

Guide to Routine Import/Export of Tissues and Cells for Human Application Involving Countries Outside the European ~~Economic Area~~ Union

1 SCOPE

Note: Following the publication of EU Directive 2015/566 and SI33 of 2019, a definition has been provided for 'one-off import'. Previously the HPRA have referred to this activity as 'non-routine import'. Where 'non-routine' was previously referenced in documentation we have now replaced it with 'one-off' and included 'non-routine' in parentheses.

This guide is issued by the Health Products Regulatory Authority (HPRA) to provide guidance on the routine import or export of tissues and cells for human application to or from countries outside the ~~European Economic Area (EEA)~~ European Union (EU) by an authorised importing tissue establishment, in Ireland. ~~Non-routine import~~ One-off (non-routine) import or export of tissues and cells is covered in a separate guideline, 'Guide to ~~non-routine import~~ one-off (non-routine) import/export of tissues and cells', available on the 'Publications and Forms' section of www.hpra.ie.

The import of tissues and cells must be performed by an authorised importing tissue establishment. If additional prescribed activities are to be undertaken following the importation of the tissues and cells, then further authorisation details must also be contained within the tissue establishment authorisation.

2 DEFINITIONS

Cells are individual human cells or a collection of human cells when not bound by any form of connective tissue.

Distribution means transportation and delivery of tissues and cells intended for human application.

Export of tissues/cells for human application is defined as sending tissues or cells to countries outside the ~~EEA~~ EU (i.e. third countries).

Human application is the use of tissues or cells intended for human applications.

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

'importing activity' means any activity consisting of any aspect of –

- a) the importation of human tissues and cells intended for human application into the European Union;
- b) the importation of manufactured products derived from human tissues and cells intended for human application, where those products are not covered by other European Union legislation;
- c) the importation of human tissues and cells which are intended to be used exclusively in manufactured products which are covered by other European Union legislation.

Import of tissues/cells for human application is defined as receipt of tissues or cells from countries outside the EEA (i.e. third countries).

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

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

Storage means maintaining the product under appropriate controlled conditions until distribution.

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

Tissue is defined as all constituent parts of the human body formed by cells.

Tissue establishment is a tissue bank or a unit of a hospital or another body where activities of processing, preservation, storage or distribution of human tissues and cells are undertaken.

3 GUIDANCE FOR IMPORTS

3.1 Legislative requirements for the import of tissues and cells for human application

Article 3 of EU Directive 2015/566 requires that importation of tissues and cells from third countries (i.e. outside the EU) is undertaken **only** by importing tissue establishments that are authorised for the purpose of this activity.

Importing tissue establishments must ensure that imported tissues and cells can be traced from donor to recipient and that such imports meet the standards of quality and safety equivalent to those laid down in EU Directive 2015/566 implementing Directive 2004/23/EC as regards the procedure for verifying the equivalent standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells.

1. This Article 9 of Directive 2004/23/EC 2015/566 EU requires shall apply to that the import into the Union of:-

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

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

Directive 2015/566 EU shall not apply to:

- a) the import of tissues and cells referred to in Article 9(3)(a) of Directive 2004/23/EC which are directly authorised by the competent authority or authorities;
 - b) the import of tissues and cells referred to in Article 9(3)(b) of Directive 2004/23/EC which are directly authorised in case of emergencies;
 - c) blood and blood components as defined by Directive 2002/98/EC;
 - d) organs or parts of organs, as defined in Directive 2004/23/EC.
- of tissues and cells from third countries (i.e. outside the EEA) is undertaken **only** by tissue establishments that are authorised for the purpose of this activity.

The application form entitled 'Application for tissue establishment authorisation' can be found on the 'Publications and Forms' section of www.hpra.ie.

Tissue establishments must ensure that imported tissues and cells can be traced from donor to recipient and that such imports meet the standards of quality and safety equivalent to those laid down in Directive 2004/23/EC.

EU Directive 2015/566 implementing Directive 2004/23/EC as regards the procedure for verifying the equivalent standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells and in particular Article 9 (4).

Imports of tissues and cells from third countries may only be undertaken by tissue establishments authorised by the HPRA for this purpose. Clinicians, dentists or individuals may import tissues or cells for human application only in association with a tissue establishment in Ireland which has been authorised for this activity by the HPRA. The application form entitled 'Application for tissue establishment authorisation' can be found on the 'Publications and Forms' section of www.hpra.ie.

3.2 Import of tissues or cells for human application ~~'on a routine basis'~~

Tissue establishments engaged in the import of tissues or cells on a routine basis from a specific organisation outside the ~~EEA-EU should have the names~~ are required to have ~~of~~ such organisations listed on their tissue establishment authorisation.

In addition importing tissue establishments will be issued with a certificate as set out in Annex II of EU Directive 2015/566.

~~The 'Notification of non-routine import/export of tissues or cells for human application' form does not need to be completed prior to such imports, as the HPRA has assessed on inspection the arrangements in place at tissue establishments for these routine imports. A declaration should be submitted within the 'Tissue Establishment Annual Report Form-/Tissue Establishment Annual Report Form for Reproductive Tissues and Cells', each year, to indicate that the documentation referenced in Annex III of EU Directive 2015/566 has been maintained, reviewed and confirmed as up to date, and is available on request.~~

~~Tissue establishments ~~wh~~ that were authorised for import prior to the introduction of EU Directive 2015/566 and subsequent transposition in Irish legislation via S.I. 33 of 2019 will be contacted by the HPRA with regards to how the documentation in Annex III of Directive 2015/566 will be requested and reviewed.~~

~~For new applicants, or for the addition of importing activities to a tissue establishment authorisation, these documents must be provided at the time of application.~~

~~Note: The 'Notification of one-off (non-routine) import/export of tissues or cells for human application' form does not need to be completed prior to such imports, as the HPRA has assessed on inspection the arrangements in place at tissue establishments for these routine imports.~~

4 GUIDANCE FOR EXPORTS

4.1 Legislative requirements for the export of tissues or cells for human application

Article 9 of Directive 2004/23/EC requires that all exports of tissues and cells to third countries (i.e. outside the ~~EEA~~EU) are undertaken by tissue establishments authorised for the purpose of this activity.

Such exports to third countries must comply with the requirements of Directive 2004/23/EC.

4.2 Export of tissues or cells for human application 'on a routine basis'

Tissue establishments engaged in the export of tissues or cells on a routine basis to a specific organisation outside the ~~EEA~~EU should have the names of such organisations listed on their tissue establishment authorisation.

The 'Notification of ~~non-routine import~~one-off (non-routine) import-/export of tissues or cells for human application' form does **not** need to be completed prior to such exports, as the HPRA has assessed on inspection the arrangements in place at tissue establishments for these routine exports.

5 TISSUE ESTABLISHMENTS NOT CURRENTLY AUTHORISED FOR THE IMPORT OR EXPORT OF TISSUES OR CELLS ON A NON-ROUTINE BASIS

Please note that any tissue establishment that is not currently authorised for the import or export of tissues or cells on a routine basis, but wishes to perform this activity, must first submit a variation application to vary the current tissue establishment authorisation to include this activity. The application form entitled 'Application to make a variation to a tissue importing tissue establishment authorisation' ~~and an associated guidance document on completing the form~~ can be found on the 'Publications and Forms' section of www.hpra.ie.

6 HOSPITALS/CLINICIANS/DENTISTS WISHING TO BECOME AN IMPORTING TISSUE ESTABLISHMENT

For hospitals-/clinicians-/dentists who wish to import tissues and cells directly from specific organisation(s) outside the EU, an importing tissue establishment authorisation must be obtained from the HPRA. The submission must be made using the form 'Application for a new/importing tissue establishment/importing tissue establishment authorisation'. -The document can be found on the 'Publications and Forms' section of www.hpra.ie.

Alternatively, tissues and cells may be sourced via an authorised tissue establishment which has been authorised for the relevant importing activities.

7 THE IMPORTATION OF HUMAN TISSUES AND CELLS WHICH ARE INTENDED TO BE USED EXCLUSIVELY IN MANUFACTURED PRODUCTS

~~For sites who~~ that only wish to import human tissues and cells which are intended to be used exclusively in manufactured products, S.I. 33 of 2019 shall only apply to the donation, procurement and testing which takes place outside of the Union as well as to contributing to ensuring traceability from donor to recipient and vice versa. As such the submission of ~~an~~ the form 'Application for a new/importing ~~tissue establishment / importing tissue establishment~~ authorisation' is still required. The document can be found on the 'Publications and Forms' section of www.hpra.ie.

68 FURTHER INFORMATION

Please email any queries to compliance@hpra.ie.

HPRA

~~18 April 2013~~ 14 November 2020