an on-site inspection takes place following such a request, the competent authority or authorities of the Member State in which the importing tissue establishment is located shall agree with the competent authority or authorities of the Member State which made such a request on whether and how the Member State which made such a request shall participate in the inspection. The final decision on any such participation shall rest with the Member State in which the importing tissue establishment is located. The reasons for any decision to refuse such participation shall be explained to the Member State which made such a request.

CHAPTER III

OBLIGATIONS ON IMPORTING TISSUE ESTABLISHMENTS

Article 5

Applications for accreditation, designation, authorisation or licensing as an importing tissue establishment

1. Importing tissue establishments, having taken measures to ensure that any imports of tissues and cells meet standards of quality and safety equivalent to the ones laid down in Directive 2004/23/EC and that imported tissues and cells can be traced from the donor to the recipient and vice versa, shall apply for an accreditation, designation, authorisation or licence as an importing tissue establishment by:

(a) providing to the competent authority or authorities the required information and documentation as set out in Annex I to this Directive;

(b) making available and, when requested by the competent authority or authorities, providing the documentation listed in Annex III to this Directive.

2. Member States may choose to not apply the documentation requirements of Annex I, part F and Annex III to this Directive to one-off imports as defined in Article 2 of this Directive, provided they have suitable national measures in place to regulate such imports. Those national measures shall ensure the following:

(a) traceability from donor to recipient and vice versa; and

(b) imported tissues and cells are not applied to anyone other than their intended recipients.

Article 6

Updated information

1. Importing tissue establishments shall seek the prior written approval of the competent authority or authorities for any planned substantial changes to their import activities, and in particular those substantial changes described in Article 3(3), and inform the competent authority or authorities of their decision to cease their import activities in part or in full.

2. Importing tissue establishments shall notify, without delay, the competent authority or authorities of any suspected or actual serious adverse events or reactions, reported to them by third country suppliers and which may influence the quality and safety of the tissues and cells they import. The information laid out in Annexes III and IV to Directive 2006/86/EC shall be included in such notifications.

3. The importing tissue establishment shall notify, without delay, the competent authority or authorities of:

(a) any revocation or suspension, in part or full, of a third country supplier's authorisation to export tissues and cells; and

(b) any other decision taken for reasons of non-compliance by the competent authority or authorities of the country in which the third country supplier is based and which may be relevant to the quality and safety of imported tissues and cells.

Article 7

Written agreements

1. Importing tissue establishments shall have in place written agreements with third country suppliers where any of the activities of donation, procurement, testing, processing, preservation, storage or export to the Union of tissues and cells to be imported into the Union are carried out outside of the Union.

Member States may choose to not apply this requirement to one-off imports as defined in Article 2 of this Directive, provided they have suitable national measures in place to regulate such an imports. Those national measures shall ensure the following:

(a) traceability from donor to recipient and vice versa; and

(b) imported tissues and cells are not applied to anyone other than their intended recipients.

2. The written agreement between the importing tissue establishment and the third country supplier shall specify the quality and safety requirements to be met to ensure the equivalency of the quality and safety standards of the tissues and cells to be imported with the standards laid down in Directive 2004/23/EC. In particular, the written agreement shall include, as a minimum, the contents listed in Annex IV to this Directive.

3. The written agreement shall establish the right of the competent authority or authorities to inspect the activities, including the facilities, of any third country suppliers during the duration of the written agreement and for a period of 2 years following its termination.

4. Importing tissue establishments shall provide copies of written agreements with third country suppliers to the competent authority or authorities as part of their application for accreditation, designation, authorisation or licensing.

Article 8

Register of importing tissue establishments

1. Importing tissue establishments shall keep a record of their activities, including the types and quantities of tissues and cells imported, and on their origin and destination. This record shall also include the same information for any one-off imports carried out. The annual report referred to in Article 10(1) of Directive 2004/23/EC shall include information about those activities.

2. The competent authority or authorities shall include importing tissue establishments in the publicly accessible register of tissue establishments laid down in Article 10(2) of Directive 2004/23/EC.

3. Information on the accreditations, designations, authorisations or licences of importing tissue establishments shall also be made available through the network of registers referred to in Article 10(3) of Directive 2004/23/EC.

CHAPTER IV

FINAL PROVISIONS

Article 9

Transposition

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 29 October 2016 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 29 April 2017.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 10

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 11

Addresses

This Directive is addressed to the Member States.

Done at Brussels, 8 April 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Minimum requirements concerning the information and documentation to be provided by importing tissue establishment applicants when applying to be accredited, designated, authorised or licensed for the purpose of import activities

When applying for an accreditation, designation, authorisation or licence for the purpose of import activities, the importing tissue establishment applicant shall, unless already provided as part of previous applications for accreditation, designation, authorisation or licensing as a tissue establishment or importing tissue establishment, provide the most up-to-date information and, for part F, documentation on the following:

A. **General Information on the Importing Tissue Establishment (ITE)**

1. Name of the ITE (Company name).
2. Visiting address of the ITE.
3. Postal address of the ITE *(if different)*.
4. Status of the applicant ITE: It should be indicated if this is the first application for accreditation, designation, authorisation or licensing as an ITE or, where applicable, whether this is a renewal application. Where the applicant is already accredited, designated, authorised or licensed as a tissue establishment, the TE compendium code should be provided.
5. Name of the applying unit *(if different from the company name)*.
6. Visiting address of the applying unit.
7. Postal address of the applying unit *(if different)*.
8. Name of the site of reception of imports *(if different from the company name and applying unit)*.
9. Visiting address of the site of reception.
10. Postal address of the site of reception *(if different)*.

B. **Contact Details for the Application**

1. Name of contact person for the application.
2. Telephone number.
3. E-mail address.
4. Name of Responsible Person *(if different from contact person)*.
5. Telephone number.
6. E-mail address.
7. URL of ITE website *(if available)*.

C. **Details of Tissues and Cells to be Imported**

1. A list of the types of tissues and cells to be imported, including one-off imports of specific types of tissues or cells.
2. The product name *(where applicable, in accordance with the EU generic list)* of all types of tissues and cells to be imported.
3. The trade name *(if different to the product name)* of all types of tissues and cells to be imported.
4. The name of the third country supplier for each type of tissue and cell to be imported.

D. **Location of Activities**

1. A list specifying which of the activities of donation, procurement, testing, processing, preservation or storage are carried out prior to import by the third country supplier per type of tissue or cell.

2. A list specifying which of the activities of donation, procurement, testing, processing, preservation or storage are carried out prior to import by sub-contractors of the third country supplier per type of tissue or cell.

3. A list of all activities carried out by the ITE subsequent to import per type of tissue or cell.

4. The names of the third countries in which the activities prior to import take place per type of tissue or cell.

E. **Details of Third Country Suppliers**

1. Name of third country supplier(s) (company name).

2. Name of contact person.

3. Visiting address.

4. Postal address *(if different)*.

5. Telephone number including international dialling code.

6. Emergency contact number *(if different)*

7. E-mail address.

F. **Documentation to Accompany the Application**

1. A copy of the written agreement with the third country supplier(s).

2. A detailed description of the flow of imported tissues and cells from their procurement to their reception at the importing tissue establishment.

3. A copy of the third country supplier's export authorisation certificate or, where a specific export authorisation certificate is not issued, certification from the relevant third country competent authority or authorities authorising the third country supplier's activities in the tissue and cells sector including exports. This documentation shall also include the contact details of the third country competent authority or authorities. In third countries where such documentation is not available, alternative forms of documentation shall be provided such as reports of audits of the third country supplier.

ANNEX II

Certificate of Accreditation, Designation, Authorisation or Licence to be issued by the competent authority or authorities to importing tissue establishments

Certificate of Accreditation, Designation, Authorisation or Licence of an Importing Tissue Establishment								
1. **Importing Tissue Establishment (ITE) Details**								
1.1 Name of ITE								
1.2 EU Tissue Establishment Compendium Code								
1.3 ITE Address and postal address *(if different)*								
1.4 Site of reception of imports *(if different from the above address)*								
1.5 Name of accreditation, designation, authorisation or licence holder								
1.6 Address of accreditation, designation, authorisation or licence holder								
1.7 Telephone number of accreditation, designation, authorisation or licence holder *(optional)*								
1.8 E-mail address of accreditation, designation, authorisation or licence holder *(optional)*								
1.9 URL of ITE website								
2. **Scope of Activities**								
2.1 Type of Tissues and Cells *(list below using categories of tissues and cells listed in the EU Tissue Establishment Compendium adding rows as necessary)*	Activities in third countries						Import Accreditation, Designation, Authorisation or Licence Status	
	Donation	Procurement	Testing	Preservation	Processing	Storage		
	3CS — Third country supplier *SC — Sub-contractor of third country supplier*						*G — Granted* *S — Suspended* *R — Revoked* *C — Cessation*	
2.2 One-off imports							☐	
2.3 Product name(s) of imported tissues and cells								
2.4 Any conditions placed on the import or clarifying remarks								

2.5 Third country or countries of procurement *(per tissue and cell import)*		
2.6 Third country or countries in which other activities take place *(if different)*		
2.7 Name and country of third country supplier(s) *(per tissue and cell import)*		
2.8 EU Member States in which imported tissues and cells will be distributed *(if known)*		
3. **Competent Authority (CA) Accreditation, Designation, Authorisation or Licence**		
3.1 National accreditation, designation, authorisation or licence number		
3.2 Legal basis of accreditation, designation, authorisation or licence		
3.3 Date of expiry of accreditation, designation, authorisation or licence *(if any)*		
3.4 First accreditation, designation, authorisation or licence as ITE or renewal	First time ☐	Renewal ☐
3.5 Additional remarks		
3.6 Name of CA		
3.7 Name of CA Officer		
3.8 Signature of CA Officer *(electronic or otherwise)*		
3.9 Date of accreditation, designation, authorisation or licence		
3.10 CA Stamp		

ANNEX III

Minimum requirements concerning the documentation to be made available to the competent authority or authorities by tissue establishments intending to import tissues and cells from third countries

With the exception of one-off imports as defined in Article 2 of this Directive which have been exempted from these documentation requirements, the applicant importing tissue establishment shall make available and, unless already provided as part of previous applications for accreditation, designation, authorisation or licensing as an importing tissue establishment or tissue establishment, shall provide when requested by the competent authority or authorities the most up-to-date version of the following documents regarding the applicant and its third country supplier(s).

A. **Documentation relating to the importing tissue establishment**

1. A job description of the Responsible Person and details of his/her relevant qualifications and training record as laid down in Directive 2004/23/EC;
2. A copy of the primary label, repackage label, external package and transport container;
3. A list of relevant and up-to-date versions of standard operating procedures (SOPs) relating to the establishment's import activities including SOPs on applying the Single European Code, reception and storage of imported tissues and cells at the importing tissue establishment, management of adverse events and reactions, management of recalls and traceability from donor to recipient.

B. **Documentation relating to the third country supplier or suppliers**

1. A detailed description of the criteria used for donor identification and evaluation, information provided to the donor or donor family, how consent is obtained from the donor or donor family and whether the donation was voluntary and unpaid or not;
2. Detailed information on the testing centre(s) used by third country suppliers and the tests performed by such centres;
3. Detailed information on the methods used during the processing of the tissues and cells including details of the validation for the critical processing procedure;
4. A detailed description of the facilities, critical equipment and materials and criteria used for quality control and control of the environment for each activity carried out by the third country supplier;
5. Detailed information on the conditions for release of tissues and cells by the third country supplier or suppliers;
6. Details of any sub-contractors used by the third country suppliers including the name, location and activity undertaken;
7. A summary of the most recent inspection of the third country supplier by the third country competent authority or authorities including the date of the inspection, type of inspection and main conclusions;
8. A summary of the most recent audit of the third country supplier carried out by, or on behalf of, the importing tissue establishment;
9. Any relevant national or international accreditation.

ANNEX IV

Minimum requirements concerning the contents of written agreements between importing tissue establishments and their third country suppliers

With the exception of one-off imports as defined in Article 2 of this Directive which have been exempted from these requirements, the written agreement between the importing tissue establishment and the third country supplier shall contain at least the following provisions.

1. Detailed information on the specifications of the importing tissue establishment aimed at ensuring that the quality and safety standards laid down in Directive 2004/23/EC are met and the mutually agreed roles and responsibilities of both parties in ensuring that imported tissues and cells are of equivalent standards of quality and safety;
2. A clause ensuring that the third country supplier provides the information set out in Annex III B to this Directive to the importing tissue establishment;
3. A clause ensuring that the third country supplier informs the importing tissue establishment of any suspected or actual serious adverse events or reactions which may influence the quality and safety of tissues and cells imported or to be imported by the importing tissue establishment;
4. A clause ensuring that the third country supplier informs the importing tissue establishment of any substantial changes to its activities, including any revocation or suspension, in part or in full, of its authorisation to export tissue and cells or other such decisions of non-compliance by the third country competent authority or authorities, which may influence the quality and safety of tissues and cells imported or to be imported by the importing tissue establishment;
5. A clause guaranteeing the competent authority or authorities the right to inspect the activities of the third country supplier, including on-site inspections, should it wish to do so as part of its inspection of the importing tissue establishment. The clause should also guarantee the importing tissue establishment the right to regularly audit its third country supplier;
6. The agreed conditions to be met for the transport of tissues and cells between the third country supplier and importing tissue establishment;
7. A clause ensuring that donor records relating to imported tissues and cells are kept by the third country supplier or its sub-contractor, in line with EU data protection rules, for 30 years following procurement and that suitable provision is made for their retention should the third country supplier cease to operate;
8. Provisions for the regular review and, where necessary, revision of the written agreement including in order to reflect any changes in the requirements of the EU quality and safety standards laid out in Directive 2004/23/EC;
9. A list of all standard operating procedures of the third country supplier relating to the quality and safety of imported tissues and cells and a commitment to provide these on request.