

REGULATORY ASPECTS OF RETURNING OF MEDICINES TO THE PHARMACIES

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Medicines are a specific product group that needs additional guarantees of quality and accessibility for consumers.

Art. 8. The Law of Ukraine "On Consumer Protection" № 3682-XII of 15.12.93 (as of July 16, 2019), defines the rights of the consumer in case of purchase of goods of inadequate quality. This article defines: "In the event that, within the warranty period, significant defects have arisen as a result of the fault of the manufacturer of the goods (seller, contractor), or falsification of the goods, confirmed as necessary by the conclusion of the examination, the consumer, in the manner and in time, established by law and subject to the rules or contract binding on the parties, has the right, at its option, to require from the seller or manufacturer:

- 1) termination of the contract and return of the money paid for the goods;
- 2) require replacement of the goods for the same product or for a similar product from the number available from the seller (manufacturer).

In Ukraine there is a multilevel system of quality control of medicines. Medicines' quality is controlled by the manufacturer, and state quality control is carried out at every stage from the production of drugs to the retail trade.

In order to return the medicinal product to the pharmacy, the consumer must submit not only the fiscal check received by him during the purchase of this particular product in the pharmacy, but also proof that the medicinal product is of poor quality, it does not meet the requirements established by the manufacturer.

The competent authority in the field of quality control of medicinal products is the State Service of Ukraine on Medicines and Drugs Control (StateMedicineService). It is known that it regularly establishes a prohibition on the circulation of medicines on the basis of the quality judgments provided by the laboratories for quality control of medicinal products of the StateMedicineService. That is, if the consumer has doubts about the quality of the product, then he must check whether the service has prohibited the purchased of series of medicines. If not, the consumer should contact the responsible persons on the quality of medicines of the StateMedicineService in accordance with the requirements of the Law of Ukraine "On Citizens' Appeals". In addition, the consumer may submit a complaint / quality notification / suspected adulteration of the medicinal product. To do so, person must complete an electronic form posted on the StateMedicineService's website. After providing a complaint, the StateMedicineService will check the quality of the medicinal product and, in the event of non-compliance, issue a marketing prohibition. And then the consumer will have reason to return the product to the pharmacy.

That is, today in Ukraine there is a mechanism for the returning of medicines to the pharmacies in case of doubt about their quality at the consumer. This aspect remains relevant in the context of counterfeiting medicines, as an international problem.