

No: 08/2022/TT-BYT

*Hanoi, 05 September 2022*

**CIRCULAR**

**Regulating the registration of drugs, drug raw materials**

*Pursuant to Pharmaceutical Law No. 105/2016/QH13 dated the 6<sup>th</sup> April 2016;*

*Pursuant to Decree No. 54/2017/ND-CP dated 8<sup>th</sup> May 2017 of the Government detailing a number of articles and measures to implement Pharmaceutical law;*

*Pursuant to Decree No. 75/2017/ND-CP dated 20<sup>th</sup> June 2017 of the Government defining the mandates, functions, powers and organizational structure of the Ministry of Health;*

*Pursuant to Decree No. 155/2018/ND-CP dated 12<sup>th</sup> November 2018 of the Government amending and supplementing a number of regulations related to eligibility criteria for investment in businesses under regulatory purview of Ministry of Health;*

*At the request of the Director of the Drug Administration of Vietnam;*

*The Minister of Health hereby promulgates the Circular on registration for marketing of drugs and drug raw materials.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

1. This circular sets out the specifics of:

a) Dossier, formalities for the issuance, renewal, modification, supplementation, withdrawal of marketing registration certificate of drugs (pharmaceuticals, vaccines, biologics, medicinal material drugs) and drug raw materials (drug substances, semi-finished medicinal material products, excipients, capsule shells) for human use in Vietnam;

b) The requirements of safety [and] efficacy-supporting clinical data in drug registration dossiers;

c) The criteria for determining cases of drugs to be exempted from clinical trial, exempted from certain clinical trial phases in Vietnam, drugs requiring a phase-4 clinical trial;

d) The organization and operating principles of experts evaluating application dossiers for issuance, renewal, modification, supplementation of marketing registration certificate of drugs, of drug raw materials;

đ) The organization and operating principles of experts evaluating application dossiers for importation of drugs not yet covered by a marketing registration certificate as stipulated in point a Clause 43 Article 5 of Decree No. 155/2018 / ND-CP of 12/11/2018 of the Government amending, supplementing a number of provisions related to eligibility conditions required of business under Ministry of Health's regulatory purview (hereafter referred to as Decree no. 155/2018/ND-CP);

e) The organization and operating principles for the Advisory Council for marketing authorization of drugs, drug raw materials (hereafter referred to as the Council);

g) The procedures for evaluating application dossiers for issuance, renewal, modification, supplementation of marketing registration certificate of drugs, drug raw materials; The procedures for

evaluating application dossiers for importation of drugs not yet covered by a marketing registration certificate.

2. The application of this Circular shall not be mandatory in the cases specified in Clause 2 Article 54 of Pharmaceutical Law and semi-finished medicinal materials produced by manufacturers of finished drug products for their own manufacturing operations stipulated in point e clause 1 Article 93 Decree no 54/2017/ND-CP of 08/05/2017 of the Government detailing a number of articles and measures for the implementation of Pharmaceutical law (hereafter referred to as Decree no 54/2017/ND-CP) unless otherwise opted for by the registrant itself.

## **Article 2. Interpretation of terms**

In this Circular, the following terms are construed as follows:

1. *ASEAN Common Technical Dossier (ACTD)* means a set of documents guiding application dossiers for drug registration in conformance with the common technical requirements of the Association of Southeast Asian Nations (ASEAN) as specified in Appendix I of this Circular.

2. *ICH-CTD Common technical document* means the common format for drug registration of the international conference on harmonization of technical requirements for pharmaceuticals for human use.

3. *Major variations* means changes that cause apparent and direct impacts to the quality, safety and effectiveness of a drug, as defined in Appendix II of this Circular.

4. *Minor variations* means changes that cause no or minimal impact to the effectiveness, quality and safety of a drug, as defined in Appendix II of this Circular.

5. *Registrant of drugs, drug raw materials* means the establishment that acts as applicant on the application dossier for the issuance, renewal, modification, supplementation of certificate of marketing registration of drugs, drug raw materials.

6. *Drug manufacturer* means the establishment that performs one, some, or all operations of the entire manufacturing process or conducts the batch release of a drug.

7. *Manufacturer of drug raw material* means the establishment that produces the drug raw materials for the manufacture of finished drug products or the establishment that conducts the batch release of drug raw materials.

8. *Certificate of pharmaceutical product (CPP)* means a certificate issued according to the World Health Organization's (WHO) certification scheme on the quality of pharmaceutical product moving in international commerce.

9. European Medicines Agency (EMA) and the Stringent regulatory authorities (SRA) are:

a) The European Medicines Agency (EMA);

b) The Stringent regulatory authorities (SRA) are authorities categorized by the World Health Organization (WHO) as belonging to the SRA list, which are:

- Members of the ICH before 23 October 2015, comprising: US Food and Drug Administration (FDA), the pharmaceutical regulatory authorities European Union countries, the UK Medicines and Healthcare products Regulatory Agency (MHRA) Japan Pharmaceuticals and Medical Devices Agency ((PMDA)

- Observer members of ICH before 23 Oct 2015, comprising pharmaceutical regulatory authorities of European Free Trade Association (EFTA) and Swiss regulatory authority (Swiss medic), and Canada Health Ministry (Health Canada).

- Regulatory authorities associated with an ICH member through a legally-binding, mutual recognition agreement before 23 Oct 2015, including Australia, Iceland, Liechtenstein and Norway.

10. *Product license holder (Marketing authorization holder)* with regard to foreign drugs is the entity owning the product's marketing authorization, whose name is recorded on the WHO-conforming Certificate of pharmaceutical product (CPP).

11. *Semi-finished medicinal materials* means raw materials for the production of drugs of medicinal material source in the form of dry extract, granule, powder, liquid extract, oil essential, resin, gum, algae.

### **Article 3. Responsibilities of registrants of drugs, drug raw materials**

1. Be fully responsible before the law for the legality and integrity of all documents submitted in registration dossiers. Coordinate with the manufacturer, the national competent authority, the foreign competent authority in responding to written enquiries from Drug Administration seeking to verify the authenticity of official papers pertinent to the registration dossier.

2. Register variations in accordance with the provisions of clause 4 Article 27 and Article 38 this Circular throughout the validity period of a drug's marketing registration.

3. Be responsible for revising, supplementing the content of drugs' label, package insert in accordance with Drug Administration's instructions throughout the validity period of a drug's marketing registration certificate without having to submit a dossier registering such changes, supplements.

4. Assure the quality, safety, efficacy of drugs, drug raw materials in accordance with the respective registration dossiers.

5. Notify Drug Administration in writing within 30 days from the issue date of a decision to revoke the marketing authorization in any country of a drug covered by a still valid marketing registration certificate in Vietnam and provide the reason for such revocation.

6. Work closely with the manufacturer to conduct studies or provide additional information regarding a registered drug in accordance with the competent authority's request when there is safety and efficacy-related information or evidence arising.

7. Coordinate with drug manufacturers, importers, distributors to monitor, supervise, collect, synthesize, evaluate information and send reports to National centre for Drug information and Drug adverse reactions (DI&ADR National Centre) of cases of adverse reaction following vaccination, drug adverse reaction in accordance with the provisions of Clause 5 Article 77 of Pharmaceutical Law, national guidance on pharmacovigilance issued by Ministry of Health and applicable regulations.

8. Maintain operating conditions required of pharmaceutical businesses of the registrant establishment throughout the validity period of the drug's, drug raw material's certificate of marketing registration. In the event that the eligibility conditions are no longer maintained, within 30 days the registrant shall be responsible for the changing the registrant in accordance with the provisions of clause 4 Article 27, clause 3 Article 30, clause 3 Article 32 and Article 38 of this Article.

9. Be responsible for intellectual property right-related issues concerning the drugs, the drug raw materials it registers for marketing in Vietnam.

10. Coordinate with the manufacturer to update specifications of drugs, drug raw materials in accordance with the provisions of Circular no 11/2018/TT-BYT of 04 May 2018 of the Minister of Health regulating the quality of drugs, drug raw materials (hereafter referred to as Circular 11/2018/TT-BYT) and Circular no 38/2021/TT-BYT of 31 Dec 2021 of the Minister of Health regulating the quality of medicinal materials, traditional medicinals, traditional drugs (hereafter referred to as Circular 38/2021/TT-BYT).

11. Implement risk management plans that have been approved as part of application dossiers for issuance, renewal of marketing registration certificate for vaccines.

12. Be responsible in accordance with the provision of clause 2 Article 57 of Pharmaceutical law and this Article for the drugs, the drug raw materials it registers from the date Drug Administration

signs off the official letter authorizing the change in registrant, including the drugs, drug materials that were placed in market circulation before the issue date of the letter.

13. Coordinate with the manufacturer for the provision of any of the papers, documents stipulated in clause 11 Article 22 of this Circular as requested by the competent authority.

14. Assume other responsibilities as stipulated in this Circular and applicable laws.

#### **Article 4. Responsibilities of manufacturers of drugs, drug raw materials**

1. Manufacture drugs, drug raw materials at the very manufacturing facility licensed for the purpose by [and] in accordance with the certificate of satisfaction of eligibility conditions for drug and drug raw materials manufacturing issued by the competent authority.

2. Be fully responsible before the law for the accuracy, legality, integrity of all documents pertaining to the drug being registered it provides to the registrant for the purpose of marketing registration in Vietnam.

3. Coordinate with the registrant of the drug, drug raw material [being registered]:

a) To comply with the provision of clause 2, 3, and 4 Article 3 of this Circular;

b) To comply with requirements on inspection, assessment of manufacturing facilities upon request of the competent authority.

4. Request for the withdrawal of certificate of marketing registration of a drug, drug raw material it manufactures when there are issues arising concerning the drug's quality, safety and efficacy that may impact user's health using Form 01/TT enclosed with this Circular;

5. Ensure operating conditions of the manufacturing facility are maintained throughout the validity period of marketing registration certificate.

6. Undertake formalities for changing of registrant within 30 days from the date of the notice received from the competent authority that the existing registrant no longer satisfies the operating conditions required.

7. Update specifications of drugs, drug raw materials in accordance with the provisions of Circular 11/2018/TT-BYT and Circular no 38/3032/TT-BYT.

8. Be responsible to carry out assessment of the drug raw materials' manufacturer to ensure that the facility meets good manufacturing practices for drug raw materials, to keep records of and provide to the competent authority upon request any of the papers, documents stipulated in clause 11 Article 22 of this Circular.

#### **Article 5. Requirements the reporting of safety [and] effectiveness surveillance and assessment**

1. Pharmaceutical business establishments, medical service establishments shall monitor, supervise, collect, synthesize, evaluate information and send reports to the competent authority of cases of adverse reactions following vaccination, drug adverse reactions in accordance with the provisions of Article 77, Article 78 of Pharmaceutical law, national guidance on pharmacovigilance issued by Ministry of Health and applicable regulations.

2. The registrant shall report on the surveillance and assessment of safety [and] effectiveness of the drugs it registered in accordance with the provision of clause 2 Article 8 of this Circular using Form 2A/TT (for drugs) or Form 2B/TT (for vaccines):

a) To DI&ADR National Centre every 6 months throughout the marketing registration's validity period;

b) To Drug Administration upon the submission of application for renewal of marketing registration certificate;

3) Drug-consuming medical service establishments shall report on the consumption of the drugs stipulated in clause 2 Article 8 of this Circular using Form 2C/TT issued with this Circular every 6

months throughout the marketing registration's validity period and send the report to DI&ADR National Centre.

4) The DI&ADR National Central shall be responsible to synthesize, evaluate and send the reports to Drug Administration every 6 months.

#### **Article 6. Language and format of registration dossier, quantity of dossiers, documents**

##### 1. Language of registration dossiers:

The registration dossier for drugs, drug raw materials shall be in Vietnamese or English language. The drug package insert and Summary of product characteristics in particular must be written in Vietnamese language.

2. The drug registration dossier shall be prepared on A4 size paper, firmly bound. The dossier shall come with a cover page (Form 3/TT) and be assembled following the order of the table of contents (Form 5/TT), with separator tabs in between sections. The separated sections must be numbered and bear the certifying seal of the registrant or the manufacturer on the first page of each section of the entire dossier (for foreign drugs, the representative office's seal shall be acceptable). This provision is not applicable to dossiers submitted electronically online.

The following documents shall be bound into separate sections and enclosed with 01 registration application:

a) Bioequivalence study document;

b) Pre-clinical, clinical documents;

c) GMP-conformity assessment document in accordance with Article 95, 98 Decree no. 54/2017/ND-CP and clause 53 Article 4, clause 51 Article 5 of Decree 155/2018/ND-CP in the case of foreign manufacturers of drugs, drug raw materials registering their products for marketing in Vietnam.

3. Drugs that share the following elements may be registered using one common dossier: drug name; dosage form; route of administration; specification; manufacturer name and address; formula, of which: the strengths of drug substance per smallest dose unit are the same in the case of solid dosage form drugs; the concentrations or strengths of drug substance per smallest dosage unit are the same in the case of solid non-dosage form, liquid form or semi solid form drugs; the concentrations or strengths of drug substances and primary packaging are the same in the case of infusion, injection form drugs.

4. The quantity of copies of documents required in application dossiers for issuance, renewal of certificate of marketing registration is as follows:

a) 01 (one) set of dossier comprising all documents required under the provisions of clause 1, 2, 3, 5 Article 27 of this Circular in the case of pharmaceutical drugs, vaccines, biologics and the documents specified under clause 1 and 2 Article 30, clause 1, 2 Article 32 of this Circular in the case of medicinal material drugs, drug raw materials;

b) 01 (one) duplicate copy of the complete dossier; 02 (two) duplicate copies of registration application, specification and test method for the drug, the drug raw material in other cases;

c) 02 (two) sets of label mock-up of the drug, the drug raw material and package insert of the drug intended for marketing, certified by the registrant's seal (representative office' seal is acceptable in the case of foreign drugs) or the manufacturer's seal. The mock up label of drugs, drug raw materials must be designed [and] affixed on paper of suitable size but not smaller than A4 size. For on line submission it suffices that the registrant submit 01 set of mock up label for the drug, [or] drug raw material and the package insert for the drug being registered.

##### 5. Quantity of copies of documents required in dossiers registering variations:

a) 01 (one) set of dossier comprising all documents required under clause 4 Article 27 of this Circular in the case of pharmaceutical drugs, vaccines, biologics and clause 3 Article 30, clause 3 Article 32 in the case of medicinal material drugs, drug raw materials.

b) 02 (two) sets of the [revised] label and package insert mock up intended for marketing in the case of changes in label, packaging insert, certified by the registrant's seal (representative office's seal is acceptable in the case of foreign drugs) or manufacturer's seal. The mock up labels shall be designed [and] affixed on paper of suitable size but not smaller than A4 size; For on line submission it suffices that the registrant submit 01 set of mock up label for the drug, [or] drug raw material and the package insert for the drug being registered.

6. Requirements regarding on-line submission of registration dossiers:

a) Dossier quantity, dossier composition: 01 (one) set of complete dossier in accordance with the provision of this Circular (excluding the cover page); With regard to the parts of the dossier requiring data protection, the registrant shall submit them directly to Drug Administration [office] in accordance with the Minister of Health's Circular 05/2019/TT-BYT dated 01 Mar 2010 guiding data protection in drug registration (hereafter referred to as Circular no 05/2010/TT-BYT);

b) The implementation roadmap for online submission shall be in accordance with Ministry of Health's stipulation. From the date online submission is fully applicable, registrants shall submit registration dossiers electronically on line in accordance with point a of this clause. Where there is a need for paper- based dossier for review, cross referencing, Drug Administration shall issue a request to the effect,

**Article 7. Registration fees for the registration of drugs, drug raw materials:**

Registrants of drugs, drug raw materials shall pay fees associated with the registration of drugs, drug raw materials in accordance with applicable regulations on fees and charges.

**Article 8. Validity period, ID number, of certificate of marketing registration of drugs, drug raw materials and timelines for submission of application dossier for certificate renewal; quantity of marketing registration certificate issued to drug products of the same drug substances or medicinal materials, dosage form, route of administration strength or concentration in a unit dose**

1. The validity period of certificate of marketing registration of drugs, drug raw materials, is 05 (five) years from issue date or renewal date, except for the categories stipulated in clause 2 of this Article.

2. The validity period of certificate of marketing registration of the following drugs is 03 (three) years from issue date:

a) New drugs, vaccines for the first time issued with certificate of registration for marketing in Vietnam;

b) Drugs having the same drug substance, concentration, strength, dosage form with those of a new drug for which a 5 (five) year-validity certificate of marketing registration has not been issued;

c) Drugs for which ongoing monitoring for safety [and] effectiveness is recommended by the Council.

d) Drugs of the categories stipulated in point a, b and c of this clause but at the point of dossier submission for certificate renewal the report on the drug safety, effectiveness is not yet available as the drugs have not been marketed or such report is already available but in the Council's opinion, the volume of the drugs being consumed, the number of patients the drugs were used on, the usage duration are still limited or of which ongoing monitoring for safety [and] effectiveness are recommended by medical service establishments.

3. Each drug product, drug raw material covered by a registration marketing certificate shall be uniquely identified by an ID number according the standard format stipulated in Annex VI of this Circular.

4. Timeline for submission of renewal application dossiers: Within 12 months before the expiry date of a Certificate of marketing registration, the registrant must apply for certificate renewal.

5. Where there is a change in administrative document as part of the renewal dossier, after 12 months from the date of issuance of the Decision for Certificate renewal, the registrant must effectuate the changes as approved in the renewal dossier.

6. Quantity of marketing registration certificate issued to drug products of a same manufacturer with the same drug substance or medicinal material composition; dosage form; route of administration; strength or concentration in a unit dose: 01 certificate for the drug product bearing the trade name and 01 certificate for the drug product under international non-proprietary name. This provision shall not apply to the drugs produced as part of contract manufacturing arrangements or drug products produced solely for export purposes.

#### **Article 9. Criteria for designation and declaration of brand name drugs, reference biologics**

1. Criteria for designation of brand name drugs, reference biologics

a) Drugs licensed for marketing in Vietnam shall be designated as brand name drug [or] reference biologic when meeting all of the following criteria:

- Availability of complete clinical data on the safety [and] efficacy of the product in accordance with Article 13 of this Circular;

With regard to reference biologics in particular, availability of complete dossier, quality data, preclinical data, clinical data showing the product was developed as a biologic from the outset and not along the development path of a biosimilar.

- Licensed for marketing by one of the regulatory authorities specified in clause 9 Article 2 of this Circular, except for new drugs produced in Vietnam.

b) With regard to the drugs that have been declared by Ministry of Health as brand name drug, [or] reference biologic, which subsequently become the subject of a contract manufacturing agreement or a technology transfer arrangement involving one, several operations, or the entire manufacturing process carried out by a manufacturer in Vietnam, all of the following criteria must be fulfilled for both the brand name drug [or] the reference biologic that was earlier declared and the version produced in Vietnam:

- The manufacturing formulas are the same;
- The manufacturing processes are the same;
- The specifications of the drugs' raw materials are the same;
- The specifications of the finished drug products are the same;

- If there is a change to any of these criteria or any other change concerning the quality of the product, either that these changes must be approved by the competent authority of the product's manufacturing country or a competent authority stipulated in clause 9 Article 2 of this Circular that issued the product's MA or the registrant must provide supporting data demonstrating equivalencies in quality between the drug produced in Vietnam and the brand name drug [or] reference biologic being the source drug of the contract manufacturing or technology transfer arrangement.

c) If a drug already declared as brand name drug or reference biologic undergoes a change in manufacturer, subject to the registrant's written request, the drug product that is covered with a new marketing registration certificate under the new manufacturer shall also be declared as brand name drug or reference biologic respectively if all of the following criteria are satisfied:

- The drug is licensed for marketing by one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular;

- The drug satisfies all of the requirements of point b clause 1 of this Article.

- If there is a change to any of the criteria under point b clause 1 of this Article or any other change concerning the quality of the product, either that these changes must be approved by the competent authority of the product's manufacturing country or a competent authority stipulated in

clause 9 Article 2 of this Circular that issued the product's MA or the registrant must provide supporting data demonstrating equivalencies in quality between the drug produced at the new manufacturing facility and the brand name drug [or] reference biologic produced prior to the manufacturer change.

## 2. Eligibility for declaration of brand name drug or reference biologic designation

a) Drugs that have been declared by Ministry of Health as brand name drug, or reference biologic that is manufactured entirely in a country of which the regulatory authority is on the list stipulated in clause 9 Article 2 of this Circular shall continue to be designated as such, if the product falls into one of the following categories:

- Drugs that are covered by a marketing registration certificate, which is still valid, or renewed, or modified, supplemented [on account of variations] other than those stipulated in point b clause 2 Article 55 of pharmaceutical law. The registrant shall not be required to submit application dossiers for brand name drug or reference biologic designation;

- Drugs for which a new marketing registration certificate is issued as a re-registration according to the provision of Circular no 44/2014/TT-BYT dated 25/11/2014 of the Minister of Health regulating drug registration (hereafter referred to as Circular no 44/2014/TT-BYT) of which the manufacturing formula, manufacturing process, specification of raw materials, specification of finished drug product are the same with those of the original brand name drug, or reference biologic, earlier declared or of which, variation, if any, concerning these criteria has been approved by the regulatory authority of Vietnam or the relevant country. The registrant shall submit application for updating the designation for the drug products in accordance with the provision of Annex II of this Circular;

- Drugs the manufacturer of which was changed and for which a new marketing registration certificate was issued and meet the requirements of point c clause 1 of this Article. The registrant shall submit application for updating the brand name drug or reference biologic designation for the drugs in accordance with the provision of Annex II of this Circular.

b) Drugs that are manufactured in a foreign country, declared by Ministry of Health as brand name drug, or reference biologic, the manufacture of which does not entirely take place in a country with a regulatory authority on the list stipulated in clause 9 Article 2 of this Circular but are licensed for marketing in such a country shall continue to be designated as such if falling into one of the following categories:

- Drugs that are covered by a marketing registration certificate which is still valid, renewed or modified, supplemented [on account of variations] other than those stipulated in point b clause 2 Article 55 of pharmaceutical law;

- Drugs for which a new marketing registration certificate is issued as a re-registration according to the provision of Circular no 44/2014/TT-BYT of which the manufacturing formula, manufacturing process, specification of raw materials, specification of finished drug product are the same with those of the original brand name drug or reference biologic earlier declared or of which, variation, if any, concerning these criteria has been approved by the regulatory authority of Vietnam or the relevant country;

- Drugs the manufacturer of which was changed and for which a new marketing registration certificate was issued and meet the requirements of point c clause 1 of this Article;

The registrant shall submit an application to update the brand name drug or reference biologic designation for the afore 3 drug categories in accordance with the provision of Annex II of this Circular.

c) Drugs that have been declared by Ministry of Health as brand name drug, or reference biologic, for which the entire manufacturing process takes place in Vietnam or one or several operation steps of the manufacturing process take place in Vietnam and all the remaining others are carried out entirely in a country of which the regulatory authority is on the list stipulated in clause 9 Article 2 of this Circular shall continue to be designated as such if falling into one of the following categories:

- Drugs that are covered by a marketing registration certificate which is still valid, renewed or modified, supplemented [on account of variations] other than those stipulated in point b clause 2 Article



55 of pharmaceutical law. The registrant shall not be required to submit application dossiers for brand name drug or reference biologic designation.

- Drugs for which a new marketing registration certificate is issued as a re-registration according to the provision of Circular no 44/2014/TT-BYT of which the manufacturing formula, manufacturing process, specification of raw materials, specification of finished drug product is the same with those of the original brand name drug or reference biologic earlier declared or of which, variation, if any, concerning these criteria has been approved by the regulatory authority of Vietnam or the relevant country. The registrant shall submit application for updating the designation for the drug products in accordance with the provision of Appendix II of this Circular;

- Drugs the manufacturer of which was changed and for which a new marketing registration certificate was issued and meet the requirements of point c clause 1 of this Article. The registrant shall submit application to update the brand name drug or reference biologic designation for the products in accordance with the provision of Appendix II of this Circular.

d) Drugs that have been declared by Ministry of Health as brand name drug, or reference biologic, of which one, several manufacturing operation steps take place in Vietnam and the remaining operation steps are not carried out entirely in a country of which the regulatory authority is on the list stipulated in clause 9 Article 2 of this Circular but are licensed for marketing by such an authority shall continue to be designated as brand name drug or reference biologic if falling into one of the following categories:

- Drugs that are covered by a marketing registration certificate which is still valid, renewed or modified, supplemented [on account of variations] other than those stipulated in point b clause 2 Article 55 of pharmaceutical law;

- Drugs for which a new marketing registration certificate is issued as a re-registration according to the provision of Circular no 44/2014/TT-BYT of which the manufacturing formula, manufacturing process, specification of raw materials, specification of finished drug product is the same with those of the original brand name drug, or reference biologic earlier declared or of which, variation, if any, concerning these criteria has been approved by the regulatory authority of Vietnam or the relevant country;

- Drugs the manufacturer of which was changed and for which a new marketing registration certificate was issued and meet the requirements of point c clause 1 of this Article;

The registrant shall submit application to update the brand name drug or reference biologic designation for the afore 3 drug categories in accordance with the provision of Appendix II of this Circular.

d) [With regard to] the drugs that have been declared by Ministry of Health as brand name drug, or reference biologic, of which the manufacturing process takes place entirely in a country of which the regulatory authority is on the list stipulated in clause 9 Article 2 of this Circular and are the subject of a contract manufacturing or a technology transfer arrangement for production in Vietnam, the drug product being produced in Vietnam under such arrangement whether involving one, several or all the operation steps of the manufacturing process carried out in Vietnam and for which a new marketing registration certificate is issued shall continue to be designated as such if fulfilling the requirements of point b clause 1 of this Article. The registrant of the drug produced under contract manufacturing or technology transfer arrangement in Vietnam shall submit application to update the designation for the drug products in accordance with the provision of Annex II of this Circular;

e) [With regard to] the drugs that have been declared by Ministry of Health as brand name drugs, or reference biologic, of which not all the operation steps of the manufacturing process is carried out in a country of which the regulatory authority is on the list stipulated in clause 9 Article 2 of this Article but are licensed for marketing in such a country and are the subject of a contract manufacturing or technology transfer arrangement in Vietnam, the drug product being produced under such arrangements whether involving one, several or all the operation steps of the manufacturing process carried out in Vietnam and for which a new marketing registration certificate is issued shall continue to

be designated as such if meeting the requirements of point b clause 1 of this Article. The registrant of the drug product produced under the contract manufacturing or technology transfer arrangement in Vietnam shall submit application to update the brand name drug or reference biologic designation for the drug product in accordance with the provision of Annex II of this Circular;

g) Drugs that have not been declared by Ministry of Health as brand name drugs, or reference biologic, if meeting the requirements stipulated in point a clause 1 of this Article shall be designated as brand name drugs or reference biologic accordingly. The registrant shall submit application to update the brand name drug or reference biologic designation for the drugs in accordance with the provision of Annex II of this Circular.

#### **Article 10. Criteria for designation of bioequivalence-proven drug products**

Drugs that are covered by a marketing registration certificate in Vietnam shall be designated as bioequivalence-proven drug if for which there is a bioequivalence report meeting the requirements set out in the Minister of Health's Circular regarding drug products requiring bioequivalence study and the requirements of bioequivalence study data reporting in marketing registration in Vietnam.

#### **Article 11. Request for data protection regarding drug registration dossiers**

Drug registrants having the need for regulatory data protection with regard to a drug registration dossier shall proceed according to the provisions of Circular 05/2010/TT-BYT and shall clearly state their request for data protection in the registration application, using Form 5A/TT enclosed with this Circular.

#### **Article 12. Provisions regarding the authenticity verification of official papers**

Before granting a marketing registration certificate Drug Administration shall verify the authenticity of official papers submitted in registration dossiers, specifically in the following situations:

a) Regarding CPP:

- CPP showing signs of erasure, information alterations
- CPP in dossiers submitted by manufacturers, registrants against which administrative sanctions were imposed by the competent authority of Vietnam for the acts of providing information related to technical document that are not based on research or on actual manufacturing operations of a manufacturer on the list published on Drug Administration's web page. These cases shall be subject to CPP authenticity verification for a period of two years following the date the acceptance of registration/renewal dossiers is resumed [after the punitive suspension period].

- CPP of drugs produced by manufacturers for the first time registering drugs for marketing in Vietnam, unless the production of such a drug involved the participation of several manufacturing establishments of which one is already a holder of a registration certificate for marketing a drug product in Vietnam.

- CPP is in electronic form and is made available [by the registrant] through a search and retrieval from an English language web page or database of the issuing authority or other country's competent authority but is not searchable through the hyperlink provided in the registration dossier;

- CPP not bearing the certifying seal of the competent authority of the issuing country;

- Cases where the authenticity verification is requested by the Council.

b) Official papers pertaining to registrants, manufacturers: The authenticity verification shall be carried out on the official papers pertaining to registrants, manufacturers registering drugs for the first time in Vietnam.

2. With regard to the drugs already covered by a marketing registration, Drug Administration shall verify the authenticity of the official papers submitted whenever they are informed through written communication, official emails or the media about the licensing or marketing status of the drugs, or the unsatisfactory operating conditions of the foreign manufacturer or registrant of the drugs.

3. The authenticity verification of CPP and official papers submitted in registration dossiers shall be carried out either in writing or through official email in one of the following ways:

a) Regarding the consular legalization: Drug Administration to coordinate with Consular Department – Ministry of Foreign Affairs and competent diplomatic missions responsible for consular legalization of Vietnam in foreign countries to verify the competence for legalization, and information pertinent to the foreign issued papers for use in Vietnam in the cases stipulated in paragraph 2, 3 point and point b clause 1 of this Article;

b) Regarding the substantive verification: Drug Administration to coordinate with the authorities issuing the official papers of the relevant countries to validate the content of CPP and official papers under review in the cases stipulated in paragraph 1, 4, 5, 6 point a clause 1 of this Article.

4. The verification of official papers stipulated in clause 1 of this Article shall be carried out at the same time with the evaluation of drug registration dossiers and within the time limit stipulated in clause 5 Article 56 of Pharmaceutical law. Registration dossiers shall only be evaluated if the verification results obtained from the competent authorities stipulated in clause 3 of this Article are positive.

The official request for authenticity verification shall be concurrently copied to the concerned registrants. Within 06 months from the date Drug Administration starts the verification process if there are no results obtained from the competent authority, Drug Administration shall report the case to the Council and recommend not to grant yet a marketing registration certificate to the concerned cases.

## **Chapter II**

### **REQUIREMENTS OF CLINICAL DATA TO ENSURE SAFETY AND EFFICACY AND CRITERIA FOR DETERMINING EXEMPTION OF CLINICAL TRIAL, EXEMPTION OF CERTAIN CLINICAL TRIAL PHASES, CASES REQUIREMENT OF PHASE 4 CLINICAL TRIAL IN VIETNAM**

#### **Article 13. Clinical data required as part of registration dossiers of drugs, vaccines, biologics**

1. Requirements of clinical data to ensure safety, efficacy of new pharmaceutical drugs, vaccines, biologics in drug registration dossiers:

a) The clinical trials on drugs, the clinical data included in clinical documents must be in line with guidelines of ICH, Vietnam Ministry of Health or other organizations recognized by Vietnam (including guidelines of international organizations of which Vietnam is a member, guidelines of the regulatory authorities referred to in clause 9 Article 2 of this Circular) except for the cases stipulated in clause 3 of this Article.

b) Clinical data (except for biologics similar to reference biologics already licensed for marketing in Vietnam) shall cover information adequate for analysis [and] explanation of Asian ethnic factors on the safety and efficacy of the drug to allow extrapolation of the clinical data on Asian population according to the guidelines stipulated in point a of this clause or there must be data of bridging studies according to ICH-E5 for the extrapolation of clinical data on Asian population;

c) With regard to the vaccines that have been licensed for marketing meeting the requirements of point d clause 4 Article 22 of this Circular and for which there are complete clinical data on safety [and] efficacy according to the provision of point a, b of this clause but not all operations in the manufacture of which are carried out on manufacturing lines of member countries stipulated in clause 9 Article 2 of this Circular, clinical data pertinent to the evaluation of safety and immunogenicity on the target population in Vietnam shall be required before a marketing registration certificate can be issued.

d) With regard to the vaccines for which complete clinical data evaluating safety [and] efficacy stipulated in point a, b of this clause is available but do not meet the requirements of point d clause 4 Article 22 of this Circular, clinical data pertinent to the evaluation of safety and immunogenicity on the target population in Vietnam shall be required before a marketing registration certificate can be issued.

2. Pharmaceutical drugs not yet licensed for marketing in Vietnam with the strength or concentration, route of administration, method of administration, dosage, indication, patient population or dosage form impacting the drugs' bio pharmacology different from those of the brand name drug already licensed for marketing in Vietnam, or different from the one that was licensed for marketing by one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular, clinical data on the drugs in accordance with the requirements in point a, b clause 1 and clause 3 of this Article shall be required before a marketing registration certificate can be issued.

3. If clinical trials are conducted before the regulations [and] guidance on drug development stipulated in point a clause 1 of this Article become available, the data generated from such trials shall be acceptable for dossier evaluation purposes.

**Article 14. Clinical data required in registration dossiers to ensure safety and efficacy of drugs produced from new combination of drug substances, biosimilars**

1. Drugs produced from new combination of drug substances must have complete clinical data submitted in line with the guidelines of US FDA, EMA or WHO regarding clinical development of fixed dose combinations in conformance with the provisions of Appendix IV of this Circular.

2. For biosimilars, complete clinical data in line with the guidelines for biosimilar development issued by Vietnam Ministry of Health or WHO's guideline. Guidelines of USFDA, EMA and the guidelines developed based on these shall be acceptable. WHO, US FDA, EMA's guidelines are [included] in Appendix IV of this Circular.

**Article 15. Clinical data required in registration dossiers to ensure safety and efficacy of new pharmaceutical drugs other than brand name drugs**

1. With regard to the drugs licensed for marketing in the relevant country being prescription drug (other than those produced in Vietnam) and to which there is at least one similar drug (of the same drug substance, concentration, strength, dosage form, route of administration) that has been licensed for marketing by one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular, clinical data of one of the following categories shall be required:

a) Clinical data on the very same similar drug which are permitted for use by the owner. The clinical data of the similar drug must satisfy the requirements set out under Article 13 of this Circular;

b) Clinical data compiled from research studies in published medical literature and bioequivalence study data (unless the drug is not required to undergo bioequivalence according the regulations of the relevant country's regulatory authority).

2. With regard to the drugs that are non-prescription drug according the relevant country's regulations (other than the drugs produced in Vietnam and the drugs stipulated in clause 3 of this Article) and to which there is at least one similar drug (of the same drug substance, strength, concentration, dosage form, route of administration) licensed for marketing by at least one country, clinical data of one of the following categories shall be required:

a) Clinical data on the very same similar drug which are permitted for use by the owner. The clinical data of the similar drug must satisfy the requirements set out under Article 13 of this Circular;

b) Clinical data compiled from research studies in published medical literature and bioequivalence study data (unless the drug is not required to undergo bioequivalence according the regulations of the relevant country's regulatory authority).

3. With regard to the drugs that are licensed for marketing and classified as non-prescription drug by at least one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular, an explanatory document and evidence demonstrating that the use of drug substances in the drug composition (regarding indications, dosage, route of administration, patient population) has been

indicated in Vietnam national formulary, Vietnam Pharmacopoeia or in documents accepted by one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular.

**Article 16. Clinical data required of drugs already covered by a marketing registration certificate but are subject to clinical data-related variations in relation to the approved registration dossier**

With regard to the pharmaceutical drugs, vaccines, biologics, medicinal materials drugs already licensed for marketing in Vietnam but undergo clinical data-related variations in relation to the approved registration dossier, the registrant shall submit supplementary clinical data in accordance with the provision of Appendix II of this Circular.

**Article 17. Qualifying criteria for exemption from one, some, of the clinical trial phases on new pharmaceutical drugs, vaccines, biologics before marketing licensing**

The drugs that have not met the requirements of Article 13 of this Circular shall be reviewed by the Minister of Health for the decision to have one, some of the clinical trial phases exempted (including a waiver or reduction in clinical data requirement) on the basis of the Council's advice if such drugs fall into one of the following categories:

1. Drugs for emergency requirements in national defence, security, prevention and combatting epidemics, mitigating consequences of natural disasters, calamities for which there are no substitutable drugs yet available on the market.

2. Drugs already licensed for marketing by at least one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular on the basis of a waiver or reduction of clinical data requirement by these authorities;

3. Drugs for the treatment of orphan disease; life threatening diseases.

4. Vaccines, biologics produced in Vietnam under technology transfer arrangement involving one, some or all operations of the finished product's manufacturing process, providing that clinical data meeting the requirements of clause 1 Article 13, Article 14 of this Circular for such vaccines, biologics prior to the technology transfer, are available.

**Article 18. Clinical data required as part of registration dossiers of medicinal material drugs**

1. Requirements of clinical data to ensure safety and efficacy in registration dossier of new medicinal material drugs

a) Clinical trials on the drug, clinical data in clinical document shall be in conformance with Guidance for preclinical trials and clinical trials on medicinal material drugs of Ministry of Health or other organizations recognized by Vietnam, comprising: WHO's Research guidelines for evaluating the safety and efficacy of herbal medicines or guidelines from the regulatory authorities stipulated in clause 9 Article 2 of this Circular. Where the trials are conducted before the promulgation of the afore stipulated regulations, guidelines, data from such trials shall be acceptable for the purpose of dossier evaluation;

b) Medicinal material drugs on which data extracted from the following documents shall be accepted as clinical data for the examination of the drugs' safety and efficacy:

- Monographs regarding the drug safety and efficacy featured in Vietnam's or other countries' pharmacopoeias, formularies.

- Publications evaluating the drug safety and efficacy published in journals of the List covered by Science Citation Index (SCI) and clinical data compiled from research studies published in other medical literature;

- Report evaluating the safety and efficacy of [drugs as an outcome of] national level, ministerial level or provincial level scientific and technology research grants which has been assessed as satisfactory.

2. Clinical data stipulated under clause 1 of this Article shall not be required for the medicinal material drugs that meet the following conditions:

a) Medicinal material drugs having the same composition, mass weight of medicinal materials, indications, route of administration, dosage form with those of another medicinal material drugs already licensed for marketing (including those for which marketing registration certificate has expired) other than the drugs that have been designated as traditional drugs and that have no indications for diseases on the Ministry of Health-issued List of diseases referred to in point b clause 1 Article 89 of Pharmaceutical law;

b) With regard to the drugs having the same composition, mass weight of medicinal material, indication, route of administration, dosage form with those of a new medicinal material that is licensed for marketing in Vietnam on the basis of complete clinical data being available in accordance with clause 1 of this Article and of which there is no indication added for diseases on the List of diseases issued by the Minister of Health according to point b clause 1 Article 89 of Pharmaceutical law, the issuance of marketing registration certificate for the drugs shall be considered after such other new drug is already licensed for marketing, with validity renewed for another 5 years.

#### **Article 19. Qualifying criteria for exemption of one, some, of the phases of clinical trial on medicinal material drugs before marketing licensing**

The medicinal material drugs that have not met the requirements of Article 18 of this Circular shall be reviewed by the Minister of Health for the decision to have one, some, of the clinical trial phases exempted (including a waiver or reduction in clinical data requirement) on the basis of the Council's advice if such drugs fall into one of the following categories:

1. Drugs for emergency requirements in national defense, security, prevention and combatting epidemics, mitigating consequences of natural disasters, calamities for which there are no substitutable drugs yet available in the market.

2. Drugs already licensed for marketing by at least one of the reference regulatory authorities stipulated in clause 9 Article 2 of this Circular on the basis of clinical data requirement being waived or reduced by these authorities;

3. Drugs with indications for diseases on the Minister of Health-issued List of diseases referred to in point b clause 1 Article 89 of pharmaceutical law but not of the categories exempted from clinical trial stipulated under clause 3 Article 20 of this Circular.

4. Drugs involving a new combination of medicinal materials which have been used for drug manufacture in Vietnam and having no indications for diseases on the Minister of Health-issued List of diseases referred to in point b clause 1 Article 89 of pharmaceutical law.

#### **Article 20. Qualifying criteria for exemption from clinical trial in Vietnam before marketing licensing**

1. Generic drugs having the same drug substances, strength, concentration, route of administration, method of use, dosage, indication, patient population, dosage form with those of another drug for which a certificate of marketing registration has been issued.

2. New drugs (except vaccines) which have been licensed for marketing in at least one foreign country and of which there are complete clinical data on safety and efficacy in accordance with the provisions of Article 13, Article 18 of this Circular.

3. Medicinal material drugs for which was licensed for marketing before the effective date of the 2016 Pharmaceutical law and of which there are no indications for diseases on the Minister of Health-issued List of diseases.

4. Vaccines meeting the requirements of point d clause 4 Article 22 of this Circular, of which all manufacturing operations are carried out in a country the regulatory authority of which is stipulated in clause 9 Article 2 of this Circular and for which complete safety and efficacy clinical data is available as required under Article 13 of this Circular.

## **Article 21. Criteria for determining the requirement of a phase IV clinical trial in Vietnam**

Drugs that have been licensed for marketing but still require further safety [and] effectiveness assessment on the basis of the Council's advice.

### **Chapter III**

#### **REGISTRATION DOSSIER FOR DRUGS, DRUG RAW MATERIALS**

##### **Section 1**

#### **GENERAL PROVISIONS FOR APPLICATION DOSSIER FOR ISSUANCE, RENEWAL, MODIFICATION, SUPPLEMENTATION OF MARKETING REGISTRATION CERTIFICATE OF DRUGS, DRUG RAW MATERIALS**

### **Article 22. Requirements of documents submitted in application dossier for issuance, renewal, modification, supplementation of marketing registration certificate of drugs, drug raw materials**

1. Documents issued by foreign competent authorities must be consular legalized in accordance with the laws on consular notarization, except for exemption cases allowed for under applicable laws.

2. License, certificate, confirmation paper, registration paper (referred to in general as official papers) submitted in the dossier must be still valid at the point of the dossier being accepted as recorded in the Dossier receipt where the validity date is stated on such papers. Where the validity is not stated on CPP the validity period shall be counted as 24 months from the papers' issue date.

3. Official papers:

a) The original copy must bear the signature, name of the signing person and the certifying seal of the competent authority of the issuing country; or the authenticated duplicate copy must be authenticated by the competent agency, competent organization of Vietnam in accordance with Vietnam laws on authenticating duplicate from original copy. Where necessary the original copy must be presented for validation purpose;

c) Where the official papers are issued in electronic form, (papers not showing in full the signature, name of the signing person and the certifying seal of the issuing country's competent authority are acceptable), the registrant shall submit one of the following:

- Original copy or authenticated duplicate copy of the official paper concerned, certified by the competent authority of the issuing country and consular legalized in accordance with applicable regulations;

- Submission to Drug Administration the result of the search the registrant conducted for the official paper concerned from the webpage or the English language database of the issuing authority or the relevant competent authority, stamped with the registrant's certifying seal, accompanied by a document providing the hyperlink for the search. The registrant shall be responsible before the law for the legality, the accuracy of the document, the information it provides and the result of the search it conducted.

4. Requirements of CPP:

a) CPP must be issued by the competent authority and cover all the information required in the WHO-model CPP published on WHO's web page (<https://www.who.int/>)

b) CPP must bear the signature, name of the signer, issue date and the seal of the CPP issuing authority; If the CPP does not bear the certifying seal of issuing country's competent authority, the registrant shall provide supporting document proving that as a rule at the issuing country a seal is not required on CPP.

c) With regard to generics, medicinal material drugs, probiotic biologics, drugs subject of applications for renewal, modification, supplementation of marketing registration certificate: 01 CPP issued by the competent authority of the manufacturing country certifying that the drug is licensed for marketing and is actually marketed in that country shall be required.

Where the CPP confirms that the drug is not licensed for marketing in the manufacturing country or is licensed for marketing in the manufacturing country but is not actually marketed in that country, the registrant must provide in addition 01 official paper issued by the regulatory authority [of the countries] stipulated in clause 9 Article 2 of this Circular certifying that the drug is licensed and indeed marketed in that country covering at a minimum the following information: drug name, drug substance, strength or concentration of drug substance, dosage form, name and address of manufacturer.

d) With regard to imported new pharmaceuticals, vaccines, biologics, other than probiotics:

A CPP issued by the manufacturing country's competent authority certifying that the drug product is licensed for marketing and is actually marketed in that country shall be required.

If the CPP-issuing competent authority of the manufacturing country is among the authorities on the list stipulated in clause 9 Article 2 of this Circular, submission of just 01 CPP shall suffice.

If the CPP-issuing competent authority of the manufacturing country is not on the list stipulated in clause 9 Article 2 of this Circular, additional official papers issued by a regulatory authority of the countries on the list stipulated in clause 9 Article 2 of this Circular certifying that the drug product is licensed for marketing and is actually marketed in that country shall be required. The official paper should cover at a minimum the following information: drug name, drug substance, strength or concentration of drug substance, dosage form, name and address of manufacturer or supporting documents proving that the drug is of the WHO list of prequalified medicines.

d) With regard to drugs that are the subject of application for brand name drug, or reference biologic designation :

A (01) CPP issued by the manufacturing country's competent authority certifying that the drug product is licensed for marketing and is actually marketed in that country shall be required.

If the CPP-issuing competent authority of the manufacturing country is among the authorities on the list stipulated in clause 9 Article 2 of this Circular, submission of just 01 CPP shall suffice.

If the CPP-issuing competent authority of the manufacturing country is not on the list stipulated in clause 9 Article 2 of this Circular, additional official papers issued by a regulatory authority of the countries on the list stipulated in clause 9 Article 2 of this Circular certifying that the drug product is licensed for marketing and is actually marketed in that country shall be required. The official paper should cover at a minimum the following information: drug name, drug substance, strength or concentration of drug substance, dosage form, name and address of manufacturer.

e) With regard to imported drugs, vaccines, biologics for which a CPP meeting the requirements of point c, d of this clause cannot be provided, the Minister of Health shall review the case on the basis of advice from the Council providing that such a drug product has been licensed for marketing by at least one regulatory authority in the world and falls into one of the categories:

- Drugs, vaccines, biologics to meet emergency requirements in national defense, national security; for the prevention, combatting of epidemics, diseases, for the mitigation of consequences of natural disasters, calamities drugs for the service of health programs of the states;

- Vaccines for the use in national expanded immunization programs, for which there are no substitutable vaccines readily available in the market in terms of quantity, quality, safety, efficacy or cost of use;

- Other specific cases covered by agreements, mutual recognition between competent authorities regarding the conditions for manufacturing and marketing of drugs, vaccines, biologics.

g) Information recorded on CPP must be consistent with relevant information in registration dossier of the drug. Where information recorded on CPP is not consistent with the administrative



document of the registration dossier, the registrant shall submit an explanatory letter along with supporting documents.

5. Registration application and other relevant records, documents that form part of the administrative document must be signed and stamped with a seal, stamped signature is not acceptable. The registrant, the manufacturer may use digital signature on their relevant documents. The registration and use of digital signature shall be in compliance with the provision of the Government's Decree no 130/2018/NĐ-CP of 27/09/ 2018 detailing the implementation of electronic transactions as it relates to digital signature and digital signature authentication service. The afore mentioned documents must be signed by the following position holders:

a) Chair of the board of members, Chair of the board of directors; General director; Managing director; Director of the registrant, the manufacturing establishments;

b) Persons with the function assigned to under the company's charter, the job assignment document or other document showing the signer's authority;

c) Persons with the signing authority delegated to by the persons stipulated in point a or point b of this clause.

6. Provisions on Power of attorney:

a) The power of attorney delegating the authority to act as registrant must cover the following information:

- Name and address of marketing authorization holder or the delegating manufacturer;
- Name and address of of the entity delegated to act as registrant;
- Name of the drug product to be registered, strength, concentration of drug substance, dosage form.
- The power delegated

Where the delegation is for the registration of several drugs, the power of attorney must list all the drug products involved and the above respective information.

The Power of attorney delegating the authority to act as registrant for foreign drug products must be consular legalized in accordance with applicable regulations.

The Power of attorney submitted must be either the original version or an authenticated duplicate copy.

b) The power of attorney delegating the authority to sign on registration dossier must cover the following information:

- Name and address of the registrant;
- Name and position title of the delegating person and the delegated person;
- Name of the drug product to be registered, strength, concentration of drug substance, dosage form;
- The power delegated;
- Validity of the power of attorney

Where the delegation is for the registration of several drugs, the power of attorney must list all the drug products involved and the above respective information.

If the person delegated to sign on the dossier is not the Chief representative of the representative office, the power of attorney must bear the certifying seal and signature of the Chief representative of the representative office in Vietnam.

The Power of attorney submitted must be either the original version or a duplicate copy bearing the certifying seal of the representative office (in the case of foreign registrants) or the certifying seal of the domestic registrant.

b) Quantity of Power of attorney in registration dossiers:

- Where the registrant is an entity other than the manufacturer, each of the dossier must be accompanied by a power of attorney delegating the authority to act as registrant.

- Where the person signing the dossier is not among the position holders stipulated in point a, b clause 5 of this Article, each dossier submitted must be accompanied by a power of attorney delegating the authority to sign to that person.

7. Certificate of satisfaction of conditions for pharmaceutical business for one of the following business operations: manufacture, wholesale, exportation, importation of drugs, drug raw materials (in the case of registrants of Vietnam).

8. License for establishing Representative office in Vietnam

Where the name, the address of the registrant as recorded on the license for establishing Representative office in Vietnam differ from those recorded on the Official papers of the registrant that are issued by the foreign competent authority, supporting evidentiary documents must be provided.

9. Official official papers issued by the foreign competent authorities licensing at a minimum one of the following business operations: manufacture, wholesale, exportation, importation of drugs, drug raw materials (in the case of foreign registrants).

Where the registrant is the same entity with the manufacturer as recorded on CPP the official papers stipulated in this clause shall not be required.

In countries where there is no license issued for the manufacture, wholesale, exportation, importation of drugs, drug raw materials, the incorporation license or the business registration certificate covering as business scope at a minimum one of the following operations: manufacture, wholesale, exportation, importation of drugs, drug raw materials, accompanied by a certification from the competent authority to the effect that the registrant meets the conditions required and has been operating in pharmaceuticals or any one of the certificates of good manufacturing practices, good distribution practices, good supplying practices, good storage practices for drugs.

With regard to registrants of drug raw materials, where the relevant country does not issue a license for pharmaceutical business to businesses operating in drug raw materials, alternative licenses issued by the home country shall be acceptable provided that they contain language ascertaining the registrant operates in any of the following: manufacture, wholesale, exportation, importation of drug raw materials.

10. Where a registrant already has its name listed as registrant of drugs, drug raw materials on Drug Administration's website, the papers stipulated in clause 7, 8, 9 of this Article shall not be required.

11. Documents demonstrating GMP-conformity of the manufacturers of drug substances, excipients, capsule shells, semi-finished medicinal materials and medicinal materials (for the production of medicinal materials) may be one of the following:

a) GMP Certificate;

b) Manufacture license containing language certifying that the facility is GMP conforming;

c) CPP of drug substances containing language certifying GMP conformity;

d) Certificate of Suitability to the monographs of the European Pharmacopoeia (CEP);

đ) Where the excipients in registration dossier for drug products, for drug raw materials are in the form of semi-finished product:

Where the documents stipulated in point a, b, d of this clause cannot be provided, the

manufacturer of drug product, semi-finished product shall conduct a self-assessment on GMP conformity of the excipients' manufacturing facility according to the provision of point đ clause 1 Article 3, point b clause 3 Article 3 and point đ clause 5 Article 20 Circular no 35/2018/TT-BYT dated 22/11/2018 of the Minister of Health regulating good manufacturing practices for drugs, drug raw materials and declare the GMP conformity status of the excipient manufacturer in the drug registration dossier and commit to take responsibility before the law for the declaration using Form 10/TT enclosed with this Circular.

e) With regard to medicinal materials in registration dossier

Where the documents stipulated in point a, b of this clause cannot be provided, the registrant should provide a certificate of good agricultural and collection practices (GACP) for medicinal materials.

g) Other official papers issued by the competent authority covering at a minimum the following: name and address of manufacturer, GMP certification and name of drug substance/excipient/capsule shell/semi-finished medicinal materials/medicinal materials.

12. Sample of the label for the drug, drug raw material, package insert of the drug as they are marketed in the manufacturing country or in the CPP-issuing country bearing the representative office's or of the registrant's or the manufacturer's certifying seal (the exact chromatic print of the label currently in use in the relevant country is acceptable). Where the drug's package insert in use in the relevant country is not in English language, an English or Vietnamese translated version certified by the seal of the representative office or the registrant or the manufacturer's must be provided.

13. Mock-up of the label for the drug, the drug raw material and the drug's package insert intended for marketing in Vietnam conforming to the Minister of Health's regulations on the labelling of drugs, drug raw materials and the following requirements:

a) Mock-up of labels, package inserts intended for marketing must bear the certifying seal of the representative office or the registrant or the manufacturer;

b) The label on the outer packaging of drugs, drug raw materials must be printed with a bar code or a QR (quick response) code or a Data Matrix Code (DMC) according the implementation roadmap stipulated in point 1 clause 1 Article 48 of this Circular.

14. Where the manufacturer of the drug, the drug raw material already has its name listed as GMP-conforming manufacturer on Drug Administration's website, the dossier for GMP-conformity assessment shall not be required as part of the registration dossier.

15. The specification, test method, test certificate and stability study document (applicable for both the dossier sections on drug substance and on finished drug product) must be in original copy bearing the certifying seal of the manufacturer, where multiple manufacturing entities are involved in the production of the finished drug product, the seal of the entity responsible for quality control or batch release shall be acceptable; if a duplicate copy is submitted, it must be certified by the registrant's seal (for foreign drugs, the representative office's seal shall be acceptable).

Where the documents on drug substance does not bear the manufacturer's certifying seal, the manufacturer of the finished product must have their certifying seal on and be responsible before the law for the accuracy, legality and integrity of the documents.

The Test certificate must cover the following information: administrative information (name, address of the manufacturer, test certificate number, name and signature of the person in charge, issue date of the test certificate) and information on the specimen of the drug, specimen of the drug raw material (product name, lot number, shelf life, quality specification applied, quality criteria, quality requirements, test results, conclusion of the quality of the product lot).

16. Requirements regarding test certificate, results of validation of quality specification, method for experimental testing in Vietnam:

Test certificate, results of validation of quality specification, experimental testing method (in the case of manufacturing establishments not yet GMP conforming according to Ministry of Health's

implementation roadmap or cases notified by Drug Administration according to the provisions of Annex III of this Circular) certified by a GLP-conforming state-owned testing establishment or by a provider of testing services for drugs, drug raw materials, which is covered by a certificate of satisfaction of conditions for pharmaceutical business in the respective business line.

17. Certification that the drug raw material is licensed for manufacture or marketing in the manufacturing country, covering the following mandatory information: name of the drug raw material; name and address of the manufacturer; manufacturing country; signature, seal and full name of the signing person.

**Article 23. General provisions for administrative document in application dossier for the issuance, renewal, modification, supplementation of marketing registration of drugs, drug raw materials**

1. The administrative documents in application dossier for the issuance of marketing registration certificate for new pharmaceuticals, vaccines, biologics shall comprise:

- a) Registration application using Form 5/TT enclosed with this Circular.
- b) Power of attorney delegating the authority to act as registrant (if applicable).
- c) Power of attorney delegating the authority to sign to the registration dossier (if applicable)
- d) Sample of the label for the drug, drug raw material and package insert for the drug intended for marketing.
- đ) Certificate of satisfaction of conditions for pharmaceutical business in the case of registrant of Vietnam.
- e) Official papers, license for opening a representative office in Vietnam, in the case of foreign registrants.
- g) Summary of product characteristics for new pharmaceuticals, vaccines, biologics, conforming to Form 6/TT enclosed with this Circular
- h) Official papers of the manufacturers of drug substances, excipients, capsule shells, semi-finished medicinal materials, medicinal materials accordingly.
- i) Certificate of the testing facilities in the cases stipulated in clause 16 Article 22 of this Circular.
- l) Risk management plan (for vaccines) using Form 7/TT enclosed with this Circular.
- l) Sample of the label and package insert of the drug that are actually used in the marketing of the product in the manufacturing country or the CPP-issuing country in the case of registration of foreign drugs;
- m) GMP Certificate in the case of registration of foreign drugs;
- n) Document assessing GMP conformity in the cases stipulated in Article 95 Decree no 54/2017/NĐ-CP regarding foreign manufacturer of drugs, drug raw materials when registering for marketing of foreign drugs in Vietnam (unless the manufacturer's GMP conformity status is already published on Drug Administration's web page or an application for GMP assessment has been submitted to Drug Administration)

2. The administrative documents in application dossier for the issuance of marketing registration certificate for generics, medicinal materials, drug raw materials shall comprise the documents stipulated in point a, b, c, d, đ, e, h, i, l, m, n of clause 1 of this Article and a certification that the drug raw materials being licensed for manufacture or marketing in the manufacturing country in the case of registration of foreign drug raw materials.

3. Administrative documents in application dossier for renewal of marketing registration certificate of pharmaceutical drugs, vaccines, biologics, medicinal material drugs, drug raw materials,

shall comprise the documents stipulated in point a, c, đ, e, m, n clause 1 of this Article and the following documents:

a) Power of attorney delegating the authority to act as registrant in the case of changing of registrant at the time of renewal;

b) Report on the marketing history of the drug, drug raw material, using Form 08/TT enclosed with this Circular;

c) Duplicate copy of certificate of marketing registration in Vietnam for the drug, drug raw material concerned;

d) Report on safety, effectiveness and usage of the drug using Form 2/TT enclosed with this Circular in the case of renewal registration for pharmaceutical drugs, vaccines, biologics, medicinal material drugs requiring such a report according to clause 2 Article 5 of this Circular;

đ) For renewal registration of drug raw materials manufactured in a foreign country, Certification that the drug raw material is licensed for manufacture or marketing in the manufacturing country.

4. The administrative documents in application dossier for modification, supplementation of marketing registration certificate of pharmaceutical drugs, vaccines biologics, medicinal materials, drug raw materials shall comprise the document stipulated in point a clause 1 of this Article.

5. The administrative documents in application dossier for issuance of marketing registration certificate for drugs under the abbreviated evaluation pathway shall comprise the documents stipulated in point a, b, c, d, đ, e, h, i, l, m clause 1 of this Article.

## **Section 2**

### **APPLICATION DOSSIER FOR THE ISSUANCE, RENEWAL, MODIFICATION, SUPPLEMENTATION OF MARKETING REGISTRATION CERTIFICATE OF PHARMACEUTICAL DRUGS, VACCINES, BIOLOGICS**

#### **Article 24. Quality document in application dossiers for the issuance, modification, supplementation of pharmaceutical drugs, vaccines, biologics**

The quality document shall be prepared in conformance with the guidelines of Part II-CTD or Module 3 ICH-CTD and the following provisions:

1. With regard to vaccines, antibody-containing sera, blood derivatives and plasma from human:

a) Batch release certificate issued by the competent authority of the CPP issuing country according to applicable regulations or by one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular;

b) Test certificate, quality specification and test method certified by the National institute for control of vaccines and biologics;

2. With regard to orphan drugs, drugs for the service of national defence, security, prevention and combatting diseases, epidemics, mitigation of consequences of national disasters, calamities and drugs and drugs for the special therapeutic requirements:

a) Orphan drugs for the treatment of rare diseases: readily available stability study data conforming to ASEAN or ICH guidelines;

b) Drugs for the service of national defense, national security; prevention and control of diseases, epidemics, mitigation of national disasters, calamities:

The stability study data readily available at the time of registration dossier submission shall be acceptable for the review of the products' shelf life on the basis of advice from the Council in the case where the duration of the stability study is not yet sufficiently long to meet the minimum duration required for stability study of ASEAN guidelines.

After the marketing registration certificate has been issued, the registrant shall follow up with the submission to Drug Administration of stability study report on the finished product until the duration required by ASEAN guidelines is met through the procedures for registering variations of Appendix II of this Circular to ensure the shelf life of the product is reviewed and updated accordingly.

If the stability study on the drug is found unsatisfactory against what set out in the protocol of registration dossier, the registrant must promptly report the case to Drug Administration which will then refer it to the Council for their review of the drug's shelf life.

On the basis of the Council's opinion, Drug Administration shall review, make decision on the shelf life of the drug product, including the lots already produced, based on the actual stability study data.

c) With regard to the drugs required for special therapeutic purposes: The acceptance of the available stability study data conforming to ASEAN or ICH guidelines shall be decided upon by the Health Minister on the basis of the Council's advice in the case where the registrant demonstrates that the drug cannot be stored in conditions of IVb climatic zone according to ASEAN guidelines.

3. Where the manufacturer uses drug raw materials that are already licensed for marketing in Vietnam:

a) Quality document regarding drug raw materials and the documents stipulated in point h clause 1 Article 23 of this Circular shall not be required as part of registration dossier of the drug product.

b) The registrant shall submit:

- 01 test certificate of drug raw materials from the manufacturer of the finished product that performs the test covering all quality criteria at a quality level equivalent to or higher than those applied by the drug raw material's manufacturer. Where the manufacturer of the finished product does not have the capacity to control all of the acceptance criteria, it must provide a certificate of analysis, performed by a state testing agency or a qualified and licensed testing service provider for the missing criteria.

- 01 test certificate of drug raw material from the drug raw material's manufacturer performing the test.

4. With regard to the drugs being subject of a request for dossier review under abbreviated evaluation pathway

a) Documentation on Drug substance:

- Name of drug substances (using international non-proprietary name);

- Name and address of manufacturer of drug substances, semi-finished products containing drug substance;

- Specification and test method for drug substances, semi-finished products containing the drug substance. If standards of Vietnam pharmacopoeia or reference pharmacopoeias per Ministry of Health's stipulations are applied for the drug under review, it shall suffice to indicate the name, edition number, or to state 'current edition' if it is the case, of the applicable pharmacopoeia;

- 01 Test certificate of drug substances, semi-finished products from the manufacturer of the drug substance, of the semi finished products and 01 Test certificate of drug substance, semi-finished products from the manufacturer of the finished drug product;

- If the drug substances are in semi-finished product form, the formulation and manufacturing process of the semi-finished product containing drug substances from the semi-finished product's manufacturer must be provided.

b) Documentation on Drug product:

- Description and composition in conformance with guidelines in Part P.1-ACTD;
- Specification and test method for the finished drug product. If standards of Vietnam pharmacopoeia or reference pharmacopoeias per Ministry of Health's stipulations are applied, it shall suffice to indicate the name and edition number of the pharmacopoeia or to state 'current edition of pharmacopoeia';
- Manufacturing of the finished product, covering: batch formula; manufacturing process and in process control; control of critical operations and intermediate products.
- Test certificate of finished product;
- Container closure system: Description of forms, materials and quality specification of primary packaging components.
- Stability study report of finished drug product.

c) The remainder of quality document shall follow the guidelines of Part II - ACTD or Module 3-ICH-CTD and a copy of which should be retained at the registrant's and the manufacturer's facilities.

5. The documents set out under this Article shall be prepared according to the following:

a) Conforming with the provisions of Appendix I of with this Circular, comprising:

- ASEAN Common Technical Dossiers (ACTD);
- Guidelines for the conduct of stability study;
- Guidelines for the validation of manufacturing process;
- Guidelines for the validation of analytical procedures;
- Guidelines for the conduct of bioavailability and bioequivalence studies;

b) The documents that were prepared following ICH-CTD format and ICH relevant technical guidelines shall not have to be converted to the format specified in point a of this clause.

c) Where the raw material is covered by a Certificate of Suitability to the monographs of the European Pharmacopoeia (CEP): the documentation on drug substances stipulated in point a, b of this clause may be replaced by the the following documents:

- Certificate of Suitability (CEP) for the drug substance will all the Appendixes issued by the European Directorate for Quality of Medicines (EDQM) enclosed.
- Batch analysis data of the drug substances
- If the time intervals for repeat quality controls of the drug substance is not stated on CEP, stability study data on the drug substance shall be submitted.

**Article 25. Pre-clinical document in application dossiers for the issuance, modification, supplementation of marketing registration certificate of pharmaceutical drugs, vaccines, biologics**

The pre-clinical document shall be prepared in conformance with the guidelines of ACTD - Part III or Module 4-ICH-CTD.

Pre-clinical document shall not be required of bio probiotics of origin, bacterial strain, concentration, strength, indications, dosage similar to those of a biologic already licensed for marketing by one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular.

**Article 26. Clinical document in application dossiers for the issuance, modification, supplementation of marketing registration certificate of pharmaceutical drugs, vaccines, biologics**

The clinical document shall be prepared in conformance with the guidelines of ACTD - Part IV or Module 5-ICH-CTD.

Clinical document shall not be required of probiotics with origin, bacterial strain, concentration, strength, indications, dosage similar to those of a biologic that has been licensed for marketing by one of the regulatory authorities stipulated in clause 9 Article 2 of this Circular.

**Article 27. Application dossiers for the issuance, renewal, modification, supplementation of marketing registration certificate of pharmaceutical drugs, vaccines, biologics**

1. Application dossiers for the issuance of marketing registration certificate of new pharmaceutical drugs, vaccines, biologics shall comprise:

- a) The administrative documents stipulated in clause 1 Article 24 of this Circular.
- b) The quality document stipulated in Article 24 of this Circular;
- c) Pre-clinical document stipulated in Article 25 of this Circular;
- d) Clinical document stipulated in Article 26 of this Circular;

d) Where the registrant does request for brand name drug or reference biologic designation with the submission of registration dossier it shall proceed according to the provisions of point a, b, c, d clause 1 of this Article and paragraph 2 point a clause 1 Article 9 of this Circular.

2. Application dossiers for issuance of marketing registration certificate for generics shall comprise:

- a) The administrative documents stipulated in clause 2 Article 23 of this Circular.
- b) Quality document as stipulated in Article 24 of this Circular.

3. Application dossiers for the renewal of marketing registration certificate of drugs:

- a) The administrative documents stipulated in clause 3 Article 23 of this Circular.
- b) Relevant documents stipulated in Annex II of this Circular in the case where there are changes (other than changes in drug label and package insert) pertinent to the administrative document of the drug).

If the registrant already submitted the revised administrative document prior to the submission of renewal application dossier but the earlier submission has not been approved, the administrative document shall not be required as part of the application dossier for certificate renewal.

4. Application dossiers for modification, supplementation of marketing registration certificate of drugs shall comprise:

- a) Administrative document as stipulated in clause 4 Article 24 of this Circular;
- b) Documents pertinent to the corresponding major variations, minor variations as stipulated in Appendix II of this Circular. With regard to the vaccines of the same manufacturer or the same holder of marketing license holder, changes in manufacturing site shall be accepted whether it is in the same country or in countries other than that where the vaccine is licensed for marketing.

5. Application dossier for issuance of marketing registration certificate under or abbreviated evaluation pathway

- a) Administrative document a4 stipulated in clause 5 Article 24 of this Circular.
- b) Quality document in conformance with the provision of point a, b clause 4 Article 24 of this Circular.

### Section 3



**APPLICATION DOSSIER FOR THE ISSUANCE, RENEWAL, MODIFICATION,  
SUPPLEMENTATION OF MARKETING REGISTRATION CERTIFICATE OF  
MEDICINAL MATERIAL DRUGS**

**Article 28. Quality document in application dossiers for the issuance, renewal, modification, supplementation of marketing registration certificate of medicinal material drugs**

1. Raw material

a) Manufacturing process (applicable only to raw medicinal materials): Detailed description of the entire preliminary processing and treatment process of the raw medicinal materials. If the raw materials are a semi-finished medicinal material, medicinal extract from raw material a detailed description of manufacturing process of the materials from starting materials shall be required (except for semi-finished medicinal materials, medicinal extract already licensed for marketing).

b) Quality specification and test method

- With regard to medicinal materials that are not in form of semi-finished medicinal material: the provisions of Ministry of Health's Circular no 38/2021/TT-BYT shall apply.

- With regard to semi-finished medicinal materials: similarly, the provisions on quality specification and test method for medicinal materials that are not in the form of semi-finished medicinal materials of Ministry of Health's Circular no 38/2021/TT-BYT.

c) Test certificate of medicinal raw materials

- 01 Test certificate on the medicinal materials from the finished product's manufacturer. Where the manufacturer of the finished product does not have the capacity to control all of the acceptance criteria, it must provide a certificate of analysis, performed by a state testing agency or a qualified and licensed testing service provider for every missing criterion.

- 01 Test certificate of semi-finished medicinal materials, medicinal extracts from their manufacturer and 01 Test certificate of the semi-finished medicinal materials, medicinal extract from the manufacturer of the finished drug product.

2. Finished product

a) Manufacturing process

- Formula of the smallest packaging unit: name, strength, concentration, mass percentage, quality specification applied for each component of the formulation; if produced from semi-finished medicinal material products, medicinal extracts the equivalent mass percentage in medicinal materials relative to the starting material volume or the strength (%) of drug substances, compounds that have been quantified per each medicinal material level, must be indicated.

- Batch formula of the finished product: name, weight, mass weight of each component in the formulation must be indicated;

- Manufacturing process flowchart: reflecting all stages in the manufacturing process covering the flow of raw materials and consistent with the description of manufacturing process;

- Manufacturing process description: a full and detailed description of each operation in the manufacturing process covering technical parameters of each operation;

- List of equipment used: name of equipment, parameters, purpose of use;

- Manufacturing in-process control: a full and detailed description of the criteria used for verification, controls in manufacturing operation covering name of criteria, acceptance criteria, control method, control frequency, control sample size.

b) Specification and test method

- Formula of the smallest packaging unit: name, strength, concentration, mass percentage, specification applied for each component of the formulation. If produced from semi-finished medicinal material products, medicinal extracts the equivalent mass percentage in medicinal materials relative to

the starting material volume or the strength (%) of drug substances, compounds that have been quantified per each medicinal material level, must be indicated.

- Specification of finished product: the provisions of Ministry of Health's Circular no 11/2018/TT-BYT shall apply.

c) Test certificate of finished product

d) Specification of container closure system: Full and detailed description of quality of packaging materials, quality standards, quality levels and test method.

đ) Stability study report in conformance with the guidelines for stability study in Appendix I of this Circular.

**Article 29. Safety and efficacy document in application dossiers for the issuance, renewal, modification, supplementation of marketing registration certificate of medicinal material drugs**

1. Document on the safety and efficacy of medicinal material drugs shall be prepared in conformance with the provision of Appendix V of this Circular or the provisions of ASEAN (ACTD), ICH-CTD.

2. The documents stipulated in point b clause 1 Article 18 of this Circular (if applicable).

**Article 30. Application dossiers for the issuance, renewal, modification, supplementation of marketing registration certificate of medicinal material drugs**

1. Application dossiers for the issuance of marketing registration certificate for medicinal material drugs shall comprise:

a) The administrative documents as stipulated in clause 2 Article 23 of this Circular.

b) The quality document as stipulated in Article 29 of this Circular.

c) The document on safety and efficacy stipulated in Article 30 of this Circular;

2. Application dossiers for the renewal of marketing registration certificate of medicinal material drugs:

a) The administrative documents stipulated in clause 3 Article 23 of this Circular.

b) Relevant documents stipulated in Section D Annex II enclosed with this Circular in the case where there are changes to the administrative document pertaining to the drug (other than the changes in label and package insert) at the point of certificate renewal.

If the registrant already submitted the revised administrative document prior to the submission of renewal application dossier but the earlier submission has not been approved, the administrative document shall not be required as part of the application dossier for certificate renewal.

3. Application dossiers for modification, supplementation of marketing registration certificate of medicinal material drugs shall comprise:

a) The administrative documents stipulated in clause 4 Article 23 of this Circular;

b) Documents pertinent to the corresponding major variations, minor variations as stipulated in Section D, Appendix II of this Circular.

#### **Section 4**

#### **REGISTRATION DOSSIER OF DRUG RAW MATERIALS**

**Article 31. Quality document in application dossiers for the issuance, modification, supplementation of marketing registration certificate of drug raw materials**

1. For drug substances: the document shall be prepared in accordance with ACTD – drug substances. If the drug substances registered follow manufacturer’s specification, the Drug Master file must be enclosed.

2. For raw materials in the form of semi-finished products containing drug substances: the document shall be prepared following ACTD dossier as in the case of finished product registration, in which the document on finished product is replaced by the document on the semi-finished product registered; the formulation for a dose unit, for the smallest package unit shall be replaced with the manufacturing batch formula.

3. For to semi-finished medicinal materials, excipients, capsule shells:

a) Formulation of semi-finished medicinal materials, pre-mixed excipients, capsule shells: composition, mass weight, volume, qualify specification of each component of the formulation. If raw materials of animal source are used, information on adventitious contaminants (viral safety data) must be provided.

b) Manufacturing process

- Process flowchart: reflecting all stages in the manufacturing process covering the flow of raw materials and consistent with the description of manufacturing process;

- Manufacturing process description: a full and detailed description of each operation in the manufacturing process covering technical parameters of each operation;

- List of equipment used: name of equipment, parameters, purpose of use;

- Manufacturing in-process control: a full and detailed description of the criteria used for verification, controls in manufacturing operation covering name of criteria, acceptance criteria, control method, control frequency, control sample size.

c) Quality specification and test method

-With regard to semi-finished medicinal materials: similarly, the provisions on quality specification and test method for medicinal materials that are not in the form of semi-finished medicinal materials of Ministry of Health’s Circular no 38/2021/TT-BYT shall apply.

- With regard to excipients, capsule shells: the provisions of Ministry of Health’s Circular no 11/2018/TT-BYT.

d) Test certificate

đ) Specification of container closure system: Full and detailed description of quality of packaging materials, quality standards, quality levels and test method.

e) Stability study report, covering stability study protocol; stability study data; study conclusion and discussion.

### **Article 32. Application dossiers for the issuance, renewal, modification, supplementation of marketing registration certificate of drug raw materials**

1. Application dossiers for the issuance of marketing registration certificate for drug raw materials shall comprise:

a) The administrative document stipulated in clause 2 Article 23 of this Circular.

b) The quality document stipulated in Article 31 of this Circular;

2. Application dossiers for renewal of marketing registration certificate of drug raw materials

a) The administrative documents as stipulated in clause 2 Article 23 of this Circular and the following documents:

b) Relevant documents stipulated in Section B Appendix II enclosed with this Circular in the case there are changes in administrative document pertinent to the drug (other than changes in label and package insert) at the point of certificate renewal.

If the registrant already submitted the revised administrative document prior to the submission of renewal application dossier but the earlier submission has not been approved, the administrative document shall not be required as part of the application dossier for certificate renewal.

3. Application dossiers for modification, supplementation of marketing registration certificate of drug raw materials shall comprise:

a) The administrative document stipulated in clause 4 Article 23 of this Circular;

b) Documents pertinent to the corresponding major variations, minor variations as stipulated in Part B Annex II of this Circular.

## **Chapter IV**

### **FORMALITIES FOR THE ISSUANCE, RENEWAL, MODIFICATION, SUPPLEMENTATION OF MARKETING REGISTRATION CERTIFICATE OF DRUGS, DRUG RAW MATERIALS; PROCEDURES FOR EVALUATING DOSSIER FOR IMPORTATION OF DRUGS NOT YET COVERED BY A MARKETING REGISTRATION CERTIFICATE**

**Article 33. Cases eligible for dossier review under accelerated evaluation pathway, abbreviated evaluation pathway**

1. Cases qualified for accelerated evaluation pathway

Drug registration dossiers shall be eligible for review under accelerated evaluation pathway when satisfying one of the following conditions:

a) Drugs on the list of orphan drugs issued by the Minister of Health.

b) Drugs to support emergency requirements in national defence, security, prevention and combatting epidemics, mitigating consequences of natural disasters, calamities.

c) Drugs produced domestically on new GMP-conforming manufacturing lines or on upgraded GMP-EU, GMP-PIC/S conforming or equivalent manufacturing lines within 18 months from the GMP certification date;

d) Vaccines that are prequalified by WHO, vaccines used in national expanded immunization programs;

đ) Specialty drugs with special dosage form to which there are no more than 02 (two) similar drugs (of the same drug substance, the same dosage form, the same strength, same concentration) with a certificate of marketing registration still valid at the time of dossier submission, comprising:

- Drugs for cancer treatment;

- New generation of antivirals;

- New generation of antimicrobials;

- Drugs for the treatment of dengue fever, tuberculosis, malaria;

- Immuno-suppressive drugs used in organ transplant.

e) Drugs produced domestically, comprising:

- Drugs produced under contract manufacturing or technology transfer arrangements being drugs for cancer treatment, vaccines, biologics, new generation of antivirals, new generation of antimicrobials, immunosuppressive drugs used in organ transplant;

- Medicinal material drugs that are outcomes of satisfactory evaluated national, ministerial-level or provincial-level scientific and technology research grant, that are manufactured entirely from GACP domestically cultivated and harvested medicinal material sources.

- New drugs produced domestically on which a clinical trial in Vietnam has been completed;

g) New drugs (for cancer treatment, new generation antivirals, new generation antimicrobials), reference biologics;

h) Brand name drugs produced under contract manufacturing or technology transfer arrangements in Vietnam.

i) Drug products the manufacturer of which was changed leading to the issuance of a new marketing registration certificate according to the provision of point b clause 2 Article 55 of pharmaceutical law.

#### 2. Cases eligible for dossier review under abbreviated evaluation pathway

Drug registration dossiers shall be reviewed under abbreviated evaluation pathway when satisfying all of the following conditions:

a) Drugs manufactured at facilities that are periodically assessed by Drug Administration for GMP conformity.

b) Drugs on the List of non-prescription drugs.

c) Drugs that are not of modified release dosage form

d) Drugs that are not for direct use on the eyes.

### **Article 34. Competence in the issuance, renewal, modification, supplementation of certificate of marketing registration**

1. Drug Administration and the units assigned by the Minister of Health (hereafter referred to as the evaluation unit) shall hold the review of application dossiers for the issuance, renewal, modification, supplementation of marketing registration certificate of drugs, drug raw materials, except for the cases stipulated in point b clause 2 of this Article.

#### 2. Drug Administration shall:

a) Issue, renew, approve variations of, Marketing registration certificate for drug products, declare designation of brand name drugs, reference biologic, drugs supported by bioequivalence study on the basis of the Council's opinions on specific cases or per general rules for each of the variation categories, except for the variation category referred to in point b of this clause.

b) Publish on its web page contents of minor variations requiring Notification only of Certificate of marketing registration

### **Article 35. General provisions on procedures for the issuance, renewal, modification, supplementation of marketing registration certificate for drugs, drug raw materials**

1. Dossiers shall be submitted electronically online, in person or through the post to Drug Administration;

2. After receiving a complete dossier Drug Administration shall issue to the registrant a Dossier receipt using Form no. 9/TT enclosed with this Circular.

Drug Administration shall accept the submission of registration dossiers without requiring the submission of a CPP in the case stipulated in point e clause 4 Article 22 of this Circular and the document stipulated in point b clause 1 Article 24 of this Circular at the same time.

3. With regard to application dossier for importation of drugs not yet covered by a marketing registration certificate, the acceptance of dossier shall follow the provision of point b clause 1 Article 77 Decree no 54/2017/NĐ-CP.

4. Holding dossier review for the issuance, renewal, modification, supplementation of marketing registration certificate of drugs, drug raw materials and dossier for importations of drugs not yet covered by a marketing registration certificate:

a) Drug Administration shall refer the dossiers to experts or the units assigned by Ministry of Health for dossier evaluation from the list of experts put together and approved by Drug Administration or the evaluation units.

b) On the basis of synthesized evaluating opinions of experts or the dossier evaluation units and taking into account relevant information, Drug Administration shall make recommendations as to whether to, or not yet to, or not to issue, renew, modify, supplement a marketing registration certificate of a drug, a drug raw material; whether to, or not yet to, or not to issue an import license for a drug not yet covered by a marketing registration certificate. The recommendation from Drug Administration shall be reflected on the evaluation minutes.

c) Drug Administration shall present to the Council its recommendations referred to in point b of this clause for the latter's review and advice on the following:

- Issue, not to issue;
- Renew, not to renew;
- Approve, not to approve changes, supplements in marketing registration certificate for a drug, a drug raw material (with the exception of cases stipulated in clause 5 of this Article;
- Declare, not to declare a drug as brand name drug or reference biologic, except for the cases not requiring an application for brand name drug or reference biologic designation stipulated in Article 9 of this Circular.
- Issue, not to issue an import license for a drug not yet covered by a marketing registration certificate;
- Other cases as recommended by Drug Administration so as to address pressing demands in disease prevention and treatment.

5. With regard to dossiers for the issuance, renewal, modification, supplementation of marketing registration certificate, the registrant shall be allowed to revise or supplement them not more than 3 times. Past this 3 times, if the dossier is still found unsatisfactory, Drug Administration shall issue an official rejection letter to the registrant. The dossier submitted shall be then voided.

**Article 36. Formalities for the issuance of marketing registration certificate, procedures for dossier review for importation of drugs not yet covered by a marketing registration certificate**

1. Within 12 months from the date of receipt of a complete application dossier for the issuance of marketing registration of a drug (other than the categories stipulated in Article 39 of this Circular), Drug Administration shall issue a marketing registration certificate for the drug. If the certificate is not, or not yet, issued, Drug Administration shall issue a written response and state the reasons accordingly. The timeline for each specific step of the process shall be as follows:

a) Within 02 months from the date of receipt of a complete dossier, Drug Administration shall review, classify and send the dossier to expert evaluators or evaluation units. Within 06 months from the date of receipt of the dossier from Drug Administration, the expert evaluators and evaluation units must complete the evaluation minutes and send it to Drug Administration for the latter to synthesize, give its opinion on the minutes in accordance with the provision of clause 4 Article 35 of this Circular;

b) Within 02 months from the date of receipt of the evaluation minutes, Drug Administration shall issue a written response to cases of which the dossier has not met the requirements and state the reasons accordingly. With regard to the dossiers of which Drug Administration recommends to issue, or not to issue, a certificate or recommends seeking the Council's opinion, Drug Administration shall refer them to the Council for a Council meeting;

c) Within 1 month from the receipt of the cases from Drug Administration, the Council Office shall hold a meeting and send to Drug Administration the Minutes of the meeting;

d) Within 01 month from the date of receipt of the Council's meeting minutes, Drug Administration shall issue the decision to issue marketing registration certificate for cases meeting the

requirements; Drug Administration shall issue a written response according to the Council's conclusion to cases not, not yet, meeting the requirements and state the reasons accordingly.

2. Within 36 months in the cases requiring follow up submission of pre-clinical document and clinical document, bioequivalence study document, stability study document or within 12 months in the cases requiring follow up supplements, from the date Drug Administration issue the written notice, the registrant must submit the supplementary documents as requested. Past this timeline, if the registrant does not do so the dossier submitted earlier shall become void.

During the pendency period of the registration, the registrant shall be allowed to notify Drug Administration in writing of any update information relating to the safety and efficacy of the drug under review or the official papers pertaining to the drug's registrant, manufacturer in relation to the submitted dossier.

The time interval between the date Drug Administration's notice for supplementary submission becomes available to the date the registrant submits the supplements shall not be counted against the time limit stipulated in clause 5 Article 56 of pharmaceutical law.

3. Within 06 months from the date of receipt of a complete supplementary submission, Drug Administration shall issue the decision to issue marketing registration certificate for cases meeting the requirements; Drug Administration shall issue a written response in line with the Council's conclusion to cases not, not yet, meeting the requirements and state the reasons accordingly. The timeline for case processing is as follows:

a) Within 01 month from the date of receipt of a complete dossier, Drug Administration shall examine, classify and send the dossier to expert evaluators or evaluation units. Within 02 months from the date of receipt of the dossier from Drug Administration, the expert evaluator and evaluation units must complete the evaluation minutes and send it to Drug Administration for the latter to synthesize, give its opinion on the minutes in accordance with the provision of clause 4 Article 35 of this Circular;

b) Within 01 month from the date of receipt of the evaluation minutes, Drug Administration shall issue a written response to cases of which the dossier has not met the requirements and state the reasons accordingly. With regard to the dossiers of which Drug Administration recommends to issue, or not to issue, a certificate or recommends seeking the Council's opinion, Drug Administration shall refer them to the Council for a Council meeting;

c) Within 01 month from the receipt of the cases from Drug Administration, the Council Office shall hold a meeting and send to Drug Administration the Minutes of the meeting;

d) Within 01 month from the date of receipt of the Council's meeting minutes, Drug Administration shall issue the decision to issue marketing registration certificate for cases meeting the requirements; Drug Administration shall issue a written response according to the Council's conclusion to cases not, not yet, meeting the requirements and state the reasons accordingly.

4. Procedures for the evaluation of dossiers for importation of drugs not yet covered by a marketing registration certificate:

a) Within 05 working days from the date of receipt of a complete dossier, Drug Administration shall transfer the dossier to evaluation experts or evaluation units.

The evaluation time shall not exceed 30 days in the cases not requiring clinical data, documents demonstrating bioequivalence with the reference biologics, or not exceeding 60 days in the cases requiring clinical data or documents demonstrating bioequivalence with the reference biologics, from the date Drug Administration transfer the dossier to evaluation experts or evaluation units;

b) Within 20 days from the date of receipt of the evaluation minutes:

- Drug Administration shall synthesize the evaluation opinions of evaluation experts or the evaluation units and take into account relevant information in order to make recommendations as to whether to, not yet to or not to, issue an import license for the drug not yet covered by a marketing registration license.

- With regard to dossiers requiring referral to the Council as referred to in point c clause 4 Article 35 of this Circular, Drug Administration shall present them to the Council in the next meeting;

- With regard to dossiers that are evaluated as not satisfactory, Drug Administration shall issue a written response and state the reasons accordingly.

c) Within 5 working days from the date of the receipt of Council's meeting, Drug Administration shall issue an import license for the cases meeting the requirements; or a written response in line with the Council's conclusion to cases not yet meeting the requirements and state the reasons accordingly.

d) After receiving the revised, supplemented documentation from the importer, Drug Administration shall proceed according to the provisions of point a, b and c of this clause.

With regard to dossiers for which the Council requests revision, supplementation and not requiring referral back to the Council again, Drug Administration shall notify the applicant for the latter to revise, supplement the dossier accordingly; if the revised, supplemented dossier is evaluated as satisfactory, Drug Administration shall proceed to issuing the license without further referral to the Council.

### **Article 37. Procedures for renewal of marketing registration certificate of drugs, drug raw materials**

1. Within 03 months from the date of receipt of a complete dossier, Drug Administration shall renew the marketing registration certificate of the drug, the drug raw material. If the certificate is not, not yet renewed, Drug Administration shall issue a written response and state the reasons accordingly. The timeline for the steps involved shall be as follows:

a) Within 08 working days from the date of receipt of the dossier, Drug Administration shall examine, classify and forward the dossier to expert evaluators or evaluation units. Within 01 month from the date of receipt of the dossier from Drug Administration, the expert evaluators or evaluation units shall complete the evaluation minutes and send it to Drug Administration for the latter to synthesize, to conclude the evaluation minutes in accordance with clause 4 Article 36 of this Circular.

b) Within 12 working days from the date of receipt of the evaluation minutes, Drug Administration shall issue a written response to cases that are evaluated as not yet meeting the requirements and state the reasons accordingly. With regard to cases for which Drug Administration recommends to renew, not to renew or requiring further review by the Council, Drug Administration shall refer them to the Council for a council meeting;

c) Within 06 working days from the receipt of the cases from Drug Administration, the Council Office shall hold a meeting and send to Drug Administration the Minutes of the meeting;

d) Within 18 working days from the date of receipt of the Council's meeting minutes, Drug Administration shall issue the decision to renew marketing registration certificate to cases meeting the requirements; Drug Administration shall issue a written response in line with the Council's conclusion to cases of which the dossier is evaluated as not yet meeting the requirements and state the reasons accordingly.

2. Within 12 months, with regard to cases requiring follow up dossier supplementation, from the date Drug Administration issues the written notice, the registrant must submit supplementary documentation as requested. Past this timeline, if the registrant fails to do so the dossier submitted earlier shall become void.

During the pendency period of the registration, the registrant shall be allowed to notify Drug Administration in writing of any update information relating to the safety and efficacy of the drug under review or the official papers pertaining to the drug's registrant, manufacturer in relation to the submitted dossier.

The registrant shall be allowed to inform Drug Administration in writing of any update information related to the safety and efficacy of the drug in relation to the registration dossier submitted pending evaluation.



The time interval between the date Drug Administration's notice for supplementary submission becomes available to the date the registrant submits the supplements shall not be counted against the time limit stipulated in clause 5 Article 56 of pharmaceutical law.

3. Within 03 months from the date of receipt of a complete supplementary submission, Drug Administration shall issue the decision to renew marketing registration certificate for cases meeting the requirements; Drug Administration shall issue a written response in line with the Council's conclusion to cases not, not yet, meeting the requirements and state the reasons accordingly.

The procedures and timeline for reviewing supplementary documents shall follow the provision of clause 1 of this Article.

**Article 38. Procedures for modification, supplementation of marketing registration certificate of drugs, drug raw materials throughout the certificate's validity period**

1. Modification, supplementation of marketing registration certificate of drugs, drug raw materials, other than the cases stipulated in clause 2 of this Article

Within 03 months from the date of receipt of a complete dossier, Drug Administration shall approve the variations registered. If approval is not, not yet granted, Drug Administration shall issue a written response and state the reasons accordingly. The timeline for each of the steps involved shall be as follows:

a) Within 08 working days from the date of receipt of the complete dossier. Drug Administration shall review, classify and send the dossiers to the expert evaluators or evaluation units. Within 01 month for the date of receipt of the dossiers from Drug Administration, the expert evaluators and evaluation unit shall complete the evaluation minutes and send it to Drug Administration for the latter to synthesize, give its concluding comments on the minutes in accordance with clause 4 Article 35 of this Circular;

b) Within 12 working days from the date of receipt of the evaluation minutes from the experts or evaluation units, Drug Administration shall issue a written response regarding the cases it finds not or not yet satisfactory with the reasons stated accordingly. Drug Administration shall refer the cases meeting the requirements or other cases requiring further opinions from the Council for a council meeting;

c) Within 06 working days from the receipt of the cases from Drug Administration, the Council Office shall hold a meeting and send to Drug Administration the Minutes of the meeting.

d) Within 18 working days from the date of receipt of the Council's meeting minutes, Drug Administration shall declare the designation of brand name drugs, reference biologics, drugs supported by a bioequivalence report, approve the variations registered or issue a written response to registrants of dossiers evaluated as not, not yet meeting the requirements according the Council's conclusion and state the reasons accordingly.

2. Modification, supplementation of marketing registration certificate involving notification-only minor variations

Within 15 working days from the date recorded on the dossier receipt, Drug Administration shall publicize these requiring-notification-only minor variations on its webpage. If the variation does not fit the category of Notification-only minor variations, Drug Administration shall notice the registrant accordingly.

The registrant shall be allowed to effectuate and be responsible for the changes, supplements concerned from the date recorded on the dossier receipt. The registrant, the manufacturer shall be responsible before the law of the accuracy and integrity of the information of the variation notification, to keep the pertinent records, documents for post marketing inspection by the competent authority.

3. Within 36 months in the cases requiring follow up submission of pre-clinical document and clinical document, bioequivalence study document, stability study document or within 12 in the cases requiring supplementation of other documents, from the date Drug Administration issue the written notice, the registrant shall submit the supplementary documentation as requested. Past this timeline, if

the registrant fails to respond with supplementary submission the dossier submitted earlier shall become void.

During the pendency period of the registration, the registrant shall be allowed to notify Drug Administration in writing of any update information relating to the safety and efficacy of the drug under review or the official papers pertaining to the drug's registrant, manufacturer in relation to the submitted dossier.

The time interval between the date Drug Administration's notice for supplementary submission becomes available to the date the registrant submits the supplements shall not be counted against the time limit stipulated in clause 5 Article 56 of pharmaceutical law.

4. Within 02 months from the date of receipt of the complete supplementary documentation from the cases stipulated in clause 1 of this Article, Drug Administration shall approve the modification, supplementation of marketing registration certificate for cases meeting the requirements; Drug Administration shall issue a written response to cases of which the dossier is evaluated as not yet or not satisfactory and state the reasons accordingly.

The statutory timelines for the steps involved shall be as follows:

a) Within 05 working days from the date of receipt of the complete dossier. Drug Administration shall review, classify and send the dossiers to the expert evaluators or evaluation units. Within 08 working days from the date of receipt of the dossiers from Drug Administration, the expert evaluators or evaluation unit shall complete the evaluation minutes and send it to Drug Administration for the latter to synthesize, give its concluding comments on the minutes in accordance with clause 4 Article 35 of this Circular;

b) Within 07 working days from the date of receipt of the evaluation minutes from the experts or evaluation units, Drug Administration shall issue a written response regarding the cases it finds not or not yet satisfactory with the reasons stated accordingly. Drug Administration shall refer the cases evaluated as meeting the requirements or other cases requiring further opinions from the Council for a council meeting;

c) Within 06 working days from the receipt of the cases from Drug Administration, the Council Office shall hold a meeting and send to Drug Administration the Minutes of the meeting.

d) Within 18 working days from the date of receipt of the Council's meeting minutes, Drug Administration shall declare the designation of brand name drugs, reference biologics, drugs supported by a bioequivalence report, approve the variations registered or issue a written response to registrants of dossiers evaluated as not, not yet meeting the requirements according the Council's conclusion and state the reasons accordingly.

5. The time limit for effectuating the variations [leading to] the modification supplementation of marketing registration certificate: not later than 12 months counting from the signing date of the Drug Administration's letter approving the variations.

6. Some variations which the registrant, the manufacturer shall unilaterally update on the drug's label, package insert and take responsibility for the update without having to submit a registration application or to notify Drug Administration are:

a) The labelling of drugs, drug raw materials, including package inserts, according the provision of clause 2 Article 35 of Minister of Health's Circular 01/2018/TT-BYT of 18/01/2018 regulating the labelling and package insert of drugs, drug raw materials;

b) Changing, adding information to the drug label, package insert according to Drug Administration's written notice guiding the implementation of the Council's policy;

c) Apart from the variations requiring resubmission of samples of label, package insert as stipulated in provision of Annex II of this Circular, the registrant, the manufacturer shall on their own effectuate any other labelling-related revision upon obtaining Drug Administration's respective approval;

d) Other contents:

- Change the display position on the label or package insert of the information regarding the importer of the drug, drug raw material;
- Correction of typographical errors on labels, package inserts;
- Changes in layout, but not the content, of the sections of the approved package insert in keeping with the regulations on package insert;
- Adding information regarding specifications on labels, package inserts consistent with the dossier that has been approved by Drug Administration;
- Removal on non-mandatory information on labels, package inserts.

**Article 39. Procedures for the issuance of marketing registration certificate for drugs under accelerated evaluation pathway, abbreviated evaluation pathway and the issuance of marketing registration certificate for drug raw materials**

1. Within 06 months from the date of receipt of a complete dossier, Drug Administration shall issue a marketing registration certificate for the drug, the drug raw material. If the certificate is not or not yet issued, Drug Administration shall issue a written response and state the reasons accordingly. The timeline for each of steps involved shall be as follows:

a) Within 16 working days from the date of receipt of the complete dossier, Drug Administration shall classify and send the dossier to the expert evaluators or evaluation units. Within 03 months from the date of receipt of the dossier from Drug Administration, the evaluation experts and the evaluation units must complete the evaluation minutes and send it to Drug Administration for the latter to synthesize and conclude the minutes in accordance with the provision of clause 4 Article 35 of this Circular;

b) Within 18 working days from the date of receipt of the evaluation minutes Drug Administration shall issue a written response to cases not yet meeting the requirements and state the reasons accordingly. Drug Administration shall transfer the cases meeting or not meeting the requirements or other cases requiring further opinions from the Council for a council meeting;

c) Within 10 working days from the receipt of the cases from Drug Administration, the Council Office shall hold a meeting and send to Drug Administration the Minutes of the meeting.

d) Within 01 month from the date of the Council's meeting, Drug Administration shall issue to decision to issue a marketing registration certificate to cases meeting the requirements; Drug Administration shall issue a written response in line with the Council's conclusion to cases of which the dossier is evaluated as not yet or not satisfactory and state the reasons accordingly.

2. Within 36 months for the cases requiring follow up supplementation of pre-clinical document and clinical document, bioequivalence document, stability study document, or within 12 months for the cases requiring supplementation of other documents, from the date Drug Administration issue the written notice, the registrant must respond with supplementary submission as requested. Past this timeline, if the registrant fails to do so, the dossier submitted earlier shall become void.

The registrant shall be allowed to inform Drug Administration in writing of any update information related to the safety and efficacy of the drug in relation to the registration dossier submitted pending evaluation.

The time interval between the date Drug Administration's notice for supplementary submission becomes available to the date the registrant submits the supplements shall not be counted against the time limit stipulated in clause 5 Article 56 of pharmaceutical law.

3. Within 03 months from the date of receipt of a complete supplementary submission, Drug Administration shall issue the decision to issue marketing registration certificate for cases meeting the requirements; Drug Administration shall issue a written response in line with the Council's conclusion to cases of which the dossier is evaluated as not yet or not meeting the requirements and state the reasons accordingly. The statutory timelines for the steps involved are as follows:

a) Within 10 working days from the date of receipt of the complete dossier, Drug Administration shall classify and send the dossier to the expert evaluators or evaluation units. Within 03 months from the date of receipt of the dossier from Drug Administration, the evaluation experts and the evaluation units must complete the evaluation minutes and send it to Drug Administration for the latter to synthesize and conclude the minutes in accordance with the provision of clause 4 Article 35 of this Circular;

b) Within 08 working days from the date of receipt of the evaluation minutes Drug Administration shall issue a written response to cases not yet meeting the requirements and state the reasons accordingly. Drug Administration shall transfer the cases meeting or not meeting the requirements or other cases requiring further opinions from the Council for a council meeting;

c) Within 10 working days from the receipt of the cases from Drug Administration, the Council Office shall hold a meeting and send to Drug Administration the Minutes of the meeting.

d) Within 01 month from the date of the Council's meeting, Drug Administration shall issue to decision to issue a marketing registration certificate to cases meeting the requirements; Drug Administration shall issue a written response in line with the Council's conclusion to cases of which the dossier is evaluated as not yet or not satisfactory and state the reasons accordingly.

## **Chapter V**

### **WITHDRAWING MARKETING REGISTRATION CERTIFICATE, SUSPENDING THE ACCEPTANCE OF APPLICATION DOSSIER FOR THE ISSUANCE, RENEWAL OF MARKETING REGISTRATION CERTIFICATE**

#### **Article 40. Competence and formalities for the withdrawal of certificate of marketing registration of drugs, drug raw materials**

1. Competence in certificate withdrawal and responsibility for notification of certificate withdrawal:

a) Drug Administration shall withdraw certificate of marketing registration of drugs, drug raw materials from the cases categorized under clause 1 Article 58 of pharmaceutical law;

b) Health Department of provinces, centrally affiliated cities, line agency Health services shall notify [relevant entities] in the jurisdiction the Drug Administration's decisions to withdraw certificates of marketing registration of drugs, drug raw materials.

2. Procedures for the withdrawal of certificate of marketing registration of drugs, drug raw materials under the provisions of point a, b clause 1 Article 58 of pharmaceutical law

Within 30 days from the date of the withdrawal decision is made by the competent regulatory authority, Drug Administration shall issue the decision to withdraw the concerned certificate of marketing registration of the drug, drug raw material.

3. Procedures for the withdrawal of certificate of marketing registration of drugs, drug raw materials under the provisions of point d and đ clause 1 Article 58 of Pharmaceutical law

Within 30 days from the date a written conclusion is made by the competent regulatory authority that the registration dossier based on which a certificate of marketing registration was issued was falsified, or that the drug, drug raw material is not produced at the address indicated in the registration dossier, Drug Administration shall issue the decision to withdraw the concerned certificate of marketing registration;

4. Procedures for the withdrawal of certificate of marketing registration of drugs, drug raw materials under the provisions of point c and e clause 1 Article 58 of pharmaceutical law:

Within 10 days from the date the competent regulatory authority of Vietnam or from the date of receipt of an advisory from WHO or from the country of origin that a drug is not safe, not effective for users or that the relevant foreign regulatory authority has withdrawn the certificate of pharmaceutical

product, the Director of Drug Administration shall issue a decision to withdraw the concerned certificate of marketing registration

5. Procedures for the withdrawal of certificate of marketing registration of drugs, drug raw materials under the provision of point g clause 1 Article 58 of pharmaceutical law:

a) The applicant [establishment] shall submit a request for the withdrawal of marketing registration certificate of a drug, or drug material in Vietnam from a manufacturer or a registrant using Form 1/TT of this Circular.

b) Within 20 days from the date of receipt of a request for certificate withdrawal, Drug Administration shall issue the withdrawal decision.

**Article 41. Provisions on the suspension of acceptance of application dossiers for issuance, renewal of certificate of marketing registration of drugs, drug raw materials**

1. The suspension of acceptance of application dossiers for issuance, renewal of certificate of marketing registration of drugs, drug raw materials shall proceed in accordance with the provisions of clause 2, 3 and 4 Article 100 of Decree no 54/2017/ND-CP.

2. Drug Administration shall provide notification of the suspension of the acceptance of application dossiers for the issuance, renewal of marketing registration certificate for a drug, a drug raw material.

## **Chapter VI**

### **ORGANIZATION AND OPERATING PRINCIPLES OF THE ADVISORY COUNCIL ON MARKETING AUTHORIZATION FOR DRUGS, DRUG RAW MATERIALS, OF THE EVALUATION UNITS, THE EXPERT EVALUATORS**

**Article 42. Organization, operations of the Council**

1. The Minister of Health shall set up an Advisory council for marketing authorization for drugs, drug raw materials. Members of the Council shall be suitably qualified and experienced experts capable for evaluating dossiers, debating the recommendations of evaluation experts and Drug Administration, advising the Minister of Health or the Director of Drug Administration as delegated by the Minister on pharmaceutical regulatory issues, on quality documents, on the safety, efficacy of drugs, of drug raw materials.

2. The Council shall be responsible for advising the Minister of Health on the issuance, renewal, modification, supplementation of marketing registration certificate of drugs, of drug raw materials; on the licensing for importation of drugs not yet licensed for marketing in Vietnam on the basis of the expert's evaluation and Drug Administration's recommendations and on associated issues at the request of the Minister of Health. The Council shall be responsible before the Minister of Health for their advices.

3. The Council's operating principles:

a) The Council shall operate on the principle of consensus, centralized democracy, objectivity, public disclosure, transparency. The Council's opinion shall be legally and scientifically sound, taking into account the evaluation results of evaluation experts, clinical reality and Drug Administration's recommendations.

b) The Council shall only hold meeting where there is a quorum of 2/3 Council's members participating (according the Council's Charter issued by Ministry of Health), Council's members who are not present in person but do submit their opinion in writing shall be considered as participating in the meeting;

The Council's Chair or the person delegated by the Council's Chair to chair the meeting shall make the concluding decision on the basis of at least 2/3 consenting opinions obtained from participating members. Dissenting opinions shall be included for consideration.

The opinions of Council's members and the Council's conclusion shall be recorded in the minutes of the Council's meeting, including the dissenting opinions.

c) Where a Council meeting is not convened, the Council's Chair shall collect members' opinions in writing;

Past the time limit for opinion collecting, the Council's Chair or the delegated person shall put forward the Council's conclusion after obtaining at least 2/3 of the members' opinions submitted to the Council's Standing committee.

The Council's concluding opinion shall be made on the basis of consensus obtained from at least 2/3 of the members submitted to the Council's standing committee and of Drug Administration's synthesized report and recommendations;

The Council's concluding opinions shall be recorded on a Submission sheet presenting the Council's Chair or the person delegated by the Chair's concluding opinions.

d) Where necessary, the Council members shall have the right to review, evaluate registration dossiers, the Council's Chair shall have the right to solicit additional input from independent experts other than the Council's members before drawing the final conclusion. These experts may participate in the Council's meeting in person or give their input in writing, shall have the same responsibilities and rights with the Council's members;

đ) No breach of the principle on conflict of interest shall be allowed.

4. Drug Administration shall advise and present to the Minister of Health for promulgation the organization and operating charter for the Council, the coordination mechanism between the Council and evaluation experts for the issuance, renewal, modification supplementation of marketing registration certificate of drugs, drug raw materials, the import licensing of drugs not yet licensed for marketing in Vietnam.

5. The Council's operating budget shall be regulated in accordance with applicable laws.

6. The Council's standing committee is based at the office of Drug Administration.

**Article 43. Organization, operations of expert evaluators of registration dossiers for the issuance, renewal, modification, supplementation of drugs, drug raw materials, for import application dossiers of drugs not yet covered by a marketing registration certificate**

1. Drug Administration, the evaluation unit shall be responsible for setting up evaluation sub-units on legality aspects; specifications; pharmacology; formulation, stability profile; bioequivalence and drawing up the list of expert evaluators in evaluation subcommittees for registration dossiers for issuance, renewal, modification, supplementation of marketing registration certificate for drugs, of drug raw materials, for import applications of drugs not yet covered by a marketing registration certificate (hereafter referred to as expert evaluators). Subcommittees of expert evaluators shall have a structure suitable with the class of products registered, the class of products under review for import licencing and the type of registration, the form of import licensing application.

2. Expert evaluators shall operate on the principle that: evaluation opinions shall be legally and scientifically sound and be reflected on the evaluation minutes of registration dossiers or the evaluation minutes of import application dossiers. The evaluation experts shall be responsible to the Director of Drug Administration and the evaluation unit for the evaluation they perform, the recommendations they make in relation to the dossiers under review.

3. Drug Administration within its mandate and assigned functions shall be responsible to develop and promulgate the organization and operating charter for groups of evaluation experts for the evaluation of registration dossiers of drugs, of drug raw materials, of import application dossiers of

drugs not yet covered by a marketing registration certificate; to enter into service contracts with expert evaluators or evaluation units;

Drug Administration, the evaluation unit shall hold training courses for expert evaluators; to assess the expert evaluators they assemble for professional competencies and regulatory compliance so as to make adjustment, appoint additional suitable experts accordingly.

4. The budget for holding dossier evaluations shall be regulated by applicable laws.

## **Chapter VII**

### **IMPLEMENTATION PROVISIONS**

#### **Article 44. Entry into force**

1. This Circular shall take effect from 20 October 2022.
2. The following regulations shall be repealed:

a) Circular no 32/2018/TT-BYT dated 12 November 2018 of the Minister of Health regulating drug registration.

b). Clause 3 Article 1 Circular no 23/2021/TT-BYT dated 09 Dec 2021 of the Minister of Health amending, supplementing a number of the Minister's issued legal normative documents.

4. Clause 5 Article 1 Circular no 29/2020/TT-BYT dated 31 Dec 2020 of the Minister of Health amending, supplementing a number of legal normative documents issued by the Minister and jointly issued with other Ministries.

5. Point h clause 3 Article 14 Circular no 01/2018/TT-BYT dated 18 Jan 2018 of the Minister of Health regulating the labelling of drugs, drug raw materials and package insert for drug products.

#### **Article 45. Transitional provision**

1. Registration dossiers submitted before the effective date of this Circular shall continue to be processed according to applicable regulations at the time of submission, unless the registrant chooses to follow the provision of this Circular from its signing date.

2. Dossiers submitted to the dossier-receiving authority before the effective date of this Circular but are pending review shall be processed according to relevant provisions of this Circular or provisions applicable before this Circular takes effect, whichever way more convenient to businesses, organizations, individuals.

3. With regard to the drugs of which the registration dossier or renewal dossier was submitted before the effective date of Circular no 32/2018/TT-BYT and for which a marketing certificate has been issued or renewed, manufacturers shall only be allowed to manufacture them using raw materials produced by manufacturers conforming with the respective good manufacturing practices in accordance with the provision of Article 141 Decree no 54/2017/NĐ-CP. Manufacturers and registrants shall keep records of documentary evidence in accordance with the provision of clause 11 Article 22 of this Circular for presentation to relevant authorities upon request.

4. The registration of Covid-19 vaccines for emergency use shall be in accordance with the provision of Circular no 11/2021/TT-BYT dated 19 Aug 2021 of the Minister of Health guiding the registration of Covid-19 vaccine for emergency use.

5. Where the WHO-format CPP is updated, within 12 months from the date the updated version is published on WHO website, the CPP submitted in registration dossiers must contain all the information conforming to the updated version.

6. The provision relating to the regulatory authorities of reference countries of clause 9 Article 2 Circular no 32/2018/TT-BYT cited in other legal normative documents shall continue to be applicable until such time that those documents are amended, supplemented, replaced or repealed.

7. Where a drug product is already declared by Ministry of Health as brand name drug before the effective date of this Circular, Drug Administration shall revise, update any related information change or supplementation in accordance with the registrant's request.

8. Where Annex I, III, IV issued together with this Circular are updated in line with ASEAN common technical requirements, within 06 months from the update documents are published on ASEAN website (<https://asean.org/our-communities/economic-community/standard-and-comformance/key-documents-publications/>), Drug Administration shall have them translated and published Ministry of Health's website and its webpage

Within 06 months from the date Drug Administration publish the updated documents on the website, registrants must have the updated contents reflected in registration dossiers.

9. The registration of drug products produced in Vietnam under technology transfer arrangement, drug products for which the secondary packaging is performed in Vietnam shall follow the provisions of Circular 32/2018/TT-BYT until the Circular regulating the registration of contract manufactured drugs, technology transfer drugs produced in Vietnam is promulgated by Ministry of Health and takes effect.

#### **Article 46. Implementation roadmap**

1. From the date this Circular takes effect, manufacturers having more than 02 drug products of the same drug substance or medicinal materials, dosage form, administration route, strength or concentration in a unit dose, which are covered by a certificate of registration for marketing in Vietnam, in filing for certificate renewal, should work the registrant to select and request for renewal of 2 drug products in accordance with clause 6 Article 8 of this Circular, the other drugs that are already covered by a marketing registration certificate shall have their certificate validity extended until 31/12/2025.

2. With regard to domestically produced drugs, drug raw materials for which a marketing registration certificate was issued before the effective date of this Circular and [for the production of which] the registrant has the need to import excipients, capsule shells as raw materials to Vietnam: Before importing them for the first time, the registrant shall update complete information on the excipients, capsule shells to the Drug Administration's online public service system. Within 05 working days from the date the registrant updating the information, Drug Administration shall complete the declaration. The registrant shall be accountable for the accuracy of the information updated in relation to the approved registration dossier and shall not be required to update the information again in subsequent importations.

3. The application of registration number by the format stipulated in Annex VI of this Circular on certificates newly issued, or renewed, shall be effectuated from 01/01/2023. For the drugs a registration number was issued before 01/01/2023 and the marketing registration certificate was renewed, the registration number issued prior to the renewal date shall continue to be effective for a maximum 12 months from the date the number with the format stipulated in Annex VI of this Circular is issued.

#### **Article 47. Provision on references**

When there are amendment, supplementation or replacement of the legal normative documents and regulations cited in this Circular, the new normative documents, regulations shall prevail.

#### **Article 48. Implementation responsibilities**

1. Drug Administration, within its mandate, assigned functions and in line with the ASEAN harmonization roadmap for drug registration, shall be responsible to:

a) Provide guidance for and carry out the implementation of the provisions of this Circular;

b) Update the list of drugs, drug raw materials for which a marketing registration certificate has been issued, renewed within 05 days from the issue date, the renewal date and other registration pertinent information on Drug Administration's webpage;



c) Publicize, update on Drug Administration's website the list of drugs with proven bioequivalence, drugs designated as brand name drug, as reference biologic within 05 days from the date of issuance of marketing registration certificate and the information on the variations associated with these drugs within 07 days from the approval date of the respective certificate modification;

d) Examine, review the drugs with proven bioequivalence, the drugs that have been declared as brand name drug, reference biologic that no longer satisfy the regulatory qualifying criteria;

đ) Develop, institute standard operating procedures (SOP) in drug registration and drug registration manual (QM);

e) Coordinate with Traditional Medicine Administration in the renewal, modification, supplementation of certificate of marketing registration for traditional drugs, medicinal materials already licensed for marketing in accordance with the provisions of Circular no. 44/2014/TT-BYT dated 25 Nov 2014 of the Minister of Health regulating drug registration;

g) In the event a registrant falsifies or unilaterally alters records, documents, official papers issued by Vietnam or foreign competent authorities; uses a counterfeit seal or forges the signature or seal of registrants, manufacturers and related entities in a registration dossier, Drug Administration shall issue a warning letter to the registrant and halt the acceptance of application dossiers for issuance, renewal of certificate of marketing registration in accordance with the provisions of clause 2, 3 and 4 Article 100 Decree 54/2007/NĐ-CP dated 08 May 2017 of the Government detailing a number of articles of and implementation measures for Pharmaceutical law.

Apart from the above measures, Drug Administration shall make public the violations committed by concerned entities on its webpage, and at the same time inform the Inspectorate and competent authorities for review and handle the cases in accordance with applicable laws and regulations.

h) In the event that a manufacturer falsifies or unilaterally alters records, documents, official papers issued by Vietnam or foreign competent authorities; provides documents to the registrant for marketing registration in Vietnam that are not based on research, actual manufacturing, issue a warning letter to the registrant and halt the acceptance of application dossiers for issuance, renewal of certificate of marketing registration in accordance with the provisions of clause 2, 3 and 4 Article 100 Decree 54/2007/NĐ-CP dated 08 May 2017 of the Government detailing a number of articles of and implementation measures for Pharmaceutical law.

Apart from the above measures, Drug Administration shall make public the violations committed by concerned entities on its webpage, and at the same time inform the Inspectorate and competent authorities for review and handle the cases in accordance with applicable laws and regulations.

i) Where necessary Drug Administration shall hold meetings with registrants, manufacturers, evaluation experts to clarify issues of scientific nature associated with dossier evaluation;

k) Publish on Drug Administration's webpage the list of registrants, manufacturers of drugs, drug raw materials in accordance with the provision of clause 10, 14 Article 22 of this Circular.

l) Develop regulations on the adoption of bar code, QR code, Data Matrix Code (DMC) to be printed on outer packaging component of drugs, drug raw materials of manufacturers in order to facilitate the management, identification and traceability of drugs, drug raw materials in market circulation and an implementation road map in accordance with the Minister of Health's stipulations;

m) Within 30 days from the date of issuance, renewal of a certificate of marketing registration, Drug Administration shall return the labels, package inserts to the registrant;

n) Within 15 days from the day of issuance, renewal of a certificate of marketing registration for a drug, a drug raw material, 07 days from the date of approval of changes, supplementation of a certificate of marketing registration for a drug, drug raw material, Drug Administration shall publish on its webpage the source of drug raw materials for the drugs that are produced in Vietnam.

2. Health Department of provinces, centrally affiliated cities shall be responsible for inspecting, auditing the implementation of this Circular by pharmaceutical manufacturing, trading entities in the respective jurisdiction.

3. Units affiliated to Ministry of Health, Vietnam General Pharmaceutical Corporation - CTCP, drug business establishments shall be responsible for implementing this Circular.

Any problems or issues if encountered by agencies, organizations, individuals during the implementation process should be reported to Ministry of Health (Drug Administration) for review and resolution./.

**Recipients:**

- The Committee on Social Affairs of the National Assembly
- Government Office (Official Gazette, Government web Portal);
- The Acting Health Minister (fyi)
- Vice Ministers of Health;
- Ministry of Justice (Department of Legal Document Inspection);
- Ministry of Science and Technology;
- Ministry of Industry and Trade;
- Ministry of Defence (Military Health Service);
- Ministry of Public Security (Health Service);
- The Ministry of Transport (Health Service);
- Ministry of Finance (General Department of Customs);
- Departments, Administrations, Inspectorates under Ministry of Health;
- Provincial/municipal Health Services;
- Advisory Council for Marketing authorization;
- Vietnam Pharmaceutical General Corporation;
- Vietnam Pharmaceutical Companies Association;
- Vietnam Pharmacy Association;
- General Department of Customs;
- MOH web portal, DAV's webpage;
- Domestic and foreign pharmaceutical manufacturers and traders;
- Central Drug Testing Institute; HCMC Drug Testing Instituted;
- National Institute for control of vaccines and biologics;
- File: VT, PC, QLD (5)

**PP. THE MINISTER**

**Do Xuan Tuyen**