

# **The International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use**

## **Rules of Procedure of the Management Committee**

Version 5.0

Approval by the Management Committee on 21 December 2017

## MC RoPs Document History

Version number	Action	Date
<b>v5.0</b>	The MC endorsed amendments to section 2.2 related to the Elected MC Representatives.	<b>December 2017</b>
<b>v4.0</b>	The MC endorsed amendments to section 9.7 related to the use and translation of the Member logo.	<b>November 2017</b>
<b>v3.1</b>	The ICH Secretariat made minor editorial changes post approval/publication to update cross-references.	<b>June 2017</b>
<b>v3.0</b>	The MC approved several amendments to the MC RoPs, some of which reflected changes made to the ICH Articles of Association in May 2017. Changes included: revision to the term in office for an Elected MC Representative; adjustment of procedures related to minutes and summary reports; further clarification on the use of the ICH logo; and other changes for clarity and consistency. <i>(Ref.: MC 2017/07)</i>	<b>May 2017</b>
<b>v2.0</b>	The MC approved several amendments to the MC RoPs, including addition new procedures related to: the organisation of ICH meetings; selection of new topics for harmonization; and use of the ICH logo. <i>(Ref.: MC 2016/40)</i>	<b>November 2016</b>
<b>v1.0</b>	The MC approved the first version of the MC RoPs. <i>(Ref.: MC 2016/25)</i>	<b>June 2016</b>

## Table of Content

<b>RULES OF PROCEDURE OVERVIEW .....</b>	<b>5</b>
<b>1. Permanent Management Committee Representatives .....</b>	<b>6</b>
1.1. Permanent Management Committee Representatives .....	6
1.2. Designation of Lead Representative .....	6
1.3. Replacement of a Permanent Management Committee Representative .....	6
<b>2. Elected Management Committee Representatives .....</b>	<b>6</b>
2.1. Opening-up of Management Committee to Elected Representatives .....	6
2.2. Elected Management Committee Representatives from Regulatory Members..	7
2.2.1. <i>Eligibility Criteria for Elected Management Committee Representatives from Regulatory Members.....</i>	<i>7</i>
2.2.2. <i>Nomination Process for Elected Management Committee Representatives from Regulatory Members.....</i>	<i>8</i>
2.3. Elected Management Committee Representatives from Industry Members.....	8
2.3.1. <i>Eligibility Criteria for Elected Management Committee Representatives from Industry Members .....</i>	<i>8</i>
2.3.2. <i>Nomination Process for Elected Management Committee Representatives from Industry Members .....</i>	<i>9</i>
2.4. Replacement of an Elected Management Committee Representative .....	9
<b>3. Permanent Management Committee Observers .....</b>	<b>9</b>
3.1. Participation of Permanent Management Committee Observers .....	9
3.2. Replacement of a Permanent Observer Delegate .....	9
<b>4. Withdrawal or Dismissal from the Management Committee .....</b>	<b>9</b>
4.1. Withdrawal from the Management Committee .....	9
4.2. Dismissal from the Management Committee.....	10
<b>5. Management Committee Meetings.....</b>	<b>10</b>
5.1. Management Committee Meeting Organisation.....	10
5.2. Management Committee Representative Participation in Meetings .....	11
5.3. Additional Meeting Participants.....	11
5.4. Assignment of Vote in Event of non-Participation in Management Committee Meeting .....	11
<b>6. Election of Management Committee Chair and Vice-Chair .....</b>	<b>12</b>
6.1. Temporary Arrangement .....	12

6.2. Election Process .....	12
<b>7. Management Committee Decision-Making .....</b>	<b>13</b>
7.1. General Decision-Making Process.....	13
7.2. Recording and Communication of Management Committee Decisions.....	13
<b>8. Maintaining Confidentiality.....</b>	<b>14</b>
<b>9. Management Committee Responsibilities .....</b>	<b>16</b>
9.1. Organisation of Assembly Meetings .....	16
9.1.1. <i>General Principles for the organisation of ICH meetings</i> .....	16
9.2. Submission of Proposals to Assembly.....	17
9.2.1. <i>Selection of new topics for harmonisation</i> .....	17
9.3. Oversight of Working Groups .....	17
9.4. Recommendations to Assembly on Membership and Observership Applications .....	18
9.5. Establishment of Subcommittees .....	18
9.6. Preparation of Proposals on Financial Matters .....	19
9.7. Use of the ICH Logo.....	20

## **RULES OF PROCEDURE OVERVIEW**

Further to Article 40 of the Articles of Association, these Rules of Procedures (RoP) of the Management Committee are intended to provide guidance and interpretation in respect of the provisions of Articles of Association relating to the Management Committee. These RoP also provide interpretation of the meaning of some of the provisions in these Articles.

In the event of discrepancy or inconsistency between the RoP and the Articles of Association, the latter will prevail. In such a case, the RoP should be amended to ensure that they are consistent with the Articles of Association. These RoP of the Management Committee, in addition to the Articles of Association, shall be published on the website of the ICH Association. The Rules of Procedures of the Management Committee are amended in accordance with Article 38(4) and (5).

## **1. Permanent Management Committee Representatives**

### **1.1. Permanent Management Committee Representatives**

Further to Article 28 (2), the Permanent Management Committee Representatives are the two (2) representatives appointed by each of the Founding Regulatory Members, the Founding Industry Members and the Standing Regulatory Members.

### **1.2. Designation of Lead Representative**

If the Permanent Management Committee Representatives of a Member are the same individuals as the representatives of that Member in the Assembly, the Founding Regulatory Members, Founding Industry Members, and Standing Regulatory Members should designate one (1) of their two (2) representatives as the lead representative in the Management Committee (and, if applicable, in the MedDRA Management Committee) respectively, and notify the ICH Secretariat of the name of the lead representatives without undue delay. The lead representative of the Management Committee should not cast the vote on behalf of the Member when the Assembly votes on the discharge of the Management Committee. The lead representatives of the MedDRA Management Committee should not cast the vote on behalf of the Member when the Assembly votes on the discharge of the MedDRA Management Committee.

### **1.3. Replacement of a Permanent Management Committee Representative**

Article 34(1) only applies where the position of a Management Committee Representative becomes vacant but it does not apply where a Management Committee Member has chosen to withdraw altogether from the Management Committee under Article 33(1), i.e., when it no longer wishes to be a Member of the Management Committee.

Where the position of a Permanent Management Committee Representative becomes vacant, the Member should notify the ICH Secretariat of the name of the newly appointed Permanent Management Committee Representative as soon as possible and at the latest within four (4) weeks of the date at which the position became vacant. The Member having appointed the Permanent Management Committee Representative (whose post becomes vacant) will continue to be represented by the other (remaining) Permanent Management Committee Representative. The new Permanent Management Committee Representative will take office immediately upon receipt of the notification to the ICH Secretariat. The ICH Secretariat should immediately inform the Chair of the Assembly and the Chair of the Management Committee of the name. Within two (2) weeks, all Members will be informed of the name by the ICH Secretariat.

## **2. Elected Management Committee Representatives**

### **2.1. Opening-up of Management Committee to Elected Representatives**

As per Article 28(3), no later than 1 January 2018, the Management Committee shall consist of up to sixteen (16) Permanent Management Committee Representatives and twelve (12) Elected Management Committee Representatives. Further to this Article, the total number of Representatives on the Management Committee will depend on the number of Elected Management Committee Representatives that will be appointed by the Assembly.

## 2.2. Elected Management Committee Representatives from Regulatory Members

### 2.2.1. Eligibility Criteria for Elected Management Committee Representatives from Regulatory Members

This section provides guidance and clarification on the eligibility criteria referred to in Article 30.

**Criteria 1:** Further to Article 30(1)(a) and the criteria for regular participation in all ICH meetings during the previous four (4) years prior to proposing an Elected Management Committee Representative, the past participation will be verified by the ICH Secretariat from the meeting records.

**Criteria 2:** Further to Article 30(1)(b) and the criteria to have appointed experts that have participated in at least two (2) Working Groups prior to proposing an Elected Management Committee Representative, the appointment of experts and their participation in the Working Groups throughout the process will be verified by the ICH Secretariat from the available records.

**Criteria 3:** Further to Article 30(1)(c) and the need to have a good record of implementation of ICH Guidelines this will be assessed against the text provided under section 1.1.3. of the RoP of the Assembly which provides guidance on the meaning and interpretation of implementation. In particular, section 1.1.3 of the Assembly RoP directs that a Regulatory Member should provide evidence of guideline implementation by submitting “the reference to the relevant document that implements the ICH Guideline in question. In addition, a copy of the relevant document may be provided. If this document does not exist in English, an English translation or at least an English summary of the document should be provided, if possible”<sup>1</sup>. Accordingly, the Regulatory Member that puts forward candidates for appointment as Elected Management Committee Representatives should provide a list of those ICH Guidelines that the Regulatory Member has implemented together with the dates of the implementation and a reference to the relevant document (e.g., website links or providing the documents themselves). Given the role of the Management Committee in close oversight of ICH Guideline work, it is very desirable for the Member that is proposing candidate(s) to have implemented all of the “Tier 2” Guidelines<sup>2</sup> that are considered particularly foundational. Thus, for the purposes of Management Committee assessment of applicant eligibility to be provided to the Assembly during the consultation prior to MC Regulatory Member elections--acknowledging as stated in section 1.1.3 that implementing all ICH guidelines will “take some time”—having a “good record of implementation of ICH Guidelines” will be interpreted as follows:

**Starting in 2018:** Documented full implementation of at least 1 of the Tier 2 guidelines, and partial implementation including detailed plans with identified milestones and

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<sup>1</sup> It should be noted that while the Assembly RoP provides some explanation of the meaning of "implementation", it provides very little guidance on the concept of “partial implementation”; in section 1.1.3 as noted above. Therefore, for the purposes of the MC assessment of applicant eligibility, “full implementation” means that the regulatory authority has formally implemented the ICH guideline and its adherence and interpretation of the guideline is consistent. Additionally, “partial implementation” would indicate that efforts have been made towards the implementation of the guideline but that full implementation has not yet been achieved.

<sup>2</sup> E2A: Clinical Safety Data Management: Definitions and Standards for Expedited Reporting; E2B: Data Elements for Transmission of Individual Case Safety Reports; E2D: Post-approval Safety Data Management: Definitions and Standards for Expedited Reporting; M4: Common Technical Document for the Registration of Pharmaceuticals; M1: MedDRA.

timeframes for full implementation for all of the remaining Tier 2 guidelines by 2023. In addition, documented full implementation of at least 12 (25%) of the Tier 3 guidelines and detailed plans with timeframes to achieve full implementation of the remaining Tier 3 guidelines.

**Starting in 2021:** Documented and confirmed full implementation of at least 3 of the Tier 2 guidelines (for example E2A, E2D and M4), and partial implementation including detailed (up-dated) plans with identified milestones to achieve full implementation of the remaining Tier 2 guidelines by 2023. In addition, documented and confirmed full implementation of at least 24 (50%) of the Tier 3 guidelines and detailed plans with timeframes to achieve full implementation of the remaining Tier 3 guidelines.

In addition to utilization of the above scheme for interpretation of having “a good record of implementation of ICH guidelines” based on the examination of the documentation submitted by the applicant, as of the beginning in 2021, the MC assessment of eligibility related to an applicant’s record of full guideline implementation will be confirmed by the assessment of an independent third party whose services would be engaged by ICH for this purpose.

#### ***2.2.2. Nomination Process for Elected Management Committee Representatives from Regulatory Members***

In line with Articles 30(2), nominations for Elected Management Committee Representatives should be submitted in writing by the Regulatory Members to the ICH Secretariat no later than four (4) months before the start of the Assembly meeting at which the election is to take place, specifying the names of the pair, i.e., the two (2) representatives (of a Member), put forward as candidates. Observers do not have the right to put forward nominations.

### **2.3. Elected Management Committee Representatives from Industry Members**

#### ***2.3.1. Eligibility Criteria for Elected Management Committee Representatives from Industry Members***

This section provides guidance and clarification on the eligibility criteria referred to in Article 31.

**Criteria 1:** Further to Article 31(1)(a) and the need to have participated as an Industry Member in Assembly meetings during the previous four (4) years prior to proposing the Elected Management Committee Representatives or to have been an Interested Party as defined prior to the establishment of the Association, and to have appointed experts that have participated in the Working Groups during the previous four (4) years prior to proposing the Elected Management Committee Representatives; the past participation will be verified by the ICH Secretariat from the meeting records.

**Criteria 2:** Further to Article 31(1)(b) and the need to have demonstrated that the organisation and/or its members are regulated or affected by the majority of the ICH Guidelines, the Industry Member that is interested in putting forward candidates as Elected Management Committee Representatives should submit a list of those ICH Guidelines by which it and/or its affiliate members are regulated or affected by and thus be able to show that these represent a majority of the ICH Guidelines.



### **2.3.2. *Nomination Process for Elected Management Committee Representatives from Industry Members***

In line with Article 31(2), nominations for Elected Management Committee Representatives should be submitted in writing by the Industry Members, specifying the names of the pair, i.e., the two (2) representatives (of a Member) put forward as candidates to the ICH Secretariat no later than four (4) months before the start of the Assembly meeting at which the election is to take place. Observers do not have the right to put forward nominations.

### **2.4. Replacement of an Elected Management Committee Representative**

Further to Article 34(2), the Member should notify the ICH Secretariat of the name of the substitute Elected Management Committee Representative as soon as possible and at the latest within four (4) weeks of the date at which the position became vacant. The substitute Elected Management Committee Representative will take office immediately upon receipt of the notification to the ICH Secretariat and remain in office until a new Elected Management Committee Representative has been elected by the Assembly. The ICH Secretariat should immediately inform the Chair of the Assembly and the Chair of the Management Committee of the name of the substitute representative. Within two (2) weeks, all Members will be informed of the name of the substitute representative by the ICH Secretariat.

## **3. Permanent Management Committee Observers**

### **3.1. Participation of Permanent Management Committee Observers**

Further to Article 28(4), the participation of the Permanent Observers in the Management Committee meeting is entirely voluntary. WHO and IFPMA respectively should inform the ICH Secretariat of the names of their Permanent Observer delegates that will participate in the meetings of the Management Committee. Thereafter, the ICH Secretariat should be notified only of any changes in the names of the delegates.

### **3.2. Replacement of a Permanent Observer Delegate**

Where the position of a Permanent Observer delegate becomes vacant, the Management Committee should invite the Standing Observer to appoint a new delegate.

## **4. Withdrawal or Dismissal from the Management Committee**

### **4.1. Withdrawal from the Management Committee**

Further to Article 33(1), a Management Committee Member wishing to withdraw from the Management Committee should send a letter to the ICH Secretariat expressing its intention to withdraw and provide explanation for its decision. The withdrawal takes effect at the end of the calendar month following the calendar month in which the ICH Secretariat was notified about the withdrawal. The ICH Secretariat should immediately inform the Chair of the Assembly and the Chair of the Management Committee of the withdrawal. Within two (2) weeks of receiving the letter, all Management Committee Members will be informed of the withdrawal by the ICH Secretariat and provided with the letter explaining the decision of the withdrawing Member. The Assembly will also be notified of the withdrawal. If the withdrawal is notified less than two (2) months prior to the next

Assembly meeting, the election of a new Elected Management Committee Representative can only take place at the subsequent Assembly meeting.

If the withdrawing Management Committee Member is a Regulatory Member that has had Elected Management Committee Representatives on the Management Committee, the subsequent Assembly meeting after the notification of the withdrawal, may elect a pair of two (2) new Elected Management Committee Representatives from amongst the eligible Regulatory Members provided that their nominations have been put forward within the timelines under Article 30(2). If the withdrawing Management Committee Member is an Industry Member that has had Elected Management Committee Representatives on the Management Committee, the subsequent Assembly meeting after the notification of the withdrawal, may elect a pair of two (2) new Elected Management Committee Representative from amongst the eligible Industry Members that have put forward nominations within the timelines under Article 31(2).

Elected Management Committee Representatives elected as a result of replacing the representatives of a Member who has withdrawn before the expiry of the term of office, should serve a three (3) year term in line with Article 28(3).

#### **4.2. Dismissal from the Management Committee**

Article 33(2) concerns the exclusion of the individuals, i.e., the Management Committee Representative or the Permanent Observer delegate and not the exclusion of the Member having appointed the Management Committee Representative of the Permanent Observer delegate. Exclusion of a Management Committee Representative or Permanent Observer delegate should only take place in exceptional circumstances and provided the conditions in this Article are met. Actions or behaviour that seriously impair the proper functioning or reputation of the Management Committee or the ICH Association can take the form of, for example, material or repeated violations of applicable laws, the Articles of Association or any by-laws, such as the RoPs, disclosing confidential or sensitive information to outside parties in violation of the requirement to respect professional secrecy / confidentiality undertaking referred to in RoP 8 below or making insulting or harmful statements in any ICH meeting or publicly regarding the ICH Association, including its bodies, or regarding any of its Members or Observers.

Before taking a decision pursuant to Article 33(2) of the Articles of Association, the Assembly should hear the affected Management Committee Representative of Permanent Observer delegate.

An excluded Management Committee Representative or Permanent Observer delegate should be replaced in accordance with Article 34 of the Articles of Association and RoP 3.2 above.

### **5. Management Committee Meetings**

#### **5.1. Management Committee Meeting Organisation**

Further to Article 37(1), the Management Committee will hold its meetings in conjunction with the Assembly meetings. The Management Committee may, when required, hold meetings, if needed, in between the Assembly meetings. In addition, the Management Committee may hold virtual meetings in the form of tele- or videoconferences. The Chair of the Management Committee should propose to the Management Committee the frequency of such virtual or any other meetings for its

agreement. The meetings will be set up by the ICH Secretariat at dates and times that are agreed by the Management Committee. In principle, at least one (1) virtual meeting in between the Assembly meetings should be organised. The meeting invitations should be sent out at least two (2) weeks in advance of the virtual meeting, unless there is an urgent need for a meeting in which case it can be organised with at least one (1) week's notice, if agreeable by the Management Committee Chair, based on representatives' availabilities.

## **5.2. Management Committee Representative Participation in Meetings**

Further to Article 35(2)(a), a Member is considered to be present if at least one (1) of its representative(s) nominated in accordance with Articles 29 and 32 of the Articles of Association is present at the meeting of the Management Committee. Additionally, and further to Articles 35(2)(a) and 35(2)(b), the Management Committee Representatives nominated in accordance with Articles 29 and 32 of the Articles of Association should actively participate in the meetings and contribute to the work of the Management Committee.

## **5.3. Additional Meeting Participants**

As regards the attendance at Management Committee meetings, in addition to the two (2) representatives of the Founding Regulatory Members, the two (2) representatives of the Founding Industry Members and the up to two (2) representatives of the Standing Regulatory Members, each of those Members may be accompanied by a maximum of two (2) further participants in addition to these Members' representatives of the Assembly, their representatives of the MedDRA Management Committee, their Coordinators and Technical Coordinators who can also attend Management Committee meetings. The Permanent Observers of the Management Committee do not have the right to appoint additional participants in addition to their up to two (2) delegates, for the Management Committee meetings. Once the Assembly has appointed Elected Management Committee Representatives to the Management Committee, those Members with up to two (2) Elected Management Committee Representatives may be accompanied by one (1) additional participant excluding these Members' representatives of the Assembly and their Coordinators. Notifications of the number of additional participants should be made to the ICH Secretariat at least four (4) weeks in advance of the Management Committee face-to-face meetings. The ICH Secretariat should also be notified prior to the Management Committee virtual meetings of the number of additional participants.

## **5.4. Assignment of Vote in Event of non-Participation in Management Committee Meeting**

Further to Article 38(2), where a Member or Permanent Observer is unable to participate in a Management Committee meeting, the Member or Permanent Observer concerned should inform the ICH Secretariat in advance. The ICH Secretariat shall inform the Chair and Vice-Chair of the non-attendance as soon as possible and at the latest at the beginning of the meeting and this information shall be recorded in the minutes. In the case of non-attendance, the Member may give a written proxy to another Member. The proxy needs to be submitted to the ICH Secretariat at the latest at the start of the Management Committee meeting. The proxy should specify the Management Committee meeting and the agenda items which the proxy concerns. The Management Committee Member or Permanent Observer may exceptionally delegate its participation to another person/delegate who is well informed of the Management Committee activities, for example the

Coordinator/Technical Coordinator or a member of a sub-committee, from that Member or Permanent Observer.

## **6. Election of Management Committee Chair and Vice-Chair**

### **6.1. Temporary Arrangement**

Further to Article 37(2), a temporary arrangement will be in place until November 10, 2016, the chairmanship will rotate as follows: after the end of the chairmanship of FDA on December 10, 2015, the EC ensures chairmanship until June 16, 2016 (and MHLW/PMDA the vice-chairmanship) after which MHLW/PMDA takes over chairmanship (and Health Canada the vice-chairmanship) until November 10, 2016.

As of November 2016, at the Management Committee meeting in conjunction with the ICH meeting in Japan on November 5-10, 2016, the Management Committee should elect a Chair who should take office on November 10, 2016.

### **6.2. Election Process**

The meetings of the Management Committee shall be chaired by one (1) of the Management Committee Representatives appointed by the Permanent Regulatory Members. The Management Committee may also elect a Vice Chair from amongst one (1) of the Management Committee Representatives appointed by the Permanent Regulatory Members. The Vice-Chair should deputise for the Chair when the latter is unable to chair either all or part of a meeting. The Chair may also delegate the chairing to the Vice-Chair e.g., for specific topics. The Chair and Vice-Chair should agree on how they will work together and generally, the role of the Vice-Chair is to provide support and assistance to the Chair. As of November 2016, the Chair and Vice-Chair will serve for one (1) year from the date of election. The Chair and Vice-Chair may be re-elected.

Nominations for Chair and Vice-Chair should be submitted in writing by the Members, specifying the name of the representative (of a Permanent Regulatory Member) who is put forward as the candidate to the ICH Secretariat no later than the start of the Management Committee meeting at which the election is to take place. Permanent Observers do not have the right to put forward nominations for Chair or Vice-Chair.

The decision shall be adopted by a qualified majority of the votes cast in line with Article 38(4) and by secret ballot. Two (2) tellers shall be designated amongst the Management Committee Representatives or Permanent Observers to assist in the counting of the vote. At each round, the candidate with the lowest number of votes shall withdraw. Rounds will run until one (1) candidate receives simple majority of favourable votes of the Members.

It is at the discretion of the Member whose representative has been appointed as Chair to decide whether or not it wishes to appoint another representative to represent itself in the Management Committee.

## **7. Management Committee Decision-Making**

### **7.1. General Decision-Making Process**

In line with Article 38(3), either of the two (2) Permanent Management Committee Representatives and either of the two (2) Elected Management Committee Representatives (irrespective of which of the two (2) has been designated as the lead representative) have the right to cast the joint vote on behalf of the Member for decisions where the Member has voting rights. The two (2) representatives jointly decide how to dispose of the vote.

Furthermore, decisions are taken by open ballot with the exception of appointment of Chair and Vice-Chair of the Management Committee which should be taken by secret ballot. The Management Committee may upon proposal by the Chair of the Management Committee decide to cast a secret ballot for other matters.

Decisions by majority in accordance with Article 38 should be passed if consensus is not reached.

Prior to voting, the Chair may allow for several rounds of discussions in order to reach consensus, including postponing the voting to a later stage (especially if there is no urgency). Management Committee Representatives are free to abstain from voting, i.e., not casting a vote. Abstentions do not count in tallying the vote negatively or positively; when the Management Committee Representative abstains, they are in effect only contributing to a quorum.

Further to Article 38(7), in the event a two-thirds majority of the votes cast is not reached, only the Permanent Management Committee Representatives appointed by the Founding Regulatory Members are entitled to cast a joint vote since this activity, i.e., the selection of topics for ICH Guidelines and the adoption amendment or withdrawal of ICH Guidelines is the prerogative of the regulators, considering that they have the ultimate responsibility to ensure the protection of public health and have the responsibility to issue regulatory guidelines.

No written procedures for the adoption of decisions are foreseen. However for simpler matters, such as the adoption of the minutes of the Management Committee meetings or follow-up to teleconferences e.g., submission of documents that require swift action, approval by written procedure is possible.

Where issues or questions arise where the ICH Secretariat considers input from the Management Committee may be needed, the ICH Secretariat shall consult the Management Committee Chair who will use his/her discretion to (a) provide direction to the Secretariat on the course of action where the issue or question is not sensitive or controversial; or (b) decide that an action should be put on the agenda of the next scheduled Management Committee teleconference/meeting; or (c) request the convening of a Management Committee teleconference to decide on the action to be taken. In case of (a), the Management Committee should be informed of the course of action unless the matter is of pure administrative nature.

### **7.2. Recording and Communication of Management Committee Decisions**

The adopted decisions will be recorded in the minutes of the Management Committee meetings that take place face-to-face. Decisions which are adopted by the Management Committee in virtual meetings, such as teleconferences, are recorded in summary reports. The ICH Secretariat is

responsible for drafting the minutes and the summary reports. Draft minutes and draft summary reports should be sent to all Management Committee Representatives and Permanent Observers by e-mail following review by the MC Chair and Vice Chair. Generally, the draft minutes should be sent within two (2) weeks of the meeting, and draft summary reports within one (1) week unless there are exceptional circumstances. Also the Coordinators/Technical Coordinators that have been appointed by the Permanent Management Committee Members and Elected Management Committee Members should receive the draft minutes and draft summary reports. The Management Committee Representatives and the Permanent Observer delegates (including Coordinators/Technical Coordinators when they attended the meeting on behalf of the Management Committee Representative) should send any written comments on the minutes to the ICH Secretariat as well as to the Management Committee Representatives and Permanent Observer delegates at the latest within two (2) weeks of the receipt of the minutes, and in the case of summary reports, within one (1) week of the receipt of the summary report. Minor and editorial issues should be resolved at the discretion of the Management Committee Chair in consultation with the concerned Management Committee Representative(s) and Permanent Observer delegates. The outcome of these minor and editorial issues should be shared with the Management Committee. Major issues should be forwarded to all Management Committee Representatives and Permanent Observer delegates, together with a proposal from the Management Committee Chair, in consultation with the Management Committee Representative(s) and Permanent Observer delegates, on how to resolve the matter. This could be either not to accept the concerns raised or propose amendments to the minutes or summary report. In case of amendments to the draft minutes, the revised minutes should be submitted to the Management Committee Representatives and Permanent Observer delegates at the latest within one (1) month from the Management Committee meeting. In case of amendments to the summary reports, the timeline is two (2) weeks from the virtual meeting. In the case of revised minutes, Management Committee Representatives and Permanent Observer delegates should send their approval or written objections or comments during a period of two (2) weeks of the receipt of the revised minutes, and in the case of revised summary reports within one (1) week. If no comments are received by the time of the close of the comment period, the minutes and summary reports shall be considered as adopted provided these reports have received the express approval of the MC Chair and Vice Chair. A Member or Permanent Observer may request the ICH Secretariat for an extension to the commenting period and should submit a justification for the request. If no comments are received at the end of the extended commenting period, the minutes shall be considered as adopted. A Member may inform the ICH Secretariat of the need of an extension to the comment period due to a reasonable reason. If there are opposing comments, the Chair may decide to postpone the adoption of the minutes until the next meeting. The adopted minutes and summary reports by the Management Committee should be published on the website of the ICH Association whilst ensuring the protection of confidential information and personal data.

## **8. Maintaining Confidentiality**

Further to Article 35(3), the Management Committee Representatives and the Permanent Observer delegates of the Management Committee shall, even after their duties have ceased hold all confidential information they receive or that is otherwise brought to their attention in confidence. The Management Committee Representatives and the Permanent Observer delegates of the Management Committee are entitled to share such confidential information with persons within their respective

organization and third parties provided that the recipients (i) must have access to the confidential information to fulfil their duties within their organization and (ii) executed a confidentiality agreement or arrangement that has corresponding confidentiality obligations or that such persons or third parties are otherwise bound to confidentiality obligations. The Management Committee Representatives and the Permanent Observer delegates of the Management Committee shall not use the confidential information for any purpose other than as necessary to enjoy their rights or perform their obligations within the Association. For the avoidance of doubt, confidential information includes draft documents and proposals pending Management Committee and/or Assembly approval, in addition to other information not in the public domain.

## 9. Management Committee Responsibilities

### 9.1. Organisation of Assembly Meetings

Article 36(2)(a) relates to the determination of the venue of the Assembly meetings. When considering different options, the Management Committee should take into account in particular the financial aspects to ensure that the meeting costs are kept at a reasonable level. Also the logistical aspects should be taken into account, i.e. accessibility of the venue (vicinity to public transport and to an international airport and good airport connections) as well as safety aspects. Finally, the Management Committee should endeavour to have a broad geographic balance as this will contribute to giving visibility to the ICH Association and demonstrate its global character. ICH meetings can, however, be organised in the same venue more than once particularly if it meets the requirements for ICH meetings and is financially advantageous.

#### *9.1.1. General Principles for the organisation of ICH meetings*

The Management Committee bears the main responsibility for the organisation of the ICH meetings, as referred to in Article 36(2). The Management Committee may invite a Member to organise an ICH meeting. The following principles relate to the organisation of ICH meetings, e.g., the meetings of the Assembly, the Management Committee, the MedDRA Management Committee and the Working Groups, with the aim of strengthening the procedures for the organisation of ICH meetings:

- When considering the location for an ICH meeting, the Management Committee will take into consideration any serious concerns or strong objections there may be regarding a particular prospective location for the ICH meeting.
- Efforts should be made to adhere to a 6-month cycle for ICH meetings (allowing an appropriate regulatory consultation period);
- The Coordinators teleconference in preparation of an ICH meetings should be organized, if possible, at least three months before the ICH meeting;
- The Management Committee teleconference on the technical topics for harmonisation should be organized, if possible, at least two months before the ICH meeting;
- Working Groups should be requested to update their work plans (see Annex 11 of the SOP of the WGs for work plan template) prior to Coordinator teleconferences to enable Coordinators to make informed decisions ;
- The MC should consider that in the current meeting format fifteen (15) parallel WGs is generally the maximum number of WGs meeting;
- The MC should try to confirm at its meeting held in conjunction with the ICH meetings whether or not a WG should meet face-to-face at the next ICH meeting;
- The MC teleconference (two months before) should be the cut-off point for the approval of WGs to help the host with preparations for meetings and allow experts to finalize travel plans.

For the organisation of the meeting and the meeting logistics, the organiser is requested to follow the guidance note on the Organisation of Meetings provided by the ICH Secretariat. When negotiating the contract for a meeting, the allowable rate for the regulatory members, and other members as appropriate, should be considered. All efforts should be made to obtain a room rate that is as low as possible.

It is acknowledged that there may be exceptions and amendments to these principles.



## **9.2. Submission of Proposals to Assembly**

As per RoP 3.4 of the Assembly RoP, the Management Committee is responsible for submitting proposals to the Assembly.

Article 24 provides for the timelines for the Management Committee to submit proposals to the Assembly.

### ***9.2.1. Selection of new topics for harmonisation***

The process for the selection of new topics for should be run on a yearly basis, with a 6-month process. The Management Committee confirms the need for new topics and provides a submission deadline by which the ICH Members, Standing Observers and Observers may develop new topic proposals (in accordance with the template in Annex 8 of the SOP of the WGs). The preparatory work within the MC is normally carried out by a Subcommittee appointed by the MC on new topics. The proposals are collected in mid-January, i.e. 5 months prior to the ICH Assembly meeting in spring. During the month of February, the Subcommittee will work to review the proposals and discuss whether some of them can be merged or refined, and will communicate, by the beginning of March, the need to merge or refine, to the ICH Member(s) who proposed the new topic, with a deadline for submission of revisions by mid-March. By late March topic evaluation forms on individual topics will be circulated for completion and then collated and discussed at a teleconference of the Subcommittee. Based on this, there will be a compilation of topics shortlisted to be circulated with the MC agenda papers for an MC discussion to occur in early April. Based on the Subcommittee and MC discussion, the MC will prepare a short preliminary assessment summary for the shortlisted new topic proposals by the late April. This short preliminary assessment paper would accompany the set of new topic proposals to be distributed to ICH Assembly members for review no later than the beginning of May or no later than 4 weeks before the Assembly meeting in spring. Between mid-March and the end of April, there is internal work ongoing to evaluate the proposals and discuss whether some of them can be merged or refined. In mid-May, topic evaluation forms on individual topics are circulated and then discussed at a teleconference of the subcommittee. Approximately 2 weeks before the ICH Assembly meeting in spring, there is a compilation of topics shortlisted to be circulated with the MC agenda papers for discussion. At the Assembly meeting in spring, there is a discussion and recommendation to adopt, including an outline for a Concept Paper, and decision on the timing of the start of the work. The adoption of new topics will be included in the 5-year plan. Some new topic proposals may be proposed as strategic topics for further discussion within ICH.

## **9.3. Oversight of Working Groups**

In line with Article 36(2)(f), the role of the Management Committee is to oversee the work of the Working Groups, including in between the ICH meetings, with the assistance of the ICH Secretariat. The Management Committee will at regular intervals receive work plans from the Working Groups to update the Management Committee on progress, in addition to which the Management Committee may request additional reports (written or oral) from the Regulatory Chair and/or the Rapporteur. The Management Committee should give its approval for all face-to-face meetings of the Working Groups. The decision by the Management Committee on which Working Groups will meet face-to-face at the ICH meetings should be taken at the latest at the preparatory teleconference of the Management Committee approximately two (2) months prior to the ICH meetings. The Management Committee also decides on the size of the Working Groups and processes requests from Observers to appoint

experts in the Working Groups. The Management Committee teleconference is preceded by the Coordinators teleconference which is held approximately three (3) months prior to the ICH meeting. The Standard Operating Procedures (SOP) of Working Groups provides more details about the role of the Coordinators and the functioning of the Working Groups (*Note: these SOPs are currently under development*). See also RoP 4.2 of the Assembly RoP concerning the appointment of Regulatory Chairs and Rapporteurs as well as the right of the Management Committee to limit the size of the Working Groups. Until the appointment of Elected Management Committee Representatives from Regulatory Members, the Regulatory Chair should be a representative of the Founding Regulatory Members or the Standing Regulatory Members. After Elected Management Committee Representatives from Regulatory Members have been appointed to the Management Committee, the Regulatory Chair may also be a representative of a Regulatory Member that have Elected Management Committee Representatives on the Management Committee provided that Regulatory Member has had at least one (1) expert that has participated continuously in that Working Group from the moment it was set up. As regards the right of Members that have Elected Management Committee Representatives in the Management Committee to continue acting as Regulatory Chair, the appointed Regulatory Chair will continue his/her work as Regulatory Chair until the Working Group has finalised its work, even if the Member in the meantime no longer has an Elected Representative in the Management Committee. This allows continuity and stability of the Working Groups. The Management Committee may propose to the Assembly the replacement of a Regulatory Chair or Rapporteur before the Working Group has finished its work.

Regarding the recommendation by the Management Committee to invite Observers to appoint experts in Working Groups, see RoP 4.3.7 of the Assembly RoP.

#### **9.4. Recommendations to Assembly on Membership and Observership Applications**

See the RoP 1.3.2. of the Assembly RoP regarding the application review process. The ICH Secretariat will carry out the initial assessment of the eligibility criteria provided in Article 11(1) and (2), Article 12(1) and Article 17(1) and provide its considerations to the Management Committee thus assisting the Management Committee to prepare its recommendations.

#### **9.5. Establishment of Subcommittees**

In line with Article 36(3), the Management Committee may set up sub-committees and/or working groups for dealing with specific topics to assist the Management Committee, e.g., by carrying out some preparatory work. Working groups would include technical working groups (EWGs/IWGs) to undertake harmonisation activities following the approval by the Assembly of such activities, as well as any other working groups as deemed necessary by the Management Committee.

The following applies to sub-committees: The mandate of the sub-committee should be clearly defined. Sub-committees may be established for an unlimited time period to support recurrent Management Committee activities (e.g., the Financial Sub-committee) or for a limited time period in order to address time-limited needs. The Management Committee will appoint a lead for each sub-committee. The lead should liaise with the Management Committee notably by providing regular updates at every Management Committee meeting on the progress and, as appropriate, seek advice or steering from the Management Committee. Members who have appointed representatives in the Management Committee have the right to appoint up to two (2) members in each sub-committee on

a voluntary basis. The aim should be to have members from all regulatory authorities and industry sectors who have representatives on the Management Committee in each sub-committee. Permanent Observers may appoint members in the sub-committees. Sub-committees should be disbanded when they have accomplished their work. Sub-committees may also be temporarily suspended (e.g., during a period when there is little activity) and then re-activated when work resumes. The sub-committees should work primarily remotely but may also hold face-to-face meetings in conjunction with the ICH meetings, particularly if the majority of the members of the sub-committee are present at the meeting. The lead, who may be supported by a member of its own staff, is responsible for the project management and for organising the meetings of the sub-committee (scheduling meetings, drafting agendas, minutes etc...) in consultation with the members of the sub-committee. A staff member of the ICH Secretariat should be invited to attend the meetings of the sub-committee and the ICH Secretariat should also as far as possible assist the leads of the sub-committees to facilitate the work and endeavour to avoid duplication between the different sub-committees.

### **9.6. Preparation of Proposals on Financial Matters**

[Under Article 59(1), the amount of the annual membership fees and other financial means that are raised for the next Fiscal Year shall be approved by the Assembly at least six (6) months prior to the end of each Fiscal Year.]

Further to Article 36(2)(m), the Financial Sub-committee of the Management Committee should draft an initial budget twenty-four (24) to eighteen (18) months prior to budget implementation.

The Financial Sub-committee should present a first proposal of the budget to the Management Committee during the meeting that occurs in spring, i.e., normally some eighteen (18) months prior to the new Fiscal Year:

- the goal of the Management Committee discussion is to reach agreement on any proposed revisions to the proposed budget that will be taken forward for Assembly review and approval;
- the proposed budget will be accompanied by the corresponding membership fees established in accordance with the agreed mode of calculation. The general principle when developing the proposal for annual membership fees and other financial means is that the amounts should be fair and proportionate so that Members that bear similar rights and duties within the same Membership category pay similar amounts. The amount of the annual fees and the other financial means that are raised should be based on objective criteria. There may be deviations from this starting point, but they should be justified objectively.

The Management Committee will present the proposed draft budget for the new (future) Fiscal Year to the Assembly for review and approval during the Assembly meeting that occurs in spring approximately eighteen (18) months before the new Fiscal Year.

The Management Committee will develop a proposal of financial budget based on the comments received:

- the Management Committee will disseminate the proposal of Final budget to the Members of the ICH Association, accompanied by a written summary and analysis of any comments received from the Members, along with a rationale for the incorporation/non-incorporation of any proposed changes received from a Member.

The Management Committee will submit the proposal of Final budget including annual membership fees and other financial means that are raised for the new Fiscal Year to the Assembly for approval at the autumn meeting of the ICH (i.e., normally between twelve (12) and fourteen (14) months prior to the beginning of the new ICH Fiscal Year).

### **9.7. Use of the ICH Logo**

Apart from official use of the ICH logo by the ICH Association and its bodies, or in conjunction with the ICH meetings, use of the logo is restricted and requires the express permission of ICH. This restriction applies not only to third parties, but also to ICH Members and Observers. Permission should be granted by the ICH Management Committee based on a recommendation by the ICH Secretariat.

As a general rule, permission shall only be granted for use of the ICH logo on materials which have undergone ICH review and which ICH supports, or for use in the promotion of events ICH has expressly agreed collaboration on. The Management Committee may itself undertake such reviews or may delegate to a dedicated ICH expert review group. In no event shall ICH's logo be permitted for use in or in connection with the certification of a product, organisation or person.

Notwithstanding the provision of ICH permission, users of the logo shall acknowledge that, access to the logo is provided "as is" without warranty of any kind. The Management Committee shall limit or exclude the liability of the ICH in connection with the use of the ICH logo by users to the maximum extent permitted by applicable law.

ICH Members may without written permission use the ICH Member logo (available from the ICH Secretariat) to denote ICH membership within their own publications, presentations or on their website. ICH Members may subject to written permission by the ICH Secretariat grant a similar use of their ICH Member logo to their representative entity, e.g. relevant Ministry of Department or national (regional) medicines agency, by making it aware of the terms of the ICH Member logo disclaimer.

ICH Members who wish or are required to use their national or regional language(s) may request from the ICH Secretariat a version of the ICH Member logo where the word "Member" is translated into its national or regional language.

It should be noted that this restriction regarding the use of the ICH logo extends to the use of the ICH presentation template which carries the ICH logo, with such presentations being subject to the same review and permission process stated above. An exception is in the case of presentations made by ICH Working Groups to the ICH Assembly and/or ICH Management Committee.