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Abstract of a doctor's thesis entitled

*The phenomenon of the so-called "Criminal reverse drug distribution chain" under criminal law.*

The purpose of this doctor's thesis is to present the problem of acting in the so-called "*Criminal reverse drug distribution chain*" and to discuss criminal law instruments, which purport to prevent this harmful phenomenon.

This work presents the issue of the proper distribution chain of medicinal products, given the provisions of the Pharmaceutical Law, pointing to the right of access to medicinal products in the light of health protection laws, the characteristic features of trading in medicinal products, forms of trading in medicinal products and shaping their distribution chain. Attention was also drawn to the issue of introducing medicinal products on the market, wholesale trading in medicinal products run by pharmaceutical wholesalers, entities, running retail in medicinal products, other entities participating in the process of these products distribution, the patient as the final recipient of the medicinal products and the process of drug distribution in the light of international regulations.

Another subject of considerations in this doctor's thesis is also the type of offence under Art. 126c of the Pharmaceutical Law, which penalizes the breach of the rules related to the export or sale abroad of medicinal products, causing the risk of lack of availability in this country. As part of this matter, suggestions related to amendments were discussed, along with the development of criminal law provisions whose purpose is to prevent the undesirable

phenomenon of exporting or selling medicinal products abroad. Attention was drawn to the provisions of the Pharmaceutical Law which deal with the export or alienation of medicinal products whose availability could be endangered. The central issue of considerations has been a dogmatic analysis of the offence whose type has been stipulated in art. 126c of the Pharmaceutical Law, within which have been described the object of protection, the mandatory features of the object of the prohibited deed, the result, the features of the subject of the prohibited deed, the subject of the prohibited deed, the varieties of the type of prohibited deed, the criminal sanctions and prosecution mode, the forfeiture of the object of the crime, the concurrence of legal provisions, the period of limitation along with several comments which have been made with regard to the application of other selected legal figures in the general part of the Penal Code. Based on the issue related to the export or alienation abroad of medicinal products whose availability is at risk, *de lege ferenda* suggestions have been also stated with regard to administrative and penal regulations contained in the Pharmaceutical Law.

The type of offence set out in art. 126b of the Pharmaceutical Law has been also discussed in the thesis. This penalizes the alienation of medicinal products while breaching the conditions and bans of this law. In this area, attention has been drawn to the issues of amendments linked to criminal law provisions, purporting to break the unacceptable phenomenon of „*Criminal reverse drug distribution chain*”. Another issue has been emphasized – breaching of substantive law regulations of administrative nature – orders and bans referred to the way the trading in medicinal products has been run. The central issue of considerations in this point has been the dogmatic analysis of the offence whose type has been set out in art. 126b of the Pharmaceutical Law. The analysis has discussed the object of protection, the mandatory features of the prohibited deed object, the substantive and formal nature of the offence, along with the form of conduct, the features of the subject of the prohibited deed, type varieties of the prohibited deed, penal sanctions and the manner of prosecuting, the forfeiture of the object of the offence, the concurrence of legal provisions, the period of limitation, followed by a few comments with regard to the application of selected legal figures in the general part of the Penal Code. Based on the issue related to the alienation of medicinal products while breaching the conditions or bans set out in the Pharmaceutical Law regulations, *de lege ferenda* suggestions have been also included.

The last part of the thesis contains the evaluation of the efficiency of criminal law regulations, purporting to fight against the phenomenon of „*Criminal reverse drug distribution chain*”. In this area, within the introductory comments, an attempt has been made

to set forth the definition of the so-called. „medicinal product mafia” and its business was described in the light of other criminal law regulations. Furthermore, research theses have been advanced with reference to these issues which have been verified after the research data being analysed. While discussing these problems, attention has been drawn to the notices of the Minister of Health setting out a list of medicinal products, foodstuff of special designation and medical devices whose availability is at risk in the territory of the Republic of Poland, issued between 2015 and 2023. The data made available by the State Prosecutor, the district and regional courts on the offences whose type has been given in art. 126b and art. 126c of the Pharmaceutical Law have been also considered. Additionally while discussing the problems of the so-called „*Criminal reverse drug distribution chain*”, the information contained in the follow-up presentations made available by the Supreme Chamber of Control have been also analysed.

The considerations of this doctor’s thesis not only allowed to indicate the correct course of medicinal products distribution and the subjects taking part therein, but also to make a dogmatic dissection of types of offences which penalize the breach of principles with reference to the export or alienation abroad of medicinal products whose availability is at risk and their alienation while breaching the conditions and bans set out in the Pharmaceutical Law regulations. The discussion of the issues indicated above and the analysis of the research data gathered facilitated the evaluation with regard to the efficiency of the criminal law regulations in force. It needs underlining that the evolution of the subject-matter phenomenon has been also taken into consideration, along with the changing mechanisms of activities undertaken by the perpetrators, acting within the so-called „*Criminal reverse drug distribution chain*” with simultaneous attention drawn to the criminological aspects of this blameworthy phenomenon unacceptable by the community.

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