

Berlin, 22 February 2021

GÖRG for Brandenburg pharmaceutical regulatory authority against Lunapharm also successful before Higher Administrative Court

In a decision of 18 February 2021, the Higher Administrative Court of Berlin-Brandenburg dismissed the appeal of Lunapharm Deutschland GmbH against a decision of the Potsdam Administrative Court rejecting an application for urgent legal protection filed by Lunapharm. The company had filed the emergency application against the revocation of its wholesale and manufacturing licences and the permanent prohibition of corresponding activities ordered by the Brandenburg State Office for Occupational Safety, Consumer Protection and Health (LAVG).

The Higher Administrative Court of Berlin-Brandenburg has now also stated that there is considerable doubt that Lunapharm exercised the due diligence required by pharmaceutical law in its activities. There were strong indications that Lunapharm Deutschland GmbH was involved in the illegal distribution of medicinal products. The unreliability of the company could not be limited to individual areas and, according to the current state of knowledge, Lunapharm offered no guarantee that it would comply with the regulations applicable to its operations in the future. In its assessment, the Higher Administrative Court took into account in detail the purchase of medicinal products from a Greek pharmacy without wholesale authorisation, the unlawful trade in Italian medicinal products for the treatment of certain cancers and the purchase of counterfeit medicinal products in connection with a Cypriot pharmaceutical company.

The events in connection with the Lunapharm company have been reported extensively throughout Germany. In its decision of 18 February 2021, the Higher Administrative Court of Berlin-Brandenburg confirmed both the orders of the State of Brandenburg and the first-instance administrative court decision in the matter. In view of the clear statements of the Higher Administrative Court, the decision has a guiding and signalling function for the main proceedings. In addition, the decision contains fundamental statements on issues of pharmaceutical law whose significance goes beyond the individual case, such as the obligation to review the pharmaceutical supply chain by wholesalers.

GÖRG has been representing and advising LAVG since August 2018. With many years of expertise in diverse regulatory issues, GÖRG advises clients in the healthcare sector as well as in the entire field of public commercial law and also protects their interests in court.

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About GÖRG

GÖRG is one of Germany's leading and independent business law firms.

With more than 300 lawyers and tax advisors in Berlin, Cologne, Frankfurt am Main, Hamburg and Munich, we advise well-known domestic and foreign businesses from all areas of industry, banking, real estate, trade, media and services on all core areas of business law.

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