

Steripack S.A. MDD Certificates (expiring in September 2023) continue valid until December 2028

Subject: To formal communicate that the Steripack S.A. EC Certificates under MDD 93/42/EEC expiring in September 2023 will **remain valid until 31 December 2028** in accordance with Regulation (EU) 2023/607 amending MDR 2017/745.

To whom this letter may concern,

With the publication of the Regulation (EU) 2017/745 (also referred as MDR) in 2017, Steripack S.A. initiated the implementation activities in order to prepare the transition to MDR on time. Since early 2021, Steripack S.A. started the submission process with its notified body- *DEKRA Certification B.V.* - to guarantee the MDR certification before 1st September 2023.

Unfortunately, despite all Steripack S.A. efforts to comply with the requested requirements and timelines, we were informed that due to *DEKRA Certification B.V.* lack of capacity, the conformity assessment of the Steripack S.A. devices will not happen before 1st September 2023- date on which the current MDD certificates issued in accordance with Directive 93/42/EEC will expire.

Therefore, in order to **authorize Steripack S.A. to continue placing on the market the devices covered by the expired MDD certificates after 1 September 2023**, *DEKRA Certification B.V.* issued an Agreement on the 09th June 2023: *“Extension of validity of DEKRA Certification B.V. Certification Agreement for continuation of MDD 93/42/EEC surveillance activities, in reference to Regulation (EU) 2023/607 of the European Parliament and of the Council of 15 March 2023 amending Regulation (EU) 2017/745 as regards the transitional provision for certain medical devices”.*

Please consult the aforementioned Agreement attached to this letter.

The risk of shortages of medical devices for the patients in need of medical care is a matter of concern for Steripack S.A.

Although this extension provided by *DEKRA Certification B.V.* allows Steripack S.A. to continue supplying safe and effective CE marked medical devices until 2028, we expect that this extension should be only of sufficient duration to give *DEKRA Certification B.V.* the necessary time to carry out the conformity assessments required and issue the MDR certificates as soon as possible.

Sincerely,



Joana Pereira- Quality Director

31st of August 2023

STERIPACK S.A.

Zona Industrial 1 - Lote 34 a 35, 4560-164 Guilhufe, Penafiel PORTUGAL

Phone: +31 412 236 606

www.sterisets.com

PART OF STI GROUP



Steripack S.A.
Tradename: Sterisets Medical Products
Zona Industrial 1 – Lote 11 a 14
4560-164 Guilhufe
Penafiel
Portugal

Your ref.	
Our ref.	CA-23-165
Tel.	+31 88 96 83009
Fax	+31 88 96 83100
E-mail	medical.nl@dekra.com

Arnhem, 9 June 2023

Subject: Extension of validity of DEKRA Certification B.V. Certification Agreement for continuation of MDD 93/42/EEC or AIMD 90/385/EEC surveillance activities, in reference to Regulation (EU) 2023/607 of the European Parliament and of the Council of 15 March 2023 amending Regulation (EU) 2017/745 as regards the transitional provision for certain medical devices

Dear Mrs. Pereira,

Introduction:

Regulation (EU) 2023/607 of the European Parliament and of the Council of 15 March 2023 amending Regulation (EU) 2017/745 and (EU) 2017/746 as regards the transitional provision for certain medical devices and in vitro diagnostic medical devices has been published on 20 March 2023 and came into force on the same day.

This Regulation (EU) 2023/607 has amended Regulation (EU) 2017/745 (from here referred to as MDR 2017/745) to now identify that under certain conditions certificates issued by notified bodies in accordance with Directives 90/385/EEC and 93/42/EEC that were still valid on 26 May 2021 and that have not been withdrawn afterwards shall remain valid after the end of the period indicated on the certificate under certain conditions. Additionally should the manufacturer intend to make use of the extension of the validity of the certificates, involvement of a notified body for continued surveillance is required.

This agreement identifies the devices and certificates for which the required conditions are met and that the manufacturer intends to make use of the options for extension of the validity of the certificates. The agreement also identifies the conditions under which DEKRA Certification B.V. will be the notified body responsible for continued surveillance. In order for DEKRA Certification

B.V. to continue these surveillance activities the Certification Agreement in place with the manufacturer will be extended, as detailed further below.

Agreement:

Steripack S.A has identified the intention to make use of the options for extension of the validity of the certificates as detailed in the amendment of the MDR 2017/745 by Regulation (EU) 2023/607.

Evidence has been provided by Steripack S.A that they meet the following condition(s) for the certificates issued by DEKRA Certification B.V. in accordance with Directives 90/385/EEC and/or 93/42/EEC to remain valid:

- Steripack S.A holds certificates issued by DEKRA Certification B.V. in accordance with Directives 90/385/EEC and/or 93/42/EEC that were still valid on 26 May 2021 and that have not been withdrawn afterwards and were not expired on 20 March 2023 and:
 - (a) Has already lodged a formal application with a notified body in accordance with MDR 2017/745 Section 4.3, first subparagraph, of Annex VII for conformity assessment in respect of the device or in respect of the device intended to substitute that device.
 - (b) A written agreement in accordance with MDR 2017/745 Section 4.3, second subparagraph, of Annex VII, is already in place between the notified body to which the formal application has been made and Steripack S.A.

Based on evidence provided by Steripack S.A., it has been determined that the following 90/385/EEC and/or 93/42/EEC DEKRA Certification B.V. certificates of Steripack S.A. for the devices indicated below meet the requirements to remain valid:

Certificate number	Scope and product categories	Annex	Class & rule	Expiry date
2153004CE01	Sterile examination gloves, sterile absorbent pads, sterile trays and bowls, sterile syringes with water, sterile syringes with water containing 10% glycerine, sterile surgical drapes, sterile catheterization accessory sets, sterile washing sets, sterile dressing sets, and sterile suture accessory sets - Sterile examination gloves - Sterile absorbent pads - Sterile trays and bowls - Sterile syringes with water	II	Class Is Rule 1	1 September 2023

	- Sterile syringes with water containing 10% glycerine - Sterile surgical drapes - Sterile catheterization accessory sets - Sterile washing sets - Sterile dressing sets - o Sterile spatulas - o Sterile maternity pads - o Sterile cotton tips - Sterile suture accessory sets			
2153004CE02	Sterile catheterization accessory sets, sterile single use forceps, clamps and scissors, sterile and non sterile dressing sets, sterile dialysis sets, sterile delivery sets, sterile surgical sets, sterile washing sets, sterile and non sterile gauze and non woven swabs and balls and sterile syringes with 0,9% sodium chloride - Sterile catheterization accessory sets - Sterile and non sterile dressing sets - Sterile dialysis sets - Sterile delivery sets - Sterile surgical sets - o Sterile anaesthesia sets - o Sterile puncture sets - o Sterile suture accessory sets - Sterile washing sets - Sterile and non sterile gauze and non woven swabs and balls - o Sterile and non sterile gauze balls - o Sterile and non sterile gauze balls on a pin - o Sterile and non sterile gauze balls star shape - o Sterile and non sterile gauze balls tampon - o Sterile and non sterile gauze balls triangular shape - o Sterile and non sterile gauze balls with X-ray - o Sterile and non sterile gauze swabs with X-ray - o Sterile and non sterile abdominal swabs with X-ray - o Gauze swabs flat - o Preparation balls with X-ray - o Sterile and non sterile non woven balls	II	Class IIa Rule 5 and 6	1 September 2023

	○ Sterile and non sterile non woven balls triangular shape ○ Non woven balls on a pin ○ Non woven balls with X-ray ○ Non woven swabs with X-ray Sterile syringes with 0,9% sodium chloride. - Sterile forceps, clamps and scissors			
2153004CE03	Anticoagulant for use as a catheter lock - Citra-Lock S 4%, sterile syringe containing 2,5 ml 4% Trisodium Citrate solution	II	Class IIb Rule 3	1 September 2023

By signing this agreement Steripack S.A. also confirms that the following additional requirements of MDR 2017/745 Article 120 3c, as amended by Regulation (EU) 2023/607, are met, and will continue to be met, for all products listed above which will continue to be placed on the market:

- those devices continue to comply with Directive 90/385/EEC or Directive 93/42/EEC, as applicable;
- there are no significant changes in the design and intended purpose;
- the devices do not present an unacceptable risk to the health or safety of patients, users or other persons, or to other aspects of the protection of public health;

Additionally Steripack S.A. also commits that no later than 26 May 2024, the manufacturer has put in place a quality management system in accordance with MDR 2017/745 Article 10(9).

Following from the above information and commitments from Steripack S.A., DEKRA Certification B.V. agrees to be the notified body responsible for the continued appropriate surveillance in accordance with applicable requirements, and in the respect of the applicable devices identified above, as stipulated in MDR 2017/745 Article 120 3e, as amended by Regulation (EU) 2023/607, DEKRA Certification B.V.. This appropriate surveillance shall include at least:

- Surveillance audits in accordance with Directive 90/385/EEC or Directive 93/42/EEC (as applicable), considering also MDR 2017/745 requirements for post market surveillance, vigilance, registration of economic operators and of devices as required by MDR 2017/745 Article 120
- Assessment of reportable changes
- Assessment of reportable adverse events (vigilance) for impact on certification status

For the specific devices given above for which the certificate can still be considered valid, the certificate validity date and dates until when the products may be placed on the market or put into service are as follows.

Type of Device	Date until which certificate can still be considered valid
Class III Class IIb implantable devices excluding well-established technologies (sutures, staples, dental fillings, dental braces, tooth crowns, screws, wedges, plates, wires, pins, clips and connectors)	31 December 2027
Class IIb devices Class IIb implantable devices which are well-established technologies (sutures, staples, dental fillings, dental braces, tooth crowns, screws, wedges, plates, wires, pins, clips and connectors) Class IIa devices Class I sterile devices Class I devices with a measuring function	31 December 2028

The table above thus also defines the dates until which DEKRA Certification B.V. is responsible for the appropriate surveillance, unless one of the following situations applies:

- Steripack S.A. provides a Notification of Change to inform DEKRA Certification B.V. that devices will no longer be placed on the market or put into service and the certificate should no longer be considered to be valid
- DEKRA Certification B.V. is not the notified body with which the written agreement has been signed for conformity assessment of the device or substitute device in accordance with MDR 2017/745. In this case the notified body with which the written agreement has been signed for conformity assessment of the device or substitute device must take responsibility for surveillance of the device which has a certificate that was issued in accordance with Directive 90/385/EEC or Directive 93/42/EEC. This should be no later than 26 September 2024 as detailed in MDR 2017/745 Article 120 3e, as amended by Regulation (EU) 2023/607. Thus DEKRA Certification B.V.'s responsibility for surveillance will end on 26 September 2024 in this case, or before if a Notification of Change is provided to confirm that the surveillance activities are now carried out by another Notified Body.

Finally, by signing this agreement DEKRA Certification B.V. and Steripack S.A. agree that current Certification Agreement CA 22-162 which covers the products under the Directive 90/385/EEC and/or Directive 93/42/EEC certificates listed above will thus continue to remain valid until the dates as stipulated above, in order for DEKRA Certification B.V. to meet the required surveillance responsibilities. This also includes that the manufacturer will continue to meet the following responsibilities as stipulated in that Certification Agreement:

- Allowing DEKRA to carry out appropriate surveillance activities in respect of the applicable requirements
- Reporting of significant changes to DEKRA Certification B.V. for assessment
- Reporting of adverse events (vigilance) to DEKRA Certification B.V. for assessment

Should you agree with the above please confirm this through a signature below.

Thus duly agreed, drafted and signed:

Steripack S.A.

DEKRA Certification B.V.

Penafiel, Porto- Portugal (place)

Arnhem (place)

09 June 2023 (date)

9 June 2023 (date)

Joana Pereira (signature)

B.T.M. Holtus (signature)

Joana Pereira (name)

B.T.M. Holtus (name)

Quality Director (title)

Managing Director (title)