swissmedic

Guidance document

Application establishment licence for medicinal products or TpP/GT/GMO

Identification number:	I-301.AA.05-A17e
Version:	6.0
Valid from:	22.04.2024

List of contents

1 Objective and scope

Companies that intend to manufacture and/or distribute medicinal products or TpP/GT/GMO (transplant products/gene therapy products/genetically modified organisms) must obtain an establishment licence from Swissmedic. This guidance document serves as a guide to the submission of the relevant application forms and provides additional information on the requirements that must be met by these companies.

Separate forms should be submitted for the handling of narcotics (controlled substances), see www.swissmedic.ch under *Human medicines* > *Special categories* > *Authorised narcotics* > *Forms and Checklists*.

2 Useful links

www.swissmedic.ch under *Human medicines* > *Licensing* > *Authorisations:*

- *Forms*: Application forms
- *Authorisation holder:* Lists of authorisation holders with details of the scope of the licence
- *Inspectorates*: I-SMI.TI.17 «Responsible Person: Requirements» and other technical interpretations on issues relating to GMP/GDP

www.ema.europa.eu > *Compilation of Community procedures on inspections and exchange of information*. From page 181 this document provides interpretations and remarks on the manufacturing activities and specific codes stated in the application forms.

https://spor.ema.europa.eu/omswi/#/ > Organisation Management Service (OMS): OMS database of the EMA for organisations. Existing identification details (OMS-ID: ORG-ID and LOC-ID) can be viewed here and new creations/changes be requested.

3 General information

3.1 Reference numbers and correspondence language

When the receipt of your licence application is confirmed you will be informed of your application number. Please cite this number in all future correspondence relating to the application.
The licence number can be found in the header of the existing establishment licence. When an establishment licence is issued for the first time, “does not yet exist” should be checked since the number is only assigned during the licensing procedure.

The licence is issued in the correspondence language (i.e. in the official language used in the submitted application). An English version is not available. Swissmedic does not issue translations into other languages (not even into another official Swiss language).

3.2 Fees

The review of an application is subject to a fee even if the application is withdrawn during the course of the procedure or the application is rejected. If submitted applications are incomplete, the additional time incurred as a result may be invoiced separately. The fees are charged in accordance with the Ordinance on Fees Levied by the Swiss Agency for Therapeutic Products (FeeO-Swissmedic, SR 812.214.5).

3.3 Conditions to be met by the company

- The company must be entered in the commercial register if its annual sales exceed CHF 100’000.--.
- The company must operate a quality assurance system that ensures the GMP-compliant manufacture and/or the GDP-compliant distribution of medicinal products.
  - GMP Guide: http://www.picscheme.org > *Publications* > *GMP Guide* and EudraLex - Volume 4 - Good Manufacturing Practice (GMP) guidelines | Public Health (europa.eu)
  - GDP Guidelines: https://eur-lex.europa.eu > *Guidelines of 5 November 2013 on good distribution practice for medicinal products for human use, Guidelines of 19 March 2015 on the principles of good distribution practice for active substances of medicinal products for human use, Commission Implementing Regulation (EU) 2021/1248 of 29 July 2021 on measures relating to good distribution practice for veterinary medicinal products pursuant to Regulation (EU) 2019/6 of the European Parliament and of the Council, Commission Implementing Regulation (EU) 2021/1280 of 2 August 2021 on measures of good distribution practice for active substances used as starting materials for veterinary medicinal products in accordance with Regulation (EU) 2019/6 of the European Parliament and of the Council*.
- The company must nominate a Responsible Person. The requirements pertaining to the Responsible Person can be found in the Medicinal Products Licensing Ordinance (MPLO, SR 812.212.1)

and in MPLO Articles 5 and 6 (manufacture), 17 and 18 (import, wholesale trade and export), 23 (trading in foreign countries), 26 (brokerage and agency activities), 27 (collection of blood) and 39 (granting the licence). For further explanations see I-SMI.TI.17 «Responsible Person: Requirements».

- Fees: see chapter 3.2. The costs of such a procedure range from CHF 1'800.-- to CHF 12'300.-- (depending on the number of activities carried out) for reviewing the application and granting the establishment licence. Once granted, the establishment licence is valid indefinitely. A time-based fee is also charged for the inspection by the competent inspection service – usually CHF 2'000.-- upwards, though the amount varies according to the size, complexity and degree of preparation of the company.

4 Submission of application

4.1 Procedure for initial issue of the establishment licence

- The completed application, together with the official forms, should be sent by post to Swissmedic (submission via the Swissmedic Portal is not yet possible).
- On receipt of the application, Swissmedic sends an inspection order to the corresponding regional inspectorate.
- The competent inspectorate performs an inspection. If deviations are noted during the inspection, these will have to be rectified within a reasonable period and, based on the outcome, the inspectorate will ask Swissmedic to issue or reject the licence.
- Time frame: From the application submission to the initial issue of an establishment licence can be expected to take from 6 to 18 months.
- Fees: see chapter **Fehler! Verweisquelle konnte nicht gefunden werden.**.
- Inspection interval: Depending on the type of activity, the company will be inspected every 2 to 4 years.

4.2 Procedure for an application for a change to the establishment licence

For every change to the content of an establishment licence granted according to the new format (valid indefinitely), the company must submit both the basic form and the supplementary sheet Medicinal products resp. TpP/GT/GMO for each affected site (see chapter 4.3). The additionally requested activities, or activities to be deleted, should be stated under Remarks in point 6 of the supplementary sheet Medicinal products (I-301.AA.05-A03) or the Annex TpP/GT/GMO (I-301.AA.05-A19).

4.3 Procedure for an application for the discontinuation of the establishment licence

When applying for a discontinuation of the establishment licence, the company must not only submit the basic form, but also the form Application for estblishment licence – Discontinuation of the establishment licence medicinal products / TpP/GT/GMO (I-301.AA.05-A33) together with the information and documentary evidence relating to the activities carried out by the company (see point 4.4.2).

4.4 Documentation to be supplied

4.4.1 Basic form

The basic form must be submitted with every application and signed by an authorised signatory. Authorised signatories are usually those individuals entered in the commercial register who are entitled to sign individually or jointly. If the basic form is missing, the application will be returned.

Additionally, the UID (company identification) of the trade registry, respectively the UID register for company not registered in the trade registry, has to be submitted (see www.zefix.ch or www.uid.admin.ch).

Manufacturers must submit the identification details ORG-ID and LOC-ID of the EMA's OMS database for the marketing authorization holder and ensure that the details in the OMS database are correct. The name and the domicile of the authorization holder should match the details in the trade registry (www.zefix.ch).

4.4.2 Supplementary sheets

A) Supplementary sheet: Medicinal products or TpP/GT/GMO
A supplementary sheet with all activities should be completed for each affected site. The supplementary sheet should be signed by the Responsible Persons/s or, in the event of a change, by the person newly proposed for this function.

In the event of a **change of address and/or change of company name**, the forms (basic form, supplementary sheet Medicinal products resp. TpP/GT/GMO), should be completed with the new address/name, even if the entry in the commercial register has not yet been changed at the time of application submission.

Manufacture:
- Manufacturers must provide the LOC-ID of the EMA's OMS database for each operating site and ensure that the information in the OMS database is correct.
- Contrary to the procedure adopted up to the end of 2018, the packing activities (Codes 1.5.1.N and 1.5.2) and quality control (Code 1.6.N) must be applied for with the new forms, even if the manufacture of the corresponding pharmaceutical form (Codes 1.1.N, 1.2.N, 1.3.N and 1.4.N) is the subject of the application.
- Manufacture of Traditional Chinese Medicine (TCM) products: As well as the corresponding codes (Code 1.4.1.N) for TCM, the relevant products must also be stated (Codes 1.1.1.N, 1.1.2.N and 1.2.1.N).
- Manufacture of biological medicinal products: As well as the corresponding codes (Codes 1.3.1.N and 1.3.2.N) for biological medicinal products, the relevant products must also be stated (1.2.1.N).
- The technical release (Code 1.3.N) can be ticked only for ready-to-use medicinal products. For active substance manufacture (Code group 3), the technical release cannot be ticked since the technical release of active substances always forms part of the manufacturing activity.

- The market release (decision of the authorisation holder's Responsible Person before a batch is placed on the Swiss market) should be requested under codes S.2.2.N / S.T.2.2.N and / or S.4.2.N / S.T.4.2.N.

Issuing manufacturing orders for medicinal products or TpP/GT/GMO as the ordering party:

- Companies that order a particular formulation of a medicinal product, i.e. a formulation that does not correspond to a commercially available formulation but is specific to a particular market, from manufacturers in order to distribute it, must have a medicinal product contract manufacturing establishment authorisation (Code S.4.6 / ST.4.6, S.2.6/ST.2.7, S. 5.3/ST.5.5). A discrepancy in the printed packaging elements between the version ordered and the version available in international markets is not considered to be an activity requiring the drug contract manufacturing authorisation module.
- Companies with a licence to trade abroad that have issued manufacturing orders in accordance with the existing law must, after 01.01.2019, apply for an extension to the licence for wholesale trading in medicinal products (Code S.4.6 / ST.4.6).

Distribution:

- The individual stocks kept by field force personnel no longer need to be stated on the licence. Companies whose field force personnel store medicinal products must request one of the following codes: S.2.5 or S.4.5.
- The individual delivery outlets (direct selling to customers) for medical gases no longer need to be stated on the licence.
- The import of medicinal products with or without market release (Codes S(T).2.2.N and S(T).2.3N) covers the wholesale trading in these imported medicinal products.
- The storage of medicinal products is always included in the manufacture, import and export and wholesale trading. If an applicant does not keep its own stocks, this must be ticked in the corresponding field under Remarks. In this case, the storage is excluded in the establishment licence.
- If a company trades products abroad and, at the same time, issues contract manufacturing orders, at least one wholesale trading licence must now be requested for the issuing of manufacturing orders as an ordering party (Code S.4.6 / ST.4.6). To this end, the company must have a suitable Responsible Person with GMP experience.

B) Supplementary sheet: Change of name or domicile

If the authorisation holder (for authorised medicinal products and TpP/GT/GMO) changes its domicile or company name, the supplementary sheet Change of name or domicile should also be submitted. The permitted period for processing this application (type IA_{IN} A.1) only starts when the application for a change to the establishment licence has been approved.

Note for **contract manufacturers and contract laboratories**: If the applicant is contracted to manufacture or carry out analyses, it must inform its clients in the event of the following changes:

- Change of name
- Change of address (even if just one site is affected)
- Discontinuation of activities (reduced scope of the licence)
- Discontinuation or loss (suspension, revocation) of the establishment licence

C) Supplementary sheet: RP Multiple mandates
If the RP has other mandates at other companies or has applied to Swissmedic for such mandates, the supplementary sheet RP Multiple mandates should be completed and enclosed with the application.

D) Application for estblishment licence – Discontinuation of the establishment licence medicinal products or TpP/GT/GMO
In order to properly discontinue activities subject to authorisation and thus guarantee the quality and safety of medicinal products on the Swiss market, all the aspects set out on the form must be resolved before a decision to withdraw the estblishment license can be issued. The company must therefore submit, together with the form, the documentary evidences, explanations and/or justifications deemed equivalent required in part 2.1 / 2.2 or 2.3 depending on the activities carried out by the company.

5 Changes to the previous version

- Chapter 4.4.1: Addition of the UID register reference for company not registered in the trade registry (www.uid.admin.ch)