MINISTRY OF HEALTH

1800

Pursuant to Article 114, paragraph 2, Article 120, paragraph 3 and Article 127 of the Medicinal Products Act (Official Gazette 76/2013), the Minister of Health hereby issues the

ORDINANCE

ON GOOD PRACTICE IN THE DISTRIBUTION OF MEDICINAL PRODUCTS, ON ISSUING AUTHORISATIONS FOR WHOLESALE DISTRIBUTION OF MEDICINAL PRODUCTS, REGISTRATION FOR BROKERING OF MEDICINAL PRODUCTS AND ON ISSUING CERTIFICATES ON GOOD PRACTICE IN WHOLESALE DISTRIBUTION OF MEDICINAL PRODUCTS

GENERAL PROVISIONS

Article 1

This Ordinance lays down requirements of good practice to be met by persons in order to perform wholesale distribution of medicinal products and investigational medicinal products, the conditions, documents and information with regard to issuing the authorisation for the performance of wholesale distribution, brokering of medicinal products, and the procedure of the registration of natural and legal persons established outside the Republic of Croatia that fulfil the requirements for the performance of wholesale distribution or brokering of medicinal products in the European Union Member State, and that intend to carry out that activity on the territory of the Republic of Croatia, and the issuing of the certificate of good practice in the wholesale distribution of medicinal products.

Article 2

This Ordinance transposes the following Directives into the legislation of the Republic of Croatia:

1. Commission Directive 2005/28/EC of 8 April 2005 laying down principles and detailed guidelines for good clinical practice as regards investigational medicinal products for human use, as well as the requirements for authorisation of the manufacturing or importation of such products (OJ L 91/13, 9.4.2005),

2. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11. 2001),

3. Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 amending Directive 2001/83/EC of the European Parliament and of the Council of 6

November 2001 on the Community code relating to medicinal products for human use (OJ L 33/30, 8.2.2003),

4. Commission Directive 2003/63/EC of 25 June 2003 amending Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 159, 27.6.2003),

5. Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use (OJ L 136, 30.4.2004),

6. Directive 2008/29/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 81, 20.3.2008),

7. Directive 2009/53/EC of the European Parliament and of the Council of 18 June 2009 amending Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 168, 30.3.2009),

8. Commission Directive 2009/120/EC of 14 October 2009 amending Directive 2001/83 of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 242. 15.9.2009),

9. Directive 2010/84/EU of the European Parliament and of the Council of 15 December 2010 amending Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 276, 21.10.2011),

10. Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011 amending Directive 2001/83 of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 174, 1. 7. 2011).

Article 3

For the purposes of this Ordinance, the following terms shall bear the following meanings:

1. *The certificate of good practice in the wholesale distribution of medicinal products* is a certificate with a limited period of validity that represents the final assessment of compliance of the wholesale distribution with the requirements of carrying out good practice in the wholesale distribution of medicinal products.

2. *The quality system* is the sum of all aspects of a system that implements quality policy and ensures that quality objectives are met.

3. *Quality risk management* is a systematic process for the assessment, control, exchange of information and review of risks to the quality of the medicinal product across the product life cycle.

4. *Holding medicinal products* means holding medicinal products in storage facilities in accordance with the prescribed requirements.

5. *Transport* means moving medicinal products between two locations without retaining and storing them for unjustified periods of time.

6. *Procuring of medicinal products* means obtaining, acquiring, purchasing or buying medicinal products from manufacturers, importers, brokers and other wholesaler distributors that are authorised by a competent authority to perform such activities.

7. *Supplying of medicinal products* means all activities of providing, selling, donating medicinal products to wholesale distributors, pharmacies, or legal and natural persons supplying medicinal products to end users.

8. *Validation* is the process of proving and documenting that any procedure, method, process, equipment, material or system consistently leads to a result that meets the previously defined acceptance criteria.

9. *Qualification* is the process of proving and documenting that the equipment functions properly and actually leads to the expected results.

Article 4

1) Wholesale distribution of medicinal products consists of procurement, receipt, storage, transportation, sale, delivery, other than delivery to end users, and import and/or export of medicinal products.

2) Wholesale distribution of medicinal products may be carried out by legal and natural persons referred to in Article 115 of The Medicinal Products Act (hereinafter: the Act).

3) Manufacturers and importers of medicinal products carrying out the wholesale distribution of medicinal products that they manufacture themselves in accordance with their manufacturing authorisation, must comply with the principles and guidelines of good practice in the wholesale distribution of medicinal products.

4) Import within the meaning of paragraph 1 of this Article refers to medicinal products imported on the basis of the approval, or import for the purpose of export to a third country (transit).

Article 5

1) The wholesale distributor may perform wholesale distribution of medicinal products only in original manufacturer’s packaging with a marketing authorisation for the Republic of Croatia or for the European Union member states in accordance with Article 22, paragraph 1 of the Act, for medicinal products without a marketing authorisation for the European Union, for the medicinal products authorised for parallel imports or those authorised for parallel distribution and for investigational medicinal products authorised for clinical trials.

2) The broker can carry out brokering of medicinal products only in original manufacturing packaging.

GOOD PRACTICE IN WHOLESALE DISTRIBUTION OF MEDICINAL PRODUCTS

Article 6

In addition to provisions of this Ordinance, Guidelines on Good Distribution Practice of Medicinal Products for Human Use (2013/C 68/01) shall apply in the Republic of Croatia to the wholesale distribution of medicinal products.

QUALITY MANAGEMENT

Article 7

1) All participants in the wholesale distribution of medicinal products are required to establish a quality system, which includes the principles of quality risk management with clearly defined and fully documented responsibilities, procedures and risk management measures for the activities they perform, involving the active participation of the management and personnel of auxiliary departments, in order to ensure the quality of medicinal products and the integrity of the entire chain of the wholesale distribution of the medicinal products.

2) The persons referred to in paragraph 1 of this Article are required to establish and maintain the rules of quality or a compliant documentation system.

Article 8

The quality management system shall include the following:

– quality system,

– management of contracted activities in sale, purchase, storage, supply or export,

– regular inspection and supervision of the quality system,

– quality risk management.

1. PERSONNEL

Article 9

1) Participants in the wholesale distribution of medicinal products referred to in Article 4, paragraph 2 of this Ordinance must have a person responsible for the wholesale distribution of medicinal products (hereinafter: The Responsible Person).

2) The Responsible Person must have appropriate experience, knowledge and training in principles of good practice in wholesale distribution of medicinal products.

3) The Responsible Person must fulfil their duties and responsibilities personally and must be continuously available. The Responsible Person may delegate certain duties to other personnel, but not responsibilities. The written job description of the Responsible Person must

define their authority to take decisions with regard to their responsibilities. The wholesale distributor should give the Responsible Person the defined authority, and instruments needed to fulfil their duties.

4) The responsibilities of the Responsible Person include:

– ensuring that a quality management system is implemented and maintained;

– managing authorised activities and ensuring the accuracy and quality of records;

– ensuring the development and implementation of initial and continuous training programmes for the personnel involved in activities covered by the distribution of medicinal products, investigational medicinal products and falsified medicinal products,

– coordinating and performing emergency actions during the suspension of marketing and the recall of the medicinal products,

– ensuring that customer complaints are dealt with effectively;

– ensuring that suppliers and customers are assessed and approved;

– approving the agreements between the giver and the acceptor, which define their obligations in relation to distribution and/or transportation of medicinal products,

– ensuring that self-inspections are performed at appropriate regular intervals following a prearranged written programme and that necessary corrective measures are put in place;

– keeping appropriate records of any delegated duties;

– deciding on placing medicinal products in quarantine, or on handling of returned, rejected, recalled or falsified medicinal products,

– approving any returns to saleable stock.

Article 10

1) At each wholesale distribution site, and depending on the scope of their activities, the wholesaler distributors are required to provide an adequate number of competent and appropriately qualified personnel to ensure safe distribution of medicinal products, and of other technical personnel that is qualified for appropriate storage and handling of medicinal products and that is familiar with the principles of good practice in the wholesale distribution of medicinal products.

2) The organisational structure of the wholesale distributor must be set out in an organisation chart, with clearly indicated responsibilities and detailed interrelationships of all personnel in written job descriptions.

3) The duties shall be such as to not represent unacceptable risk to the quality of products.

Article 11

1) The wholesale distributors are required to provide initial and ongoing training for their personnel, including the Responsible Person, in principles and requirements of good practice in the wholesale distribution of medicinal products on the basis of written procedures and in accordance with the written training programme.

2) The training programme shall also include the manner of product identification and of avoidance of falsified medicines entering the supply chain.

3) Personnel dealing with any products which require more stringent handling conditions should receive specific training.

4) A record of all training programmes shall be kept, and the effectiveness of training shall be periodically assessed and documented.

Article 12

Appropriate procedures relating to personnel hygiene and health programmes, including the use of protective and work clothing, must be established, carried out and observed by the wholesale distributors.

2. PREMISES AND EQUIPMENT

Article 13

1) Wholesaler distributors are required to provide suitable premises, installations and equipment so as to ensure the performance of wholesale distribution of medicinal products; such premises should be located, designed, constructed, adapted and maintained in such a way as to enable the undisturbed flow of operation and safe and compliant placement, holding and distribution of medicinal products.

2) Working and storage areas must be clean, dry and maintained within acceptable temperature limits stipulated for the storage of medicinal products.

3) The equipping and size of storage areas must be suitable for the type of medicinal products and the scope of envisaged distribution.

Article 14

Where premises are not directly operated by the wholesale distributor, a contract should be in place with authorised wholesale distributors for medicinal products that have their own premises in accordance with the provisions of this Ordinance.

Article 15

1) Medicinal products must be stored in segregated areas which are clearly marked and have access restricted to authorised personnel only.

2) Wholesale distributors shall take security measures to prevent unauthorised access to to all areas.

3) Visitors must be accompanied by authorised persons.

Article 16

There must be adequate separation of the receipt and dispatch area from the storage area, and both medicinal products and investigational medicinal products must be protected from prevailing weather conditions.

Article 17

1) Medicinal products with special storage conditions (e.g. medicinal products containing narcotics and psychotropic substances of the types II and III, radiopharmaceuticals, dangerous substances, medicinal products requiring special safety measures due to the risk from fire and/or explosion, such as medical gases, combustibles and flammables) should be segregated and stored in accordance with prescribed conditions. Storage methods should be defined by written procedures and harmonised with special regulations.

2) The distribution of radioactive medicinal products may be performed by wholesale distributors that meet the requirements laid down by regulations on protection against ionising radiation.

Article 18

1) Medicinal products pending a decision as to their use or products that have been recalled due to damaged integrity of the packaging, damaged packaging, or those suspected of contamination or being falsified, as well as returned medicinal products shall be segregated either physically or through an equivalent electronic system.

2) Any recalled medicinal products, medicinal products that may not be used pursuant to a decision (rejected medicinal products), whose shelf-life has expired and falsified medicinal products should be immediately physically segregated and stored in a dedicated area, so as not to be placed on shelves and sold by mistake, or released to circulation.

Article 19

Medicinal products received from third countries, which are not intended for the European Union market, but for the export into third countries, shall be stored in a physically segregated area.

Article 20

1) In addition to storage areas, the wholesale distributors shall also provide auxiliary rooms, a toilet with entry area, and a wardrobe that must be separated from the area in which medicinal products are kept.

2) Bringing, storing and consumption of food, drink, tobacco products or medicinal products for personal use should be prohibited in the area intended for the storage of medicinal products.

Article 21

The wholesale distributor is required to provide suitable equipment and prescribe procedures to check the environment (temperature and moisture, light and cleanliness) where medicinal products are stored. A temperature mapping exercise should be carried out on the storage area under representative conditions.

Article 22

1) All equipment used for the storage and distribution of medicinal products should be designed, located and maintained to a standard which suits its intended purpose. Planned maintenance should be in place for key equipment vital to the functionality of the operation.

2) Equipment repair, maintenance and calibration operations should be carried out in such a way that the integrity of the medicinal products is not compromised and records should be kept thereof.

Article 23

1) Premises, equipment and software used for wholesale distribution must be adequately qualified and/or validated.

2) The subject and scope of qualification and/or validation activities referred to in paragraph 1 of this Article should be determined using a documented risk assessment approach/analysis.

Article 24

1) When electronic records are used in the good practice in the wholesale distribution, protection from unauthorised access to the database must be in place.

2) Data should be secured by physical or electronic means and protected against accidental or unauthorised modifications, and checked for availability, durability and accuracy.

3) Backup data should be stored at regular intervals, so that they are retained at a separate and secure location for a minimum period of five years.

3. DOCUMENTATION

Article 25

1) The wholesale distributors shall establish and maintain the system for keeping documentation. The documentation comprises all standard operative procedures, written procedures, instructions, contracts, records and data, in paper or in electronic form, and should be readily available, clear and unambiguous.

2) Standard operative procedures shall be approved, signed and dated by the Responsible Person.

3) Documents shall be approved, signed and dated by the Responsible Person.

4) Any alteration made in the documentation shall be signed and dated so as to permit the reading of the original information, stating the reason for the alteration.

5) The documents shall be available at the request of competent authorities.

6) The documents should be retained for a certain period, but at least for five years.

7) Version control should be applied to standard operating procedures, and superseded or obsolete versions should be systematically removed from workstations in order to prevent inadvertent use of suspended documents.

8) Records must be kept either in the form of purchase/sales invoices, delivery slips, or on computer or any other form, for any transaction in medicinal products received, supplied or brokered.

9) Records must include at least the following information: date of the order or the sale, name of the medicinal product, pharmaceutical form, strength and packaging, batch number, analysis certificate for each batch of the medicinal product, received delivered or brokered quantity, and name and address of the manufacturer/supplier, broker or recipient, depending on a particular case.

10) Records should be made at the time each operation is undertaken and in the manner ensuring traceability of all significant activities or events, with a clearly stated time of the occurrence of the event.

4. OPERATING PROCEDURES

Article 26

All operating procedures should be described in the quality system documentation in detail and carried out so as to ensure that the identity of the medicinal product is not lost, according to the information on the outer packaging, and in such a way as to minimise the risk to patients and the risk of falsified medicinal products entering the legal supply chain.

Article 27

1) The wholesale distributors are obliged to perform the assessment and acceptance of their suppliers and to verify that they comply with the principles of good practice in the wholesale distribution of medicinal products and that they hold an authorisation for the wholesale distribution, or manufacturing of medicinal products.

2) Where medicinal products are obtained through brokering, the receiving wholesale distributor must verify that the broker holds an authorisation for performing such activities, and that he acts in accordance with the provisions of this Ordinance and principles of good practice in the wholesale distribution of medicinal products.

Article 28

1) When entering into a new contract with new suppliers the wholesale distributor should carry out ‘due diligence’ checks in order to assess the suitability, competence and reliability of the other party to supply the medicinal products.

2) Special attention should be paid to:

– reputation and reliability of the supplier;

– offers of medicinal products more likely to be falsified;

– large offers of medicinal products which are generally only available in limited quantities;

– out-of-range prices.

Article 29

The wholesale distributors are obliged to perform the assessment and verification of their customers and ensure that medicinal products are delivered in accordance with Article 118 of the Act.

Article 30

1) Medicinal products shall be examined at receipt in order to check that consignment corresponds to the order, that it originates from approved suppliers and that it has not been visibly damaged during transport.

2) Medicinal products requiring special storage conditions or special security measures should be prioritised at receipt, all appropriate checks should be conducted, and they should be stored in a prescribed manner.

Article 31

Batches of medicinal products intended for the European Union market should not be released for sale before assurance has been obtained from the Responsible Person, in accordance with the written procedure, that they are authorised for sale, which in the case of a batch manufactured in the EU member state shall also include a certificate of release of the medicinal product for sale, signed by the Responsible Person, or any other appropriate evidence thereof.

Article 32

Medicinal products should be stored separately from other products likely to alter their quality and in accordance with the storage conditions prescribed by the manufacturer, and protected from the harmful effects of the exposure to light, moisture, inadequate temperature and other external factors.

Article 33

Appropriate storage conditions shall be ensured and systematic storage provided by storage procedures for different groups of medicinal products, medicinal products pending approval, medicinal products in quarantine and approved, rejected, returned and recalled medicinal products, as well as those suspected to be falsified, in such a manner as to prevent spillage, breakage, contamination and mix-ups. Medicinal products shall not be stored directly on the floor, unless the package is designed to allow such storage (such as for some medical gas cylinders).

Article 34

1) The wholesale distributors are required to ensure stock rotation based on expiry dates, or renewed inspection of batches of medicinal products according to the first expiry, first out (FEFO) principle.

2) Any exceptions should be documented and justified.

3) Medicinal products that are beyond their expiry date must be withdrawn immediately from saleable stock either physically or through other equivalent electronic segregation.

4) Stock inventories should be performed regularly taking into account national legislation requirements and stock irregularities should be investigated and documented.

Article 35

1) Medicinal products intended for destruction should be appropriately identified, held separately and handled in accordance with a written procedure.

2) Destruction of medicinal products must be in accordance with national or international requirements and adequately recorded.

Article 36

The wholesale distributors shall ensure that control procedures are in place when the sought medicinal product with an appropriate remaining shelf life is dispatched.

Article 37

For all consignments, wholesalers must enclose a document (delivery note, invoice/dispatch) stating the date, name and pharmaceutical form of the medicinal product, batch number, quantity supplied, name and address of the supplier, name and address of the recipient, that is, the actual physical storage premises of the recipient, if different). The document should also include applicable transport and storage conditions.

Article 38

1) The export of medicinal products may be carried out by a holder of a wholesale distribution authorisation or a manufacturing authorisation. This is also the case if the exporting wholesale distributor is operating from a duty free zone.

2) Medicinal products intended for export need not to be covered by a marketing authorisation in the Republic of Croatia or the European Union member state; however, all requirements of good practice in the wholesale distribution of medicinal products must be fulfilled.

3) The holder of the wholesale authorisation, the holder of the manufacturing authorisation and the broker in the case referred to in paragraph 1 of this Article are required to verify that the importer meets the prescribed conditions of the exporting country regarding wholesale or supply of the public.

5. COMPLAINTS, RETURNS, FALSIFIED MEDICINAL PRODUCTS, MEDICINAL PRODUCT RECALLS

Article 39

1) A written standard operating procedure to handle complaints must be in place, as well as a decision on the appointment of the person responsible for handling complaints.

2) Complaints must be recorded with all the original details.

3) A distinction must be made between complaints related to the quality of a medicinal product and those related to violations of the provisions of this Ordinance, that is, those related to the distribution of medicinal products.

4) In the event of a complaint about the quality of a medicinal product and a potential falsified medicinal project, the manufacturer and/or marketing authorisation holder, and the Agency for Medicinal Products and Medical Devices (hereinafter: the Agency) should be informed without delay.

5) Any product distribution complaint should be thoroughly investigated to identify the origin of or reason for the complaint and, where appropriate, define appropriate corrective and preventive measures.

Article 40

1) Returned products must be received and handled according to a written standard operating procedure in order to ensure efficient risk assessment, taking into consideration all properties of the returned product, any specific storage requirements and the time elapsed since the medicinal product was originally dispatched, as well as the dispatch method.

2) Returned medicinal products should be kept separate from saleable stock until a decision has been reached on how to proceed with them.

Article 41

1) Undamaged (intact) medicinal products may be returned to saleable stock if:

– they are in their original, unopened packaging and in good condition, have not expired and have not been recalled;

– they are returned within five days following the dispatch from a customer not holding a wholesale distribution authorisation or from pharmacies;

– it has been demonstrated by the customer that they have been handled in accordance with prescribed storage requirements;

– the remaining shelf life is acceptable,

– the distributor has reasonable evidence that the product was supplied to that customer, via copies of the original delivery note or by referencing invoice numbers, etc., and the batch number for products bearing the safety features is known, and that there is no reason to believe that the product has been falsified.

2) Special attention should be paid to medicinal products requiring special storage conditions, e.g. very low temperature, which can be returned to saleable stock only if there is documented evidence that the product has been stored under the authorised storage conditions throughout the entire time. If any deviation has been recorded a risk analysis has to be performed, on which basis the integrity of the product can be demonstrated. Where appropriate, the Responsible Person may seek advice from the person responsible for the product quality assurance or from the holder of marketing authorisation.

3) The evidence referred to in paragraph 2 of this Article shall cover the following information:

– delivery to customer,

– examination of the product,

– opening of the transport packaging,

– return of the product to the packaging,

– collection and return to the wholesale distributor;

– return to the distribution site refrigerator.

Article 42

Products returned to saleable stock should be placed such that the ‘first expired first out’ (FEFO) system operates effectively.

Article 43

Stolen products that have been recovered cannot be returned to saleable stock and sold to customers.

Article 44

1) Holders of wholesale distribution authorisation must immediately and in accordance with described standard operating procedures inform the ministry responsible for health and the

marketing authorisation holder of any medicinal products they identify as falsified or suspected to be falsified.

2) Any medicinal products in the wholesale distribution suspected to be falsified should immediately be physically segregated and stored in a dedicated area away from all other medicinal products.

Article 45

1) Natural and legal persons referred to in Article 4, paragraph 2 of this Ordinance must have a written procedure in place for the recall procedure, emergency recall and suspension of marketing of medicinal products and they must appoint a responsible person for the implementation and coordination of the stipulated procedure.

2) The effectiveness of the stipulated procedure should be evaluated regularly, at least annually.

Article 46

1) Any recall operation and suspension of marketing of medicinal products should be recorded and the time of the completion of the procedure indicated, and records should be made in such a way that they are readily available to the competent authorities.

2) For recalled medicinal products a system should be ensured providing for quick identification and information of all customers. For recalled medicinal products, the persons referred to in Article 4 of this Ordinance may decide to inform all customers of the recall, or only those who received the batch of medicinal products being recalled.

3) For recalled batches of medicinal products, all customers who received the batch that is being recalled must be informed in the manner depending on the urgency of the recall.

Article 47

The notification of recall of the authorisation holder in the Republic of Croatia, the Agency or the pharmaceutical inspector should indicate whether the end-users should also be notified. Such notification should comprise a request for a prompt recall from saleable stock and for the storage in a strictly segregated area until they are returned in accordance with the instructions of the authorisation holder in the Republic of Croatia, the Agency or the pharmaceutical inspector.

Article 48

1) Any returns, refusals to accept medicinal products, or any recalls and discoveries of falsified medicinal products should be recorded, with mention of time when the procedure was carried out.

2) Records referred to in paragraph 1 of this Article should be made in such a way as to be available to competent authorities.

3) If returns, refusals to accept medicinal products or recalls result from the suspected invalidity or falsification of medicinal products, a notification of such an event shall promptly be submitted to the Agency and the ministry responsible for health.

4) Handling of medicinal products referred to in paragraph 3 of this Article is subject to a decision that must be documented. Where appropriate, the Responsible Person should include the authorisation holder in the decision-making.

6. OUTSOURCED ACTIVITIES

Article 49

For any procedure or activity related to good practice in wholesale distribution of medicinal products outsourced to another natural or legal person by the wholesale distributor or the broker, a written contract must be signed which clearly establishes the duties of contract parties.

Article 50

1) The Contract Giver is responsible for the activities contracted out.

2) The Contract Giver is responsible for assessing the competence of the Contract Acceptor to successfully carry out the work required and for ensuring by means of the contract and through audits that the principles and guidelines of good practice in wholesale distribution are followed. An audit should be performed before commencement of, and whenever there has been a change to, the outsourced activities and at any time established by the Contract Giver.

3) The Contract Giver should provide the Contract Acceptor with all the information necessary to carry out the contracted operations in accordance with the specific product requirements and any other relevant requirements.

Article 51

1) The Contract Acceptor should have adequate premises and equipment, procedures, knowledge and experience, and competent personnel to carry out the work ordered by the Contract Giver.

2) The Contract Acceptor referred to in paragraph 1 of this Article shall not pass to a third party any of the work entrusted to him under the contract without the Contract Giver’s written consent, prior evaluation and approval of the such arrangements and an audit of the third party by the Contract Giver or the Contract Acceptor.

3) The Contract Acceptor should refrain from any activity which may adversely affect the quality of the medicinal products handled for the Contract Giver.

4) The Contract Acceptor must forward any information that can influence the quality of the products to the Contract Giver in accordance with the requirement of the contract.

5) The Contract Acceptor must apply the principles and guidelines of good practice and enable the pharmaceutical inspection to audit his work.

7. SELF-INSPECTIONS

Article 52

Self-inspections should be conducted in accordance with the approved programme in order to monitor implementation and compliance with principles of good practice in wholesale distribution and to propose necessary corrective measures. Records should be kept on the performance of self-inspection and on specified corrected and preventive measures.

8. TRANSPORTATION

Article 53

1) Medicinal products shall be transported in such a way so that:

– their quality and identification is not lost,

– contamination is avoided,

– appropriate measures are taken against damage, spillage, breakage or theft,

– they are protected from adverse effects of heat, cold, exposure to light, moisture, etc.,

– they are protected from microorganisms or pest infestation,

– temperature conditions are observed, as prescribed by the manufacturer or indicated on the outer packaging, and monitored with calibrated equipment during transportation.

2) Risk assessment of delivery routes should be used.

3) If a deviation such as temperature excursion has occurred during transportation, this should be reported to the distributor and recipient of the affected medicinal products, and a procedure should be in place for investigating temperature excursions.

Article 54

The wholesale distributor is responsible to ensure that vehicles and equipment used to distribute, store or handle medicinal products are suitable for their use and appropriately equipped to prevent exposure of the products to conditions that could affect their quality and packaging integrity.

Article 55

For emergency deliveries outside normal business hours, persons should be designated and prescribed procedures should be available.

Article 56

Where transportation is outsourced by the wholesale distributor, the contract should encompass the requirements of this Ordinance and transportation providers should be made

aware by the wholesale distributor of the prescribed transport conditions applicable to the transportation of medicinal products.

Article 57

Measures should be taken to minimise the duration of temporary storage while awaiting the next stage of the transportation route.

Article 58

1) Medicinal products should be transported in containers that have no adverse effect on the quality of the products, and that offer adequate protection from external influences, including contamination.

2) Containers should bear labels providing sufficient information on handling and storage requirements and precautions to ensure that the products, the contents of the containers and the source are properly handled at all times.

Article 59

1) In relation to deliveries containing medicinal products requiring special conditions such as narcotics or psychotropic substances, the wholesale distributor should maintain a safe and secure supply chain for these products with an additional control system for delivery of these products.

2) There shall be a protocol to address the occurrence of any theft.

3) Medicinal products comprising highly active and radioactive materials shall be transported in safe, secure containers and vehicles intended for such purpose.

4) For temperature-sensitive products, qualified equipment shall be used to ensure that correct transport conditions are maintained between the manufacturer, wholesale distributor and customer.

9. SPECIFIC PROVISIONS FOR BROKERS

Article 60

1) A broker is a person involved in activities in relation to the sale or purchase of medicinal products that do not include physical handling and that consist of negotiating independently and on behalf of another legal or natural person.

2) Brokers are subject to a registration requirement, must have a permanent address and contact details of the person employed in the Republic of Croatia who is responsible for the introduction and implementation of the quality assurance system.

3) Brokers do not procure, supply or hold medicines.

4) Requirements for premises, installations and equipment for the performance of wholesale distribution of medicinal products as set out in the Act and this Ordinance do not apply to brokers.

Article 61

1) The broker required to establish and maintain an effective quality assurance system that must be defined in writing, approved and kept up to date. It should set out responsibilities, processes and risk management in relation to his activities.

2) The quality system must include an emergency plan which ensures effective recall of medicinal products.

3) The broker shall immediately report to the Agency any suspected falsified medicines offered in the supply chain.

Article 62

The personnel involved in the brokering activities should be trained in good practice of wholesale distribution of medicinal products, in accordance with applicable regulations, in particular in issues concerning falsified medicinal products.

Article 63

1) The broker is required to establish and maintain a system of keeping documents, which is a part of the quality system, following the principles set out in this Ordinance.

2) At least the following procedures in the performance of brokering should be described:

– procedure for complaints handling;

– procedure for informing competent authorities and marketing authorisation holders of medicinal products suspected to be falsified;

– procedure for supporting recalls;

– procedure for ensuring that medicinal products brokered have a marketing authorisation;

– procedure for verifying that their supplying wholesale distributors hold a distribution authorisation, their supplying manufacturers or importers hold a manufacturing authorisation and their customers are authorised to supply medicinal products in the Member State concerned;

– records should be kept for any transaction in medicinal products brokered and should contain at least the following information: date; name of the medicinal product; quantity brokered; name and address of the supplier and the customer; and batch number, in particular for products bearing the safety features.

3) Records should be made available for inspection purposes, for the period of at least 5 years.

10. ISSUING AN AUTHORIZATION FOR WHOLESALE DISTRIBUTION OF MEDICINAL PRODUCTS, FOR BROKERING OF MEDICINAL PRODUCTS AND REGISTRATION OF NATURAL OR LEGAL PERSONS ESTABLISHED OUTSIDE OF THE REPUBLIC OF CROATIA THAT MEET THE REQUIREMENTS FOR WHOLESALE DISTRIBUTION OR FOR BROKERING OF MEDICINAL PRODUCTS IN THE MEMBER STATE AND WHO INTEND TO CARRY OUT SUCH ACTIVITIES ON THE TERRITORY OF THE REPUBLIC OF CROATIA

I. WHOLESALE DISTRIBUTION

Article 64

1) In addition to the application for the authorization for wholesale distribution, the Applicant is required to submit to the Agency the documentation containing the following data and documents:

1. type of activity for which authorisation is sought;

2. completed application form – WHOLESALE DISTRIBUTION, published on the Internet page of the Agency;

3. excerpt from the court register, or crafts register;

4. note of the group of medicinal products by type that are the subject of activity from item 1 of this Article, in particular with regard to the marketing authorisation status, qualification as a special type of medicinal products such as those containing narcotic and psychotropic substances, products from human blood or human plasma, immunological medicinal products, radiopharmaceuticals, medical gases, medicinal products requiring specific storage conditions;

5. copy of a diploma testifying to the obtained qualifications;

6. employment contract and work record for the Responsible Person, original or notarised photocopy;

7. proof of ownership or lease of premises, original or notarised photocopy;

8. description of the premises, as well as a layout of the premises, including scale, as drawn up by an authorised architect, original or notarised photocopy;

9. user permit, original or replacement copy, notarised photocopy;

10. list of equipment and technical information regarding the equipment;

11. description of the quality system, quality rules or other adequate document, a list of standard operating procedures;

12. contract on the destruction of medicinal products declared hazardous waste;

13. contract on services of disinfection, insect and rodent control;

14. confirmation of payment of the costs of the procedure;

15. confirmation of payment of the administrative fee.

2) Instead of documents and data referred to in paragraph 1, items 8 – 10 of this Article the wholesale distributors of medicinal products that do not have their own storage area are required to enclose a contract on receipt, storage and delivery with the wholesale distributor that holds the authorisation for wholesale distribution of medicinal products, issued by the Agency.

Article 65

1) In the procedure of issuing the authorization for wholesale distribution of medicinal products in accordance with the provisions of the Act, the fulfilment of the requirements of good practice in the wholesale distribution of medicinal products shall be established by the pharmaceutical inspector.

2) A record shall be compiled on the confirmed factual state and signed by the pharmaceutical inspector and the present, authorised representative of the Applicant.

3) Within 80 days of the date of the receiving a valid application, the pharmaceutical inspector shall give his opinion on the fulfilment of the requirements.

4) Upon the receipt of the opinion of the fulfilment of requirements the Agency shall issue or reject the authorisation for the wholesale distribution of medicinal products.

5) The authorization for wholesale distribution of medicinal products shall be issued or rejected for the scope of activities of the wholesale distribution and with regard to the status of the marketing authorization, for certain groups of medicinal products (with special requirements) and with regard to medicinal products with specific storage conditions.

6) The authorization from Article 123, paragraph 1 of the Act shall be issued in the Croatian and the English language on a form as prescribed in the current issue of the Compilation of Community Procedures on Inspections and Exchange of Information.

Article 66

1) With regard to the authorization status, in accordance with Article 65, paragraph 9 of this Ordinance, the medicinal products shall be:

– medicinal products authorised for marketing in the European Union member states;

– medicinal products without a marketing authorisation in the European Union member states, but intended for the EU market;

– medicinal products without a marketing authorisation in the European Union member states, but intended for the export in the third countries.

2) Groups of medicinal products with special requirements for which the authorisation is issued or rejected pursuant to Article 65, paragraph 9 of this Ordinance shall be:

– narcotic or psychotropic substances;

– medicinal products derived from human and/or animal blood;

– immunological medicinal products;

– radiopharmaceuticals, including radionuclides;

– medicinal gases;

– medicinal products requiring cold chain storage;

– other drugs, such as investigational medicinal products.

3) Medicinal products to which special storage conditions do not apply:

– medicinal products kept at room temperature (15 to 30 ºC).

4) Medicinal products that require cold chain storage and to which special storage requirements apply, that is, medicinal products requiring cold chain storage in accordance with Article 65, paragraph 9 of this Ordinance shall be:

– medicinal products stored at a cold place (8 to 15 ºC);

– medicinal products stored at a very cold place (2 to 8 ºC).

Article 67

Wholesale distributors importing medicinal products from third countries that do not possess a marketing authorisation for the Republic of Croatia, or for other European Union member states and that are intended for the European Union market, are required to obtain a manufacturing authorisation in accordance with the Act.

II. BROKERING

Article 68

1) In addition to the application for the authorization for brokering activities, the Applicant is required to submit to the Agency the documentation containing the following data and documents:

1. type of activity for which authorisation is sought;

2. completed application form – BROKER, published on the Internet page of the Agency;

3. excerpt from the court register, or crafts register;

4. groups of medicinal products that are the subject of activity from item 1 of this Article, in particular with regard to the marketing authorisation status, high-risk medicinal products;

5. groups of medicinal products that require special storage conditions, that are the subject of activity from point 1 of this Article;

6. contact details of the person employed in the Republic of Croatia who is responsible for the introduction and implementation of the quality assurance system;

7. description of the quality assurance system, rules of quality or other appropriate document and the list of standard operating procedures;

8. confirmation of payment of the costs of the procedure;

9. confirmation of payment of the administrative fee.

III. VARIATIONS

Article 69

1) The holder of authorisation for wholesale distribution or for brokering of medicinal products shall notify the Agency in writing of any variations in respect of conditions, documents and information based on which the authorisation was issued.

2) The authorisation holder shall enclose to the written request for its approval the documentation on the variation.

3) After the validity of the application has been checked, the Agency shall ask for the opinion of the pharmaceutical inspection should the variation affect the good practice in the wholesale distribution of medicinal products.

4) Where supervision is carried out by the pharmaceutical inspections, provisions of Article 65 of this Ordinance shall apply accordingly to the variation approval procedure.

5) The Agency shall give the written notification of approval of the variation that does not require amendment to the authorisation for wholesale distribution or for brokering of medicinal products.

Article 70

Within 30 days of the date of receipt of a valid application, the Agency shall process the request for the revocation of the authorisation for the wholesale distribution and for brokering of medicinal products in the case referred to in Article 124, paragraph 2 of the Act.

IV. RECORDS ON NATURAL OR LEGAL PERSONS ESTABLISHED OUTSIDE THE REPUBLIC OF CROATIA

Article 71

The Agency shall keep records on natural or legal persons established outside the Republic of Croatia that are authorised for the wholesale distribution or brokering of medicinal products in the European Union member state and that meet the requirements of the wholesale distribution or brokering of medicinal products in the country of establishment and wish to carry out the same activities on the territory of the Republic of Croatia.

Article 72

1) Natural or legal persons carrying out the activity referred to Article 71 of this Ordinance is required, within 15 days at the latest, to submit to the Agency the following documents and data:

1. a completed application form with contact details and the description of the activity they intend to carry out on the territory of the Republic of Croatia;

2. a copy of the valid authorisation for the wholesale distribution or brokering of medicinal products,

3. contact number of the Responsible Person, who is available on a 24/7 basis and responsible for the recall and suspension of medicinal products.

2) The Agency shall perform the entry in the register within 90 days of the receipt of a valid application.

3) In addition to the documents and data referred to in paragraph 1 of this Article, the Agency may also request additional documents necessary for the clarification of the intended activity and that the said documents are submitted within 90 days at the latest.

Article 73

In the procedure of the issuance of authorisations the Agency shall act in accordance with the provisions of this Ordinance and the Compilation of Community Procedures on Inspections and Exchange of Information, published by the European Commission.

Article 74

Should the Agency or pharmaceutical inspector establish that the wholesale distributor or broker carrying out activities referred to in Article 71 of this Ordinance do not meet the requirements for the performance of the said activity, they shall notify the European Commission and the competent European Union member state thereof.

11. THE PROCEDURE OF ISSUING CERTIFICATES ON GOOD DISTRIBUTION PRACTICE IN WHOLESALE OF MEDICINAL PRODUCTS

Article 75

1) The certificate on good practice in the wholesale distribution of medicinal products (hereinafter: The Certificate) shall be issued within 90 days, pursuant to the fulfilment of the requirements of good practice in the wholesale distribution as established in the procedure for

issuing an authorization for wholesale distribution of medicinal products or an inspection carried out by the pharmaceutical inspector.

2) The pharmaceutical inspector shall revoke the certificate should it be established that the holder of the wholesale distribution authorisation does not meet good practice in the wholesale distribution of medicinal products.

3) The certificate shall be issued in the Croatian and the English language on a form as prescribed in the current issue of the Compilation of Community Procedures on Inspections and Exchange of Information.

4) The certificate shall be valid for five years from the inspection; however, based on the inspection findings, the validity period may be reduced.

Article 76

1) The holder of the wholesale distribution authorization may submit an application for issuance of a certificate of good practice in the wholesale distribution of medicinal products.

2) The application shall be submitted to the ministry responsible for health.

3) The application for the issuance of the certificate referred to in paragraph 1 of this Article shall contain:

– full name and seat of the holder of the authorization;

– class and registration number of the authorization;

– site for which the authorization was issued;

– purpose/reason for requesting the certificate;

– class and registration numbers of earlier issued certificates (where applicable).

Article 77

1) Data on issued certificates on good practice in the wholesale distribution of medicinal products shall be entered in the EMA database (EudraGMDP).

2) The entry from paragraph 1 of this Article and supervision over variations of information in the database shall be carried out by the pharmaceutical inspection.

12. SUPERVISION

Article 78

1) The fulfilment of the requirements prescribed by this Ordinance in the Republic of Croatia is supervised by the pharmaceutical inspector.

2) The pharmaceutical inspection shall conduct regular and extraordinary supervisions of wholesale distributors.

3) Regular supervisions of wholesale distributors shall be conducted, as a rule, every two to three years.

4) Extraordinary supervisions of wholesale distributors shall be conducted in the event of an incident, significant complaint, product recall, establishment of a deficiency by the Agency, suspicions as to the quality or signs of unusual appearances, and other situations for the purpose of verifying the quality of medicinal products.

Article 79

When conducting supervision, the pharmaceutical inspectors shall act in accordance with the provisions of this Ordinance and the Compilation of Community Procedures on Inspections and Exchange of Information, published by the European Commission.

13. TRANSITIONAL AND FINAL PROVISIONS

Article 80

The holder of the authorisation for the wholesale distribution of medicinal products is required to submit to the Agency, within one year of the entry into force of this Ordinance, evidence of completed education of the Responsible Person and other personnel with regard to falsified medicinal products.

Article 81

Upon entry into force of this Ordinance, the Ordinance on good practice in wholesale distribution of medicinal products (Official Gazette 29/2005) and the Ordinance on good practice, conditions for issuing authorisation for wholesale distribution and imports and exports of medicinal products (Official Gazette 29/2005) shall cease to have effect.

Article 82

This Ordinance shall be published in Official Gazette and shall enter into force on 2 July 2013.

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Zagreb, 26 June 2013

Minister

Prof. Rajko Ostojić, MD, PhD,

m.p.