client alert

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ahead of the curve

Regulation of Clinical Research Organisations

The Ministry of Health and Family Welfare, *vide* Gazette Notification no. GSR 581(E) dated September 19, 2024[1], has notified the New Drugs and Clinical Trials (Amendment) Rules, 2024. The amendments will come into force with effect from April 1, 2025.

This amendment is aimed at regulation of clinical research organisations ("**CROs**"), which have been defined to mean "*the sponsor or a body, commercial or academic or of other category, owned by an individual or an organisation having status of legal entity by whatsoever name called, to which the sponsor may, delegate or transfer in writing, some or all of the tasks, duties or obligations regarding clinical trial or bioavailability or bioequivalence study*".

The amendment also introduces Chapter VA to the New Drugs and Clinical Trials Rules, 2019 ("**NDCT Rules**") to specifically provide for the registration of CROs. The salient features of the same are as follows:

1. Henceforth, no CRO can conduct any clinical trial or bioavailability or bioequivalence study of new drug or investigational new drug in human subjects without a registration granted by the Central Licensing Authority [**Rule 38A**];
2. The application for registration of a CRO will be made in Form CT-07B to the Central Licensing Authority. However, any already registered bioavailability or bioequivalence study centre shall be deemed to be registered for the purposes of bioavailability or bioequivalence study [**Rule 38B (1)**];
3. The application fee for registration of a CRO is INR 5,00,000 [**Rule 38B (2)**];
4. The requirements and documents to be submitted with the application are specified in the Ninth Schedule. Some of the key requirements for the same are as follows:

1 cdsco.gov.in/opencms/opencms/system/modules/CDSCO.WEB/elements/download_file_division.jsp?num_id=MTIwMTM=

Sr. No.	Particulars
	Compliance Requirements
1.	CRO must be under charge of a person who is responsible for overall activities and have competent persons who are familiar with investigational products, protocol, informed consent forms, standard operating procedures, good clinical practices etc.
2.	CRO must have adequate facilities, resources, qualified and trained staff for handling any oversight of clinical trials or studies. Such staff is required to be trained regularly.
3.	Trial or study related duties and functions transferred to CRO shall be specified in writing and properly quantified.
4.	CRO must ensure that trials or studies are monitored adequately, and responsibilities transferred to it by the sponsor are discharged effectively and efficiently.
5.	CRO must implement quality assurance and quality control as per standard operating procedures and these procedures must be documented.
6.	CRO must maintain complete data, documentations and other records and shall ensure that they are maintained properly.
7.	CRO shall ensure that investigators receive all documents and supplies required for conducting the studies and trials.
8.	CRO must have education programs to assist investigators to carry out research studies as per the guidelines and regulations applicable to such trials and studies.
9.	All records (written documents, electronic, magnetic or optical records, scans etc.) such as protocols, approvals from Central Licensing Authority and Ethics Committee, investigators particulars, blank consent forms, monitor reports, audit certificates, relevant correspondence etc. must completed and final reports maintained.
10.	All documentations and communications must be filed and maintained for a period of 5 years after completion of study or for at least 2 years after the expiration date of batch of new drugs or investigational new drug studies, whichever is later.
11.	Strict confidentiality must be maintained during access and retrieval procedures.
12.	In case of change in constitution or ownership of CRO, such change shall be intimated to Central Licensing Authority within 30 days.

Sr. No.	Particulars
	Particulars and Documents Required to be Submitted Along With Application For Registration
1.	Name and address of the organization to be registered along with its telephone number, fax number and email address
2.	Name and address of proprietors or partners or directors
3.	Status of organization as legal entity
4.	A profile of specific activities or services undertaken by organization including facilities, resources and infrastructure
5.	An organogram of organization including CV of key personnel
6.	List of standard operating procedure with salient highlights about specific areas to be scrutinized
7.	Details of accreditation or approval of regulatory agencies
8.	Copy of agreement with third party providers for site management, translation, biostatistics, data management, laboratory services etc.
9.	Undertaking declaring: (a) compliance with conditions imposed on the registration along with adherence to guidelines such as Good Clinical Practice guidelines and provisions of Drugs and Cosmetics Act and New Clinical Trials Rules, 2019; (b) compliance with any further requirements as may be imposed; and (c) acceptance to allowing Central Licensing Authority or any person authorized by it to enter and inspect the premises or inspect any documents or process or procedure vis-à-vis clinical trial.

5. Procedure for Grant of registration to CRO by Central Licensing Authority is as follows:

   i) If satisfied that all requirements are complied with then registration will be granted in Form CT-07C within 45 working days from date of receipt of application [**Rule 38C(1)(i)**];

   ii) If not satisfied, the application will be rejected with reasons recorded in writing within 45 working days from date of receipt of application [**Rule 38C(1)(ii)**];

iii) If deficiencies are observed, then applicant will be informed of deficiency within 45 working days from date of receipt of application to rectify deficiency within the period as prescribed [**Rule 38C(1)(iii)**];

iv) In case of rejection, applicant can request for reconsideration within period of 60 days from date of rejection [**Rule 38C (2)**];

v) An aggrieved applicant can file an appeal within 45 days from date of receipt of decision to Central Government and the Government may dispose the appeal within 60 days from date of receipt after conducting enquiry [**Rule 38C (3)**];

vi) In case of rejection of application, the applicant may request the Central Licencing Authority to reconsider the application within a period of 60 days from the date of rejection of the application on payment of a fee of INR 1,00,000 and submission of required information and documents.

6. Validity period and renewal [**Rule 38D**] – the registration is granted for period of 5 years. Application for renewal will be made in Form CT-07B.

7. Inspection of CRO [**Rule 38E**] – The CROs premises may be inspected by any officer authorized by Central Licensing Authority, who may be accompanied by officer authorized by State Licensing Authority. The inspector can enter premises of CRO, with or without consent, and can inspect, search or seize any record, document, investigational product and other related material and reply to queries raised by the inspecting authority in relation to functioning of the CRO.

8. Suspension or cancellation of registration of CRO [**Rule 38F**] – The CROs registration may be suspended or cancelled upon failure to comply with provision of D&C Act or NDCT Rules, pursuant to a show cause notice and providing opportunity to the CRO of being heard. In such cases, one or more of the following action can be taken by Central Licensing Authority:

   i) Withdrawal of show cause notice;

   ii) Issue warning with description of deficiency or defect observed during inspection or otherwise;

   iii) Reject the results of the trials or studies;

   iv) Suspend the registration for a period as considered appropriate or cancel the registration; and/ or

   v) Debar the CRO from conducting trials or studies for such period as considered appropriate.

   An appeal against any of the above action taken by the Central Licensing Authority can be made by the CRO to the Central Government within a period of 60 days. The Central Government may, after such enquiry as deemed necessary, and after affording an opportunity of being heard, pass such orders as may be considered appropriate in the facts and circumstances of the case.

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