Medical Devices - GERMANY

Competent authority

Contact Details

Contact Name 1

Competent federal higher authority ("Bundesoberbehörde- BOB")

Contact Name 2

Federal Institute for Drugs and Medical Devices*: Bundesinstitut für Arzneimittel und Medizinprodukte (BfArM)

Contact Name 3

Abteilung Medizinprodukte/ Department Medical Devices

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53175 Bonn

Country

Germany (DE)

Web address

http://www.bfarm.de/EN

Additional Information

BfArM is responsible for clinical investigations of medical devices and for performance evaluations of in vitro diagnostic agents, with the exception of those for which the Paul-Ehrlich-Institute is responsible

Trial Authorisation / Registration / Notification

Regulatory and ethics bodies involved in approval process

Competent Authority/-ies (CA)/ For certain types of MDs
Ethics committee(s)

CA - Submission for authorisation mandatory for

MD CE-marked, use outside label
MD CE-marked, use outside label + IMP
MD without label
MD without label + IMP
MD CE- marked, use within label (+IMP) with extra burden and invasive examination for the patients

CA - Registration/ notification without approval required for

Observational MD investigations
MD Registry

CA - Submission required to

–

National trial registry

It is mandatory to register clinical studies in a registry.
An official national register for clinical studies is available: Deutsches Register Klinischer Studien (DRKS)

National legal framework in place

Yes

Applicable national legal framework/ Reference

Art 20-23b MPG

Additional Information

NB! Section 23b MPG contains an important exception:
“Absehen von der Genehmigungspflicht” (waiving the authorisation) is possible for class I and non-invasive class IIa medical devices and MD with low safety risk.
The provisions contained in §§ 20-23a shall not apply where the clinical investigation is conducted using devices which are authorised in accordance with §§ 6 and 10 to bear the CE marking, unless the aim of the investigation is to use the device for a different intended purpose or additional invasive or other stressful examinations are to be carried out.

Submission to CA and EC to be performed in the following order

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Submission of Application

Responsible for study submission

Sponsor

Entitled to study submission

–

Prerequisites for submission

–

Applicable national legal framework/ Reference

Art 22a MPG

Submission Format

Format option(s)

Online portal

Preferred format

–

Online portal

Portal of the German Institute of Medical Documentation and Information - Deutsches Institut für Medizinische Dokumentation und Information (DIMDI).

Standard application form available

Yes

Standard application form

Application form of the portal of the German Institute of Medical Documentation and Information - Deutsches Institut für Medizinische Dokumentation und Information (DIMDI)

Use of standard application form binding

Yes

Guidance on submission format

The DIMDI's application forms request all information necessary to upload for processing.

	Additional Information It is mandatory to use the DIMDI portal for trial submission. The federal CAs and the ECs will be informed automatically via DIMDI.
Language of Submission	**Language(s) of application** German English **Preferred language of application** – **English accepted** Partly, not for all documents **Documents mandatory to be in official national language** Protocol Summary Information material, Documents and Forms intended for study participants and patient information Information on safe use of MD **Documents mandatory to be in local language of study site** – **Documents mandatory to be in language of the study participant** –
Submission Fees	**Fees for trial submission mandatory** Yes **Fees** - Clinical trials: 3000-9900 EURO - Substantial Amendments: 600- 1700 EURO - Waiver of authorisation: 500 -2000 EURO - Notification of SAE: 25 - 250 EURO (Last amendment: Nov 2014) **Official guidance on required fees** Applicable fees according to the most recent version of the "Medizinprodukte-Gebührenverordnung - BKostV-MPG" (MDA Fees Ordinance Devices) are provided for download on the BfArM website in German and English (unofficial translation) in section Service/Costs **National legal framework in place** Yes **Applicable national legal framework/ Reference** "Medizinprodukte- Gebührenverordnung - BKostV-MPG" (MDA Fees Ordinance)
Timelines Authorisation	**General timespan (max nr days)** 30 **Mode of approval (General)** Explicit **Timespan counted from** Confirmation of formal completeness **Applicable national legal framework/ Reference** 22a-22c MPG; Art 6-7 of MPKPV

	Additional Information The applicant will receive an official notification from the CA and from the competent EC when the application documents are regarded as complete to start approval procedure. No deadlines for submission apply. Clinical investigations for MD and performance evaluations of in vitro diagnostic agents in Germany must be approved by the federal CA and approvingly evaluated by an EC before they may commence (according to MPG §§ 22 and 22a).
Amendments/ Substantial Amendments (SA)	**Notification mandatory for** All changes with respect to the clinical trial **Authorisation mandatory for** All substantial amendments to the study protocol (+ related information) **Responsible for submission of SA** Sponsor **Standard notification form available** Yes **Standard notification form** Submission of substantial amendments to federal CA and EC via DIMDI platform **Timeline for approval of SA (max nr days)** 30 By silent (implicit) approval **National legal framework in place** Yes **Applicable national legal framework/ Reference** Art 22c MPG
Safety Reporting	**Responsible for AE reporting to CA** Sponsor **Sponsor must declare reportable events to** National CA CA(s) of EU&EFTA Member States concerned **Reportable AEs** SAE (Serious Adverse Event) SADE (Serious Adverse Device Effect) **SUSAR being life-thereatening or leading to death must be reported** – **All other SUSARs** – **SAE /SADE must be reported** Immediately (without delay) Quarterly reporting applies to SAEs if a causal relationship with the investigational medical device can be excluded (see additional information) **National standard reporting form available** Only for reportable events occurring in the respective country

Standard Reporting Form

SAE reporting form (latest version) for single reports (available on BfArM website).
This PDF-based form is intended for the submission of electronic reports to the BfArM for use by sponsors according to § 3 (6) of the Ordinance on Medical Devices Vigilance (MPSV)

Reporting format - Options

Electronically

Preferred format

–

Annual safety report shall be provided by sponsor to

–

National legal framework in place

Yes

Applicable national legal framework/ Reference

Art 3 (5&6) MPSV/ Ordinance on Medical Devices Vigilance
Art 5 (2) MPSV/ Ordinance on Medical Devices Vigilance (Timelines)

Additional Information

Reportable SAEs from foreign investigational sites (of all other countries where the clinical trial is performed) shall be immediately and quarterly reported on the same cumulative spreadsheet: MEDDEV 2.7.3 Summary Table

NB! New timelines (according to Art 5 MPSV, as amended)
Immediate reporting is mandatory if a causal relationship between the SAE and the investigational medical device, a comparator device, diagnostic or therapeutic procedures performed as part of the clinical trial or other conditions of the trial conduct CANNOT BE EXCLUDED.
Quarterly reporting applies to SAEs if such a causal relationship CAN BE EXCLUDED.

Investigator shall report SAE to

–

Reporting timeline

–

End of Trial

End of trial declaration mandatory for

All clinical investigations requiring authorisation by CA

Responsible for End of trial declaration

Sponsor

Regular Termination - Declaration timespan (max nr days)

90

Timespan counted from

–

Early/premature Termination - Declaration timespan (max nr days)

15

Reasons for early termination shall be clearly stated

Yes

	Applicable national legal framework/ Reference §23a MPG
Additional Information & Specifics	**Additional Information** The Competent regional authority ("Landesbehörde") (see ZLG- German register of the competent authorities responsible pursuant to Landesrecht) is automatically informed via the electronic notification process; no specific application required!

Ethics committee

Contact Details	**Contact Name 1** 52 local ECs **Web address** http://www.ak-med-ethik-komm.de/index.php/de/mitglieder **Additional Information** List and contact details of competent ECs in Germany are provided on the website of "Arbeitskreis Medizinischer Ethikkommissionen in der Bundesrepublik Deutschland e.V." There is no central national ethics committee in Germany.
Ethical Review – General	**Submission for Ethical review mandatory for** – **Submission to CA and EC to be performed in the following order** In parallel **Additional Information** A positive opinion of the EC is required in all categories of clinical investigations of MD. For registries however, it depends on Berufsordnung für Ärztinnen und Ärzte (Bundesland-abhängig) **Regulatory and ethics bodies involved in approval process** Competent Authority/-ies (CA)/ For certain types of MDs Ethics committee(s)
Single-Centre Studies - Ethical Review	**Ethical approval (favourable opinion) to be obtained from** Local EC **Additional Information** There are 52 local ECs responsible for studies with human medicines. The competent local EC depends on the location of the trial site.
Multi-Centre Studies - Ethical Review	**Ethical approval (favourable opinion) required from** Lead EC (authorised to issue a single opinion) **Submission of application required to** Lead EC + All concerned local ECs for site-specific assessment

	Additional Information The competent and coordinating lead EC depends on the location of the coordinating or principal investigator. The lead EC issues a favourable opinion after the assessment in cooperation with the competent local ECs. The local ECs evaluate the qualification of the investigator and the suitability of the study sites in their area of responsibility Their opinion should be respected by the coordinating EC. Local ECs can comment on the protocol as well, but the coordinating EC is exclusively responsible for the decision on the content of the single opinion, which it creates independently. (according to section 5 subsection 2 MPKPV) Link to list of competent ECs: http://www.ak-med-ethik-komm.de/kommUni/ek_liste.html
Submission of Application	**Responsible for study submission** Sponsor **Entitled to study submission** – **Prerequisites for submission / approval** – **Additional Information** NB! The Chief Investigator (Studienleiter) is responsible for study submission of observational studies with MD and registries.
Submission Format	**Format option(s)** Online portal **Preferred format** – **Online portal** The portal of the German Institute of Medical Documentation and Information - Deutsches Institut für Medizinische Dokumentation und Information (DIMDI) **Additional Information** It is mandatory to use the DIMDI portal for trial submission. The federal CAs and the ECs will be informed automatically via DIMDI.
Language of Submission	**Language(s) of application** German English **Preferred language of application** – **English accepted** Partly, not for all documents **Documents mandatory to be in official national language** Protocol Summary Information material, Documents and Forms intended for study participants and patient information Information on safe use of MD **Documents mandatory to be in local language of study site** –

	Documents mandatory to be in language of study participant –
Submission Fees	**Fees for Ethical review mandatory** Yes **Fees for Ethical review** There are submission fees for all categories of clinical investigations of MD, but they are very different between the ECs. The amounts of these fees are not fixed by the ECs, but by the establishing institution following States law.
Timelines Ethical Review	**General timespan for single-centre studies (max nr days)** 60 **General timespan for multi-centre studies (max nr days)** 60 **External expert advice required: Timespan (max nr days)** – **Timespan counted from** – **Applicable national legal framework/ Reference** Art 22 + 22 b,c MPG Art 5 + 7 MPKPV **Additional Information** EC opinion is also sent to the competent authority. Submission at any time possible, no deadlines apply.
Amendments/ Substantial Amendments (SA)	**Ethical review mandatory for** Any substantial amendments **Responsible for notification of SA** Sponsor **Timeline Ethical review of SA (max nr days)** 30 **Guidance on submission of SA** Notification of substantial amendments to the federal CA and all involved ECs is performed by use of the DIMDI platform. **Applicable national legal framework/ Reference** § 22c MPG
Safety Reporting	**Adverse Events (AE) - Definitions (pursuant to national law)** SAE: Definition pursuant to Art 2 (5) MPSV (in German only) **Reportable AEs** SAE (Serious Adverse Event) SADE (Serious Adverse Device Effect) **Investigator shall report SAE to** –

Reporting timeline

Immediately (without delay)

Responsible for AE reporting to relevant EC(s)

–

SUSAR being life-thereatening or leading to death must be reported

–

All other SUSAR must be reported

–

SAE/SADE must be reported

–

National Standard Reporting form available

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Reporting format - Options

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Preferred reporting format

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Additional Information

There is no binding regulation in Germany related to the reporting obligation of SAEs to ECs.
Since ISO 14155 stipulates a declaration of SAEs to ECs, some ECs request a notification (despite lacking the legal basis).
There is no requirement for submission of an Annual Safety report.

NB! SAEs only have to be notified to “Bundesoberbehörde- BOB"

End of Trial

End of trial Declaration mandatory

No

Responsible for End of trial Declaration

–

Regular Termination - Declaration timespan (max nr days)

–

Timespan counted from

–

Early/premature Termination - Declaration timespan (max nr days)

–

Additional Information

The notification of the end of the trial is not explicitly mentioned, but considered as appropriate according to ISO 14155

Study specific Requirements

Sponsor

Sponsor - Definition available in national law

Yes

Sponsor - Definition (pursuant to national law)

Section 3 (23) MPG (Act on Medical Devices):
A sponsor is a natural or legal person who assumes the responsibility for commissioning,
organising and financing a clinical trial on humans being or a performance evaluation
study of in vitro diagnostic medical devices.

Sponsorship mandatory

Yes

Sponsorship mandatory - Additional information

It is mandatory to have a sponsor in interventional clinical investigation on MDs.

Co-Sponsor - Definition available in national law

No

Study Participants - Informed Consent (IC)

IC is regulated by law

Yes

Informed Consent - Definition/ Requirements

The participant has to be informed by a physician or dentist (in case of medical devices defined for dentistry) about the nature, significance, risks and implications of the clinical trial and has to give its written consent to the study.

Applicable national legal framework/ Reference

§20 subsection 1 No 2 MPG

Additional Information

There are specific requirements/ regulations for minors, pregnant women and incapacitated persons (§20 subsection 4 & 5 MPG, §21 MPG).

Study Participants - Vulnerable Population

Minors / Children - Studies allowed

Yes
Special provisions apply

Specific provision

Informed Consent Form: The consent is granted by the legal representatives (generally both parents). The consent must correspond to the minor's presumed will where such a will can be ascertained. If the minor is capable of understanding the nature, significance and implications of the clinical trial and able to form a rational intention in the light of these facts, his/her written consent is also necessary.

Legal framework/Reference (Minors/Children)

§22 (4) MPG

Incapacitated persons - Studies allowed

Yes
Special provisions apply

Legal framework / Reference (Incapacitated persons)

§21 MPG

Emergency situations - Studies allowed

Yes
Special provisions apply

	Emergency situation without prior consent of patient or proxy - Studies allowed – **Legal framework / Reference (Emergency Situation)** §21 MPG **Pregnant or breastfeeding women - Studies allowed** Yes Special provisions apply **Legal framework / Reference (Pregnant or breastfeeding women)** §22 (5) MPG
Study Participants - Compensation & Reimbursement	**Reimbursement for study participants** Optional **Compensation is limited to/provided for** Expenses arising from study participation (e.g. Travel) **Additional Information** Compensation fees for subjects (patients or healthy volunteers) participating in clinical investigations of MD (interventional, observational, combination studies, registries):"Aufwandsentschädigung" or travel costs.
Data Protection	**Notification to DP Authority/ Ombudsmann is mandatory** No **Approval/ authorisation required** No **Specific notification timelines before operations start** – **Language of notification** – **Notification format** – **Additional Information** Clinical trials have to comply with section 20 subsection 1 No. 2 MPG and Bundesdatenschutzgesetz (BDSG)/German Federal Data Protection Act . Notification to EC is required concerning the data protection aspects for all investigations on MD (interventional, observational and registries). **Legal framework (on safeguarding the collection, handling, recording, keeping and/or processing of any clinical trial related data and patient files)** –
Insurance	**Liability insurance or alternative arrangements for damages mandatory for** Manufacturer Study participants **Responsible for covering insurance** –

Insurance fee: A minimum coverage sum is defined

Yes

Minimum coverage sum

500,000 EURO per person

Applicable national legal framework/ Reference

Art 20 Abs 1 Nr 9 und Abs 3 MPG

Additional Information

Insurance for participants (patients and healthy volunteers) is mandatory in interventional studies of MDs (MDs with CE-mark, use within or outside label, MDs without CE-mark, respective combination products with IMP) and must be commensurate with the risks associated with the clinical study.
It must be concluded, on the basis of the risk assessment, in such a way that in case of death or permanent disablement of a participant in a clinical trial, it provides a minimum coverage sum.

No mandatory insurance for investigators and sponsors; Insurance for manufacturers is only mandatory for studies with MD NOT bearing CE-mark

Quality Assurance/ Quality Control (QA/QC)

Monitoring

Compulsory

Audit by sponsor

Optional

Standard Operating Procedures (SOPs)

Compulsory

National legislation

General Information: Applicable Legislation & Conventions

Official website providing relevant national legislation available

Yes

Official website providing relevant national legislation

Federal Institute for Drugs and Medical Devices/ Bundesinstitut für Arzneimittel und Medizinprodukte (BfArM):
Section: Medizinprodukte > Rechtlicher Rahmen > Gesetze und Verordnungen

Official governmental legal database available

Yes

Official governmental legal database

Juris BMJ: Free database of the Federal Ministry of Justice and Consumer Protection covering most of the German federal law

Clinical Trials on IMPs in Humans

Applicable national regulations

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Transposition of (GCP) Directive 2005/28/EC

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Investigations on Medical Devices

Applicable national regulations

Transposition of Directive 90/385/EEC
Transposition of Directive 93/42/EEC
Transposition of Directive 98/79/EC
Transposition of Directive 2007/47/EC
Other

	Act on Medical Devices (or comparable national legal framework) Medical Device Act (Medizinproduktegesetz MPG) - also available in English (non-official translation) MPG is the transposition of the European Directives into German law. **Other applicable regulations / implementing provisions (Acts, laws, decrees, ordinances, circulars, etc)** (1) Verordnung über die Erfassung, Bewertung und Abwehr von Risiken bei Medizinprodukten (Medizinprodukte-Sicherheitsplanverordnung - MPSV) / Ordinance on Medical Device Vigilance (2) Verordnung über klinische Prüfungen von Medizinprodukten (MPKPV)/ Ordinance on Clinical Investigations with Medical Devices (3) DIMDI-Verordnung (DIMDIV)/ Ordinance for the trial application procedure
Radiation & Radiotherapy	**Use of radiation or radioactive compounds - Specific requirements** Yes **Applicable legal framework** (1) Radiation Protection Ordinance / Strahlenschutzverordnung (StrSchV) (2) x-ray Ordinance: Roentgenverordnung (RöV)
Data Protection	**Legal framework (on safeguarding the collection, handling, recording, keeping and/or processing of any clinical trial related data and patient files)** National Data Protection Act **National DP act** Bundesdateschutzgesetz (BDSG) / Federal Data Protection Act (en)

Definition

MD/MD Investigation	**MD - Definition available in national law** Yes **Additional Information** §3 MPG (Act on Medical Devices)