April 2021

Change to CE Marking Process - Process Improvements

Dear Valued Client

NSAI are making changes to enhance the CE marking process for our clients under the new regulations. We have gathered data on the technical documentation reviews which have been conducted under MDR 2017/745 so far. Analysis of this data has shown us that the 1st round of queries which NSAI issues to its clients is primarily focused on administrative issues. These include requests for documents which have been omitted from the initial submission, or to request that the data be submitted in a searchable format. There is also a trend regarding insufficient document details, such as signatures, all of which prevents a review from proceeding.

Please note NSAI will only process applications where all necessary data has been submitted in a searchable format.

NSAI have a 3 round query review policy, as per our client contract MCN-1002 (attached to this communication), at which point, if all open queries have not been addressed the technical documentation product submission is refused.
NSAI will be enhancing our existing product file submission completeness check to ensure issues such as described above are resolved before the technical documentation product submission review is initiated. This will allow more of the 1st round review time to focus on the data provided.

The technical documentation product submission process under MDR 2017/745 is described below:

- A technical documentation product review slot should be booked by contacting the product CSR Gwen Thornberry (Gwen.Thornberry@nsai.ie). The full product review data is required to be submitted 5 weeks prior to scheduled review date. This is to allow for the enhanced product file submission completeness check of the documentation.

- Clients complete the applicable product review submission form (MDR-1001, MDR-2001, MDR-3001), with the aid of the NSAI guidance document: MDR Technical Documentation Checklist MTF-3003. The aforementioned forms are available for download here.

- The completed technical documentation product review form and supporting documentation (Data Folder Set) is submitted using the NSAI upload portal here (5 weeks in advance of the scheduled review date).

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- The CSR downloads all documentation and informs the Submission Inspector (SI) that the file is ready for inspection.

- The SI will perform a verification of the documentation submitted, recording this inspection on Submission Inspection Deficiency Form MTF-3002.

Following the inspection, there are 3 potential outcomes:

1. Where there are no deficiencies observed, the client will receive MTF-3002 documenting the review outcome. A dedicated file manager is assigned, and the review of the technical documentation will commence on the scheduled date. No further action from the client is required.

2. If there are deficiencies noted, the client will receive MTF-3002 with a list of deficiencies that require resolution. The client has 7 calendar days, from receipt of MTF-3002, to rectify the deficiencies and resubmit the complete product review form and supporting documentation (Data Folder Set) via the NSAI upload portal, here. This new data will be checked by the SI.

   If the deficiencies are resolved, a dedicated file manager is assigned, and the review of the technical documentation will commence on the scheduled date. No further action from the client is required.

3. If the deficiencies are not resolved following the additional inspection, the client will receive a deficiency communication and MTF-3002 outlining the deficiencies that remain. At this point, NSAI will not proceed with the scheduled review. The client will have the option to schedule a new technical documentation product review slot via the process outlined previously.

   This will be treated as a new submission and will be subject to the full SI process.

Please be aware that if a resubmission is required, clients will need to ensure all data is current as per NSAI guidelines e.g. performance and complaints, literature search data etc must be current within 3 months of submission to NSAI.

Please note: NSAI's refusal of the application at this point is not notifiable to the Competent Authority as the conformity assessment of the data has not been initiated.

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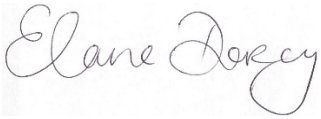
Date of Application of this process
This process will commence on the 21st June 2021. If a client has a scheduled product review slot on or after the 21st June, the client's complete product review form and supporting documentation (Data Folder Set) is required to be submitted 5 weeks prior to the review date.

Additional Costs
The current product file submission completeness check fee is charged at €1,500 / $1,650. Given the additional time associated with the enhanced product file submission completeness check, the fee will now be charged at €3,000 / $3,300.

Yours sincerely



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National Standards Authority of Ireland
Údarás Um Chaighdeáin Náisiúnta na hÉireann

SCHEDULE 2

SPECIAL TERMS & CONDITIONS – Medical Devices

MEDICAL DEVICES QUALITY MANAGEMENT SYSTEMS AND MEDICAL DEVICE CERTIFICATION

1 INTRODUCTION

NSAI medical devices offers certification to the following conformity assessment schemes/standards -

- Non-regulatory EN ISO 13485:2016 / ISO 13485:2016
- ISO 9001:2015 in combination with EN ISO 13485:2016 / ISO 13485:2016
- EU Regulatory (MDR/IVDR/IVDD) EN ISO 13485:2016 quality management system audit and associated product technical file review
- Medical device single audit programme (MDSAP)

Definitions

MDR means Regulation (EU) 2017/745 on Medical Devices

IVDR means Regulation (EU) 2017/746 on In-Vitro Diagnostic Medical Devices

AIMDD means Directive 90/385/EEC on Active Implantable Medical Devices

MDD means Directive 93/42/EEC on Medical Devices

IVDD means Directive 98/79/EC on In-Vitro Diagnostic Medical Devices

MDSAP means the Medical Device Single Audit Program

Medical Device Coordination Group (MDCG) means the expert group established by EU DG Health and Food Safety to provide advice to the Commission and assist the European Commission and the Member States in ensuring a harmonised implementation of medical devices Regulations (EU) 2017/745 and 2017/746.

Stages for Applications

- Application submitted to NSAI using the NSAI online form. NSAI reviews application.
- NSAI signed Quotation Letter is sent to applicant in conjunction with Schedule 1 - General Terms and Conditions, Schedule 2 - Special Terms and Conditions.
- Client agrees to the quotation, signs and returns Quotation Letter to NSAI.
- Contract in force between NSAI and Client for the initial application(s).
- Further applications may be submitted from time to time under the Contract – see Schedule 1 (General Terms & Conditions)

2 OUTLINE OF THE AUDIT PROCESS

Note: NSAI may carry out audits remotely, at its discretion.

2.1 Stage 1 audit assessment

- An audit plan will be provided by the NSAI lead auditor in advance of the audit
- In general, a portion of the assessment will occur onsite at the Client's location
- If applicable, open dated invitation letters for Visas are required to be provided by the Client to the audit team to allow visits to sites, suppliers and sub-contractor locations

- NSAI will review at least the following documentation; this list is not exhaustive and is subject to change
- The scope of the quality management system
- The quality management system documentation
- Internal audit and management review
- Legal and regulatory requirements
- Customer specific requirements
- NSAI will provide an audit report at the close out meeting; this may or may not contain non-conformances with the applicable Scheme/Standard.
- NSAI will then determine whether to proceed to stage 2 audit assessment

2.2 Stage 2 audit assessment

- NSAI will provide an audit plan and identify audit team members in advance of the audit
- An opening meeting between the Client and NSAI audit team will be held on audit day 1
- A facility tour may be requested
- NSAI will conduct a comprehensive on-site assessment of the quality management system
- Throughout the assessment the NSAI audit team will have regular meetings with the Client to review progress and allocate resources
- In the event it becomes apparent during the audit that the Client is not ready for registration the lead auditor will organise a meeting with the Client's senior management team to advise them of the situation
- The NSAI audit team will analyse the data gathered from stage 1 and stage 2 audit assessments and will determine the audit conclusion
- The information will be passed to the NSAI's medical device operations manager for technical review and assessment
- Upon NSAI satisfaction with the technical review, the audit documentation will be presented to the NSAI certification review committee
- Subject to NSAI's positive determination, Certification will be granted

3 ANNUAL REGISTRATION

Certification registration must be renewed annually.

4 SURVEILLANCE AUDITS

Following the initial certification audit the first surveillance audit typically occurs within 6 months of grant of Certificate.

All subsequent audits will be conducted on an annual basis for ISO 13485 and MDSAP and at least every 12 months for MDR and IVDR.

5 AUDIT NON-CONFORMANCES

Non-conformances are graded as follows:

- ISO 13485: 2016 & EU Regulatory EN ISO 13485:2016
- Category 1 major non-conformance
- Category 2 minor non-conformance
- Category 3 observation or comment

- MDSAP Non-conformances are graded from 1 to 5
- Grade 5 represents a significantly high risk

6 POST-AUDIT FOLLOW UP

The lead auditor will communicate with the Client and with the NSAI certification review committee to verify that corrective actions are acceptable.

7 3-YEAR REASSESSMENT AUDIT

Except in the case of MDR and IVDR a reassessment audit is conducted at 3-year intervals.

This will include the review of previous surveillance audit reports. If there is a positive audit conclusion and if audit documentation is deemed satisfactory by the NSAI certification review committee, continued Certification will be granted.

8 UNANNOUNCED AUDITS

Unannounced audits will be conducted within the Certification cycle. An unannounced audit cannot be refused and can be extended to critical suppliers and sub-contractors.

9 FOR CAUSE OR SPECIAL AUDITS

For cause or special audits can occur within the Certification cycle and can sometimes occur at short notice. For cause or special audits cannot be refused and can be extended to critical suppliers and sub-contractors.

10 TRANSFER OF EXISTING REGISTRATION

Existing registration transfers are carried out as a transfer activity. Supporting documentation required to complete this activity include:

- Copy of existing Certificates
- Management system documentation (e.g. quality manual, top level procedures)
- Copies of the last audit reports (up to and including last re-assessment) from previous registration Registrar/Notified Body including any corrective action plans or responses as necessary
- Contact with outgoing certification body / notified body / auditing organisation will not be made without customer knowledge and agreed timing.

Following successful transfer and certificate issuance, NSAI will resume Certification activities in line with the current Certification cycle.

11 ADDITIONAL MDSAP SPECIFIC REQUIREMENTS

The client may only object to the make-up of a [MDSAP] audit team by lodging a formal appeal to NSAI.

Non-conformances under [MDSAP] are graded from 1-5; Grade 5 represents a significantly high risk.

All audit conclusions are reported to the [MDSAP] regulatory authorities.

The recertification cycle for [MDSAP] is 3-yearly.

12 ADDITIONAL MDR/IVDR REQUIREMENTS

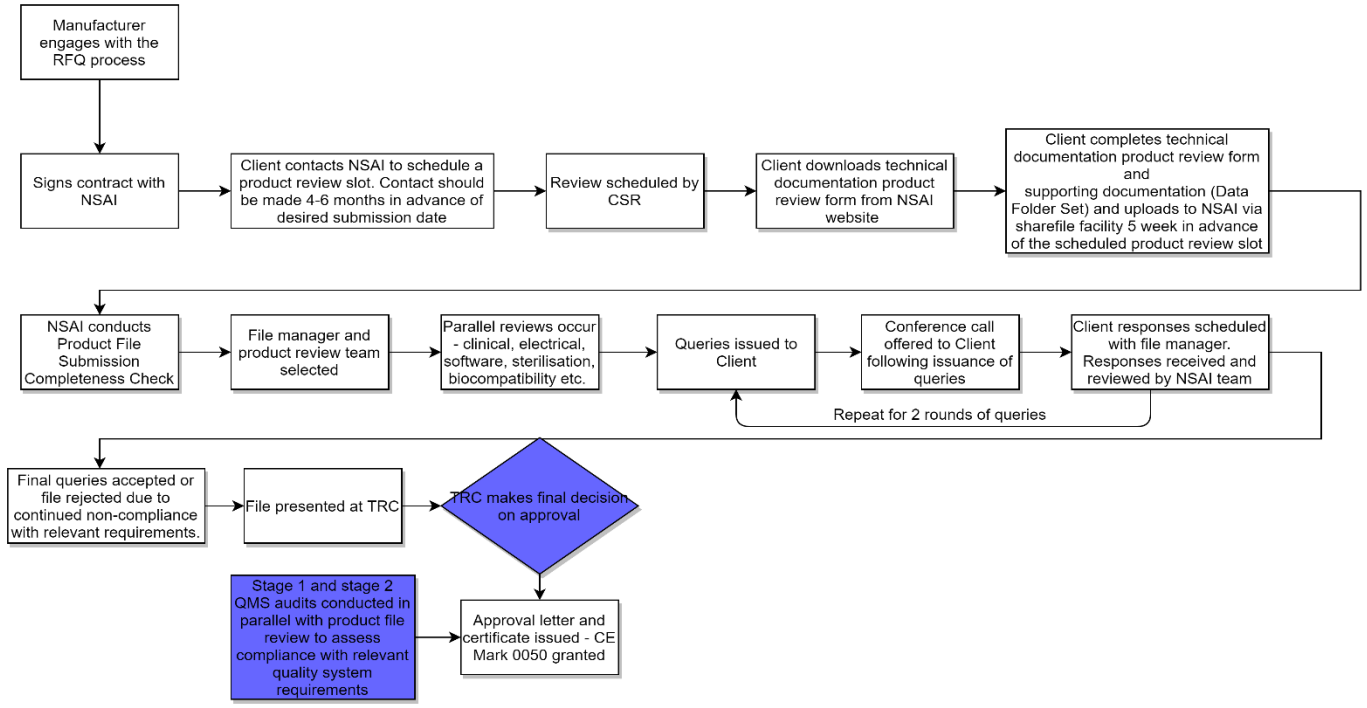
The recertification cycle for [MDR/IVDR] certificates is 5 years.

Surveillance audits are carried out at least every 12 months.

13 EXPLANATION OF CE MARKING PHASES FOR PRODUCT CERTIFICATION

NSAI will only provide Certification Services for medical device products where NSAI is or will be the certification body for the quality management system.

CE Marking-Product File Review Process



13.1 Product File Submission Completeness Check

- A separate application must be submitted for each product or product family and for each conformity assessment procedure set down in the Annexes to the MDR or IVDR. The completed technical documentation product review form and supporting documentation (Data Folder Set) is required to be submitted to NSAI 5 weeks prior to scheduled review date.

- Where there are no deficiencies observed, the client will receive a Submission Inspection Deficiency Form documenting the review outcome. A dedicated file manager is assigned, and the review of the technical documentation will commence on the scheduled date. No further action from the client is required.

- If there are deficiencies noted, the client will receive Submission Inspection Deficiency Form with a list of deficiencies that require resolution. The client has 7 calendar days, from receipt of the Submission Inspection Deficiency Form, to rectify the deficiencies and resubmit the complete product review form and supporting documentation (Data Folder Set) via the NSAI upload portal. This new data will be checked by NSAI. If the deficiencies are resolved, a dedicated file manager is assigned, and the review of the technical documentation will commence on the scheduled date. No further action from the client is required.

- If the deficiencies are not resolved following the additional inspection, the client will receive a deficiency communication and the Submission Inspection Deficiency Form outlining the deficiencies that remain. At this point, NSAI will not proceed with the scheduled review. The client will have the option to schedule a new technical documentation product review slot via the process outlined previously. This will be treated as a new submission and will be subject to the full product file submission completeness check.

13.2 Technical File Review

The NSAI file manager will assign a product review team to the product; the team members will be selected based on competency and classification requirements.

- NSAI will conduct a complete technical review of the product application against the requirements of the applicable EU Directive/Regulation.
- The review time taken will depend on associated risk and classification for the product.
- Upon initial review, the Client will be contacted regarding queries and a conference call offered to discuss.
- The NSAI file manager will agreed with the Client on an expected response date.
- The Client will submit responses via the NSAI up-load facility.

Two additional rounds of queries may occur, if after two rounds NSAI deems the Client responses inadequate, the application will be refused. Should the Client wish to proceed a new application must be submitted.

In the event of an unsuccessful application NSAI will inform the Irish designating/competent authority; the Health Products Regulatory Authority (HPRA).

When the NSAI product review team is satisfied with the closure of the technical queries the file will be presented to the NSAI technical review committee for final approval on grant of certification. For certain products (e.g. novel or high-risk devices) NSAI may require external experts to review the technical file.

Where appropriate, based on the data submitted and outcome of the review, post-approval conditions or restrictions may be applied to the Certificate.

14 POST APPROVAL SURVEILLANCE

All vigilance reports, periodic safety update reports, trend reports, field safety notices and field safety corrective actions are to be supplied to NSAI and Irish competent authority at the same time.

Where applicable, the Client must schedule and submit annually all additional reports such as the Summary of Safety and Clinical Performance Report (SSCPR), the Periodic Safety Update Report (PSUR) and the Post Market Clinical Follow Up Report (PMCFUR).

15 TRANSFERS FROM OTHER NOTIFIED BODIES

All certifications transferred from another EU notified body are treated as new applications and are subject to full conformity assessment.

16 ANNUAL PRODUCT LICENCE

Annual product license permits the Client to use NSAI's notified body number, 0050, in conjunction with CE marking of their devices.

17 SIGNIFICANT CHANGES

In accordance with EU directives/regulations, NSAI is required to assess significant changes to the product range or quality system that applies to the product. The Client is obliged to notify NSAI of the significant changes.

18 5-YEAR RENEWAL

The 5-year renewal is conducted to review that certified products placed on the market during the previous 5 years remain in compliance with the applicable EU directives/regulations and forms part of the determination of the acceptability of renewal of the CE certificate for a further 5-year cycle.

The review has the objective of ensuring that the Client is compliant with 'state of the art' (e.g. current standards & requirements), and to assess the performance of the device(s) during the period under review.

The review does not include assessment of proposed changes which have not yet come into effect; such proposed changes should be scheduled for assessment separately as significant changes.

Application for 5-year renewal should be submitted to NSAI at least one year in advance of Certificate expiration date.

19 VIGILANCE INVESTIGATION

In the event NSAI is made aware of vigilance issues arising from products placed on the market under an NSAI issued Certificate, NSAI will conduct a vigilance investigation.

20 FEES

NSAI fees are set out in the Quotation Letter for the initial application as published on the NSAI website at that time. Fees are normally based on daily rates and estimates of average number of working days involved in product review, on-site audit activities, and pre and post audit activities. In accordance with clause 8.5 of Schedule 1 the fees are subject to review from time to time. Fees are billed at the rate effective at the date the fee is incurred. Administrative costs are individually priced.

21 TRANSITIONAL PROVISIONS CONCERNING VALIDITY OF CERTIFICATES ISSUED IN ACCORDANCE WITH THE AIMDD AND MDD

During the period of transition to the MDR certificates granted under the AIMDD and MDD will remain in force subject to the transitional arrangements set down in the MDR. NSAI will perform the appropriate surveillance activities of those AIMDD and MDD certificates in force in accordance with guidelines of the Medical Device Coordination Group (MDCG) as issued from time to time.