

## RESOLUTION - RDC No. 39, OF AUGUST 14TH, 2013

Makes provisions on the administrative procedures for granting Good Manufacturing Practice Certification and Good Distribution and/or Storage Practice Certification.

The Collegiate Board of Directors of the Brazilian National Health Surveillance Agency (ANVISA), in the exercise of the powers vested by Article 15, subsections III and IV, of Law no. 9,782, of January 26th, 1999; Article 54, subsection II, paragraphs 1 and 3, of the Internal Statute approved under the terms of Annex I of Anvisa Ordinance no. 354, of August 11th, 2006, republished on the Brazilian Official Gazette of August 21st, 2006, and its updates, in view of the provisions of Article 2, subsection III, of Article 7, subsections III and IV, of Law no. 9,782/1999, and the Program for Improvement of the Agency's Regulatory Process, created by Ordinance no. 422, of April 16th, 2008, in meeting held on June 30th, 2013;

hereby adopts this Resolution and I, Director-President, determine its publication:

### CHAPTER I INITIAL PROVISIONS

#### Section I Objective

Article 1. This Resolution hereby aims to lay down administrative procedures for granting Good Manufacturing Practice Certifications of medications, healthcare products, cosmetics, perfumes, personal hygiene products, sanitizers, and pharmaceutical supplies; and Good Distribution and/or Storage Practice Certifications of medications, healthcare products, and pharmaceutical supplies.

#### Section II Scope

Article 2. This resolution shall apply to manufacturers of medications, healthcare products, cosmetics, perfumes, personal hygiene products, sanitizers, and pharmaceutical supplies located in Brazil, Mercosur, or other countries; and to storage companies, distributors, and importers of medications, healthcare products, and pharmaceutical supplies located in Brazil.

Sole Paragraph. The enforceability of Good Manufacturing Practice Certification and of Good Distribution and/or Storage Practice Certification, according to their different purposes, is laid down in Anvisa's specific standards and is not addressed herein.

#### Section III Definitions

Article 3. The following definitions are adopted for the purposes of this Resolution:

I- storage: set of operations that includes stock and shipment of finished products and other related controls;

II- Good Distribution and/or Storage Practice Certificate (GDSPC): document issued by Anvisa certifying that a certain establishment complies with the Good Distribution and Storage Practices or Good Storage Practices laid down in the legislation in force;

III- Good Manufacturing Practice Certificate (GMPC): document issued by Anvisa certifying that a certain establishment complies with the Good Manufacturing Practices laid down in the legislation in force;

IV- technical-operational conditions (CTO): classification applied in Brazil to establishments or production lines in the beginning of their activities or to existing production lines that have technical and operational capacity adequate for industrial scale manufacture of medications and healthcare products, when including a new pharmaceutical formula/ risk class;

V- distribution: set of operations that includes wholesale and excludes direct sale of products to the public;

VI- company: physical or legal person, public or private, that performs as their main activity or outsources the commercialization, selling, supply, and distribution of medications, healthcare products, cosmetics, perfumes, personal hygiene products, sanitizers, and pharmaceutical supplies, being considered as such, for the purposes of the herein Resolution, parastatal entities and the organs of the direct, indirect, federal, state, federal district, territorial, and municipal administration, all of which are in charge of corresponding services;

VII- establishment: unit responsible for the performance of one or more activities that may be certified;

VIII- establishment classified as "under requirement": establishment in which non-conformities deemed as of low criticality were detected upon inspection;

IX- establishment classified as "unsatisfactory": establishment that does not comply upon inspection with the critical requirements for Good Practices;

X- establishment classified as "satisfactory": establishment that complies upon inspection with the requirements for Good Practices;

XI- manufacture: set of operations that includes the acquisition of materials, production, quality control, release, storage and shipment of finished products, and other related controls;

XII- method of obtention: method through which the pharmaceutical supply is obtained;

XIII- pharmaceutical form: final presentation state of a pharmaceutical preparation after carrying out one or more operations, with or without the addition of excipients, in order to facilitate its use through a certain administration route;

XIV- biologically active pharmaceutical supply: active pharmaceutical supplies, such as allergens, monoclonal antibodies, hemoderivatives, and microorganisms used in the production of probiotics and immunological products, and active supplies obtained from biological fluids or tissues of animal origin, and from biotechnological procedures;

XV- pharmaceutical supply: therapeutic substance/raw material or additive or complementary substance of any nature, intended to be used in medications;

XVI- bulk product: any product that has completed all manufacturing stages except for the packaging process. Sterile products in their primary packaging shall be deemed as bulk products;

XVII- finished product: product that has completed all manufacturing stages, including labeling and final packaging;

XVIII- in-process product: partially processed product that must be submitted to subsequent manufacturing stages before becoming a bulk product or a finished product;

XIX- personal hygiene products, cosmetics, and perfumes: preparations constituted by natural or synthetic substances, intended to be externally used in several parts of the human body, such as skin, capillary system, nails, lips, external genital organs, teeth, and mucous membranes of the oral cavity, with the exclusive or main objective to clean or perfume them, change their appearance, correct body odor, protect them and/or keep them in a good state;

XX- healthcare products: products classified as medical (material and equipment) or in-vitro diagnostic products;

XXI- critical requirement: requirement whose non-compliance may lead to a situation in which the use or exposition to the product may highly probably cause risk to health, resulting in death, life threat, permanent or temporary damage;

XXII- sanitizers: substance or preparation intended to be applied in objects, tissues, inanimate surfaces, and environments with the intention of cleaning, disinfecting, sanitizing, deodorizing, and odorizing, besides disinfecting drinking water, pools, and agricultural products.

## CHAPTER II GENERAL CONDITIONS OF CERTIFICATION

Article 4. The grant of the Certification addressed herein shall depend on the verification of the effective compliance with the provisions herein and with the requirements laid down in the standards in force addressing Good Manufacturing Practices and Good Distribution and/or Storage Practices.

Article 5. The analysis of the applications for Certification shall be carried out according to the chronological order of their filing date.

Paragraph 1. Due to the inspection to be conducted in a certain establishment, all the applications regarding such establishment and the products under the same category as that which has originated the audit (medications, healthcare products, cosmetics, perfumes, personal hygiene products, sanitizers, or pharmaceutical supplies) shall be analyzed and included within the scope of the initially planned inspection.

Paragraph 2. The exceptions laid down by other Anvisa Regulations to the rule set forth in the aforementioned caput shall be considered when determining the application analysis order.

Article 6. Applications for Certification shall be dismissed if the competent health surveillance authority proves the unsatisfactoriness of the establishment with regard to Good Practices.

Article 7. Should the establishment be classified as "under requirement" after being inspected, the respective requirements made shall be met within up to 120 days, counted from the date of their acknowledgment.

Paragraph 1. Establishments currently classified as "under requirement" on the date of the publication of the herein Resolution shall have 120 additional days for the compliance with their respective requirements, counted from the date of this publication.

Paragraph 2. Non-compliance with the requirements within the deadline aforementioned in the caput and in paragraph 1 shall result in the dismissal of the applications.

Article 8. The previous payment of the corresponding health surveillance inspection fee (TFVS) is hereby a condition for the analysis of the applications for Certification.

Paragraph 1. The application analysis begins with the conduction of control and inspection activities, consubstantiated in the exercise of police power; as a result, after the analysis process has begun, there shall not be admitted any request for changing the inspection site or for using the fee for other purposes, as the corresponding TFVS will have been already used in the technical analysis.

Paragraph 2. Should Good Manufacturing Practice Certifications be requested for establishments located in MERCOSUR, except Brazil, or in other countries, requests for changing the inspection date agreed between the parties and already approved by the competent instance at Anvisa shall not be acceptable and the denial to comply with such date shall result in the dismissal of the application.

Paragraph 3. Requests for Good Manufacturing Practice Certifications for establishments located in MERCOSUR, except Brazil, or in other countries may have, at the requesting company's discretion, their position in line changed if the same requesting company submits another application that is in another position in line, provided that the inspection dates have not been approved yet by the competent instance at Anvisa.

Paragraph 4. Requests for Good Manufacturing Practice Certifications for establishments located in MERCOSUR, except Brazil, or in other countries may have, at the requesting company's discretion, a new manufacturing site indicated when the originally indicated establishment no longer manufactures the product addressed in the Certification request, being this new site deemed as the establishment object of the Certification, provided that the documents proving the shutdown of the manufacturing activities related to the product of interest have been submitted.

Article 9. Good Manufacturing Practice Certificates and Good Distribution and/or Storage Practice Certificates shall be valid for two years, counted from the date of their publication on the Brazilian Official Gazette.

Article 10. Good Manufacturing Practice Certifications and Good Distribution and/or Storage Practice Certifications shall be canceled if non-compliance with the requirements set forth in the Good Practice standards in force is proven by the competent health surveillance authority.

Article 11. Good Practice Certificates shall be issued in a sole copy under the name of the establishment where the activity object of Certification is performed.

Paragraph 1. Additional copies may be requested by the requesting company of the original Certification.

Paragraph 2. In cases of establishments located in other countries, their Good Practice Certificate shall mention the company name, Brazilian Registry of Legal Entities (CNPJ), and the Operating Permit (AFE) of the requesting importer.

Article 12. Requests for the inclusion of new pharmaceutical supplies, forms, or risk classes of healthcare products within the scope of Good Manufacturing Practice Certificates shall be subject to the evaluation performed by Anvisa's technical department and shall not change the expiration date of the Certificate in force.

Paragraph 1. With regard to medications and pharmaceutical supplies, should they refer to different production lines or methods of obtention, a new application for Certification shall be submitted.

Paragraph 2. With regard to healthcare products, should they refer to different production lines, an application for change or addition on the Certification shall be submitted.

### CHAPTER III CERTIFICATE GRANT AND ITS CRITERIA

#### Section I Medications

Article 13. The following Good Practice Certifications shall be susceptible to request:

- I- Good Manufacturing Practice Certification of medications in Brazil;
- II- Good Manufacturing Practice Certification of medications in MERCOSUR;
- III- Good Manufacturing Practice Certification of medications in other countries; and
- IV- Good Distribution and/or Storage Practice Certification of medications in Brazil.

Article 14. Good Manufacturing Practice Certifications of medications shall be granted to each establishment, for each production line.

Article 15. Good Manufacturing Practice Certificates of medications shall describe, for each production line, the pharmaceutical forms and biologically pharmaceutical supplies, whose requirements set forth in the Good Practice standards in force are fulfilled by the establishment.

Paragraph 1. When the establishment object of Certification is not responsible for every manufacturing stage of a certain pharmaceutical form or biologically active pharmaceutical supply, the certificate shall describe the respective intermediates or the manufacturing stages for which the establishment is responsible.

Paragraph 2. Production lines restricted to secondary packaging shall not have the pharmaceutical forms discriminated in the Certificate.

Paragraph 3. Certifications addressing classes of penicillins, cephalosporins, carbapenems, citotoxics, and biological preparations containing live microorganisms shall also discriminate the specific pharmaceutical forms of these classes.

Paragraph 4. Certifications addressing hormonal products that require segregation of their production areas shall also discriminate the pharmaceutical forms of such products.

Paragraph 5. Certifications addressing biologically active pharmaceutical supplies and their intermediate inputs shall present the description provided by the Brazilian Common Denomination (DCB).

Paragraph 6. Certifications addressing radiopharmaceutical medications shall present the description provided by the Brazilian Common Denomination (DCB) and related to the product's pharmaceutical form.

Article 16. The following production lines of medications are hereby established:

- I - sterile products;
- II - non-sterile solids;
- III - non-sterile liquids;
- IV - non-sterile semisolids;
- V - medical gases;
- VI - medical cryogenic liquids; and
- VII - biologically active pharmaceutical supplies.

Article 17. The pharmaceutical forms associated to the respective production lines aforementioned in Article 16 shall be those defined by the version in force of the Controlled Vocabulary of Pharmaceutical Forms, Administration Routes, and Medication Packaging, published by Anvisa.

Article 18. Good Distribution and/or Storage Certifications of medications shall be granted to each establishment.

Article 19. Good Distribution and/or Storage Practice Certificates of medications shall present the number of the Special Authorization if the establishment certified has adequate conditions to control medications that contain substances subject to special control.

Article 20. In cases of establishments or production lines in the beginning of their activities or in cases of inclusion of new pharmaceutical forms to an existing production line, Good Manufacturing Practice Certificates shall be issued when the inspection report draws the conclusion that such establishments have technical-operational conditions (CTO) for the situation in question.

Article 21. Interdicted establishments shall be classified under CTO upon the inspection intended for granting operating permission when they prove the compliance with Article 22 and the adequacy of the items that motivated such inspection.

Sole Paragraph. Regarding the situation aforementioned in the caput, the classification under CTO shall not be applicable for Certification purposes; in these cases, a new inspection shall be conducted with the production line in operation in order to verify the effectiveness of the adequacies.

Article 22. The establishment shall be classified under CTO when it fully complies with the requirements related to the following items and laid down in the standards in force on Good Manufacturing Practices of medications:

I- indispensable technical facilities, equipment, and apparatus (production, warehouses, utilities, and quality control) in conditions required for their intended purpose (including qualifications and calibrations);

II- qualified air treatment system in conditions required for its intended purpose;

III- water treatment system in conditions required for its intended purpose, including the qualification of the facilities and of the operations, and the initial validation phases concluded (phases I and II);

IV- standard formulas defined for each product to be manufactured;

V- implemented and operant quality system;

VI- clearly defined validation policy (which includes the guidelines for the validation of processes, cleanliness, computer systems, and analytical methods);

VII- standard operating procedures, manufacturing processes, and other required documents concluded, approved, and updated;

VIII- means for inspection and quality control of the products manufactured, including specifications and analytical methods;

IX- indispensable conditions of hygiene, related to personnel and material, for ensuring purity and efficacy of the finished products to be shipped for consumption;

X- trained human resources to perform production activities, quality control, quality assurance, and other supporting activities; and

XI- means capable of eliminating or reducing pollution elements resulting from industrialization and that may have harmful effects on health.

## Section II

### Healthcare Products

Article 23. The following Good Practice Certifications shall be susceptible to request:

I- Good Manufacturing Practice Certification of healthcare products in Brazil;

II- Good Manufacturing Practice Certification of healthcare products in MERCOSUR;

III- Good Manufacturing Practice Certification of healthcare products in other countries; and

IV- Good Distribution and/or Storage Practice Certification of healthcare products in Brazil.

Article 24. Good Manufacturing Practice Certifications of healthcare products shall be granted to each establishment, for each production line.

Sole Paragraph. The Certificate shall describe, for each production line, the respective risk classes of the products whose requirements set forth in the Good Practice standards in force are fulfilled by the establishment.

Article 25. The following production lines of healthcare products are hereby established:

I - materials and equipment for medical use; and

II - in-vitro diagnostic products, except equipment.

Article 26. In cases of establishments or production lines in the beginning of their activities or in cases of inclusion of a new risk class to an existing production line, Good Manufacturing Practice Certificates shall be issued when the inspection report draws the conclusion that such establishments have technical-operational conditions (CTO) for the situation in question.

Article 27. The establishment shall be classified under CTO when it fully complies with the requirements related to the following items and laid down in the standards in force on Good Practices of healthcare products:

I- existence of indispensable technical facilities, equipment, and apparatus (production, warehouses, utilities, and quality control) in conditions required for their intended purpose (including qualifications and calibrations);

II- environmental control system in conditions required for its intended purpose;

III- utility systems supporting the manufacturing process in conditions required for their intended purpose, including the qualification of the facilities and of the operations, and the initial validation phases concluded;

IV- quality system duly described, implemented and in operation;



- V- proof of compliance with the design development and control stages until the production of pilot batches or first units, for design validation and, if applicable, process validation;
- VI- manufacturing specifications for each product to be manufactured, including quality control procedures;
- VII- existence of trained human resources to perform production activities, quality control, quality assurance, and other supporting activities; and
- VIII- existence of means capable of eliminating or reducing pollution elements resulting from industrialization and that may have harmful effects on health.

Article 28. Good Distribution and/or Storage Practice Certifications of healthcare products shall be granted to each establishment.

### Section III

#### Cosmetics, Perfumes, and Personal Hygiene Products

Article 29. The following Good Practice Certifications shall be susceptible to request:

- I- Good Manufacturing Practice Certification of cosmetics, personal hygiene products, and perfumes in Brazil;
- II- Good Manufacturing Practice Certification of cosmetics, personal hygiene products, and perfumes in MERCOSUR;
- III- Good Manufacturing Practice Certification of cosmetics, personal hygiene products, and perfumes in other countries;

Article 30. Good Manufacturing Practice Certifications of cosmetics, personal hygiene products, and perfumes shall be granted to each establishment, for each production line.

Sole Paragraph. The cases of new establishments or new production lines shall depend on the submission of a new application for Certification.

Article 31. The following production lines of cosmetics, personal hygiene products, and perfumes are hereby established:

- I- liquids;
- II- solids;
- III- semisolids; and
- IV- aerosols.

### Section IV

#### Sanitizers

Article 32. The following Good Practice Certifications shall be susceptible to request:

- I- Good Manufacturing Practice Certification of sanitizers in Brazil;

- II- Good Manufacturing Practice Certification of sanitizers in MERCOSUR;
- III- Good Manufacturing Practice Certification of sanitizers in other countries.

Article 33. Good Manufacturing Practice Certifications of sanitizers shall be granted to each establishment, for each production line.

Sole Paragraph. The cases of new establishments or new production lines shall depend on the submission of a new application for Certification.

Article 34. The following production lines of sanitizers are hereby established:

- I- liquids;
- II- solids;
- III- semisolids;
- IV- aerosols.

#### Section V Pharmaceutical Supplies

Article 35. The following Good Practice Certifications shall be susceptible to request:

- I- Good Manufacturing Practice Certification of pharmaceutical supplies in Brazil;
- II- Good Manufacturing Practice Certification of pharmaceutical supplies in MERCOSUR;
- III- Good Manufacturing Practice Certification of pharmaceutical supplies in other countries; and
- IV- Good Distribution and/or Storage Practice Certification of pharmaceutical supplies in Brazil.

Article 36. Good Manufacturing Practice Certifications shall be granted to each establishment, for each method of obtention.

Paragraph 1. The respective pharmaceutical supplies shall be listed for each method of obtention stated in the Certificate addressed in this Article.

Paragraph 2. Certifications addressing classes of penicillins, cephalosporins, carbapenems, citotoxics shall discriminate their respective supplies.

Paragraph 3. Certifications addressing hormonal products that require segregation of their production areas shall also discriminate their respective supplies.

Article 37. For the purposes of Certification of pharmaceutical supplies, the following methods of obtention shall be deemed as production lines:

- I- mineral extraction;
- II- non-timber forest product extraction;
- III- chemical synthesis;

IV- classic fermentation; and  
V- partial chemical synthesis.

Article 38. Good Distribution and/or Storage Practice Certifications of pharmaceutical supplies shall be granted to each establishment.

Article 39. Good Distribution and/or Storage Practice Certificates of pharmaceutical supplies shall present the number of the Special Authorization if the establishment certified has adequate conditions to control substances subject to special control.

#### CHAPTER IV

##### CRITERIA FOR THE CERTIFICATION OF ESTABLISHMENTS PREVIOUSLY CERTIFIED BY ANVISA

Article 40. In order to grant the Good Practice Certification addressed in the herein Chapter in cases of establishments located in countries part of MERCOSUR, except Brazil, Anvisa shall issue a technical opinion based on the guidelines laid down in the legislation in force within the scope of MERCOSUR.

Article 41. In cases of establishments located in Brazil or in countries not part of MERCOSUR, the Certification addressed in the herein Chapter may be granted based on the issuance of a technical opinion about the need or not of a new inspection, which shall consider the following items:

I- history of the compliance of the establishment to be certified with Good Practices, obtained by Anvisa from their inspection database;

II- history of deviations, technical complaints and adverse events (pharmacovigilance and technovigilance) and/or sanitary violations proven by the competent authorities, obtained by Anvisa from their database;

III- unchanged production lines and no inclusion of products of therapeutic classes that may not be manufactured within the same previously inspected area, according to the evaluation of the data submitted by the requesting party;

IV- with regard to pharmaceutical supplies, unchanged methods of obtention and no inclusion of supplies of therapeutic classes that may not be manufactured within the same previously inspected area, according to the evaluation of the data submitted by the requesting party;

V- validity of the Anvisa Operating Permit (AFE) granted to the requesting company or to the establishment object of Certification, verified by Anvisa's database;

VI- other documents indicated in the list of documents for Certification applications.

Sole Paragraph. Information may also be requested from other health surveillance authorities or organisms with which Anvisa has non-disclosure agreements.

Article 42. In order to be certified and not interrupt the validity of the Certification in force, the application for Good Practice Certification shall be submitted within the period of time between 270 days and 180 days before the expiration date of the certificate in force.

Article 43. In the hypotheses aforementioned in Articles 41 and 42, after having evaluated the technical and filing requirements set forth herein, Anvisa shall grant or dismiss the application until the expiration date of the Certificate.

Paragraph 1. Should the technical department of Anvisa not pronounce themselves before the expiration date of the certificate, this shall result in the publication of the certificate's automatic renewal.

Paragraph 2. Denial, absence of manifestation, or cancellation of the health surveillance inspection by the interested company shall hinder the automatic renewal of their Certificate or shall result in the cancellation of its automatic renewal.

Paragraph 3. The automatic renewal of the Certificate shall not exclude the possibility of analysis or its eventual cancellation, at any moment, if proven that the establishment does not comply with Good Practices.

Paragraph 4. The Certification shall not be automatically renewed if the analysis of the renewal application or the health surveillance inspection resulting from such application classifies the establishment as "under requirement".

Paragraph 5. Should the establishment be classified as "under requirement" or "unsatisfactory", the automatic renewals of the Certification shall be canceled.

## CHAPTER V FINAL AND TEMPORARY PROVISIONS

Article 44. Proof of the conduction of self-inspections shall be available during health surveillance inspections.

Article 45. Failure to observe or non-compliance with the provisions set forth herein shall be deemed as sanitary violation, according to Law no. 6,437, of August 20th, 1977, being the offender subject to the penalties laid down in this statute.

Article 46. At any moment, Anvisa may conduct a patrol inspection or investigate complaints or possible irregularities related to any product addressed herein, regardless of the Certification process.

Article 47. The applications for extending the validity of Good Practice Certifications of healthcare products submitted until the date of the publication of this Resolution shall be analyzed in accordance with the requirements laid down in Resolution RDC no. 16, April 23rd, 2009.

Article 48. The automatic renewal aforementioned in Article 43 shall only be applicable to those Certification processes submitted from the date this regulation comes into force and that also comply with the filing deadlines established in Article 42.

Article 49. The following Resolutions are hereby revoked: Resolution no. 460, of September 14th, 1999; Resolution RDC no. 25, of December 9th, 1999; Resolution RDC no. 95, of November 8th, 2000; Resolution RE no. 1,450, of September 11th, 2001; Resolution RDC no. 354, of December 23rd, 2002; Resolution RDC no. 225, of August 25th, 2003; Resolution RDC no. 66, of October 5th, 2007; Resolution RDC no. 16, of April 23rd, 2009; Resolution RDC no. 68, of December 21st, 2009; and Resolution RDC no. 29, of August 10th, 2010.

Article 50. This Resolution shall come into force on the date of its publication.

DIRCEU BRÁS APARECIDO BARBANO