Australian Government
Department of Health and Ageing
Therapeutic Goods Administration

Australia's experience aligning regulatory requirements with the EU and GHTF

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Therapeutic Goods Administration

Australia

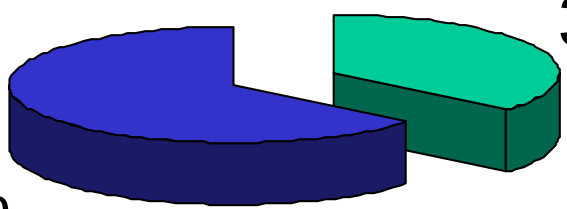
Outline

- The Australian Medical Devices Sector
- The Australian Medical Device Regulatory System
- The Role of the Regulator
- The use of Summary Technical Documentation

The Australian Medical Devices Sector

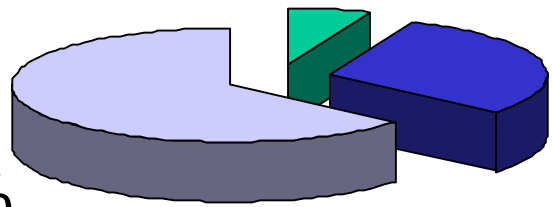
Australian Medical Devices Sector

TOTAL Australian Medical Devices Sector $A2bn



Domestic Turnover $A720m (made in Australia)

Made and used in Australia

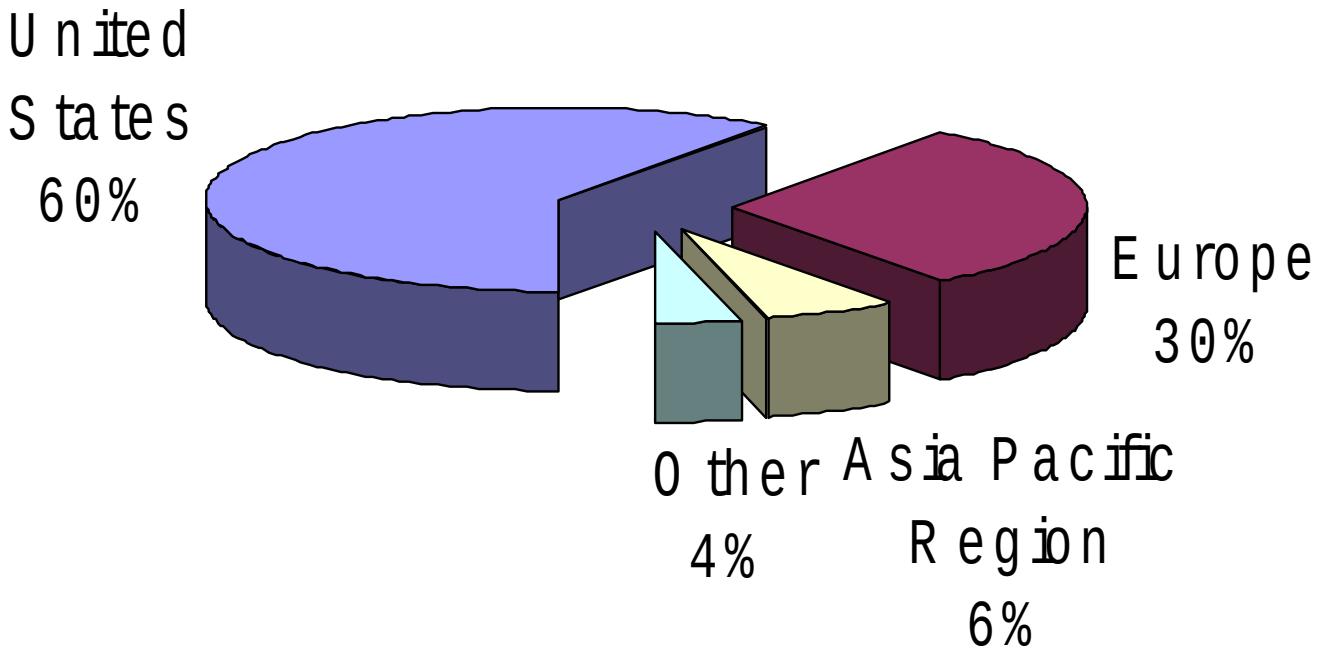


$A600m Exports

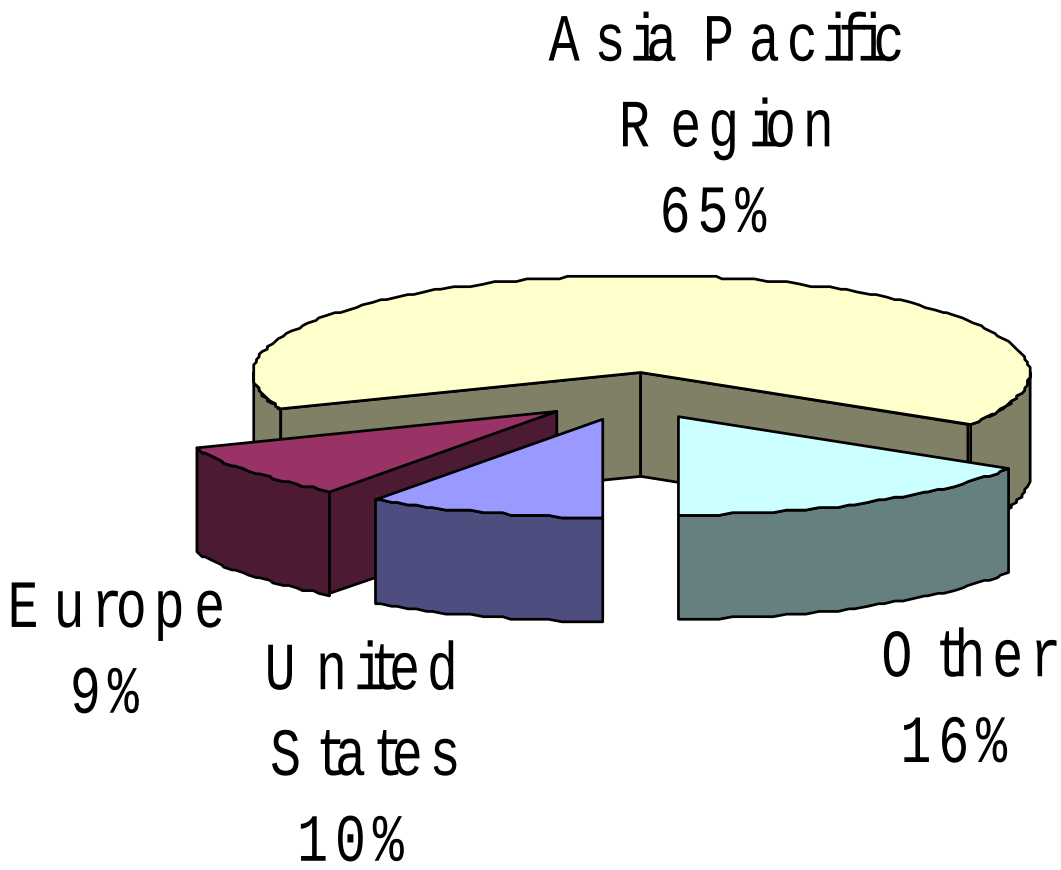
90% of medical devices <u>used</u> in Australia are imported.

DISR 2002

Sources of Australian Imports



Destination of Australian Exports



Australian Medical Devices Sector

- Australia is a large importer of medical devices
  - small population and international market share
  - need to take into account high quality overseas regulatory assessments
- Australia exports most of its manufactured medical devices
  - need our regulatory assessments to be accepted overseas

The Australian Medical Devices Regulatory System

The Players

- Manufacturer
  - accepts responsibility for design, production packaging and labelling
    - may perform actual production or sub-contract all steps.
  - has the right to be represented as the manufacturer
    - on packaging, labelling and instructions for use.
  - has obligations to meet before supply

- Sponsor
  - importer, exporter and Australian manufacturer for supply
  - certifies that the manufacturer has met their obligations

The Players

- The Regulator
  - the Therapeutic Goods Administration
  - performs selected full pre-market assessment
  - performs selected short pre-market assessments
  - performs post-market vigilance and investigation

Requirements for Supply

- Manufacturer
  - has an obligation to show that products conform to safety and performance principles
    - GHTF Essential Principles
  - has an obligation to follow an assessment procedure
    - to ensure the initial and on-going conformity to the Essential Principles
    - includes quality management system requirements
    - includes post-market monitoring, investigation and reporting requirements
    - similar to the EU Conformity Assessment Procedures

Requirements for Supply

- Sponsor
  - certifies that a manufacturer has met their obligations
  - ensures information flows to and from the manufacturer
  - accepts the responsibility for the supply of product
  - assists the manufacturer to comply with the obligations on the manufacturer
  - submits the manufacturer's evidence of conformity to the TGA
  - applies for an entry for the manufacturer's product on the Australian Register of Therapeutic Goods.

Essential Principles

- Identify and mitigate risks in design and production
- Show the product will be safe and perform as intended, taking into account
  - the environment where it will be used
  - the knowledge, skill and training of the user
  - the anticipated use or foreseeable misuse.
- Similar to the GHTF / EU Principles
  - written in Australian legal language
  - 6 general principles, 6 technology specific principles
  - 1 for information provided with a device
  - 1 for clinical evidence.

Classification

- Risk classes are determined by a set of rules
  - based on the interaction of a device with the human body
- Categorised by four characteristics of the interaction
  - duration of use
  - location of use
  - whether invasive or not
  - whether active or not
- Special rules for particular devices
- Results in one of Class AIMD, III, IIb, IIa, I

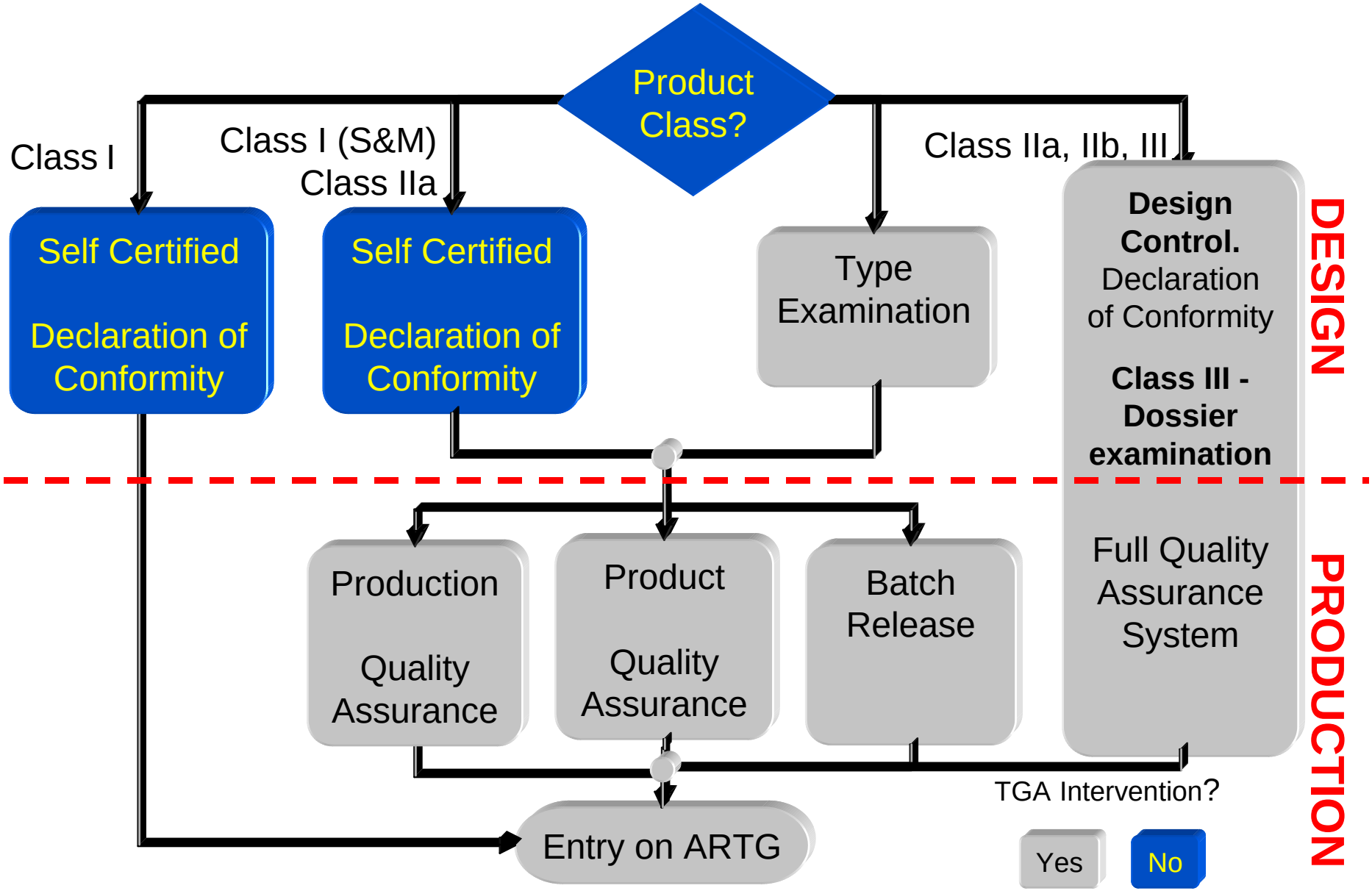
Conformity Assessment Procedures

- A set of activities that the manufacturer must do
  - procedure is selected by the manufacturer
    - based on the risk class of the product
    - using classification rules similar to GHTF and EU rules with some additional special rules.
  - procedures are available for devices used for a special purpose
    - custom made
    - procedure packs

Conformity Assessment Procedures

- Procedures require
  - application of a quality management system (QMS)
  - design or type examination assessments, by the TGA
  - manufacturer's post-market review:
    - CAPA and adverse event reporting
  - initial and surveillance audit of the QMS, by the TGA
  - the keeping of records
  - a declaration of conformity referencing Australian requirements
- The TGA issues a "Conformity Assessment Certificate" at the conclusion of an assessment

Assessment Procedures



Use of Standards

- Essential Principles or Conformity Assessment Procedures give little or no method to show compliance.
- Voluntary standards are useful to show compliance if:
  - the device is within the scope of the Standard
  - the standard is correctly applied
  - the standard demonstrates an essential principle

Use of Standards

- Some Standards have been nominated to give a presumption of conformity with the essential principles or conformity assessment procedures
  - similar to the European harmonised Standards
- Referred to, as
  - Medical Device Standard Orders
  - Conformity Assessment Standard Orders
    - the goal is to have a list of standards similar to the European list of harmonised standards
    - in the interim, European harmonised standards are generally accepted, where appropriate.

Australian Declaration of Conformity

- Declaration that the product is safe for use in Australia
  - references the Australian regulatory requirements
  - is a declaration that the manufacturer
    - has considered use of the product in the Australian environment
    - has followed an Australian conformity assessment procedure
    - has evidence of conformity with the Australian essential principles
  - the content is defined in Australian legislation

Australian Register of Therapeutic Goods

- Point of control for supply
  - suspension
  - cancellation
- Supports post-market activities
  - recalls
  - adverse event investigations
  - enforcement

Entry in the Australian Register

- When applying, the Australian Sponsors must certify
  - only products that are medical devices will be entered
  - the manufacturer's intended purpose will not be changed
  - Australian classification rules have been used
  - the manufacturer has shown compliance with the EPs
  - the manufacturer has applied an Australian CAP
  - evidence of conformity is held or can be obtained by the sponsor
  - advertising meets defined requirements
  - products do not contain prohibited substances
  - the information provided is complete and correct

Entry in the Australian Register

- Products in the Register are subject to conditions
  - the right for TGA to inspect the premises of the Manufacturer or the Sponsor
  - the right for the TGA to be provided with samples or copies of documents
  - the requirement to have evidence that all products comply with the Essential principles
  - the requirement to show that a conformity assessment procedure has been applied
  - the requirement to provide information to TGA on request
  - the requirement to report adverse events to the TGA
  - the requirement for the Sponsor to assist the Manufacturer

Differences with the EU

- Essential Principles
  - based on the GHTF Essential Principles
  - requirements for animal origin extend to microbial and recombinant origin
- Classification
  - definition of the central circulatory system enlarged
    - not as extensive as the final GHTF definition
    - some products are Class III in Australia, Class IIb in Europe
  - disinfectants for a medical device are Class IIb
    - class IIa in Europe
  - devices with materials of microbial origin or recombinant technologies are Class III

Differences with the EU

- Classification
  - implantable accessories to AIMDs are Class III
    - an AIMD in Europe
  - an active medical devices used to control an AIMD is Class III
    - an AIMD in Europe
  - Medical Devices for export only are Class I

Summary Medical Devices System

- Has elements of
  - Safety and Performance Principles
  - Rules for Classification
  - Quality Management Systems
  - Registration of Products and Manufacturers
  - Post-market adverse event reporting and investigation

- An GHTF / EU modelled system!

The Role of the Regulator

Summary of Premarket Obligations

	Class I	Class Is, Im, IIa	Class IIb, AIMD, III
Manufacturer	Procedure to self-declare compliance with EPs	Procedure to self-declare and use a QMS to show compliance with EPs	Procedure using a QMS including design to show compliance with EPs
Regulator	Administrative process only	Assessment of manufacturing controls	Assessment of design and manufacturing controls
Sponsor	ARTG Entry and meet conditions	ARTG Entry and meet conditions	ARTG Entry and meet conditions

Assessments

- All medical devices must comply with the Essential Principles regardless of Class
- All manufacturers must apply a conformity assessment procedure
- Many of the procedures require an independent assessment of a product or a Quality Management System

- By default TGA must perform the assessment!

How are the assessments performed?

Assessment Mechanisms

- Conformity Assessment Certification
  - TGA must perform the assessment as selected by the Regulations for
    - Selected types of devices
    - Selected types of manufacturers
  - For all other assessment the TGA will take into account the assessments performed by other regulators performing similar assessments overseas.
  - The TGA will decide if the products are suitable for supply in Australia

Assessment Mechanisms

- Application Audits
  - may be performed when the TGA has not performed the full conformity assessment certification
  - mandatory and randomly selected documentation audits
  - performed at the time that a Sponsor applies for an entry on the Australian register

Assessment Mechanisms

- The assessment mechanisms of
  - conformity assessment certification
  - the consideration of overseas assessment reports; and
  - application audits

  … would not be possible without harmonised definitions of
  - the classification rules;
  - the conformity assessment procedures; and
  - the essential principles.

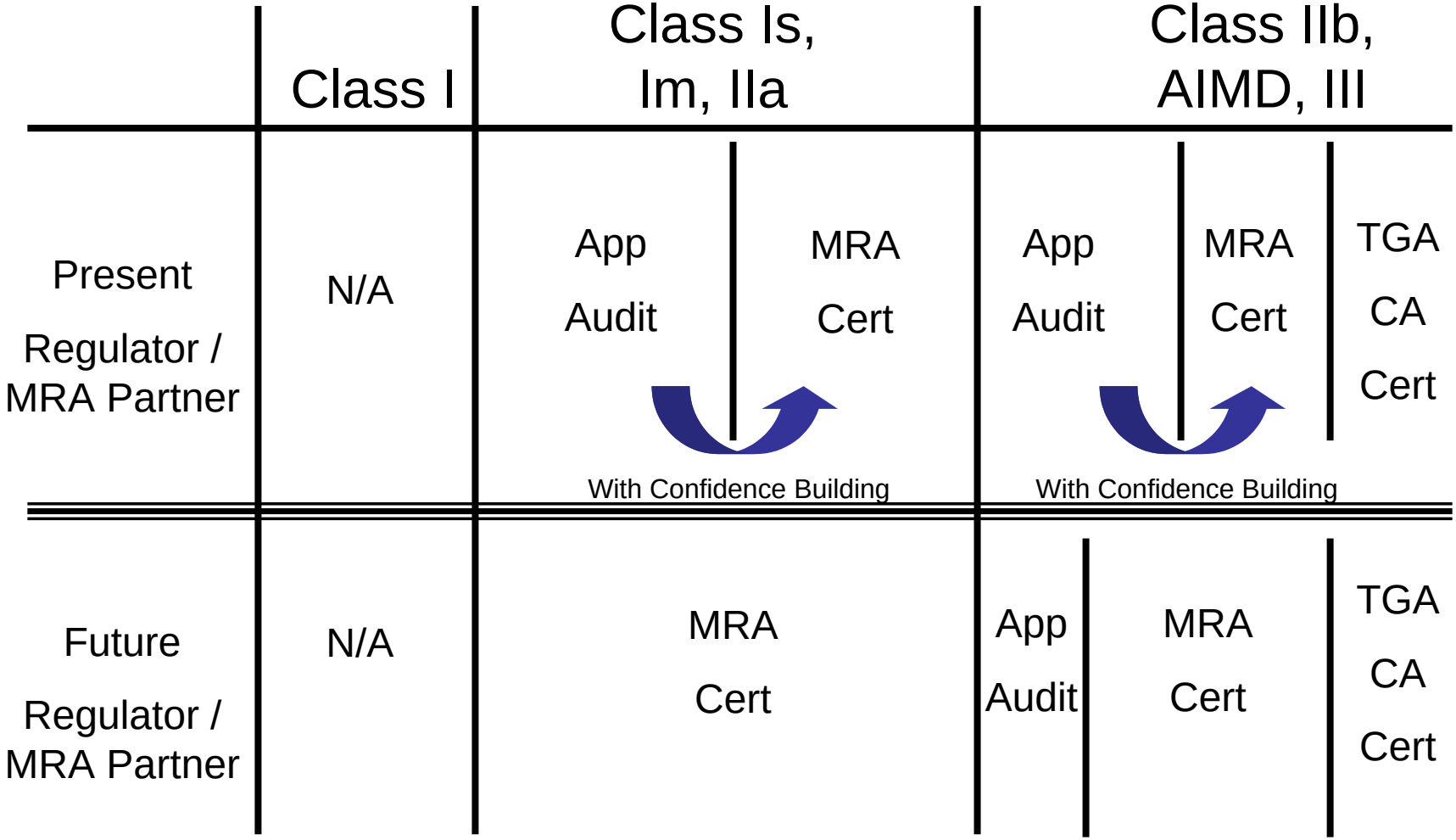
Recognition of Assessments

- EU- Australian Trade Agreement
  - Mutual Recognition of Certificates and Markings for Conformity Assessment
  - In the medical devices sector allows:
    - the TGA to assess against European requirements; and
    - European Conformity Assessment Bodies to assess against Australian requirements.
  - Intended to be the sole mechanism to recognise the assessments performed by other overseas Regulators

Recognition of Assessments

- Full implementation of the MRA is lagging
  - confidence building program activities not yet performed
- In the interim …
  - the TGA will take into account the assessments performed by EU Notified Bodies to decide if the assessment is an acceptable part of the manufacturer's evidence of conformity
  - the CE marking cannot be accepted, as it is a declaration that the product is safe for use in Europe
  - the TGA intends to use MRAs as the preferred method for accepting overseas assessments
  - Manufacturers must declare conformity to Australian reqs.

Overseas Manufacturers MRA Context



TGA Conformity Assessment Certification

- Types of Manufacturers
  - products from Australian manufacturers

- Types of Products
  - contains tissues of animal origin
  - contain tissues, cells or substances of microbial origin or recombinant technology
  - incorporating stable derivatives of human blood or human plasma
  - incorporates a medicine with an ancillary action

Mandatory Selection for Application Audit

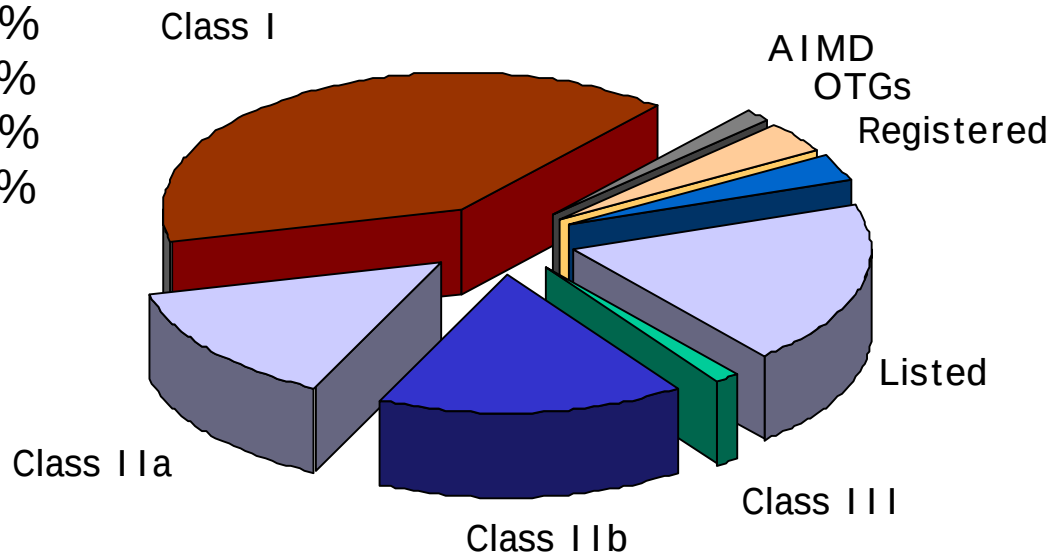
- barrier contraceptive
- implantable contraceptive device
- implantable breast prosthesis
- instrument grade disinfectant
- active implantable medical device
- prosthetic heart valve
- implantable intra-ocular lens
- intra-ocular visco-elastic fluid

- class III device not assessed under an MRA
- applications suspected of containing false information
- where the device incorporates a new, different or emerging technology
- devices that were previously unregulated
- questionable regulatory history

Workflow Trends

Device Applications Processed 2003

Class	Qty	
AIMD	64	1.6%
Class III	61	1.5%
Class II a	589	14.3%
Class II b	682	16.6%
Class I	1645	40.0%
Registered	129	3.1%
Listed	790	19.2%
OTG's	150	3.6%
Total	3960	

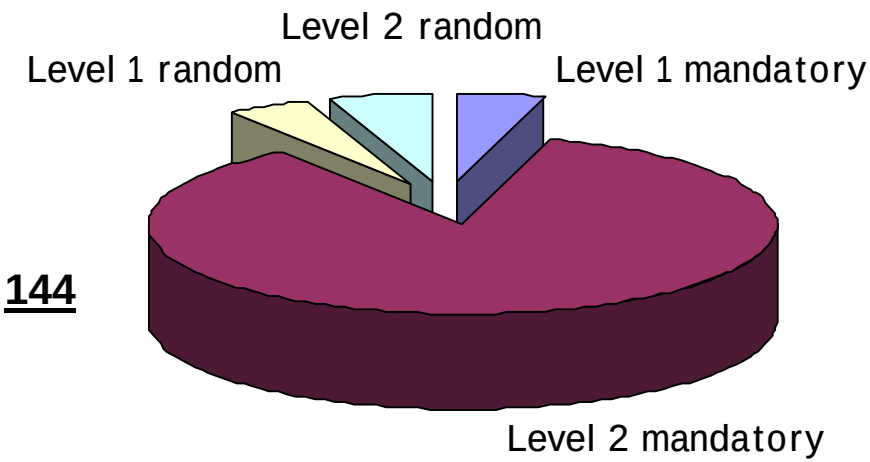


Workflow Trends

Application Audits Processed 2003

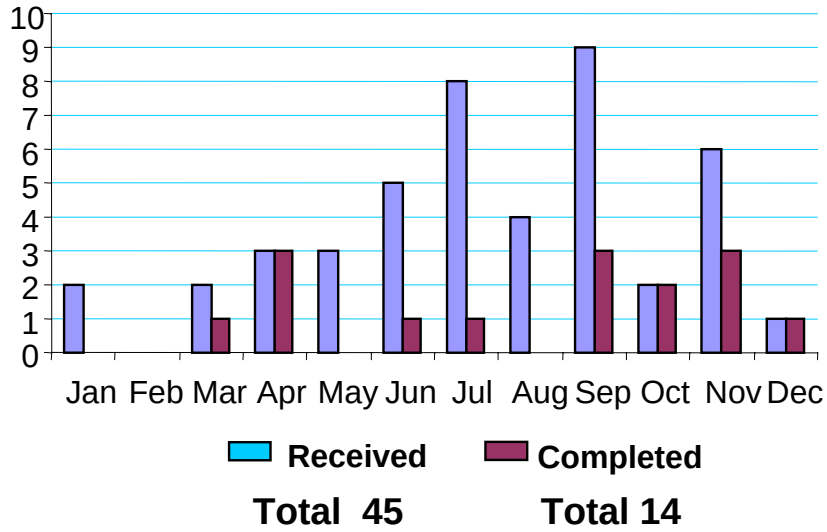
	Mandatory		Random	
	Level 1	Level 2	Level 1	Level 2
Jan				
Feb		7		
Mar		12		
Apr		1		
May	4	3		
Jun	2	10	1	1
Jul		15	3	2
Aug		10		
Sep		19		
Oct		14		
Nov		14	2	
Dec		10		4
Totals	6	125	6	7

144

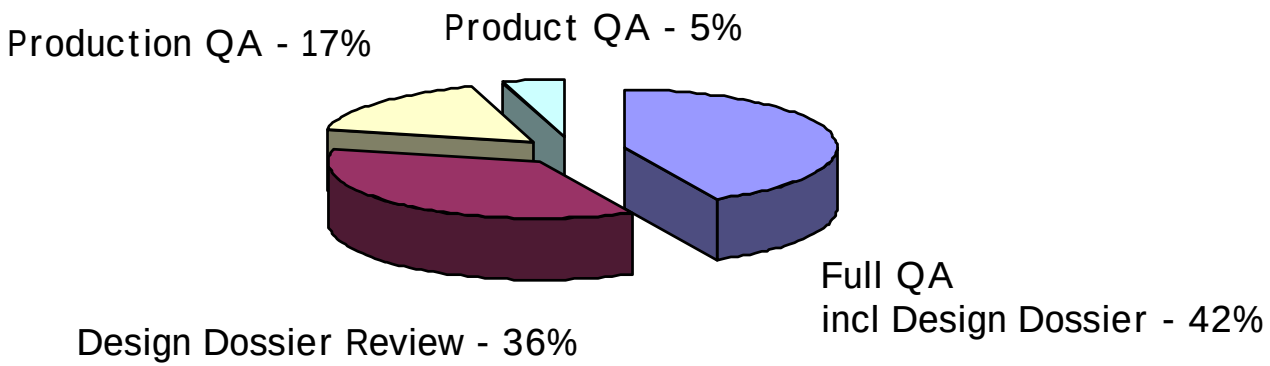


Workflow Trends

Conformity Assessments 2003



Total 45 **Total 14**



Summary of the Regulator's Role

- Legislation requires manufacturers and products to be assessed
- Assessment decisions are made by
  - the TGA
  - the MRA partners
  - in the interim, by the TGA, taking into account EU assessments
- Where full assessment is not performed by the TGA
  - targeted and random application audits are performed
  - when a Sponsor applies for an entry on the Australian Register

The use of Summary Technical Documentation

Summary Technical Documentation

- Assessments performed by the TGA are common elements of a GHTF modelled regulatory system

- Technical documentation is required to be submitted for
  - the assessment of quality management systems
  - design and type examinations
  - application audits
  - postmarket audits
  - postmarket investigations

Summary Technical Documentation

- Conformity Assessment Certification
  - Summary technical documentation, or extracts, are required to accompany an initial application
    - quality manual
    - quality planning documentation
    - risk management file
    - summary clinical evidence
    - labelling, instructions for use and advertising material
    - an index of evidence of conformity with the Essential Principles
      - an Essential Principles checklist
    - special process validation reports
  - Submitted to show applicant is ready for assessment
  - Full documentation must be available during assessment

Summary Technical Documentation

- Application Audit
  - Summary Technical documentation is requested if an application is selected for audit
    - declaration of conformity
    - regulatory certification for quality management systems / product
    - quality system audit or surveillance audit reports
    - design examination or type examination reports
    - labelling, instructions for use and advertising material
    - risk management file (ISO14971)
    - summary of clinical evidence
    - an index of evidence of conformity with the essential principles presented as an Essential Principles checklist
    - special process validation reports

Summary Technical Documentation

- Post-market Audits
  - targeted / random audits of the evidence of conformity
  - documents used in an application audit will be requested

- Post-market Investigations
  - information is initially limited to the adverse event
  - specific tests or validations may be requested to further an investigation

Conclusion

Conclusion

- Australia has successfully implemented a GHTF / EU modelled regulatory system
- All manufacturer's of medical devices must
  - apply a conformity assessment procedure; and
  - demonstrate conformity to the essential principles
- The Regulator's assessment workload is managed by
  - selective pre-market and application processes; or
  - mutual recognition of assessments with international regulators; or
  - for the time being, taking into account international assessments

Conclusion

- The system would not be possible without the complementary mechanisms of
  - classification
  - quality management systems
  - essential principles
  - a register of products and manufacturers
  - post-market surveillance and vigilance systems

- A GHTF / EU modelled regulatory system provides the platform for these mechanisms

Thank you for you attention!