



Italia

Scegli la certezza.
Aggiungi valore.

Med-Info

International expert information
for the medical device industry

Globalization of medical device approval

Mutual Recognition Agreements (MRA) between the EU and the USA and Australia were established to enable conformity assessment bodies of market A to approve devices for market B under the legislation of market B, and vice versa.

The Global Harmonization Task Force (GHTF) worked on the effective international harmonization in the approval of medical devices. Many countries implementing new medical device regulations base their legislation on GHTF guidances.

As the successor of GHTF, the International Medical Device Regulators Forum (IMDRF), has continued this mission since 2012.

However, all these markets still have, in addition, their specific requirements and rules. In general, approval is still very much regionalized and fragmented, although approaches have grown closer.

TÜV SÜD enables accelerated market entry in many countries through agreements with authorities and testing institutes as well as with a variety of services. You benefit from being able to submit fewer documents or from the consolidation of production inspections.

Addressed markets	Page
 Australia	3
 Brazil	3
 Canada	4
 China	4
 Hong Kong	5
 Japan	5
 Malaysia	6
 Russian Federation	6
 Singapore	7
 Taiwan	7
 USA	8
 Global	9



Australia

The amendment to the Therapeutic Goods Act and the new regulations took effect in October 2002. Australia implemented the model developed by the GHTF. The regulations correspond substantially to the requirements within the EU.

A Mutual Recognition Agreement (MRA) on standards and conformity assessment between Australia and the European Union (EU) was signed in Canberra on June 24, 1998 and came into effect on January 1, 1999. The MRA applies to medical devices manufactured in the EU and Australia. It recognizes the competence of designated Conformity Assessment Bodies (CABs) in the EU to undertake conformity assessments of medical devices to Australian regulatory requirements. Conversely, the EU recognizes the competence of the Therapeutic Goods Administration (TGA) to undertake assessments of medical devices for compliance with the requirements for certification ("CE marking") for entry into the EU market.

Within the MRA, TÜV SÜD is authorized as a Conformity Assessment Body (CAB).

With effect from January 1, 2013, the MRA has been amended. The main changes are:

- A specific clause defines the term "manufacturing" and describes what is not considered to be "manufacturing".
- The scope for radioactive medical devices of lower risk classes has been extended.
- The following devices have been excluded until confidence building activities have been undertaken by Australia and the European Union:
 - Active implantable devices
 - Devices that are classified as class III devices
 - Implantable intra-ocular lenses;
 - Intra-ocular visco-elastic fluids
 - Medical devices that are a barrier indicated for contraception or prevention of the sexual transmission of diseases
- Clarification and expansion of the scope of medical devices containing medicines or materials of biological origin that will be excluded from the MRA.

Under the amended MRA, your devices which are within its scope can be included by TGA in the Australian Register of Therapeutic Goods (ARTG) without delay. For this purpose, your Australian sponsor needs to submit the MRA certificate, the application form, a copy of the labeling, a copy of the Australian Declaration of

Conformity, and a copy of the EU and ISO certificates to the TGA. TGA recognizes EU Notified Body CE marking as part of the registration submission. For class III devices, this can take up to one year or even longer since a level 2 application audit is part of the registration process.

For medical devices in lower risk classes, the registration can be completed within 3 months.



Brazil

ANVISA is the national health surveillance agency linked to Brazil's Health Ministry and is in charge of the registration of medical devices. Manufacturers without a subsidiary in Brazil which intend to place medical devices on the market there must obtain representation by a Brazilian legal representative recognized by ANVISA.

Before they can be registered with ANVISA, most electrical and some non-electrical medical devices must be certified by a Certification Body (CB) accredited by the Instituto Nacional de Metrologia, Normalização e Qualidade Industrial (Inmetro), Brazil's National Institute of Metrology, Quality and Technology. Only reports issued by testing laboratories accredited either directly by Inmetro or by a member of an international accreditation forum, such as IAAC, EA or ILAC, are accepted for Inmetro certification. Testing carried out by TÜV SÜD is recognized by Inmetro- accredited Certification Bodies, as TÜV SÜD's laboratories fulfill the above criteria. Please note that all test reports must not be older than two years at the point in time when certification is granted. TÜV SÜD is accredited by Inmetro as a Certification Body for electrical medical devices. We can offer a complete Inmetro certification service including the initial and annual maintenance factory inspections as required under Ordinance (Portaria) no. 350. You will be in contact with your regional TÜV SÜD partner along the complete certification process. The factory inspections can be combined with e.g. the NB audits.

Resolution RDC 185/01 sets forth the requirements regarding the content of the technical documentation to be submitted for registration with ANVISA and the classification rules for medical devices. The content of classification largely corresponds to Annex IX of the European Directive for Medical Devices 93/42/EEC. All medical devices in classes III and IV (comparable to classes IIb and III in accordance with 93/42/EEC) are subject to Brazilian GMP (BGMP: Brazilian Good

Manufacturing Practice) inspections carried out exclusively by ANVISA in two-year intervals. All class III and IV and also some class I and II medical devices which are listed in Normative Instruction (IN) No. 2/2011 have to undergo the complete ANVISA registration process. Class I and class II medical devices which are not listed in (IN) No. 2/2011 can get market entry by applying a simplified notification (cadastre) process. BGMP requirements for medical devices and IVDs are contained in RDC 16/2013. The manufacturer's legal representative is responsible for submitting the application for registration together with the technical documentation and also, if required, the INMETRO certification with ANVISA. If the documentation is found to be in compliance, ANVISA will issue a device registration certificate valid for five years. In order to avoid any delays or gaps in registration, it is recommended to initiate re-registration at least six months prior to the end of the validity period.



Canada

The Canadian medical devices regulations classify medical devices similarly to the EU Medical Device Directive, a main difference being that Canadian law integrates IVD products and active implants. Since January 1, 2003, Canadian law has required that manufacturers of class II, III, and IV medical devices and IVD devices have a quality management system certified to ISO 13485 in order to obtain a license to sell their devices in Canada. Only a CMDCAS certificate issued by a SCC-accredited and Health Canada-recognized registrar will be accepted. Manufacturers of medical devices licensed for sale in the Canadian market have to renew their device licenses annually by November 1. Health Canada must have a valid CMDCAS Program certificate on file that includes the scope of all licensed devices. TÜV SÜD was the first registrar accredited by the Standards Council of Canada (SCC) to perform ISO 13485 CMDCAS certification. Over 100 specially trained and authorized auditors from TÜV SÜD ensure CMDCAS certification for all clients. TÜV SÜD is also accredited by the SCC to provide electrical safety certification for the Canadian market following CSA C22.2.601-1.



China

The China Food and Drug Administration (CFDA) is the

authority responsible for the establishment of regulatory requirements and for registration of medical devices for commercial distribution in China.

The latest version of the "Regulation for the Supervision and Administration of Medical Devices" (State Council Order No. 650, March 7th, 2014) came into force on June 1st, 2014.

The CFDA classifies medical devices into three categories according to their respective risk potential. Class II and III devices have to undergo an elaborate registration process while class I devices basically have to follow a less burdensome administrative recording process at CFDA. The registration of class II and III devices generally requires testing by CFDA-recognized testing laboratories. While for class I devices, self-test reports or test reports from certified Third Parties is accepted. For class II and III devices, clinical investigations shall be conducted if the products for registration are not listed in the clinical exemption list. Class I devices are exempt from clinical trials.

The validity of the registration certificate is five years for both medical devices and IVDs. Manufacturers of a valid certificate shall apply for registration extension no later than six months prior to the expiration date of the certificate. Manufacturers must apply for a certificate change in case information on the certificate (e.g. address change) and /or the accompanying documents change. There are two kinds of change applications, namely registered item change and license item change. Registered item changes are changes that may affect the safety and/or the effectiveness of the product and for that must be evaluated by the Center for Medical Device Evaluation (CMDE). License item changes are administrative changes such as name change of the manufacturer which do not need CMDE evaluation. It is not possible to apply for a registration extension and a certificate change in parallel.

TÜV SÜD can offer services to manufacturers in order to get the CFDA registration certificate efficiently with professional knowledge and strong industry networks with CFDA-recognized test laboratories, clinical hospitals, certification bodies and governmental organizations. High- quality document pre-review and efficient communication with authorities are the core value of TÜV SÜD services.



Hong Kong

The Medical Device Control Office (MDCO) regulates medical devices. On November 26, 2004, the Department

of Health (DOH) launched the Medical Device Administrative Control System (MDACS) as a regulatory framework for imported medical devices. The proposed framework is largely in line with the recommendations of the Global Harmonization Task Force (GHTF).

A Local Representative Person (LRP) is mandatory. The LRP must be either the manufacturer of the device or accredited by the manufacturer to perform the duties of the LRP. The LRP submits the application for listing medical devices and is responsible for the marketing and post-market procedures, which include keeping distribution records, handling complaints, initiating product recalls, managing adverse incidents, and reporting changes.

A major component of an application is the conformity assessment. The conformity assessment covers a product's quality management system, a post-market surveillance system, a Summary Technical Documentation (STED) based on GHTF guidance, and a declaration of conformity, all based on MDACS standards. The conformity assessment will not be performed by the MDCO, but by an independent Conformity Assessment Body (CAB).

TÜV SÜD has been recognized by the Department of Health as a Conformity Assessment Body (CAB) under the MDACS.



Japan

The top level of regulatory document applicable for medical devices and in-vitro diagnostic reagents in Japan was known as Pharmaceutical Affairs Law (PAL). After an amendment of the law was adopted, which becomes effective as of November 25, 2014, the title of the revised law was changed to "Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, medical devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics (PMD Act)". The classification, based on GHTF documents, and the product registration scheme have not significantly changed. They include notification ("Todokede" – pre-market submission) to the Pharmaceuticals and Medical Devices Agency (PMDA) for class I, certification ("Ninsho" – pre-market certification) by a Registered Certification Body (RCB) for class II devices, and approval ("Shonin" – pre-market approval) for class III and IV devices. One of the changes under the amended regulation is that RCBs such as TÜV SÜD Japan can certify class III devices known as "me-too" devices paragraph. Another significant change

is the streamlining of QMS audits. Japanese quality management system (J-QMS) requirements (MHLW Ordinance No. 169 from 2004) were revised and the main part of the Ordinance, chapter 2, became identical to ISO 13485:2003. Several additional requirements are defined in chapters 3 to 6. Conformity to the J-QMS Ordinance is one of the criteria of product registration. Subject of J-QMS audits was originally limited to manufacturing facilities, but now they have expanded to cover the marketing authorization holders (MAHs).

A further significant change is the regulation of standalone software. Standalone software providing information on diagnosis, treatment, and/or prevention of diseases had not previously been regulated in Japan, but is now regulated in the amendment of the law. Pre-market certification or pre-market approval depend on the classification of the medical standalone software in the same way as for other medical devices.

TÜV SÜD Japan is one of the biggest RCBs, which has certified class II medical devices and IVD reagents since 2005 as well as class III medical devices under revised regulation paragraph. The global TÜV SÜD Group provides J-QMS audits which can be performed in combination with usual audits based on ISO 13485, MDD, and/or CMDCAS.



Malaysia

Passed in 2012, the Medical Device Act (Act 737) and the Medical Device Authority Act (Act 738) represent the first efforts of Malaysia to implement mandatory safety requirements for the national medical device market. Regulations under the Medical Device Act (Act 737) have replaced the country's voluntary product registration scheme, originally established in 2006, and now require registration of all medical devices manufactured and distributed in, or imported to, Malaysia. The law also provides suitable transition periods for manufacturers to register with the country's new Medical Device Authority (MDA). To register a medical device for sale in Malaysia, a manufacturer must retain the services of a Conformity Assessment Body (CAB), licensed by the Medical Device Authority, to review and certify the registration application.

As part of the conformity assessment process, the CAB will conduct a technical file review, verify the evidence of conformity of imported medical devices approved by the five recognized regions (Australia, Canada, EU, Japan and USA), and carry out an audit of the manufacturer's quality management system. Certified applications are

then submitted to the Medical Device Authority through an online registration system called MEDCAST for final review and approval.

The Malaysian Medical Device Regulation has adopted the classification system developed by the Global Harmonization Task Force (GHTF website: [HYPERLINK "http://www.ghtf.org" www.ghtf.org](http://www.ghtf.org)) which comprises four risk classes – class A (low risk), classes B and C (moderate risk) and class D (high risk).

MEDCAST is accessible to medical device manufacturers, importers and exporters, distributors, and Local Authorized Representatives (LARs) pursuing medical device registration and approval in Malaysia. After creating a MEDCAST account and completing email validation, applicants can log into the system, and select and complete the relevant application (for establishment license or medical device registration) online.

The documentation to be submitted needs to follow the Common Submission Dossier Template (CSDT) developed by the Asian Harmonization Working Party (AHWP), which is in compliance with the GHTF rules. For establishment licensing, the organization must undergo a Good Distribution Practice for Medical Devices (GDPMD) audit carried out by a designated Conformity Assessment Body (CAB). Manufacturers without local representation in Malaysia additionally need to appoint a Local Authorized Representative (LAR) to manage the device registration process and serve as the manufacturer's legal representative in all dealings related to the review and approval of the medical device.

With the enactment of the Malaysian Medical Device Act (Act 737) and Medical Device Authority Act (Act 738), TÜV SÜD PSB has established itself as a Conformity Assessment Body (CAB) to act within the scope of the relevant regulations to be established by the Malaysian Medical Device Authority (MDA). This includes conducting the reviews and assessment activities required for certification of the application for medical device registration and providing auditing of the quality management systems of manufacturers, Local Authorized Representatives (LARs), importers, and distributors as part of the regulatory conformity assessment process. Service offerings to verify compliance with Malaysia's MDA include:

- Support with the application for medical device registration – Review and evaluation of applications for medical device registration, including technical file review for registering a medical device with the MDA, and conformity assessment (verification) for medical devices approved by recognized regions such

as Australia, Canada, European Union, Japan, and the United States of America (USA)

- Quality system audits – Auditing of the quality management systems established by manufacturers, Local Authorized Representatives (LARs), importers, and distributors in accordance with the provisions of the MDA covering the requirements of the Good Distribution Practice for Medical Devices (GDPMD) and the ISO 13485 standard



Russian Federation

The approval of medical devices in Russia is divided into two steps: registration with the state authority, and declaration at the accredited Certification Body. The Federal Service on Surveillance in Healthcare and Social Development (Roszdravnadzor) is the competent authority in Russia for the registration of medical devices. Prior to submission of the technical file to the authority, the applicant should perform different technical (mechanical, electrical, EMV) and toxicological (biocompatibility) tests according to the applicable GOST-R standards in the test laboratories. The compiled technical file should be submitted to the authority, which in turn delegates the expertise of technical documents and test results to a safety experts' organization. Based on the review result of the safety experts' organization, the extent of clinical evaluation is defined. The last step of registration is evaluation of the clinical test results and the issue of the registration certificate. The certificate is valid for an indefinite period of time. The registration form is available in Russian in the public database on the authority's website: <http://www.roszdravnadzor.ru/services/misearch>

The second step of approval is a registration of the declaration of conformity. This is a separate procedure and starts after registration has been completed. The GOST-R certificate has only been required for a few specified medical devices since 2011. For most medical devices the certification process has been changed and now consists of a declaration of conformity. Unlike the GOST-R certificate, the declaration of conformity may only be issued in the name of the Russian importer. The declaration of conformity should be controlled and registered by a certification body accredited by the state organization, "Rosakreditation". For this purpose, the applicant submits all test reports according to the applicable GOST standards, which must be approved by the certification body. Like the GOST-R certificate, the declaration of conformity is valid for one

to three years and can be issued for consignments. The declaration of conformity has the same legal status in the Russian Federation as the GOST-R certificate. Many medical devices imported by Russia are VAT-exempt. TÜV SÜD can supply all the services you require, provided by native-speaking experts - including registration, GOST-R certification, and declaration of conformity.



Singapore

In 2007, the Health Products Act was passed, allowing the Health Sciences Authority (HSA) to conduct mandatory product registration and to regulate the supply, distribution, manufacturing, import, and advertisement of health products. There are four risk classes of medical devices in Singapore: class A, low risk; class B and C, medium risk; and class D, high risk. These classes were adopted from the guidance developed by the Global Harmonization Task Force (GHTF documents are now available on the International Medical Device Regulators Forum (IMDRF) website: www.imdrf.org).

Unlicensed manufacturing, importation, and wholesaling of medical devices and supply of unregistered class B, C, and D medical devices has been prohibited since May 2010. The supply of unregistered class A medical devices has also been prohibited since May 2011. Documentation to be submitted must follow the Common Submission Dossier Template, (CSDT) developed by the Asian Harmonization Working Party (AHWP) which works closely with the GHTF. To receive the importer and wholesaler license, the organization must obtain a Good Distribution Practice for Medical Devices in Singapore (GDPMDS) audit by a designated Certification Assessment Body (CAB). The organization shall establish a quality management system in accordance with the requirements of GDPMDS. If the organization chooses to outsource any activities that may affect the quality of medical devices, it shall ensure control over these processes. The quality management system established should be sufficiently robust to meet external and internal factors, such as changes in regulatory requirements, customer feedback, changes to key personnel, facilities, etc. TÜV SÜD PSB is accredited as a CAB to handle the GDPMDS audit and certification for customers.

For more information, please visit this website: www.hsa.gov.sg



Taiwan

The Pharmaceutical Affairs Law (PAL) applies to registration of medical devices in Taiwan. The Ministry of Health and Welfare (MOHW) handles specific definitions and charges official organizations with implementation. Manufacturers wishing to export to Taiwan must, among other things, submit a detailed company description, a description of the production process, and a quality system documentation (QSD) including work and testing instructions.

A partnership between the EU (including Switzerland) and Taiwanese authorities exists, facilitating accelerated market access for medical devices. In this context, TÜV SÜD played a major role in the negotiations and implementation of a private agreement with the Taiwanese certification bodies.

An audit report issued by TÜV SÜD, including the Taiwanese regulations plus certification under ISO 13485 and a Free Sales Certificate, suffice for the GMP compliance letter which is required for the registration of products in Taiwan. The GMP compliance letter from the MOHW is valid for three years and forms one part of the records to be submitted for any medical device registration.

As a prerequisite, the devices relevant for the Taiwanese market have to be covered in the audit under ISO 13485. The quality management system must ensure that only devices registered with the MOHW are delivered to Taiwan.

An agreement with a Taiwanese distributor regarding market surveillance and bidirectional information of any complaints must be in place. Evidence regarding the handling of vigilance and distribution must be provided and is evaluated by the lead auditor for your company. After a successful audit, we issue an audit report confirming compliance with Taiwanese regulations and referring to the agreement with Taiwanese certification bodies. This report replaces the submission of a QSD. TÜV SÜD has been authorized to perform this type of audits since November 2003. The application for registration of the device has to be completed by your representative in Taiwan, not by the foreign manufacturer.

TÜV SÜD can issue a confirmation letter detailing the products covered under the scope of a valid ISO 13485/CE certificate, as required in the device registration process.



USA

Most class II, but also some class I and class III medical devices requiring clearance for US market entry can only attain acceptance via a pre-market notification otherwise referred to as 510(k). The term 510(k) originates from section 510(k) of the Federal Food, Drug, and Cosmetic Act. A 510(k) submission is based on the comparison of the new device with devices already legally marketed in the USA which allows the US Food and Drug Administration (FDA) to determine whether a device is safe and effective. Medical device manufacturers are required to submit a 510(k) if they intend either to introduce a device for commercial distribution in the US for the first time, or to reintroduce a device that has been substantially modified.

510(k) reviews were previously conducted by the FDA. Starting in 1996, the system was revised to allow several third-party organizations to carry out the administrative and substantive review of the documentation on behalf of the FDA, and thus to allow a faster and more efficient market access.

TÜV SÜD was authorized by the FDA to perform third-party reviews for all eligible devices as early as 1996. You benefit from direct contact and communication throughout the review process. Upon agreement with the applicant we can offer a timeline of 30 days and expedited 15 calendar days for our review. The Accredited Persons Program also requires the FDA to respond to third-party reviewed files within 30 days. The review timeline for direct 510(k) submissions to FDA is 90 days, beginning with the date of the initial submission. In case the FDA requests additional information from the applicant the review clock is on hold and the extra time needed by the applicant until submitting his additional information is added to the 90 days. The FDA fee of approximately \$5,000 is only relevant if you submit the 510(k) directly to the FDA (small business fee is about \$2,500). After product clearance, the FDA can carry out a production site inspection at any time in order to verify that the manufacturer is in compliance with the Quality System Regulation 21 CFR Part 820. As a rule, this takes four working days and encompasses management, development, corrective and preventive action as well as production and process control.

Under the FDA's Modernization Act, manufacturers can have routine inspections performed by TÜV SÜD. When the FDA announces the inspection, you may respond that you would like to participate in the Accredited Persons (AP) Program. Alternatively, you can initiate an

AP inspection with the FDA at any time. We also offer pre-inspections (i.e. mock inspections) based on the FDA regulations. Moreover, TÜV SÜD is a Nationally Recognized Testing Laboratory (NRTL) for the US market and offers to test your device according to e.g. UL 60601-1. The basis for NRTL medical device certification is the testing of electrical and mechanical safety according to IEC 60601-1.

You can get a complete testing package including production inspections from a single partner. If you are already a customer in the context of system certification, a yearly audit can be combined easily and cost-effectively with one of these production inspections. In addition, we will test your device according to the US-specific EMC requirements.

Please note: Beginning January 1, 2014, FDA requires compliance with IEC 60601-1:2005 for new submissions.



Global

Our services with global impact

TÜV SÜD is a National Certification Body (NCB) as well as a CB Test-Laboratory (CBTL) and, within this scope, tests medical devices in compliance with applicable IEC standards; it can issue CB reports and CB certificates. These documents enable national certificates and approvals offered by certification bodies participating in the CB Scheme – at present in more than 40 countries – to be obtained in an abridged, and therefore cost-effective and swift manner.

Further support for your export activities is available in the form of Confirmation Letters which are issued on request. Some non-EU countries require such documents for product registration.

Is there any international body working towards true harmonization of approval requirements?

Yes. The Global Harmonization Task Force (GHTF) was set up in 1993 with the aim of achieving harmonization in medical device regulatory practices. This voluntary group was founded by representatives from national medical device regulatory authorities and the medical device industry from the EU, the USA, Canada, Japan, and Australia.

The purpose of the GHTF was to encourage convergence in regulatory practices related to ensuring the safety, effectiveness, performance, and quality of medical devices, promoting technological innovation, and facilitating international trade. The primary way in which the GHTF worked was to publish and disseminate

harmonized guidance documents on basic regulatory practices. These documents, which were developed by five different GHTF study groups, could then be adopted and/or implemented by national regulatory authorities. TÜV SÜD also participated in various working groups of the GHTF. There are a number of harmonized regulatory components which together form the global regulatory model. Among these components are: essential principles for safety and performance, labeling of medical devices, the role of standards, summary of technical documentation, classification of medical devices, and a set of documents used for the vigilance reporting system. As many of these harmonized documents have been derived from the European regulatory system, there is already a high congruence between the European legislation and the global regulatory model.

The GHTF disbanded at the end of 2012

Its mission has been taken over by the International Medical Device Regulators Forum (IMDRF), a successor organization with representatives from the medical device regulatory authorities – not industry – from Australia, Brazil, Canada, China, the European Union, Japan, Russia, and the United States. Based on the strong foundational work of the GHTF, the forum continues to aim at accelerating harmonization and

convergence throughout international medical device regulations (www.imdrf.org).

To this end, IMDRF has established several work items, such as:

- Software as a Medical Device (SaMD)
- Review of the National Competent Authority Report (NCAR) system
- Medical Device Single Audit Program (MDSAP)
- Regulated Product Submission

Why TÜV SÜD?

- National Certification Body, able to issue CB Reports and CB certificates accepted in more than 40 countries
- Key market approvals from a single partner – saving you money
- Prompt service – saving valuable time to market

Regardless of whether your operations concern the USA, Russia, Brazil, China, or another market, detailed knowledge of market approval routes is imperative for securing speedy and cost-effective time to market. TÜV SÜD experts can offer Medical Device manufacturers important know-how based on long-term experience and cooperation agreements in this field.

Benefit from the knowledge of our long-standing experienced experts to obtain approvals for Medical Devices in the following countries:

