Tentative translation of MHLW MO 169 revised in 2014, Chapter 3

(Note)

1) This English document is only for reference purpose. In case of any discrepancy, the Japanese text shall prevail.
2) The requirements of MHLW MO 169 are applied to both the Marketing Authorization Holder and the person operating the Registered Manufacturing Site. In this document the requirements are stipulated as the requirements for the Marketing Authorization Holder. Meanwhile, when they are applied to the Registered Manufacturing Site, the requirements must be paraphrased, as appropriate.
3) The requirements from Article 69 to Article 72-3 shall be applied only to the Marketing Authorization Holder. (They are not applied to the person operating the Registered Manufacturing Site.)

Chapter 3 Additional Requirements Regarding Manufacturing Control and Quality Control of Medical Devices, etc.

(Quality Management System of Registered Manufacturing Site)

Article 65

In case that the business facility to which the processes specified in Article 5.4 are outsourced or the business facility of the supplier of the purchased products is the Registered Manufacturing Site, the Marketing Authorization Holder shall perform necessary verification about that the person operating the Registered Manufacturing Site performs the manufacturing control and quality control based on the appropriate quality management system.

(Additional Requirements Regarding Quality Management System)

Article 66

(1) The Marketing Authorization Holder shall establish, document, implement the quality management system pursuant to the provisions of Chapter 3 to Chapter 5 inclusive (limited to the provisions that shall apply pursuant to the provisions of Article 3, hereinafter the same in this article) as well as the provisions of Chapter 2 and also maintain its effectiveness.

(2) The Marketing Authorization Holder shall manage processes pursuant to the

provisions of Chapter 3 to Chapter 5 inclusive, as well as the provisions of Chapter 2.
(3) The Marketing Authorization Holder shall describe the procedures and records (specified in Article 6(1) as well as Chapter 3 to Chapter 5) in the documents related to the quality management system specified in Article 6(1).

(Retention Period of Quality Management System Documents)
Article 67
(1) The Marketing Authorization Holder shall retain the quality management system documents or their copies for the following periods (5 years for the documents for training) from the date of obsolete (see Article 8(4))
Proviso: This provision shall not apply to the quality management documents used for the manufacturing or testing of the products when they are maintained to be available for the period specified in the Article 68.
(i) 15 years for the specially designated maintenance control required medical devices [one year plus the shelf life for the products of which the shelf life or the expiry date (hereinafter simply referred to as the "shelf life") plus one year exceeds 15 years]
(ii) 5 years for the medical devices, etc. other than the specially designated maintenance control required medical devices (one year plus the shelf life for the products of which the shelf life plus one year exceeds 5 years).

(Retention Period of Records)
Article 68
(1) The Marketing Authorization Holder shall retain the records specified under Article 9(1) or in this chapter for the following periods (5 years for the records of the training) from the date of creation.
(i) 15 years for the specially designated maintenance control required medical devices (one year plus the shelf life for the products of which the shelf life plus one year exceeds 15 years)
(ii) 5 years for the medical devices, etc. other than the specially designated maintenance control required medical devices (one year plus the shelf life for the products of which the shelf life plus one year exceeds 5 years).

(Reporting Adverse Events, etc.)
Article 69
The Marketing Authorization Holder shall make all the facilities and relevant Registered Manufacturing Sites establish and document the procedure to notify the

Marketing Authorization Holder of the matters specified in the items of Article 228-20(2) of the Enforcement Regulations concerning the products when the facilities and relevant Registered Manufacturing Sites recognize the matters concerned.

(Relationship with Good Vigilance Practice (GVP))
Article 70
The Marketing Authorization Holder shall perform the duties related to post-marketing safety control of the products pursuant to the provision of the Ordinance on the Standards for Post-Marketing Safety Control of Drug, Quasi-Drug, Cosmetics and Medical Devices and Regenerative and Cellular Therapy Products, Gene Therapy Products etc. [MHLW Ministerial Ordinance No. 135, 2004 (hereinafter referred to as the "Good Vigilance Practice (GVP)")], supplementary to the provisions of this Ministerial Ordinance.

(Duties of General Manager Responsible for Manufacturing and Sales of Medical Devices, etc.)
Article 71
(1) The Marketing Authorization Holder shall have the General Manager Responsible for Manufacturing and Sales of Medical Devices, etc. specified in Article 23-2-14(2) of the PMD Act (hereinafter referred to as the " General Manager Responsible for Manufacturing and Sales of Medical Devices, etc.") perform the following duties.
(i) To supervise the duties of the manufacturing control and quality control such as decision of release of the products and to bear a responsibility for the duties.
(ii) When it is deemed necessary to fairly and properly perform the duties, to give a necessary opinion in writing to the Marketing Authorization Holder, the top management and other persons responsible for the duties concerned and to retain its copy for 5 years.
(iii) To supervise the Domestic Quality Assurance Manager specified in Article 72.1 (excluding cases where the General Manager Responsible for Manufacturing and Sales of Medical Devices, etc. also serves as the Domestic Quality Assurance Manager pursuant to the provision of the Article 71(2)).
(iv) To respect the opinions of the management representative and the Domestic Quality Assurance Manager specified in Article 72(1).
(v) To have the units related to the manufacturing control or quality control and the Safety Control General Division specified in Article 4(1) of the Good Vigilance Practice (GVP) (hereinafter referred to as the "Safety Control General Division" in Article

72(2)(ix) closely collaborate with each other.
(2) The General Manager Responsible for Manufacturing and Sales of Medical Devices, etc. may also serve as the top management, the management representative or the Domestic Quality Assurance Manager specified in Article 72(1).

(Domestic Quality Assurance Manager)
Article 72
(1) The Marketing Authorization Holder shall provide the facilities located in Japan with the Domestic Quality Assurance Manager who satisfies the following requirements as a responsible person for the duties of controlling quality of the domestic products performed pursuant to the provision of this Ministerial Ordinance (hereinafter referred to as the "quality control duties").
(i) To be a responsible person of the Quality Assurance Division in the Marketing Authorization Holder
(ii) To be the person who was engaged in the quality control duties or equivalent duties for 3 years or longer
(iii) To be the person who has competence for proper and smooth conduct of the quality control duties in Japan
(iv) To be the person who does not belong to the units related to sales of medical devices, etc. and other than above, to be the person who is not suspected to bring about obstacles to proper and smooth conduct of the quality control duties in Japan.
(2) The Marketing Authorization Holder shall have the Domestic Quality Assurance Manager perform the following duties based on the procedures, etc. prepared pursuant to the provision of this Ministerial Ordinance.
(i) To supervise the quality control duties in Japan
(ii) To verify that the quality control duties in Japan are properly and smoothly performed
(iii) For the products that are distributed in Japan, to decide release to market by lot (by manufacturing number or manufacturing code for medical devices, etc. which do not constitute a lot) and to prepare records of the decision result and release to market such as destination (when having the person appointed beforehand decide release to market pursuant to the provision of Article 72(3), to appropriately comprehend condition of deciding release of the products to market).
(iv) For the products that are distributed in Japan, when the change in manufacturing method or testing method, etc. that may affect quality of the products is made, to collect information on the change from domestic and abroad and to comprehend the information.

When the change concerned might seriously affect the quality of the products, to rapidly report in writing to the management representative and the General Manager Responsible for Manufacturing and Sales of Medical Devices, etc. and to make necessary and appropriate measures be taken.

(v) For the products that are distributed in Japan, to collect information on quality, etc. of the products (including information on inferior quality or potential inferior quality) from domestic and abroad. When the information concerned is obtained, to rapidly report in writing to the management representative and the General Manager Responsible for Manufacturing and Sales of Medical Devices, etc., to record and to make necessary and appropriate measures be taken.

(vi) When the products distributed in Japan are recalled, to perform the following duties.

A. The medical devices, etc. recalled shall be segregated, stored for a certain period and properly handled.

B. The record describing content of recall shall be prepared and to report to the management representative and the General Manager Responsible for Manufacturing and Sales of Medical Devices, etc. in writing.

(vii) Other than those specified in Article 72(2)(iv) to 72(2)(vi), to report to the management representative and the General Manager Responsible for Manufacturing and Sales of Medical Devices, etc. in writing when it is deemed necessary for performing the quality control duties in Japan.

(viii) When performing the quality control duties in Japan, to give a written notice or instruction to the person operating the Registered Manufacturing Site, retailers, proprietors of a pharmacy, proprietors of a hospital or a clinic and other involved parties.

(ix) When recognizing the information on the safety assurance measures specified in Article 2(2) of the Good Vigilance Practice (GVP), to supply the Safety Control General Division with the information in writing without delay.

(3) Release to market specified in Article 72(2)(iii) may be decided by the person who is appointed beforehand by the Domestic Quality Assurance Manager [limited to the personnel of the Quality Assurance Division or the Personnel of the Registered Manufacturing Site (limited to the sites which performs release of the products to market) who has competence for proper and smooth conduct of the duties concerned].

(4) The person who decided release to market pursuant to the provisions of Article 72(3) shall prepare records of the result and release to market such as destination and shall report in writing to the Domestic Quality Assurance Manager.

(5) The Domestic Quality Assurance Manager may also serve as the management representative.

(Other Items to be Complied)

Article 72-2

(1) The Marketing Authorization Holder shall consolidate necessary systems also based on relationship with the duties performed pursuant to the provisions of Article 55 so that collection of information pursuant to the provisions of Article 72(2)(iv) and 72(2)(v) is not interfered and also shall make and document the agreement on necessary and sufficient matters between relevant facilities and the Registered Manufacturing Site, respectively.

(2) The Marketing Authorization Holder shall establish and document the procedures for the following matters.

(i) Response to notices from repairers of medical devices

(ii) Ensuring quality in retailers or leasers of medical devices

(iii) Response to notices from retailers or leasers of used medical devices

(Duties of Appointed Marketing Authorization Holders for Foreign Manufacturers of Medical Devices, etc.)

Article 72-3

(1) The restrictive approval holders of foreign manufactured medical devices, etc. shall have the Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc. perform the following duties among the duties performed pursuant to the provision of this Ministerial Ordinance.

(i) Of the duties performed pursuant to the provisions of Article 17, those related to domestic duties

(ii) Of the duties performed pursuant to the provisions of Article 29, those related to domestic duties

(iii) Of the duties performed pursuant to the provisions of Article 43, those related to domestic duties

(iv) Of the duties performed pursuant to the provisions of Article 48 and Article 49, those related to domestic duties

(v) Of the duties performed pursuant to the provisions of Article 55, those related to domestic duties

(vi) Of the duties performed pursuant to the provisions of Article 60, those related to domestic duties

(vii) Recall handling related to domestic products

(viii) Duties related to post-marketing safety control of domestic products

(ix) Duties to make necessary cooperation with the Restrictive Authorization Holders of

foreign manufactured medical devices, etc. for making necessary reports to and transfer of information and appropriately performing other duties concerned with the top management and the management representative of the Restrictive Authorization Holders of foreign manufactured medical devices, etc. and other relevant persons concerning the duties performed as the Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc.

(x) Control of documents and records related to the duties performed as the Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc.

(2) For the foreign manufacturers of designated specially controlled medical devices, the provisions of the Article 72-3(1) shall apply mutatis mutandis. In such cases, the "Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc." shall read the "Appointed Marketing Authorization Holders for foreign manufacturers of specially controlled medical devices, etc."

(3) For the Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc. or the Appointed Marketing Authorization Holders for foreign manufacturers of specially controlled medical devices, etc., the provisions from Article 70 to 72 (excluding Article 72(5) shall apply mutatis mutandis.

In such cases, "other" in Article 71(1)(i) shall read "performed as other Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc. or the Appointed Marketing Authorization Holders for foreign manufacturers of specially controlled medical devices, etc.", "the Marketing Authorization Holder, the top management" in Article 71(1)(ii) shall read "the Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc. or the Appointed Marketing Authorization Holders for foreign manufacturers of specially controlled medical devices, etc.", "the management representative and Article 71(1)" in Article 71(1)(iv) shall read " Article 71(1)", "opinion of " shall read "opinion of", "the top management or the management representative or Article 72(1)" in Article 71(2) shall read " Article 72(1)", "pursuant to" in Article 72(1) shall read "as the Appointed Marketing Authorization Holders for foreign manufacturers of medical devices, etc. or the Appointed Marketing Authorization Holders for foreign manufacturers of specially controlled medical devices, etc. pursuant to", "the management representative and the General Marketing Supervisor of medical devices, etc." in Article 72(2)(iv) shall read "the General Marketing Supervisor of medical devices, etc." and "the management representative and the General Marketing Supervisor of medical devices, etc." in Article 72(2)(v), 72(2)(vi)-B and 72(2)(vii) shall read the "General Marketing Supervisor of medical devices, etc. "