Regulations of the Medical Research Ethics Committee of University Medical Center Utrecht

dated 29 May 2018

*PREAMBLE*

The Medical Research Ethics Committee as referred to in Article 16(1) of the *Medical Research Involving Human Subjects Act* of 26 February 1998, Netherlands Bulletin of Acts and Decrees 1998 161, 22588 (hereinafter: “WMO”), taking account of the provisions of Article 16(2) of the WMO, regulates its set-up and working methods as set out below, insofar as these do not follow from the WMO:

# Article 1

**Formation of the Medical Research Ethics Committee (MREC)**

1. The Executive Boards of UMC Utrecht and the Princess Máxima Center have formed a Medical Research Ethics Committee (MREC). As an autonomous administrative authority, the MREC (hereinafter also: “the Committee”) is independent from the Executive Boards with regard to its decisions, and does not have to justify them.
2. This Committee is an accredited committee within the meaning of Article 16 of the WMO.
3. A Supervisory Committee, consisting of representatives of the Executive Boards of UMC Utrecht and the Princess Máxima Center, will discuss the activities and the performance of the MREC and will also supervise financial matters.

# Article 2

**Purpose and responsibilities of the MREC**

1. The Medical Research Ethics Committee conducts professional, independent and efficient reviews of medical scientific research involving human subjects in accordance with the provisions laid down by or pursuant to the WMO.
2. The purpose of the review of medical scientific research involving human subjects within the meaning of the WMO is to guarantee the rights, safety and well-being of subjects taking part in medical scientific research, as well as to guarantee that the design and execution of the research also meet the requirements of the WMO.
3. The Committee is authorised to issue a further decision on proposals for amendments to scientific research for which they previously issued a positive decision.
4. Pursuant to Article 10(4) of the WMO, the Committee is also authorised to issue a further decision on scientific research for which they have already issued a positive decision, if during the research there are good reasons to assume that continuation of the research would lead to unacceptable risks for the subjects.
5. The Committee may provide advice on research-related topics to the Executive Boards of the participating institutions, both when asked and at its own initiative.
6. In addition to the duties arising from the WMO, the Committee fulfils duties following from the Embryos Act of 20 June 2002, Netherlands Bulletin of Acts and Decrees 2002 338, 27423, and from the Medical Devices Decree of 30 March 1995, Netherlands Bulletin of Acts and Decrees 1995 243.

# Article 3

**Area of operation of the MREC**

1. With due regard for its authorities under the WMO, the Committee reviews research files that fall within the scope of the WMO and for which UMC Utrecht or an affiliated institution is the sponsor.
2. The Committee can likewise issue decisions on research subject to the WMO that is being performed at UMC Utrecht, the Princess Máxima Center or other institutions in the Netherlands.

# Article 4

**Composition and membership of the MREC**

1. The Committee at least includes members representing the health disciplines required by the WMO. The members or substitute members of the Committee are listed in Annex A to these Regulations.
2. A member or substitute member sits on the Committee representing a single discipline.
3. The second paragraph does not apply to the pharmacology expert and the clinical pharmacology expert; these two areas of expertise can be represented by a single member. In addition, the second paragraph does not apply to the physician and the paediatrician. These disciplines can also be represented by a single member.
4. At least one Committee member of each chamber is not employed by UMC Utrecht or the Princess Máxima Center.
5. Employees of the Committee’s secretariat cannot be members or substitute members of the Committee.
6. A member or substitute member sits on the Committee in a personal capacity and based on their expertise.

# Article 5

**Appointment, temporary substitution and dismissal of Committee members**

1. Committee members, including the chairpersons, and substitute members are appointed by the Supervisory Committee on the advice of the Committee, for as long as the approval of the Central Committee on Research Involving Human Subjects (CCMO) applies.
2. After four years the CCMO will re-assess whether the membership of a member or substitute member of the Committee can be extended for a further four-year period. Memberships can be extended twice. The Committee adopts a retirement schedule.
3. Each of the chambers, as referred to in Article 9(1), has a chairperson and a vice-chairperson. The Committee selects the chairpersons and vice-chairpersons from its own members. One of the chamber chairpersons is also the general chairperson of the Committee.
4. The general chairperson serves a term of four years, with the option of a single four-year extension.
5. Apart from at their own request, the Supervisory Committee can only dismiss a chairperson, a vice-chairperson or a member or substitute member after at least two-thirds of the Committee members have submitted a well-substantiated request to this end, if:
	1. the person concerned insufficiently meets the requirements attached to membership or chairpersonship of the Committee, or
	2. the person concerned is considered to be no longer physically or mentally fit to discharge their duties.
6. The secretary takes care of reporting during appointment and dismissal procedures.
7. Interim vacancies are dealt with as soon as possible, in accordance with the retirement schedule and the provisions of the present Regulations.
8. The Committee will report any changes to its composition to the CCMO.

# Article 6

# Representation

The general chairperson represents the Committee in legal and other matters. He/she can delegate this authority.

# Article 7

**Approach to submission of research files**

1. The Committee fulfils its duties under the WMO in accordance with the applicable provisions of the Dutch General Administrative Law Act (Awb).
2. A request for review of a medical scientific study involving human subjects must be accompanied by a full research file, including the documents which are required by the Committee, in accordance with the statutory provisions in this regard and with a view to the proper fulfilment of its duties.
3. The Committee lays down rules for the way in which the documents referred to in the previous paragraph must be submitted.
4. A request for determination of whether intended research must be regarded as medical scientific research involving human subjects and must therefore be submitted to the Committee must always be made in writing.
5. The Committee has laid down its procedures in Standard Operating Procedures (SOPs). An overview of the SOPs can be found in Annex 8. The SOPs can be requested from the Committee’s secretariat.

# Article 8

**Review of study progress**

1. The Committee keeps abreast of the progress of ongoing studies reviewed by it at a frequency that is proportional to the risk posed to subjects, but at least annually. If the study gives rise to this, the Committee will state additional requirements for progress reports in its positive decision.

# Article 9

# Chambers

1. The Committee is subdivided into two chambers: Chamber D and Chamber M.
2. The members of the chambers are members of the Committee.
3. Each chamber has a chairperson and a vice-chairperson.
4. A secretary has been assigned to each chamber.
5. The two chambers have identical working methods.
6. The provisions of the present Regulations relating to composition/membership, working methods, meetings, decision-making, input from experts, confidentiality and independence apply equally to each individual chamber.
7. A decision made by an individual chamber will be deemed to have been made by the Committee.
8. The two chambers hold a joint meeting at least once a year.

# Article 10

# The Executive Committee

1. The Executive Committee consists of the chairpersons of the two chambers  one of whom is the general chairperson of the Committee  if necessary supplemented with additional members from the chambers.
2. The secretaries of the two chambers are also part of the Executive Committee and play an advisory role.
3. In the absence of a chairperson, this chairperson will be replaced by a member from their chamber. In the absence of a secretary, the secretary will be replaced by another secretary.
4. The Executive Committee meets once a week, at which time they discuss current matters relating to the Committee and make decisions for which they are authorised within the framework outlined by the Committee, if necessary after obtaining advice from a Committee member with specific expertise. The set meeting schedule can be deviated from where necessary, with the chairperson’s agreement.

# Article 11

**Meetings, reporting and correspondence**

1. In principle, the two chambers each have meetings once every fortnight. The set meeting schedule can be deviated from where necessary, with the chairperson’s agreement.
2. The secretary draws up the agenda for each meeting in consultation with the chairperson. The secretary ensures that the chairperson and the members and substitute members of the Committee have access to the agenda (digital or otherwise), the relevant research files and the corresponding documents, and any other documents for the meeting, at least one week in advance.
3. A substitute member must attend meetings at least three times a year.
4. The meeting schedule is publicly available.
5. Meetings are closed sessions which are not open to the public. The secretary takes care of the meeting minutes.
6. The minutes are approved during the next meeting, if necessary after the required changes have been implemented.
7. The secretary is responsible for informing the investigators and other parties involved, including the CCMO and the Executive Boards, about the decisions made.

# Article 12

# Decision-making

1. Legally valid decisions can only be made by a chamber or the Committee during a meeting attended by at least the members or substitute members representing the health disciplines required under the WMO.
2. Notwithstanding the foregoing, the chairperson may determine that in exceptional cases a properly substantiated written contribution from the absent member or substitute member of the Committee will suffice for decision-making purposes. The absent member will be asked after the meeting whether they agree with the decisions made. If the attendance of a representative of the missing discipline is absolutely required during the discussion, the decision will be postponed to the next meeting.
3. If a member or substitute member is in any way personally involved in a research file submitted for review or if a conflict of interests is imminent in any other way, the member concerned will report this before the meeting to the chairperson or, if it concerns the chairperson, to the vice-chairperson. The member concerned will leave the meeting when the research file or topic concerned is to be discussed and will not take part in the deliberations or the decision-making on the research or topic concerned.
4. If in connection with a situation as referred to in the previous paragraph or for any other reason it turns out to be impossible for all disciplines referred to in Article 4(1) to be involved in the decision-making, the decision cannot be made until an external expert in the missing discipline has been heard by the Committee.
5. Unanimity is aimed for during the decision-making processes.
6. Decisions can only be made with a majority of votes of the members present who have voting rights. These members should at least represent a majority of the disciplines required under the WMO.
7. Decisions are made verbally, unless the chairperson, possibly at the request of one or more members present, decides to have a written vote.
8. A Committee member holding a minority view with regard to a decision may ask the secretary to explicitly record this in the meeting minutes.
9. The Committee has authorised the Executive Committee and the secretary via mandates to make certain decisions on behalf of the Committee. A list of mandates is included in Annex C. The Executive Committee and the secretary will inform the Committee about the use of these authorities by putting the decisions concerned on the agenda of the Executive Committee meeting minutes for the next chamber meeting of the Committee.

# Article 13

**External experts**

1. The Committee may ask external experts for advice if this is necessary in order to arrive at a sound and proper decision. The external experts can be invited to issue a written recommendation and/or to take part in the deliberations.
2. It is not possible to advise the Committee on the basis of anonymity.
3. The provisions of Article 14 concerning confidentiality and the disclosure and public nature of ancillary activities apply equally to the permanent experts of the Committee.
4. If an expert is approached on an occasional basis, the chairperson will verify that the expert does not have any interest in the research concerned and does not perform any ancillary activities which are relevant in that context, and will make a note of the findings. The provisions on confidentiality in Article 14 apply equally.
5. The external experts will only have access to documents from the file about which they are to issue advice, and the Committee will make these available to them.

# Article 14

**Confidentiality and independence**

1. The chairpersons, vice-chairpersons, secretaries, members and substitute members of the Committee are obliged to maintain the confidentiality of data which are made available to the Committee for the fulfilment of its duties and where the confidentiality of the data has either been explicitly indicated or implicitly appears from the nature of the data.
2. The duty of confidentiality will continue to apply after a person’s Committee membership has ended.
3. The duty of confidentiality also applies to other people involved in the fulfilment of the Committee’s duties than the people referred to in the first paragraph.
4. After their Committee membership has ended, members and substitute members will destroy any documents (paper or digital versions) which they possess in relation to the Committee’s work.
5. A member or substitute member of the Committee will not perform any ancillary activities which are incompatible with the proper fulfilment of their duties and which may harm their independence and the confidence therein. They will report all ancillary activities to the chairperson.
6. The secretary documents the ancillary activities of members and substitute members and this information can be obtained from the Committee’s secretariat.
7. Anyone who is not a member of the Committee but who attends a meeting as an advisor or observer will sign a statement of confidentiality. This provision does not apply to investigators who attend a meeting to explain their research at the request of the Committee.

# Article 15

# Support

1. The Executive Board of UMC Utrecht ensures that the Committee receives adequate support by appointing several secretaries and several administrative assistants, referred to jointly as “the secretariat”.
2. UMC Utrecht’s Executive Board appoints a Head of the Secretariat who is charged with leading the secretariat on a daily basis.

# Article 16

# Finance

1. In addition to the amounts charged under Article 17, the Committee also receives a structural financial contribution from the Executive Boards of the institutions, based on a distribution key. In principle this contribution is revised annually and adopted by the Supervisory Committee before 1 December of the current calendar year.

# Article 17

# Review rates

1. In accordance with Article 20 of the WMO, the Committee may charge a fee to the party submitting a research file for review as compensation for the costs associated with the review.
2. The fee referred to in the previous paragraph is charged on a not-for-profit basis.
3. The Committee annually establishes the applicable rates.
4. The rates for review are published on the Committee’s website.
5. The Committee may deviate from the review rates established provided that this is done in writing and that it is properly substantiated.

# Article 18

# Compensation

The chairpersons, vice-chairpersons, members and substitute members of the Committee receive a fee for their work, and the amount of this fee is established by the Supervisory Committee. For members who are employed by the participating institutions, separate arrangements are made in accordance with a compensation structure. The external experts receive a fee as well.

# Article 19

# Quality policy

1. To further elaborate the provisions of Chapter 9 of the Awb on complaint handling, the Committee has adopted a Complaints Procedure, which can be found in Annex D.
2. Committee members receive training and education in the form of several study hours allocated per year.

**Article 20 Documentation**

1. The Committee’s secretariat ensures that Committee documents are stored systematically. The Executive Board Support Department of UMC Utrecht facilitates the Committee in this and works in accordance with the Dutch Public Records Act and UMC Utrecht’s substitution statement. For each request a file is created, in which all documents and information regarding the request, the review and the research’s progress will be included.
2. Unless any statutory provision requires otherwise, direct access to this documentation is limited to the chairpersons and vice-chairpersons of the Committee, the secretaries, the secretariat’s employees and employees of the Executive Board Support Department.
3. The secretariat ensures that the documentation stored is secured adequately.
4. The research files are stored in accordance with the filing rules that apply to university medical centres.

**Article 21**

**Annual report**

1. Every year before 1 April, the Committee reports on its activities of the previous calendar year.
2. The secretary sends a copy of the annual report to the CCMO before 1 April as well.

**Article 22**

**Final provisions**

1. These Regulations may be amended subject to a simple majority of Committee members and substitute members, after which the amendment will be presented to the Supervisory Committee for approval.
2. The chairpersons, vice-chairpersons, members, substitute members and secretaries of the Committee can submit amendment proposals.
3. The Committee’s general chairperson informs the CCMO in writing about all amendments to the Committee’s Regulations pursuant to Article 18 of the WMO.
4. The new version of the Regulations will become applicable on 1 January 2019 after it has been approved by the Committee and adopted by the Executive Boards of the participating institutions.
5. In all cases which these Regulations do not provide for, the Supervisory Committee will decide, after having heard the Committee's advice.

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D.M.J.J. Monissen
Chairperson of the Executive Board
Princess Máxima Center

[signature]

Prof. M.M.E. Schneider

Chairperson of the Executive Board of UMC Utrecht

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Prof. L.J. Bont
General Chairperson

Medical Research Ethics Committee of UMC Utrecht

**Terms and definitions used by the MREC dated 29 May 2018**

In these Regulations the following definitions apply:

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| General Administrative Law Act | Dutch act laying down rules for the relationship between the government and individual citizens, businesses and the like (acronym: Awb). |
| CCMO | The Central Committee as referred to in Article 14 of the Medical Research Involving Human Subjects Act. |
| Committee | Medical Research Ethics Committee (acronym: MREC). |
| Executive Committee | The Executive Committee of the Medical Research Ethics Committee (acronym: DB). |
| Research file | File containing all documents to be reviewed by the MREC in relation to a proposed scientific study involving human subjects. |
| Subject | The person who voluntarily takes part in medical scientific research. |
| Executive Boards | The Executive Boards of University Medical Center Utrecht and the Princess Máxima Medical Center. |
| Referee | Member or substitute member of the MREC who draws up a recommendation prior to the discussion of a research file to be reviewed. |
| Secretary | The Committee is supported by the official secretaries. A secretary has been assigned to each chamber. |
| SOP | Standard Operating Procedure. |
| Staff Assembly | The medical specialists and equivalent members of staff; the members elect their board from among their number. |
| Sponsor | The party commissioning the performance of a medical scientific study. |
| Medical scientific research | The CCMO has defined it as follows: *Medical/scientific research is research which is carried out with the aim of finding answers to a question in the field of illness and health (aetiology, pathogenesis, signs/symptoms, diagnosis, prevention, outcome or treatment of illness), by systematically collecting and analysing data. The research is carried out with the intention of contributing to medical knowledge which can also be applied to populations outside of the direct research population.* |
| WMO | The Medical Research involving Human Subjects Act. Research is subject to the WMO if it meets the following two criteria:1. It concerns medical scientific research, and
2. Participants are subject to procedures or are required to follow rules of behaviour.
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Annex A: List of members dated 01 January 2019

Annex B: List of Standard Operating Procedures

Annex C: List of mandates

Annex D: Complaints Procedure dated 29 May 2018