

**STATEMENT OF AUTHORITY
AND
CONFIDENTIALITY COMMITMENT FROM
THE UNITED STATES FOOD AND DRUG ADMINISTRATION
NOT TO PUBLICLY DISCLOSE NON-PUBLIC INFORMATION SHARED
BY
THE GERMAN FEDERAL OFFICE OF CONSUMER PROTECTION AND FOOD
SAFETY**

The Federal Office of Consumer Protection and Food Safety (BVL) is authorized to disclose non-public information to the United States Food and Drug Administration (FDA) regarding BVL-regulated drugs, including pre- and post-market activities, as appropriate, as part of cooperative law enforcement or cooperative regulatory activities.

FDA is authorized under 21 C.F.R. § 20.89¹ to disclose non-public information to BVL regarding FDA-regulated drugs, including pre- and post-market activities, as appropriate, as part of cooperative law enforcement or cooperative regulatory activities. FDA is further authorized under section 708(c) of the Federal Food, Drug, and Cosmetic Act², upon certification by the Commissioner of Food and Drugs, to share with a foreign government, as it deems appropriate and under limited circumstances, certain types of trade secret information.

The Commissioner of Food and Drugs has certified BVL as having the authority and demonstrated ability to protect trade secret information from disclosure. FDA therefore may provide BVL with certain types of trade secret information at FDA's discretion and upon request by BVL, based on the following certifications.

By Regulation (EU) 2019/6 and the German Veterinary Medicinal Products Act (Tierarzneimittelgesetz – TAMG), BVL has the obligation to protect trade secret information from disclosure. In addition, BVL may provide FDA with certain types of trade secret information at BVL's discretion and upon request by FDA based on the following certifications.

FDA understands that some of the information it receives from BVL may include non-public information exempt from public disclosure, such as commercially confidential information; trade secret information; personal privacy information; law enforcement information; designated national security information; or internal, pre-decisional information. FDA understands that this non-public information is shared in confidence and that it is critical that FDA maintains the confidentiality of exchanged non-public information. Public disclosure of exchanged non-public information by FDA could seriously jeopardize any further scientific and regulatory interactions between BVL and FDA. BVL will advise FDA of the non-public status of the information at the time that the information is shared.

¹ United States Code of Federal Regulations, Title 21, section 20.89.

² United States Code, Title 21, section 379(c).

Therefore, FDA certifies that it:

1. has the authority to protect from public disclosure such non-public information provided to it in confidence³;
2. will not publicly disclose such non-public information without the written authorization of the owner of the information, the written authorization from the individual who is the subject of the personal privacy information, or a written statement from BVL providing that the information no longer has non-public status;
3. will promptly inform BVL of any effort made by judicial or legislative mandate to obtain non-public information exchanged under the terms of this Statement of Authority and Confidentiality Commitment. If such judicial or legislative mandate orders disclosure of such non-public information, FDA will take all appropriate measures in an effort to ensure that the information will be disclosed in a manner that protects the information from public disclosure;
4. will promptly inform BVL of any changes to the United States of America's laws, or to any relevant policies or procedures, that would affect its ability to honor the commitments in this document.

This text is not intended to create rights and obligations under international or other law.

Signed on behalf of the
United States Food and Drug Administration

/s/

November 15, 2023

Mark Abdo
Associate Commissioner
for Global Policy and Strategy

Date

U.S. Food and Drug Administration
10903 New Hampshire Avenue,
Silver Spring, Maryland
United States

³ FDA has the authority to protect non-public information under several statutory provisions, including 5 U.S.C. § 552a; 5 U.S.C. § 552(b)(1) – (9); 18 U.S.C. § 1905; and 21 U.S.C. § 331(j).