BRAZILIAN HEALTH SURVEILLANCE AGENCY
COLLEGIATE BOARD OF DIRECTORS
RESOLUTION - RDC NO. 36, OF AUGUST 26TH, 2015

Describes the classification of risks, *cadastro* and *registro* control systems, and labeling and instructions for use requirements, for *in vitro* diagnostic products, including their instruments, and gives other provisions.

The Collegiate Board of Directors of the Brazilian Health Surveillance Agency (ANVISA), in the exercise of the powers vested by Article 15, subsections III and IV, of Law no. 9,782, of January 26th, 1999; Article 58, subsection V, paragraphs 1 and 3, of the Internal Statutes approved under the terms of Annex I of Collegiate Board of Directors Resolution – RDC no. 29 of July 21st, 2015, published on the Brazilian Official Gazette of July 23rd, 2015, in view of the provisions of the Article 2, subsection III, of Article 7, subsections II and IV of Law no. 9,782/1999, and the Program for Improvement of the Agency's Regulatory Process, created by Ordinance no. 422, of April 16th, 2008, at Regular Public Meeting no. 015/2015 held on August 20th, 2015; hereby adopts this resolution and I, Director-President, determine its publication:

CHAPTER I
INITIAL PROVISIONS

Section I
Objective

Article 1. This Resolution aims to establish the classification of risks, *cadastro* and *registro* control systems, and labeling and instructions for use requirements, for *in vitro* diagnostic products, including their instruments.

Section II
Scope

Article 2. This Resolution shall apply to *in vitro* diagnostic products manufactured in Brazil, and those manufactured abroad that will be imported to Brazil.

Sole Paragraph. This Resolution does not apply to:

I- reagents and reference materials specifically intended for quality assessment in proficiency tests or interlaboratory comparisons;

II- isolated reagents commercialized as supplies for the manufacturing of *in vitro* diagnostic products;

III- reagents or set of reagents assembled in clinical analysis laboratories to be exclusively used in the same institution, according to the defined work-related protocols, for which commercialization or donation is prohibited;

IV- laboratory reagents intended to diagnose any type of non-human sample;

V- materials for general laboratory use;

VI- products intended for exclusive use in legal medicine;

VII – products exclusively intended for sports doping control tests, the result of which will not be used for the purpose of health treatment;

VIII- products intended for research use only, including those imported and labeled as RUO – Research Use Only;

IX – culture means and lyophilized supplements which depend on processing and the controls performed by the user before its use;

X- culture means and instruments intended for environmental, industrial, food or water control analysis; and

XI- software for *in vitro* diagnosis not shipped with their devices, which are subjected to specific regulation.

Section III
Definitions

Article 3. The following definitions are adopted for the purposes of this Resolution:

I- *Cadastro* or *registro* changes: modification of information originally provided in the product *cadastro* or *registro* application;

II- prior analysis: analysis to verify the characteristics of the product for the purposes of registration, changes (if applicable) or revalidation.

III – product *cadastro* registration: exclusive act of ANVISA, passed after evaluation and granting approval, intended to verify the right to manufacturing and importation of products for *in vitro* diagnosis that are exempt from *registro* registration, as per the terms of Article 1, paragraph 1, of Law no. 6,360, of September 23rd, 1976, identifying their name, manufacturer, origin, intended use, and other elements that characterize them;

IV- calibration: set of operations under specific conditions, that establishes the correspondence between the values indicated by a measuring instrument and by a reference material, for the purpose of standardization or adjustment of laboratory instruments and/or procedures;

V- sample collector: material, with or without vacuum, specifically intended for use in the primary containment and preservation of samples from the human body for *in vitro* diagnosis purposes;

VI- clinical performance: evaluation performed to establish or confirm an association between the analyte and the clinical condition or physiological state;

VII- technical dossier: document that describes elements that compose the product, including its characteristics, intended use, instructions for use, contents, special care and potential risks, the manufacturing process, and any additional information.

VIII- high-dose prozone effect: consequence of an antigen-antibody reaction, in which the excess of either the antigen or antibody results in an incomplete or blocked reaction.

IX- packaging: wrapping, container, or any kind of packaging, removable or not, intended to cover, package, bottle, protect, or maintain the product.

X- primary packaging: container intended to package and bottle products, entering into direct contact with them.

XI- secondary packaging: container intended to package products inside their primary packaging without entering into contact with them.

XII- analytical specificity: the capability of an analytical method to determine only the analyte compared to other substances present in the sample.

XIII- clinical specificity: also known as diagnostic specificity, corresponds to the percentage of negative results obtained when the analyte is not present in the sample, recognizing the absence of a particular disease or condition;

XIV - stability: a product quality that refers to the maintenance of their essential characteristics within a period of time and conditions that were previously established;

XV - performance studies: performance evaluation of a product for an *in vitro* diagnostic product based on available data and laboratory or clinical investigations to determine characteristics such as sensitivity, specificity, repeatability and reproducibility;

XVI - manufacturing: set of operations required for the creation of the products addressed in this Resolution;

XVII - legal manufacturer: legal entity responsible for the design, manufacturing, packaging and labeling of the product before putting it on the market under its name, regardless of whether these operations are performed by the company or not;

XVIII - instructions for use: guidance provided by the manufacturer or registration holder to the user for the correct use of the product, in terms of safety and effectiveness;

XIX - instrument: equipment or apparatus developed by the manufacturer with the intention to use as a product for *in vitro* diagnosis;

XX - batch: amount of products obtained from a manufacturing cycle, characterized by its homogeneity;

XXI - material for general laboratory use: chemical reagent or device for general use in laboratories, used to prepare and examine samples from the human body for diagnostic purposes, and that is not labeled or intended for a specific diagnostic application;

XXII - array: all components of a material system or sample, except the analyte;

XXIII - batch number or code or serial number: any combination of numbers and/or letters by which the full history of the batch manufacturing and of the product's movements in the market until its consumption may be traced;

XXIV - patient: physical person from whom the biological material was collected for laboratory and clinical diagnosis;

XXV - Clinical research of in-vitro diagnostic products: investigations using samples from human beings, intended to verify the performance and expiration of the product according to its intended use;

XXVI - point of care testing (PoCT): tests performed near the point of care of the patient, including medical offices and locations outside the technical area of a laboratory, by health professionals or personnel trained by the Ministry of Health and/or by State and Municipal Secretaries of Health;

XXVII - *in vitro* diagnostic products: reagents, calibrators, patterns, controls, sample collectors, materials and instruments, used individually or in combination, with the intended use determined by the manufacturer, for *in vitro* analysis of samples derived from the human body, solely or principally to provide information for diagnostic, monitoring or screening purposes or to determine the compatibility with potential blood, tissue and organ recipients;

XXVIII- self-test product: product intended to monitor disease conditions or detect specific conditions, seeking to assist patients, but without being conclusive for diagnosis, performed by laypersons, health professionals or clinical laboratory;

XXIX – products exclusively used in research: products with no medical purpose or objective, which can be used in basic research, pharmaceutical research or as a component of a reagent kit intended for research, and may not be used for clinical purposes;

XXX – single-use product: product intended for *in vitro* diagnosis which is used for a single patient during a procedure and subsequently discarded, the product may not be reprocessed and used again;

XXXI - product *registro* registration: exclusive act of ANVISA, passed after evaluation and granting approval, intended to verify the right of manufacturing and importation of products subject to Law no. 6,360/1976, identifying their name, manufacturer, intended use, and other elements that characterize them;

XXXII - repeatability: results of successive measurements of the same analyte under unchanged operating conditions;

XXXIII - reproducibility: results of successive measurements of the same analyte under distinct operating conditions;

XXXIV – technical manager: legally licensed professional, enrolled in their professional council, acknowledged by the health surveillance authority for the activity the company performs;

XXXV - label: affixed identification printed, lithographed, painted, engraved by fire, pressure or self-adhesive, directly applied to containers, packaging, wrapping, or any other external or internal packaging protector, not able to be removed or changed during product use, transportation or storage;

XXXVI - analytical sensitivity: the capacity of an analytical method to obtain positive results compared to the positive results obtained by the reference method. The smallest amount of analyte that can be measured;

XXXVII - clinical sensitivity: percentage of positive results obtained when the analyte is present in the sample, recognizing the presence of a particular disease or condition;

XXXVIII - applicant: legal person located in Brazil, manufacturer or importer, that requests the *cadastro* or *registro* registration of the *in vitro* diagnostic product, assuming all legal responsibilities in the country related to the truthfulness of information and product quality;

XXXIX - manufacturing site: location where product production or a manufacturing stage takes place, such as at the legal manufacturer itself, contract manufacturer or the original equipment manufacturer (OEM);

XL - user: an individual, professional or layperson, who may be the patient, that uses the product;

XLI - lay user: an individual without formal technical or scientific training for the use of the product;

XLII – cut-off value: value of a reference distribution which represents a point of clinical decision; and

XLIII – reference value: theoretical value or a value established on scientific principles that is used as an agreed reference for comparisons.

CHAPTER II
CLASSIFICATION OF PRODUCT RISK

Section I
Classes of Risk

Article 4. For the purpose of regulation at ANVISA, *in vitro* diagnostic products are classified into the following classes of risk:

I - Class I: products of low risk to individuals and/or public health;

II - Class II: products of medium risk to individuals and/or low risk to public health;

III - Class III: products of high risk to individuals and/or medium risk to public health; and

IV - Class IV products of high risk to individuals and public health.

Article 5. The risk classification of *in vitro* diagnostic products shall be based on the following criteria:

I – instructions for use specified by the manufacturer;

II - technical, scientific or medical knowledge of the user;

III - importance of the information provided to the diagnosis;

IV - relevance and impact of the results for individuals and public health; and

V - epidemiological relevance.

Section II
Classification Rules

Article 6. Reagents and devices with the following intended use shall be classified as Class IV products:

I – to detect the presence of, or exposure to, agents transmissible by blood, its components and derivatives, cells, tissue or organs, in order to evaluate their suitability for transfusion or transplantation;

II - to monitor or detect the presence of, or exposure to, transmissible agents that may cause risk of death or illness, generally incurable, with a high risk of spreading;

Article 7. Reagents and devices used to typify blood or tissues to ensure immunological compatibility of blood, blood components, cells, tissues or organs that are intended for transfusion or transplant shall be classified as Class III products.

Sole paragraph. Products for the determination of the ABO, Rhesus, Kell, Kidd and Duffy systems shall be classified as Class IV products.

Article 8. Reagents and devices used for the diagnosis of diseases of mandatory notification set forth in Ordinance no. 1,271, of June 6th, 2014, and Ordinance no. 1,984, of September 12th, 2014, of the Ministry of Health, shall be classified as Class III products.

Article 9. The reagents and devices intended for the following shall also be classified as Class III:

I - detecting the presence of, or exposure to, sexually transmitted agents;

II - detecting the presence of an infectious agent in cerebrospinal fluid or blood, with limited risk of spreading;

III - detecting the presence of an infectious agent when there is a significant risk that an erroneous result may cause death or severe disability to individuals or fetuses;

IV – performing prenatal screening of women to determine their immunological state against transmissible agents;

V - determining the status of an infectious disease or immunological state when there is a risk that an erroneous result may lead to a decision regarding the handling of a patient, which may result in a situation of imminent risk to his or her life;

VI - monitor the viral load of patients suffering from a generally incurable infectious disease;

VII – screening, staging or diagnosis of cancer;

VIII - human genetic testing;

IX - screening for congenital disorders in the fetus;

X - control the levels of drugs, substances or biological components, when there is a risk that an erroneous result may lead to a decision regarding the handling of a patient, which may result in an immediate situation of risk of death; and

XI – determining gas and glucose in the blood by *point of care testing* – PoCT.

Sole paragraph. Other reagents and *in vitro* diagnostic devices intended for use as point of care testing - PoCT, not covered in subsection XI of the head of this article, shall be independently classified, using the classification rules set forth in this Section.

Article 10. Self-test products shall be classified as Class III.

Sole paragraph. Self-test products whose result does not determine a critical medical condition, i.e. preliminary results, and requires follow up with the appropriate laboratory test, shall be considered Class II.

Article 11. The following products shall be considered Class I:

I - reagents or other items used in *in vitro* diagnosis procedures;

II - products intended for calibration, cleaning or maintenance of instruments in technical assistance procedures or maintenance and cleaning performed by a qualified person according to the indication of manufacturer specified in the instrument manual;

III – culture medium and devices intended for the identification of microorganisms;

IV - products for DNA and RNA extraction, used for assistance with *in vitro* diagnosis procedures;

V - sample collectors or collection recipients, storage and transportation containers of biological samples for use in laboratory diagnostic tests;

VI – instrument for preparation and processing of samples for *in vitro* diagnosis.

Article 12. *In vitro* diagnostic products which are not covered by the rules of classification set forth in Articles 6 to 11 shall be considered Class II.

Sole paragraph. Instruments used for *in vitro* diagnosis of human samples that generate analytical results or determinations are always classified as Class II, except the instruments intended for self-test, which shall follow the classification of their respective analytes.

Article 13. Products used as calibrators, standards or controls for a specific analyte or for multiple analytes, with pre-defined qualitative or quantitative values, follow the same classification of the main reagent.

Single paragraph. Calibrators, standards or controls used in cell counting instruments are always classified as Class II.

Article 14. Should more than one rule be applicable to the same product, with different classes of risk assigned, the product should be classified in the highest risk class.

Article 15. Products with the following intended uses shall not be classified as self-tests, and, thus, may not be provided to lay users:

I – test samples to verify the presence of or exposure to pathogenic organisms or transmissible agents, including agents that cause infectious diseases subject to compulsory notification;

II – perform blood typing;

III - perform genetic tests to determine the presence of, or to predict susceptibility to, a disease or physiological condition;

IV – assist in the diagnosis or indicate the presence of a disease, cardiac or tumor markers, or conditions with serious health implications; and

V – indicate the presence of drugs or their metabolites.

Sole paragraph. The prohibition to provide to lay users in the head of this article may be suspended by a Resolution of the Collegiate Board of Directors, considering public policies and strategic actions formally established by the Ministry of Health and agreed with ANVISA.

Article 16. Rules of classification may be updated considering technological advances and post-marketing information, resulting from the use or application of products for *in vitro* diagnosis.

Section III
Control System

Article 17. *In vitro* diagnostic products from Classes I and II are subject to *cadastro* registration.

Article 18. *In vitro* diagnostic products from Classes III and IV are subject to *registro* registration.

CHAPTER III
GENERAL AND DOCUMENTATION REQUIREMENTS

Section I
Applications for *Cadastro* or *Registro* registration of Products

Article 19. To file applications for *cadastro* or *registro applications* for *in vitro* diagnostic products, applicants should submit the following:

I – payment proof of the Health Surveillance Inspection Fee (TFVS) through the corresponding Brazilian Federal Tax Collection Form (GRU), or a fee exemption voucher;

II – electronic application form provided by ANVISA, duly completed;

III – a technical dossier containing all required information for the corresponding risk class, for products classified in Classes II, III and IV;

IV – a statement informing the company name and the postal address of the company(ies) involved in the corresponding manufacturing process stage(s), for national products that have any outsourced manufacturing stage.

V- For all imported products, a consularized declaration, accompanied by sworn translation, issued by the manufacturer within a maximum of two years, whenever there is not an express validity indicated in the document, authorizing the importer to represent and commercialize its product(s) in Brazil. This statement shall at least contain the following information:

a) manufacturer company name and complete address;

b) importer company name and complete address;

c) express authorization for the importer to represent and commercialize the product(s) in Brazil;

d) awareness of and compliance with the Good Manufacturing Practices for Medical Products requirements established by the Collegiate Board of Directors Resolution – RDC no. 16, of March 28th, 2013.

VI - For products classified as Class III and IV, proof of Certificate of Good Manufacturing and Control Practices issued by ANVISA, or proof of submission of GMP Certificate application; and

VII – a report of satisfactory prior analysis performed by a National Public Health Laboratory Network unit as set forth in Article 16, subsection IV, of Law no. 6,360, of September 23rd, 1976, when required.

Paragraph 1. Applications with incomplete documentation shall not be subject to technical requirement, and shall result in summary rejection.

Paragraph 2. Approval of registration is conditional on the publication of a Good Manufacturing Practice Certificate issued by ANVISA and the compliance with the other requirements of this Regulation.

Article. 20. *In vitro* diagnostic products may be registered as a family when:

I- They are from the same legal manufacturer, have similar technology, use the same methodology, and are included in the family grouping list of *in vitro* diagnostic products, published in the Normative Instruction no. 3, of August 26th, 2015; or

II- They are from the same legal manufacturer, have similar technology, use the same methodology, and are interdependent and exclusive for the performance of a specific test.

Paragraph 1. The reagents, calibrators and controls of a specific test may be supplied separately if this is specified in the *cadastro* or *registro* of the product family.

Paragraph 2. Products that may be used in multiple tests shall be registered separately, as single products.

Article 21. At the discretion of the health authority, information related to clinical research may be requested according to Collegiate Board of Directors Resolution - RDC no. 10, of February 20th, 2015.

Section II
Applications for Changes in *Cadastro* or *Registro* of Products

Article 22. To file applications for changes in *cadastro* or *registro* of *in vitro* diagnostic products, applicants shall submit the following:

I- proof of payment of the Sanitary Surveillance Supervision Inspection Fee (TFVS) by presenting either the respective tax payment form (GRU), or an exemption form;

II- electronic application form provided by ANVISA, duly completed, clearly and objectively identifying the requested changes;

III - documents that support and prove the requested changes compared to earlier versions of documents submitted to ANVISA; and

IV - other documents required by the health authority, according to the subject of application, as described in ANVISA's Electronic Application System.

Sole Paragraph. Applications with incomplete documentation shall not be subject to technical requirement, and shall result in summary rejection.

Article 23. In the case of changes, should a stock depletion for finished products be needed, the simultaneous importation and commercialization of the comprised versions shall be allowed for up to 180 (one hundred eighty) days, as of the date of approval by ANVISA.

Sole Paragraph. Changes made to address product safety and effectiveness problems do not fall under the permission in the scope of this article, and should be implemented before the product is commercialized or distributed.

Section III
Applications for Product Registration Renewal

Article 24. To file applications to renew *in vitro* diagnostic product registration, applicants shall submit the following:

I – payment proof of the Health Surveillance Inspection Fee (TFVS) by means of the corresponding Brazilian Federal Tax Collection Form (GRU), or a fee exemption voucher;

II – electronic application form provided by ANVISA, duly completed;

III – certified copy of the legal document, as set forth in Article 20, subsection V, for imported products; and

IV – proof of Certificate of Good Manufacturing and Control Practices issued by ANVISA, or proof of GMP Certificate application submission.

Sole Paragraph. Applications with incomplete documentation shall not be subject to technical requirement, and shall result in summary rejection.

Article 25. Products subject to *cadastro* registration shall be exempt from renewal.

Section IV
Applications for Product Registration Cancellation

Article 26. The holder of *cadastro* or *registro* registration of an *in vitro* diagnostic product who no longer intends to commercialize it on Brazilian market should request its cancellation by submitting the duly completed form, available at ANVISA's Electronic Application System.

Sole Paragraph. Cancellation of the *cadastro* or *registro* registration does not exempt its holder from responsibilities regarding products already available in the market.

CHAPTER IV
TECHNICAL DOSSIER

Article 27. The technical manager shall be responsible for all information provided in the product's technical dossier.

Article 28. The technical dossier shall be kept updated by either the national manufacturer or the product importer on their premises for purposes of inspection by the Brazilian Health Surveillance System.

Sole paragraph. The technical dossier for Class I products shall not be submitted to ANVISA, however, domestic manufacturers or importers should maintain the information and documents set forth in the Annex of this Resolution, for health control purposes.

Article 29. The technical dossier shall provide the following information, according to the risk class:

I - product description, containing the data listed below:

a) indication for use or intended use:

1. analyte or object to be measured;
2. functionality (screening, monitoring, diagnosis or assistance in diagnosis);
3. specific situation, condition or risk factor of interest to be detected, defined or differentiated;
4. intended user (professional or lay user);
5. environment or place of use;
6. if for single or multiple use;

7. if automated, semi-automated or not automated;
8. if qualitative or quantitative;
9. type(s) of required sample(s); and
10. where applicable, target test audience;

b) detailed description of test method principle or instrument operating principles;

c) product risk class;

d) description of the product's components and, when appropriate, description of the active ingredients of the components;

e) description of the commercial presentation and packaging (primary and secondary);

f) where applicable, for automated tests, description of the characteristics of the required or dedicated instrument;

g) where applicable, indication of the software to be used with the *in vitro* diagnostic product;

h) where applicable, description or complete list of the *in vitro* diagnostic product configurations/variations that will be available;

i) where applicable, description of accessories, other *in vitro* diagnostic products and any other product, which shall be used in combination with the target product; and

j) indication of the country(ies) in which the product(s) has/have been authorized or approved for commercialization;

II – product images (photographs, drawings or diagrams of the product or set of its components);

III – product risk management report (risk analysis and risk reduction measures);

IV – where applicable, list of adopted technical standards;

V – Certificate of Compliance issued by the Brazilian Compliance Evaluation System (SBAC), for instruments with compulsory certification, listed by ANVISA in specific regulations.

VI – performance studies, containing, when applicable:

a) biological samples:
1. characterization and validation of clinical samples used; and
2. storage conditions and stability of samples;

b) determination of metrological traceability of calibrator and control values;

c) measurement accuracy;

d) measurement precision, including:
1. repeatability; and
2. reproducibility;

e) analytical sensitivity or detection limit;

f) analytical specificity;

g) high-dose prozone effect;

h) measurement range (limits) or linearity range;

i) definition of cut-off value;

j) test procedure validation report;

k) validation report of the cleaning and disinfection procedures for instruments that require direct contact with the patient or lay user; and

l) usability report for products intended for lay users;

VII - product stability (except instruments), including:

a) expiration date based on a study of at least three (3) product batches (protocols, acceptability criteria, results, conclusion and recommended storage conditions);

b) stability of the product in use - after being opened or installed in any instrument (protocol, acceptability criteria, results and conclusion); and

c) transport or shipping stability (protocol, acceptability criteria, conclusion and recommended transport conditions), when the transport or shipping are performed in conditions other than storage conditions;

VIII - clinical performance, when applicable, including:

a) general summary of clinical evidence, addressing clinical sensitivity and clinical specificity;

b) expected values or reference values;

c) evaluation report of clinical evidence;

IX - labeling and instructions for use, containing:

a) images of primary and secondary set of labels intended to be affixed to the products, in accordance with the requirements of Chapter V of this Resolution;

b) instruction for use of the product, in accordance with the requirements of Chapter V of this Resolution; and

c) technical or operator’s manual for instruments.

X – addresses of the manufacturing sites, including the sites of stages that are outsourced or contracted by the legal manufacturer; and

XI - manufacturing processes with production process flowcharts describing manufacturing phases or stages required to produce a finished product, including control stages in process and finished product testing, identifying manufacturing sites, when applicable.

Sole paragraph. Real-time study data should be submitted when renewing the registration, in cases that stability studies were submitted with accelerated time studies.

Article 30. The necessity of providing information requested for each item of the technical dossier, according to the risk classes, is indicated in the Annex of this Resolution.

Sole Paragraph. For technical reasons, to prove the safety and effectiveness of the products, ANVISA may request additional information or documentation, due to the potential risk to health or even for products that are considered strategic for the Ministry of Health.

CHAPTER V
LABELING AND INSTRUCTIONS FOR USE REQUIREMENTS

Article. 31. Labels and instructions for use shall be capable of identifying the product and its legal manufacturer, as well as providing information related to safety and effectiveness of the product for professionals or lay users.

Article 32. Language used on labels and instructions for use shall be compatible with the technical knowledge, experience, education or training(s) of intended user(s).

Paragraph 1. Standard international symbols for labels and instructions for use of medical devices are hereby permitted in accordance with ABNT NBR ISO 15223 standard- "Medical devices - Symbols to be used with medical device labels, labelling, and information to be supplied."

Paragraph 2. Symbols on products intended for the lay public shall include a legend.

Paragraph 3. The use of symbols not listed in the ABNT NBR ISO 15223 standard is hereby permitted if accompanied by a legend, on products for professional use.

Paragraph 4. Graphs and charts may be used in instructions for use, provided that they facilitate the user's understanding.

Article 33. The use of instructions for use in non-printed format shall comply with the provisions of Normative Instruction no. 4, of June 15th, 2012.

Article 34. Product labeling should be written in the Portuguese language or use appropriate symbols.

Paragraph 1. The secondary (external) labeling of *in vitro* diagnostic products should contain the following information:

I – product's technical or trade name;

II – sufficient information to enable the user to identify the product and its intended use;

III - company name and address of the legal manufacturer;

IV - company name, address and CNPJ of the applicant;

V - name of the technical manager, with logo and registration number in the professional council;

VI – registration number in ANVISA after the acronym MS;

VII – indication that the product is an "*in vitro* diagnostic product";

VIII - the expressions "Please carefully read the instructions before performing the test" and "Self-test for (specify the parameters or conditions for which the test is intended), with no diagnostic purposes" (in Portuguese); when intended for the lay public;

IX - number, batch code or serial number, after an identification term, or equivalent symbols;

X - clear indication of the product expiration date, except for instruments;

XI - indication of storage conditions, which may also mention specific shipping and/or handling conditions;

XII – if the product is sterile, an indication of its condition and method of sterilization;

XIII - warnings or precautions to be taken by the product user;

XIV - when relevant, indication that the product is for single-use only and if its reuse may pose a potential risk, indication of that fact; and

XV- list of components comprising the entire product, informing the respective quantities.

Paragraph 2. The primary labeling of *in vitro* diagnostic products, except the instruments, should contain the following information:

I – product's technical or trade name and indication of component;

II – batch number or code after an identification term, or equivalent symbols;

III – clear indication of the product expiration date;

IV – indication of the appropriate product storage conditions.

Paragraph 3. The primary labeling of instruments should be indelible and contain the following information:

I – product's technical or trade name, and its commercial model;

II – serial number after an identification term, or equivalent symbols;

III – identification of the legal manufacturer;

IV– registration number in ANVISA.

Article 35. The instructions for use for *in vitro* diagnostic products shall be written in Portuguese and contain the following information:

I – product's technical or trade name;

II– legal manufacturer's company name and address, along with a phone or fax number and/or a website address, where technical assistance may be obtained (Customer Assistance Service);

III – product purpose and intended use, including indication that the product is an "*in vitro* diagnostic product";

IV – intended user, when applicable;

V – indication of applicable storage and handling conditions;

VI – operating principle of the test or instrument;

VII – types of sample or arrays to be used, when applicable;

VIII – conditions for the collection, handling, preparation and preservation of samples;

IX – product description, including accessories, and any limitations for its use, such as the use of a dedicated instrument, and, if applicable, the software version;

X - product in-use stability, except for instruments, including storage conditions after the primary packaging has been opened, as well as storage conditions and stability of working solutions, when relevant;

XI - details of any treatment or handling of products before they are ready for use, such as installation, reconstitution, calibration, among others;

XII - when applicable, recommendations for quality control procedures;

XIII - testing procedure, including calculations and interpretation of results;

XIV - information on interfering substances or limitations which may affect the test performance;

XV - performance characteristics, such as sensitivity, specificity, accuracy and precision, except for instruments;

XVI - identified residual risks;

XVII - reference range, when applicable;

XVIII - when relevant, special installation requirements (such as a clean room) or special training (such as radiation safety) or specific product user qualifications;

XIX - if the product has been supplied sterile, clear instructions on how to proceed if the packaging has been damaged before use;

XX - information on other products, materials or tools needed to perform the test or reaction;

XXI - warnings or precautions to be taken regarding the disposal of the product, as well as accessories and consumables used, including risk of infection, or microbiological, environmental and physical risks;

XXII – circumstances under which the user shall consult a health professional for products intended for lay users,

XXIII - date of issue or latest revision of the instructions for use and, when appropriate, a numerical identification; and

XXIV - indication of the product's warranty terms and conditions.

CHAPTER VI
REGISTRATION CANCELLATION

Article 36. ANVISA shall cancel the *cadastro* or *registro* registration of *in vitro* diagnostic products in the following cases:

I - when any of the information provided has been proven to be false, or if any of documents listed in Chapter III has been cancelled; or

II- when the product or its manufacturing process has been proved to pose a risk to the health of consumers, patients, technicians, or third parties involved.

CHAPTER VII
TRANSITIONAL AND FINAL PROVISIONS

Article 37. Maintenance of a *cadastro* or *registro* registration of any *in vitro* diagnostic product shall depend on its compliance with Good Manufacturing Practices, with applicable technical standards, and specific standards, if any.

Article 38. Registration applications for *in vitro* diagnostic products granted prior to this Resolution coming into force shall be adjusted or complemented when renewing.

Sole paragraph. Products registered as Class II *registro* prior to this Resolution coming into force shall be considered *cadastro*, shall keep the same identification number and are not required to be renewed.

Article 39. The documents specified in Article 19, subsections III, IV and V should be added to applications pending analysis.

Article 40. The maintenance of compliance between the product information and the information declared in the *registro* or *cadastro* application is the responsibility of the requesting company.

Article 41. The documents listed in this Resolution which are issued in a foreign language should be translated into Portuguese.

Sole paragraph. Documents which are part of the technical dossier, indicated in Article 29, in accordance with the rules defined by Collegiate Board of Directors Resolution - RDC no. 25, of June 16th, 2011, and RDC no. 50, of November 6th, 2013, shall be exempt from translation requirements.

Article 42. Failure to comply with the provisions herein shall constitute a health violation, pursuant to Law no. 6,437, of August 20th, 1977, without prejudice to the civil, administrative and criminal liabilities.

Article 43. The Collegiate Board of Directors Resolution – RDC no. 206, of November 17th, 2006, and the Collegiate Board of Directors Resolution – RDC no. 61, of November 18th, 2011 shall be revoked when this Resolution comes into force.

Article 44. This Resolution shall come into force 60 (sixty) days after its publication.

Sole Paragraph. A period of 365 (three hundred and sixty five) days shall be given, after the publication of the Resolution, for adjustments in labeling, product instructions for use, and maintenance of the technical dossier, in accordance with Articles 29 and 30.

JARBAS BARBOSA DA SILVA