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Italian legislative instruments

Italy 2021

BlueDil

June, 2021

Doctrine, article, opinions

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EARLY ACCESS: ITALIAN LEGISLATIVE INSTRUMENTS

For a medicinal product to be marketed in Italy, a Marketing Authorization (MA)[1]must be granted. For Orphan Drugs, the centralised procedure for MA is compulsory: coordinated by the European Medicines Agency (EMA), it allows the Marketing Authorization Holder (MAH) to market the medicine throughout the EU, based on a single MA[2].
60 days after the European Commission's (EC) decision is published in the European Official Journal, the Italian Medicines Agency (AIFA) automatically includes the centrally approved drug in the C class of drugs, only after this period of time will it become available on the market. However, it will not be reimbursed on the Italian National Health System. To have the drug reimbursed, the price must be negotiated once a formal request has been submitted along with all the relevant dossiers from the MAH.
This is the main access route for all orphan drugs, however, it is not the only one.
Often, for Rare Diseases there are no treatments available[3]. In this scenario, a new treatment may offer a significant benefit if compared with Standard of Care.
For this reason, legislative instruments for Early Access are available and frequently used[4].
In fact, patients with a rare disease can access the orphan drug through one of the following procedures:

- Law no. 648/1996, which allows the use of a medicine on a national basis;
- Law no. 326/2003, art. 48 (AIFA 5% Fund), that regulates the individual patient access to the medicinal product;
- Ministerial Decree September 7th, 2017, repealing the DM May 8th, 2003. It regulates the "compassionate use";
- Law no. 94/1998, regulating the "off-label use";
- Ministerial Decree February 11th, 1997. Allows the import of medicinal products not authorized in Italy.

Law no 648/1996

Let's focus on Law no 648/1996, to summarise how it works and how a medicinal product can enter this regime[5].

This law, makes it possible to dispense a medicinal product on the National Health System following the AIFA scientific and technical committee (CTS) opinion.
The CTS opinion, inclusion and exclusion criteria are published in the Official Italian Journal, if it is positive, the medicinal product is listed on a register and accessible for every patient with this specific disease.

When is it possible to apply for Law no 648/1996?

There are two main scenarios:

1. If there are no alternative therapies available:
    a. Innovative medicine authorized in other countries but not in Italy;
    b. Medicinal products undergoing clinical studies;
    c. "Off-label use" when the medicinal product is intended to be used in a non authorized indication.

In this case, a list of published phase II clinical studies should be available to support the risk-benefit profile in the indication of interest.

2. If there are alternative therapies available:
    a. Medicinal products to be used in an indication different from the one authorized, provided that this indication is well-known and supported by medical-scientific research.

Things to be considered

If you are willing to apply for Law no. 648/1996 you should also consider:

1. The request should not come from the pharmaceutical company, only from medical doctors, hospitals, Universities, and patient associations;
2. Despite this early access route, the impact on the pharmaceutical expenditure is evaluated, and from 2019 the price should be negotiated with the AIFA committee

Do you want to know more about Early Access?

This article discussed Law no. 648/1996, there are still many other processes to explore!

Are you interested in Early Access in the Italian Market? Follow us on LinkedIn to know when the next article will be available!

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