VDC

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European Commission
Health and Consumers Directorate-General
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Public Consultation procedure opened on the "Draft Guidelines on the principles of Good Distribution Practices for Active Substances for Medicinal Products for Human Use – Draft submitted for public consultation"
Ref. Ares (2013) 148102 – 05/02/2013 – SANCO/D/6/SF/mg/ddg1.d(2013)179367

Ladies and Gentlemen,

As you might be aware, VDC/Drug and Chemical Association is the branch association of importing companies and distributors of active pharmaceutical ingredients based in Hamburg/Germany. Our member companies, most of them SMEs, are important suppliers of active pharmaceutical ingredients to the relevant pharmaceutical industries in the European Union.

We do highly appreciate the efforts to create a Good Distribution Practice Guideline as stipulated by Directive No 2011/62/EU amending the EU Code of Medicinal Law. We cordially thank for the opportunity to contribute to the further development of this important document.

In detail we would like to comment as follows:

Scope
EU Directive 2001/83/EC as amended by Directive No 2011/62/EU does not apply to active substances entering and leaving the EU territory under transit conditions. Consequently, we assume that goods in transit are not covered by these GDP, although this does not seem reflected in the current definition of the term "distribution" which broadly comprises the procuring, holding and supplying of an API.

Quality System
Under this chapter, **distributors** of active substances are required to develop and maintain a quality system setting out responsibilities, processes and risk management principles. It does not seem clear whether or not this also applies to further parties in the supply chain such as e.g. warehouses.

Personnel
There should be a more precise definition of the term **"management representative"**. The required qualification and position in the hierarchy should be more clearly described. Further, the term "**distribution point**" should be further defined as it seems unclear whether or not e.g. distribution hubs and/or warehouses are covered.

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Documentation
This chapter stipulates that "a**ll documentation** should be made available on request of competent authorities. Electronic documentation should comply with chapter 5.4 of Part II of GMP Part II or annex 11 on computerized systems". This requirement should be explicitly limited to those documents ***relating to quality***, and should not comprise documents of commercial nature such as offers, invoices etc. Otherwise, enterprises involved in the supply chain would be forced to qualify or validate their entire software/any computer program used in their companies.

Orders
Under this section the wording should be completed to read: "Where active substances are procured from a distributor of active substances ***residing in the European Union***, that distributor should be registered according to Article 52(a) of Directive 2001/83/EU". Otherwise the conclusion might be drawn that EU companies are not allowed to purchase from non-EU resident (i.e. not registered) companies any longer.

Storage
Under No.18 of this section, "active substances should normally be **stored apart** from other goods and under the conditions specified by the manufacturer". This requirement **should not** apply to cases where –due to **appropriate packaging**- a risk of contamination may not occur. It should be noted that distributors making use of contracted warehouses, frequently have their active pharmaceutical material stored in close vicinity to non-API-material. **This is acceptable and does not pose any risk to the stored API which regularly is appropriately packed and thus protected from any harmful influence.**

Under No. 19, "control should be adequate to maintain all parts of the relevant storage area within the specified temperature or humidity ranges....." This seems to be too far-reaching. We recommend **to allow a risk-based approach for monitoring** as warehouses often are not equipped with air conditioning facilities allowing a control of ambient temperature or humidity.

No. 21 stipulates to ensure a **system of stock rotation** following the "FIFO" principle. This requirement needs re-consideration as in practice there often is the need to reserve material for certain customers, and thus **FIFO cannot always be applied**. We thus recommend to e.g. add the term "regularly" in order to assure that exceptionally - where caused by the needs of practice- deviations from the general rule are regarded acceptable. Further, it is stipulated that "products beyond their expiry date or shelf-life should be **separated** from usable stock and not be supplied". This needs due re-consideration. We do of course agree that expired products should be excluded from further circulation, however **this does not necessarily require physical separation but may as well be achieved by other adequate measures** such as e.g. an appropriate clearance /release procedure.

No. 22 requires active substances with **broken seals** or **damaged packaging to be withdrawn from the saleable stock.** This clause seems to be too fare-going and thus should be re-considered. Seals are frequently damaged during transshipment or broken by customs authorities. In these and comparable cases - provided that e.g. the product does not leak from the container and there is no reason to suspect falsification - an active pharmaceutical substance **should not be excluded from the saleable stock** if the case has been **duly documented** and if the Quality Assurance Unit (QA) have given their **formal release**.

No.23 "Shortages that requires registered importers to notify relevant customers of any interruption to supply that the importer or distributor becomes aware of " seems **not complete** and needs to be checked entirely.

Deliveries to customers
No. 24 requires supplies within the EU to be "made only to registered distributors of active substances according to Article 52a of Directive 2001/83/EU or to authorized manufacturers according to Article 40 of Directive 2001/83/EU". We assume that these Articles have been duly transformed into the national laws of the EU Members States, and thus it should be re-considered whether or not there is a necessity to **additionally address this subject** under the terms of these GDP. Requirements relating to the Good Distribution Practice are mainly deemed to assure the maintenance of appropriate quality all over the different stages of the supply chain, rather than assuring the compliance of companies with registration /authorization requirements stipulated under the medicinal laws of the Member States.

Under No. 26, we would like to recommend to amend the sentence to read "Where transportation of the active substance is contracted out, the ~~distributor~~ **contract giver** should ensure ...". In practice, also manufacturers of active pharmaceutical ingredients as well as customers, contract out the transportation.

Under No. 27, the term "controlled temperature" is not defined.

Transfer of Information
According to No. 29, distributors are obliged to "transfer **all** quality or regulatory information received from an active substance manufacturer to the customer, and from the customer to the active substance manufacturer". This wording needs to be re-considered in order to assure that only ***relevant*** information /documentation is passed on up and down the supply chain.

Returns
As required by No. 35 lit d, active substances which have left the care of the distributor, should only be returned to saleable stock if they have been examined and assessed by a "person authorised to do so". It should be considered to use the term "**responsible** person of the quality unit", in order to assure these issues to be handled by the competent staff of the QA.

Complaints and Recalls
As stipulated under No. 41, records of complaints should be retained and "made available to competent authorities of the Member States on whose territory the products were distributed." There is no urgent need to design this issue as an obligation to provide, and thus the term **"upon request"** should be added to the sentence.

For further information or explanation of the issues mentioned above, please do not hesitate to contact this association.

With kind regards

DROGEN- UND CHEMIKALIENVEREIN
(Drugs and Chemical Association)

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