Overview of the IVD regulatory landscape in Brazil

ANVISA's evolving approach to IVD oversight

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Lilian Pinheiro
Lead Quality and Regulatory Affairs Consultant
lilian.pinheiro@ul.com

November 2024

Adapting to new IVD rules in Brazil

The National Health Surveillance Agency (ANVISA) introduced important changes in 2023 that brought wide-ranging consequences for medical device manufacturers. Consolidation of in vitro diagnostic (IVD) regulations, alignment of the corresponding technical dossier requirements with International Medical Device Regulators Forum (IMDRF) guidelines and revised classification rules are among the most significant changes.

This white paper covers a brief history of Brazilian IVD legislation, including the changes made by the agency in 2023.

History of IVD regulations in Brazil

Brazil began regulating IVDs in 1976 with the publication of **Law 6360/1976**. At the time, these products fell under "correlato" as defined in **Law 5991/1973**. In accordance with Article 12 of Law 6360/1976, no "correlato" could be industrialized, made available for purchase, or delivered to consumers in the Brazilian market without prior registration/approval by the Ministry of Health, whether the product was imported or not.

However, specific requirements for registering IVDs were not established until almost 20 years later with the publication of Ordinance 8/MS/SVS, three years prior to the transition from the Health Surveillance Secretary to

the National Health Surveillance Agency (ANVISA) for the regulatory oversight of medical devices and IVDs. This ordinance distinguished IVDs from medical devices under the "correlato" definition, and made IVDs subject to their own **Good Manufacturing Practices (GMP)** — distinctly separate from **medical devices**. In 2006, ANVISA revised the IVD registration process with the publication of **RDC 206/2006**.

While Brazilian IVD GMP applied to all IVD manufacturers, on-site inspection and subsequent certification were only mandatory for manufacturers located in Brazil. That changed with the publication of **Resolution RDC 25/2009**. Upon its publication, ANVISA required all domestic and foreign manufacturers of Class II, III, and IV IVDs to present a certificate issued by the agency following an on-site inspection as evidence of compliance with Brazilian GMP. ANVISA introduced this requirement for product registration, despite significant and, as it occurred, valid concerns raised by the manufacturing industry and overseas regulatory agencies. Objectors claimed the requirement would prove burdensome for the agency and that regulatory resources to support on-site inspection activities were inadequate.

In parallel to the controversy surrounding GMP certification for IVD manufacturers, ANVISA was an active participant in the Global Harmonization Task Force (GHTF), which became the International Medical Device Regulators Forum (IMDRF) in 2011. While creating obstacles to market entry through increased costs and timeframes, ANVISA was working with other regulatory agencies on guidance documents designed to accelerate harmonization and convergence of medical device and IVD regulations across the globe. In fact, one of the GHTF guidance documents, **Principles of In Vitro Diagnostic (IVD) Medical Devices Classification (SG1(PD)/N045R12)**, served as the basis for changes to the Brazilian IVD classification system, as published in **Resolution RDC 61/2011**.

The middle-of-the-road approach

Brazilian GMP (B-GMP) requirements for medical devices and IVDs merged under a single resolution in 2013, which presented a middle-of-the-road approach that incorporated elements of ISO 13485:2003 and **21 CFR 820 (QSR)**. In fact, manufacturers already in compliance with the B-GMP requirements established in **Resolution RDC 16/2013** had a much easier time adapting to ISO 13485:2016.

After a significant blowout of on-site inspection queues and multiple lawsuits, ANVISA finally succumbed to industry demands and eased the requirements for B-GMP certification in 2014 with the publication of **Resolution RDC 15/2014**, which required GMP certification only for manufacturers of high-risk (Class III and IV) IVDs. Registration applications for Class III and IV devices no longer required B-GMP certificates during submission, being allowed to provide only the receipt of B-GMP request. However, registration would not be published by the agency until the B-GMP certificate was available.

Despite these changes, the waiting time for on-site inspection was four to five years from submitting a request for B-GMP certification. In response, manufacturers and representatives have resorted to other options, such as using Medical Device Single Audit Program (MDSAP) audit reports from recognized auditing organizations to accelerate the path to market.

The present-day approach

In 2022, ANVISA updated the Brazilian GMP (B-GMP) requirements for medical devices and IVDs through Resolution RDC 687/2022. This RDC aims to simplify the required documentation and reduce the number of requirements issued by the Agency during the analysis of the B-GMP applications, giving greater agility to the certification process.

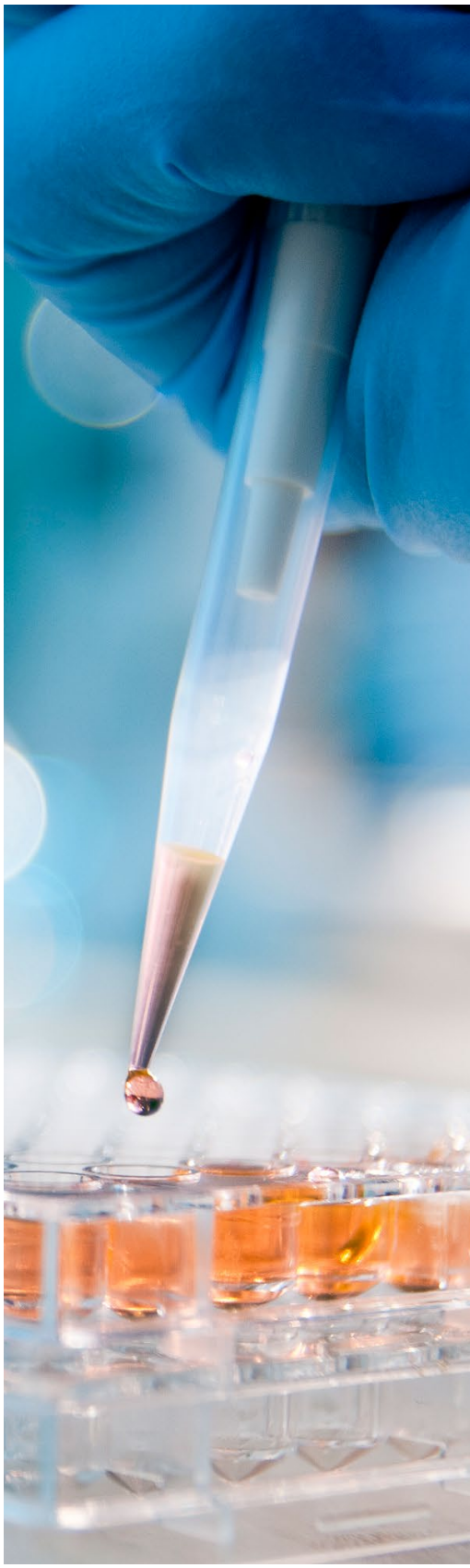
In general, ANVISA uses a risk-based approach (Article 8) to assess whether the manufacturer would be subject to an on-site inspection or off-site desktop audit (unless B-GMP is submitted for a manufacturer that is participating in MDSAP and has Brazil within its scope) and the certification is valid for two years.

The Resolution RDC 687/2022 also states with more clarity the requirement of B-GMP certification for manufacturing units of medical devices for IVDs that perform the steps of impregnation, lamination or cutting of immunochromatography strips.

In 2024, ANIVSA published Resolution RDC 850/2024, which amends RDC 497/2021, Article 8, and now officially extends the B-GMP certificate from two to four years when a manufacturer has an MDSAP certificate that includes Brazil in its scope.

Current regulatory framework

In 2023, ANVISA completely revised IVD registration requirements with the publication of **Resolution RDC 830/2023**. The requirements are aligned with the technical documents issued by IMDRF, and are also related to Mercosur Resolution GMC 24/21, expanding ANVISA's regulatory convergence with other regulatory authorities in the medical device sector.



Revised IVD regulations

The publication of Resolution RDC 830/2023 allowed ANVISA to align the definition of an IVD and classification rules for IVDs with IMDRF/IVD WG/N64FINAL:2021. Resolution RDC 830/2023 covers the following aspects of IVD regulation in Brazil:

- Definitions/terminology related to IVDs
- Classification rules applicable to IVDs
- Documentation required for the registration of IVDs (notification and registro, i.e., registration), including technical dossier content
- Labeling (labels and instructions for use) requirements for IVDs, including e-labeling
- Renewal and Cancellation process for IVD registrations
- Upload of Instruction for Use at the ANVISA website
- Stock depletion rules
- Other general provisions related to IVDs

More importantly, Resolution RDC 830/2023 aligns the content requirements of the technical dossier necessary to support IVD registrations with the recommended table of contents described in IMDRF guidance document IMDRF/RPS WG/N13 (Edition 3) FINAL:2019 - In Vitro Diagnostic Device Market Authorization Table of Contents (IVD MA ToC).

The differences and similarities between the IMDRF MA ToC guidance document and ANVISA IVD technical dossier content requirements include the following:

Differences and similarities between the IMDRF MA ToC guidance document and ANVISA IVD technical dossier content requirements

Similarities	Differences (in Resolution RDC 830/2023)
• Comprehensive device description and principle of operation • Description of device packaging • Intended use/purpose description • Intended environment/setting for use information • Risk management documentation • List of standards (fully and partially applied) • All performance testing requirements equivalent with exceptions for IVD instruments • Cleaning and disinfection validation • Usability/Human factors data for applicable IVDs • IVD stability (shelf-life, in-use, transport) data • Clinical evidence • Labeling (although content requirements are specifically established in Resolution RDC 830/2023) • General manufacturing information including manufacturing flowcharts • Design and development information • Global Market History	• Non-embedded software as medical device (SaMD) associated IVD instrument: the information provided must follow the RDC 657/2022 • No requirement to include history of development information • No need to provide reference and comparison to similar and/or previous generations of devices (outside of clinical evidence being presented) • No need to provide information related to global adverse event reporting • No need to provide information on sales, incidents and recall rates • There is no need to include an Essential Principles Checklist • Local testing is needed for certain types of IVDs, which must undergo prior analysis by the INCQS (Instituto Nacional de Controle de Qualidade em Saúde, i.e., National Health Quality Control Institute), prior to being registered by ANVISA. Analysis certificates must be part of the technical dossier • ANVISA makes no reference to including information on electrical system, mechanical and environmental protection, and electromagnetic compatibility testing • No need to provide a Validation Master Plan or a description of processes that have been validated • Administrative and technical information (forms available on the ANVISA portal) • Specific requirements for grouping IVDs in a single registration

Resolution RDC 830/2023 also maintains that technical dossiers are only provided for Class II, III, and IV IVD registration submissions. Clinical evidence is only necessary for Class III and IV IVDs or innovative devices regardless of their risk class. While not required for Class I IVD registration submissions, Resolution RDC 830/2023 establishes that technical dossiers must be maintained by the manufacturer in Brazil in the case of devices manufactured in Brazil or by the Brazilian registration holder for manufacturers not based in Brazil.

Current scenario, challenges and future changes

Resolution RDC 830/2023 became effective on June 1, 2024, and brought new definitions such as IVD, accessories of IVD medical devices, companion diagnostics medical devices and holder of notification or registration. Additionally, definition of Software as Medical Device added to this IVD regulation is aligned with the definition stated in RDC 657/2022.

The main change presented by Resolution RDC 830/2023 is related to classification rules: eight classification rules maintain the risk classes from I to IV. Due to the update of the classification rules, some devices changed classification as follows:

- From Class II to Class III/IV
- From Class III to IV
- From Class III to II
- From Class IV to III

Most affected are up-classified devices. Class II devices — now Class III or Class IV — require a registration (or registro) which is a different regulatory process. The registration holder will have to submit the documents to stay compliant with the new risk classification and B-GMP. An application is not required for IVDs that continue to require a registro. Hence, Class III IVDs, up-classified to Class IV, and IVDs, down-classified from Class IV to Class III, only require the classification rule information to be revised in the technical dossier when the manufacturer files the first change request or renews the device.

Detailed information on what devices have their classification changed is available in three guidance documents published by ANVISA. Another important change involves labeling requirements. The term “importer (importador),” the name given to identify the registration holder in the country, must be replaced by “regularized by (regularizado por).” **In addition, it is not allowed to include local company (i.e., distributor) information in the labels. Furthermore, in the case of modification to an existing registration, RDC 830/2023 now includes stock depletion of packaging, labels and instructions for use for a period of 120 days from the publication of the change.**

Lastly, RDC 830/2023 also brings an important update related to e-labeling requirements for controls and calibrators: it’s now permitted to have Instructions for Use in non-printed formats.

Deadlines:

- Up-classified devices (from notification to registro): submission of re-classification application within one year (June 1, 2025)
- Down-classified devices (from registro to notification): no deadline
- Re-classification without changing registration: no submission required
- Labeling: 120 days (from June 1, 2024) to adapt the labels

Per RDC No. 743/2022, ANVISA's official timeline for approval of Class I and II notifications is 30 days. Time-to-market for Class III and IV IVDs is dependent on two consecutive processes: B-GMP certification, and the subsequent submission and review of the application for registration. B-GMP timelines range from six months to over two years. Per RDC No. 743/2022, the official review timeline for Registration applications is 365 days.

On the GMP side, new legislation was published in 2022 **(Resolution RDC 687/2022)**, overhauling the entire GMP certification process. The aim of these changes was to address inefficiencies in the GMP certification process by changing the inspection program and administrative procedures for granting GMP certificates for foreign establishments. Under this legislation, ANVISA may issue GMP certificates based on:

- Audit reports issued by a third-party auditing organization, such as MDSAP Auditing Organizations recognized by ANVISA.
- Analysis of inspection reports issued by health authorities of the country of origin or audit reports issued by a third-party audit organization and other documents required for the B-GMP application, and conducting a risk analysis that supports the issuance of the Certificate of GMP.
- Evaluation of the inspection report issued by ANVISA as a consequence of carrying out an on-site inspection, motivated by the risk analysis or the absence of an audit report as Article 5 of the Resolution.

ANVISA published Normative Instruction (IN) No. 290/2024, effective June 1, 2024, to establish an optimized analysis procedure that gives applicants the option to leverage an authorization from an equivalent Foreign Regulatory Authority (AREE), based on RDC No. 741/2022. Only Class III and IV medical devices and IVDs subject to registro are eligible for optimized analysis. The AREE authorizations that can be leveraged from four of the founding GHTF members are as follows:

- Australia: Australian Register of Therapeutic Goods (ARTG)
- Canada: Health Canada Medical Device License (MDL)
- United States: Food and Drug Administration (FDA) 510(k) Premarket Clearance, Premarket Approval (PMA), or 513(f)(2) de novo
- Japan: Ministry of Health, Labor, and Welfare (MHLW) Premarket Approval (Shonin)

ANVISA also published RDC 848/2024 which establishes essential safety and performance requirements applicable to medical devices and IVD medical devices which become effective Sept. 4, 2024. Manufacturers must ensure compliance with essential safety, and performance principles must be maintained throughout the life cycle of medical devices and IVDs.

Unique Device Identification (UDI)

Currently, UDI requirements are set forth by RDC 591/2021. However, requirements are not implemented at the time of this writing as ANVISA is working on the ANVISA UDI database.

Recently ANVISA published RDC 884/2024, which modifies RDC 591/2021 to increase UDI implementation to one year for Class II, III and IV devices.

Brazilian registration holders, as well as manufacturers that ship devices to Brazil, should follow ANVISA UDI implementation database as this should impact the market starting on 2025.

Registration expiration

Current regulations establish that IVD notifications (Class I and II) do not expire according to RDC 860/2023 (Article 28). Registro (Class III and IV) are valid for 10 years. Submissions for the renewal of registro must continue to be submitted to ANVISA six to 12 months prior to expiration.

Summary and conclusion

While ANVISA has certainly taken significant steps to harmonize Brazil's regulatory requirements for IVDs with international guidelines, further actions are necessary to address many of the challenges caused by these changes. The agency continues its efforts to reduce the barriers to market entry, mainly the high costs and long waiting times associated with B-GMP certification. ANVISA's adoption of the MDSAP program and other approaches for inspection may address waiting times for B-GMP certification, but the high costs associated with such certifications will continue to pose challenges for small- and mid-sized IVD manufacturers given the political and economic challenges facing the Brazilian market.

Learn more

Need help with Brazil registration? Emergo by UL helps medical device companies with regulatory compliance and market access in Brazil and other markets worldwide. Here's how we can help:

- ANVISA registration submissions
- Brazil Registration Holder (BRH)
- B-GMP implementation and compliance

Learn more about how we can help you with Brazilian medical device compliance at **EmergobyUL.com**.

About the author

Lilian Pinheiro is a lead quality and regulatory affairs consultant in Brazil. She has more than 15 years of medical device industry experience, primarily focused on high-risk IVD devices, including immune-hematology and blood virus diagnostics. Pinheiro is also specialized in European IVDR requirements and has assisted numerous manufacturers with reviews to confirm or achieve compliance to the current regulations.

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