Swiss specific addendum

Clinical Trials Ordinance, ClinO

Introductory remarks

The Federal Council approved the revision of the ordinances to the Human Research Act (HRA) and adopted them on 7 June 2024. The revision strengthens the protection of persons participating in research and introduces improvements and simplifications and adapt the provisions to technological, scientific and societal changes and international developments.

The Swiss specific addendum highlights the modifications to the Clinical Trials Ordinance, (ClinO). It is intended to provide comprehensive and understandable information on the modifications, but it does not release the Sponsor and the Principal Investigator of their obligations to be knowledgeable on the entire ordinance. ClinO shall always prevail in case of any discrepancy or inconsistency between the Swiss specific addendum and ClinO.

This Swiss specific addendum, or other document but with equivalent purpose and content, must be submitted to the ethics committee, duly signed by the Sponsor and the Principal Investigator(s), for applications submitted before November 1, but which can only be approved after November 1 under the new law. If the trial protocol is prepared under the old law and submitted after November 1, the Swiss specific addendum must be submitted at the same time. In any case, the Swiss specific addendum must be submitted before the first participant is included in the clinical trial. Authorisation under the new ordinances is therefore always required for clinical trials according to ClinO.

The modified ClinO enters into force on 1 November 2024, except for the provisions on transparency, which enter into force on 1 March 2025.

Protocol Title:	
Type of clinical trial	*Clinical trial on medicinal products* *Clinical trials according to ClinO Chapter 3 "transplantation of human organs, tissues and cells* *Clinical trial according to ClinO Chapter 4: "other clinical trials"* *Clinical trial on products under Art. 2a para 2 TPA (Federal Act on Medicinal Products and Medical Devices, of 15 December 2000)*
Trial Identifier, Trial ID	*E.g. institutional or Sponsor protocol identifier*
BASEC ID number:	
Swissmedic Number	*Add Swissmedic number in case of a clinical trial category B or C*
Sponsor:	*Name of Sponsor, Institution, Address* *Contact details (full details)*
Principal Investigator, coordinating principal investigator:	*Name of Principal investigator, coordinating investigator, Address* *Contact details (full details)*

Signature Page(s)

Study Identifier, study ID	*Study ID (e.g. institutional or Sponsor protocol identifier)*
Study Title	*Full study title as written on title page*

The Sponsor and the Principal Investigator have read and understood this Swiss specific addendum and agree to conduct the trial as set out in the trial protocol, its amendments, and Swiss specific addendum, the current version of the World Medical Association Declaration of Helsinki, ICH-GCP guidelines and the local legally applicable requirements.

Sponsor	*Name of Sponsor, Institution, Address* *Printed name of the person authorized to sign on behalf of the Sponsor.*

Place/Date _____ Signature _____

Site	*Name and address of site*
Principal investigator	*Printed name of Principal investigator. In case of a multicentre clinical trial, enter the name of the Coordinating Principal investigator*

Place/Date _____ Signature _____

Local Principal Investigator at local study site

Note: Delete this signature page in case of monocentre clinical trial.
In case of a multicentre clinical trial, this page must be individually signed by all Principal Investigators at local study sites. Add pages as necessary.

I have read and understood this Swiss specific addendum and agree to conduct the trial as set out in the study protocol, its amendments, and Swiss specific addendum, the current version of the World Medical Association Declaration of Helsinki, ICH-GCP guidelines and the local legally applicable requirements.

Site	*Name and address of site*
Principal investigator at local study site	*Printed name of Principal investigator*

Place/Date

Signature

The following applies as of November 1st, 2024.

Terms and definitions

An intervention according to ClinO is any measure to which the participant is subjected and whose effects on this person are to be investigated. An intervention needs no longer be health-related (Art. 2 lit. a).

Placebos and other comparator products are now also considered for the categorisation of clinical trials on medical products (Art. 2 lit. g and h).

Surplus information is personal results which arise without being sought during a clinical trial and are neither required for the conducting thereof nor to answer the scientific question (for detailed information see swissethics guidance documents on “handling incidental findings” and on “genetics in human research”, both published on swissethics.ch/topics/position papers).

Refer to the Code of conduct for scientific integrity issued by the Swiss Academies of Arts and Sciences in its May 2021 version for the specifications for scientific integrity (Art. 3 para.2 in combination with Annex1 no.1).

Sponsor’s and investigator’s responsibilities

The clinical trial investigator must have appropriate knowledge and skills in the areas of data protection and data security or be able to ensure the corresponding compliance by other means (Art. 6 para. 1).

The sponsor may newly assume a clinical trial’s notification and reporting obligations, even if the trial application is submitted by the investigator. Any such assumption must be specified, however, in the application documents (Art. 44a).

Transparency: Registration and publication (applicable as of 1 March 2025)

The sponsor must publish a summary of the results of the trial in an international registry within one year of the trial’s completion or premature termination (Art. 65a para. 1).

A lay summary of the results of the trial must be published in BASEC in the national languages for the regions in which trial participants were recruited. This must also be done within one year of the trial’s completion or premature termination (Art. 65a para. 2).

Phase I clinical trials on medicinal products must also be published before the trial begins but the publication of certain business relevant details may continue to be delayed (Art. 64 para. 2bis). See instructions in BASEC for details.

Requirements of application documents for clinical trials

Requirements for the information of the trial participants: the persons concerned must receive information on:

- the possibility of surplus information arising, and the significance of the discovery of surplus information and the significance of exercising one’s right to know or not to know; (Art. 7 para. 1 lit. ebis)
- Information in certain cases of genetic testing (if presymptomatic or prenatal testing is foreseen), including possible implications of examined diseases and/or medical and social relevance including information about insurance policies (Art. 7a in combination with Art.18 a and Art. 7b)
- Details of the expected time of publication of the lay summary of the trial results and under what registration number on the SNCTP this will be found (Art. 7 para. 1 lit. h bis).

Consent can be given in electronic form. If consent is given in electronic form, the requirements set in article Art. 7c in combination with Art. 25 lit. d bis) should be met. See also the swissethics guidelines on electronic study information (eIC) for details.

Due regard for the individual's right to be informed: the procedure for communicating results must be described (Art. 8a in combination with Art. 25 lit. e bis).

Inclusion of relevant groups of persons: any exclusion or deliberate underrepresentation of relevant groups must be declared and justified (Art. 4a).

Liability coverage

Liability coverage must extend to damage occurring up to 20 years after the completion of the clinical trial (Art. 13 para. 3), instead of the previous 10 years.

Clinical trial data and requisite documentation must be retained for 20 years (Art. 45 paras. 1 and 2).

Exemption from liability: the extent of the damage and the criterion of acutely life-threatening disease are no longer relevant to liability exemption considerations (Art. 10 para. 2).

Deadlines for clinical trials

Deadline of two years for submission to the second approval authority after approval has been issued by the first such authority (Art. 23 para. 1bis–1quater). A request for a deadline extension will be regarded as a substantial modification to the clinical trial. In the event of non-compliance with this deadline, the initial approval will lapse.

Deadline of two years for the enrolment of the first trial participant in Switzerland after issue of the last approval required (Art. 23a). The date of the enrolment of the first trial participant in Switzerland is defined as the date on which the first participant, or the person that has been designated as the legal representative, signs the first informed consent.

The investigator notifies the ethics committee, within 30 days of the first visit of the first participant in Switzerland (Art 38.1.a).

A request for a deadline extension will be regarded as a substantial modification to the clinical trial. In the event of non-compliance with this deadline, the trial will be regarded as interrupted.

If applicable: Clinical trials on medicinal and transplant products and on TPA Art. 2a para. 2 products

Documentation, notifications and reporting for clinical trials:

Notification to the ethics committee, and to Swissmedic for category B and C clinical trials:

- within 30 days: the first visit of the first participant and the completion of a clinical trial in Switzerland (Art. 38 para. 1)
- within 90 days: the global completion of a multinational clinical trial (Art. 38 para.1bis)
- within 15 days: the premature termination, interruption or resumption of a clinical trial (Art. 38 para. 2).
- Summary final report within one year of the completion or premature termination of the trial concerned (Art. 38 para. 3, resp. Art. 38 para. 5).

Documentation of adverse events (AE)

If adverse events occur in the course of a Category C clinical trial, they must be documented by the investigator in a standardised manner (Art. 39 para. 1).

In justified exceptional cases, the standardised documentation of some adverse events may be waived for Category C clinical trials (Art. 39 para. 1bis) requiring previous approval by the ethics committee and Swissmedic.

If adverse events occur in the course of a Category B clinical trial, they must be documented by the investigator in a standardised manner if: a. the adverse events are identified in the protocol as critical to the safety evaluation; or b. this was requested by the authorities responsible for approval. (Art. 39 para 2).

Reporting of serious adverse events (SAE)

A fatal serious adverse event occurring at a trial site in Switzerland need no longer be reported to the ethics committee (Art. 40) unless it constitutes a SUSAR.

Reporting of a suspected unexpected serious adverse reaction (SUSAR)

In addition to SUSARs with fatal consequences also life-threatening SUSARs must be reported to the ethics committee, and to Swissmedic for category B and C clinical trials, within 7 days (Art. 41 para. 2).

These reporting requirements newly also apply to any SUSAR which occurs after the completion of the clinical trial in Switzerland or is learned of after the completion of the clinical trial concerned (Art.41 para. 4bis).

Reporting on the safety of participants

The safety report must be supplemented by a statement on the trial's general progress (Art. 43 para. 1).

If applicable: Clinical trials on transplantation

Documentation, notifications and reporting

Notifications: the amended Article 38 is applicable mutatis mutandis to clinical trials on transplantation (Art. 57), with the same notification deadlines regarding first visits, completion, premature termination, interruption and resumption. See above chapter «Documentation, notifications and reporting for clinical trials».

Documentation of adverse events (AE)

Documentation of adverse events (AE): the amended Article 39 is applicable mutatis mutandis to clinical trials on transplantation (Art. 57). See above chapter «Documentation of adverse events (AE)».

Reporting of serious adverse events (SAE)

Serious adverse events (SAE) occurring in Switzerland with fatal or life-threatening consequences: reporting to the ethics committee within 7 days (Art. 57a para. 2).

Other serious adverse events occurring in Switzerland: reporting to the ethics committee within 15 days (Art. 57a para. 2); for Category C clinical trials, additional reporting to the Federal Office of Public Health (FOPH).

These reporting requirements also apply to any such event which occurs after the completion of the clinical trial in Switzerland or is learned of after the completion of the clinical trial concerned (Art.57a para. 5).

Reporting on the safety of participants

The safety report must be supplemented by a statement on the trial's general progress (Art.57a para. 5).

If applicable: Other clinical trials (ClinO Chapter 4)

Documentation, notifications and reporting

Notifications: the amended Article 38is applicable mutatis mutandis to other clinical trials (Art. 62 lit. c), with the same notification deadlines regarding first visits, completion, premature termination, interruption and resumption.

The safety report must be supplemented by a statement on the trial's general progress.

If applicable: Clinical trials concerning radiological protection

Stricter definition of minimal risks and burdens: in the event of accompanying examinations involving ionising radiation, the radiopharmaceuticals and/or medical devices employed must not only be authorised and bear conformity markings but must also be used in accordance with the relevant instructions (Art. 2 lit. c no. 6).

The FOPH's Radiation Protection Division reviews all accompanying examinations using non-authorised or non CE-marked applications, and not only those involving an actual radiation dose of more than 5 mSv (Art. 36a para. 2).

The documentation of the information of relevance for radiological protection will be included in the final report required under Article 38. If the FOPH has also provided its own opinion with regard to the trial concerned, the investigator shall also send this report to the FOPH (Art. 44 paras. 5 and 8).

If applicable: Clinical trials involving gene therapies, genetically modified organisms and pathogenic organisms (ClinO Section 4)

Approval limits of maximum 5 years is abolished (Art. 35 para. 6 removed).