REPUBLIC OF ESTONIA
AGENCY OF MEDICINES

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**Explanatory note accompanying SAM decisions RKU-4/12 (dated May 8, 2025) (25-001/2024-515868-31-00/213997) and RKU-4/16 (dated May 16, 2025) (25-003/2024-515869-33-00/213998)**

The State Agency of Medicines (SAM) issued decisions no RKU-4/12 (dated May 8, 2025) (25-001/2024-515868-31-00/213997) and RKU-4/16 (dated May 16, 2025) (25-003/2024-515869-33-00/213998) according to which clinical trial sponsor GlaxoSmithKline Biologicals SA received authorisations to conduct clinical trial of medicinal product in accordance with the protocols provided in the clinical trial application documentation.
Correspondence with the representative of the study sponsor has revealed that confusion has arisen regarding the extent of compensation to be paid to parents/guardians/legal representatives.
In the case of SAM decision no RKU-4/12, point 6 of the evaluation of the Ethics Committee on compensation states that in studies involving incapacitated subjects, minors, pregnant or breastfeeding women, no incentives or financial compensation are offered to the subjects or their legal representatives, except for reimbursement of costs and loss of earnings. The Ethics Committee has concluded that the compensation to be paid to the subjects is appropriate.
In the case of the second study (SAM decision no RKU-4/16), the Ethics Committee has clarified in point 6 of its assessment that no compensation, other than reimbursement of direct costs, may be paid to minors or their legal representatives for participation in the study. Compensation for inconveniences and burdensome procedures may only be paid to participants who are of legal age and capacity. Therefore, it is a condition of the study that no compensation for inconvenience, burdensome procedures or time spent on the study may be paid to parents/guardians/legal guardians and any reference to such compensation must be removed from the Informed Consent Forms (ICF).
We would like to make it clear that, despite the differences in the formulation of the Ethics Committee's assessment, the Ethics Committee is bound by the standards laid down in the applicable law in its assessments. The administrative authority can only derogate from the restrictions laid down in the legislation in cases where there is a legal basis for such derogations and the administrative authority has been given the power to derogate from the restrictions laid down in the legislation in certain well-considered cases. In the present case, the Ethics Committee and the SAM do not have the power to grant derogations from the restrictions laid down in Article 32 of Regulation (EU) No 536/2014 of the European Parliament and of the Council.

According to Article 32(1)(d) of the EU Regulation, a clinical trial may be conducted with minors only if, in addition to the conditions laid down in Article 28, no benefits or financial compensation are offered to the subject or his legal representative, except compensation for the costs of participation in the clinical trial and compensation for loss of earnings, where this is directly related to participation in the trial. The purpose of the restriction is to protect incapacitated persons and minors as the most vulnerable parties and to provide for additional measures to protect them. Neither the SAM nor the Ethics Committee can alter the principles set out in its decision, nor can it authorise failure to comply with such restrictions.
The SAM has previously clarified these facts to you in the administrative procedure, both by asking questions that arose during the assessment of the applications and in an e-mail sent on 02.04.2025, and by referring to the prohibition laid down in EU Regulation No 536/2014, according to which incapacitated participants and their representatives, minors and their representatives, pregnant women and women who are breastfeeding may not be paid any fee for participating in a trial other than reimbursement of direct costs.
The decisions of the SAM only set out the facts and conditions on which the SAM has discretion and which have been agreed in the authorisation procedure. The SAM does not rewrite the provisions of existing law in its decision. This is particularly the case for absolute restrictions or prohibitions deriving from the law, where only a general reference to the provision or legal source is made, and it is made clear that the administrative act has been adopted on the basis of and in accordance with the legal source.
On the basis of the above, according to the SAM decision no RKU-4/12 (dated May 8,2025) and the decision no RKU-4/16 (dated May 16, 2025), the clinical trial is allowed to be conducted in accordance with the EU Regulation, i.e. it is allowed to compensate direct costs related to the participation in the clinical trial. Reimbursement of other costs to the participants or their representatives is not authorised.

Katrin Kiisk
Director General

Compiler: Gerda Siht