BIOSYNEX
EASY DIAGNOSTICS FOR LIFE SWISS

Medical Devices Department
Ministry of VWS
The Netherlands

March 9th, 2021

RE: Exemption for the provision of an Antigen Rapid Test as self-test according to Article 8 of the Law on Medical Devices

Dear Madam/Sir,

In reference to the publication on March 4, 2021 of "Procedure voor ontheffing voor antigeen sneltest als zelftest" by the Ministry of VWS, we, **BIOSYNEX SWISS SA** as legal manufacturer of BIOSYNEX COVID-19 Ag BSS rapid test (reference SW40006- for professional users), would like to apply for obtaining a temporary exemption for the usage of this rapid antigen test for the detection of SARS-CoV2 as self-test in The Netherlands.

Below is the list of the required documentation with our comments in blue. Referenced documents are attached to this letter.

In summary, we would like to receive an exemption for our Covid-19 antigen self-test in two distinct units:

- Kit of 1 test: 1 individual package containing 1 test and required accessories
- Kit of 5 tests: 5 individual packages containing each 1 test and required accessories

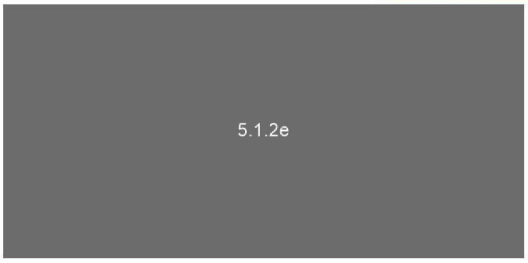
We would like also to precise that BIOSYNEX COVID-19 Ag BSS rapid test, reference SW40006 is the current professional CE marked version that we sell. This product is adapted for both nasal and nasopharyngeal sampling and is packed in individual packages. One kit contains 25 individuals bags containing each 1 test, 1 sterile swab, 1 pre-filled buffer tube, 1 dropper cap. Additionnally there are a workstation and usage instructions per kit.

As a company, BIOSYNEX strives to respond the need of customers and public health priorities. If you have specific requests, such as the availability of self-testing kits with different number of tests for each kit, we would be more than willing to respond to these requirements in developing rapidly alternative packaging or unit sizes.

Thanks for reviewing our application. Please contact us if there are any questions about the submitted documentation.
We look forward to the opportunity of making our products accessible in support of the response to the COVID-19 pandemic in The Netherlands.

Best regards,

5.1.2e (General manager- 5.1.2e@biosynex.com)
5.1.2e (Regulatory department- 5.1.2e@biosynex.com)



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SUMMARY OF THE DOCUMENTATION:

Document 1A: Declaration of conformity of the professional version BIOSYNEX COVID-19 Ag BSS
Document 1B : Statement of equivalence of professional and self-testing versions
Document 1C : Device description
Document 2 : Copy of TUV SUD order confirmation for certification of COVID-19 Ag Self-testing kit.
Document 3 : Bill of Material including pictures and components labelling for the self-test
Document 4A : Report of the analytical performances studies
Document 4B : Reports of the clinical performances studies
Document 4C : Report of an independent clinical study
Document 5 : Report of the lay users study
Document 6A : Box design of the self-test in Dutch language (1 test/kit)
Document 6B : Box design for the self-test in Dutch language (5 tests/kit)
Document 6C : Instructions For Use in Dutch language
Document 7 : Instructions For Use for the professional version
Document 8 : Essential Principles Checklist of the self-test
Document 9A : Risk Management file
Document 9B : Annexe I : Risk assessment ans Risk control
Document 10: Copy of special authorization for COVID-19 Ag self-test in Czech Republic

REQUIRED DOCUMENTATION

Please enclose at least the following documents with the application for an exemption:
-Evidence that the antigen rapid test is CE marked for professional use, including associated underlying documentation.

- BIOSYNEX :

Please refer to « Document 1A » which is the declaration of conformity of the professional version BIOSYNEX COVID-19 Ag BSS, reference SW40006. Please refer also to « Document 1B » which is a statement of equivalence between professional and self-testing versions.

- Evidence that the antigen rapid test has been applied to an EU27 Notified Body to obtain the CE certificate for use as a self-test. Or proof that the conformity assessment procedure has already been contracted through an EU27 Notified Body for use as a self-test, and a confirmed action plan with timelines for obtaining the CE certificate (if available).

- BIOSYNEX :

Please refer « Document 2 » which is the copy of the order confirmation from the Notified Body TŰV SŰD for assessment and certification of our BIOSYNEX COVID-19 Ag Antigenic Self-testing kit.
BIOSYNEX has initiated the process of EC certification with TŰV SŰD in Germany. Process is on-going and we should have the CE 0123 mark once the review process is completed and approved by TŰV SŰD in the next weeks to months.

Product information:

o Product name / trade name and catalog number.

- BIOSYNEX :

BIOSYNEX Autotest Antigénique COVID-19 Ag (French product name)
BIOSYNEX COVID-19 Ag Antigenic Self-testing kit (English product name)
BIOSYNEX Antigeen zelftest COVID-19 Ag (Dutch product name)

Product references:

- 859256/859257/859258 : Kit of **1 test** (1 individual package containing 1 test and all the accessories)
  Note: there are 3 references since we have several languages for each reference. For the Dutch market, we will offer the self-test with one of those 3 references.

- 859261/859262/859263 : Kit of **5 tests** (5 individual packages containing each 1 test and all the accessories)
  Note: there are 3 references since we have several languages for each reference. For the Dutch market, we will offer the self-test with one of those 3 references.

Please note that that BIOSYNEX COVID-19 Ag BSS rapid test, reference SW40006 is the current professional CE marked version that we sell. This product is adapted for both nasal and nasopharyngeal sampling and is packed in individual packages. Indeed, one kit contains 25 individuals bags containing each 1 test, 1 sterile swab, 1 pre-filled buffer tube, 1 dropper cap. Additionally there are a workstation and usage instructions per kit.

o General description of the test, including its mode of action.

- BIOSYNEX :

This self-test is a qualitative membrane-based immunoassay that uses highly sensitive monoclonal antibodies to detect the nucleocapsid (N) protein of SARS-CoV-2 in nasal (NS) swab specimens. The test strip contains colloidal-gold conjugated particles with monoclonal antibodies against the N protein of SARS-CoV-2. The secondary antibodies for N protein of SARS-CoV-2 are coated on the membrane. When the sample is added to the sample well, the conjugates dried in the reagent pad are dissolved and migrate along with the sample. If SARS-CoV-2 antigen is present in the sample, a complex formed between the anti-SARS-CoV-2 conjugate and the virus will be captured by the specific anti-SARS-CoV-2 monoclonal antibodies coated on the test line region (T). Absence of the T line suggests a negative result.
An internal procedural control is included in the assay, in the form of a colored line appearing in the Control (C) area, indicating that the proper volume of sample has been added and membrane wicking has occurred.
Please refer to « Document 1C ».

o Intended use of the test, including type of sample / sampling and description of the target group tests.

- BIOSYNEX :

This self-testing kit allows to identify if the tested person is infected by SARS CoV2. The sample is obtained through a nasal swab (NS). The targeted protein is the nucleocapsid (N) protein antigen of SARS-CoV-2. The different variants of the virus described so far in some countries (United Kingdom, South Africa, Brazil ...) concern mutations of the Spike protein and therefore have no impact on the functionality of BIOSYNEX test.

o Clear (digital) images / photos of the various components and sample photos of all sides of the packaging and labeling.

- BIOSYNEX :

Please refer to « Document 3 » which is a Bill of Materials with pictures of the components and their labelling.

o Validation studies: report on analytical and clinical validation (method and results) showing the performance of the test in self-use without supervision (sensitivity and specificity).

- BIOSYNEX :

Please refer to « Documents 4A and 4B » which are the reports of the analytical and clinical performances respectively. Those are the study results that were conducted on the professional test.
As the tests for the professional and self-testing version are the same, the validation studies are applicable to the self-testing version.
Please refer to « Document 1A » confirming that BIOSYNEX Covid-19 Ag rapid tests are the same for the professional and self-testing version. Please also refer to « Document 4C » which is the report of the validation studies conducted with the professional version in The Netherlands under supervision by the RIVM.

o If the validation uses data from a study conducted outside the Netherlands, you must substantiate how this data can be extrapolated to the Dutch situation.

- BIOSYNEX :

Not applicable since two validation studies with the professional version were performed by in The Netherlands. Please note the Ministry of VWS purchased 1 million tests for professional usage from BIOSYNEX in January 2021.

o Validation studies: report on analytical and clinical validation (method and results) showing the performance of the test in professional use (sensitivity and specificity).

- BIOSYNEX :

Please refer to « Documents 4A and 4B » which are the reports of the analytical and clinical performances respectively. Those are the study results that were conducted on the professional test.
As the tests for the professional and self-testing version are the same, the validation studies are applicable to the self-testing version.
Please refer to « Document 1A » confirming that BIOSYNEX Covid-19 Ag rapid test are the same for the professional and self-testing version. Please also refer to « Document 4C » which is the report of the validation studies conducted with the professional version in The Netherlands under supervision by the RIVM.

o User-friendliness study for the self-test, taking into account the requirements of EN-IEC62366-1.

- BIOSYNEX :

We assessed the practicability of this self-test version and the ability of participants to interpret the test results. The participants were lay persons that had not been trained to perform the test, this study was performed under conditions that simulate self-testing practices. This study confirms that the test is user friendly and adapted for a self-testing usage:

- 88,4 % of different types of results have been correctly interpreted.
- 83,8 % of lay persons have completed the test without need for assistance

Please refer to « Document 5 » which is the full report of this study in lay persons, including the questionnaires and supporting documents that were used to conduct this study.

o User manual in Dutch. This is a requirement for self-testing. If available: also Dutch instruction videos, a link or reference to where these videos can be viewed.

- BIOSYNEX :

Please refer to « Document 6 » which is the Instructions For Use for the self-test in several languages including Dutch language. Other languages are available but not submitted for this special authorization for The Netherlands.
The Instructions For Use for the self-testing version is well adapted for lay persons. All the steps for obtaining a nasal swab, handling, and reading the results are explained with a text and pictures to ensure instructions are clear and well understood by lay persons.
Moreover, a video is under preparation In The Netherlands in Dutch. This will be a support to the Instructions For Use.
Please also refer to « document 6A » which is the box design for the self-test kits (1 test/kit).
Please refer to « Document 6B » which is the box design for the self-test kit (5 tests/kit).

Please refer to « Document 6C » which is the Instructions for Use common for all the references (1 test per kit and 5 tests per kit). Box and IFU are multi languages and include Dutch language.

o Description of the composition of the test kit (device, reagents, accessories) required for the self-test with description of deviations from the original professional use kit, including suppliers of components.

- BIOSYNEX :

Below a description of the components included in the self-tests kits of BIOSYNEX:

- BIOSYNEX COVID-19 self-testing kit, references 859256/859257/859258 (1 individual package of 1 test with accessories per kit box):
  - The kit contains 1 individual transparent bag, which includes:
    - 1 test, 1 sterile swab, 1 pre-filled diluent tube + 1 dropper cap + 1 dropper stop, usage instructions in multiple languages.
  - All the accessories required to provide the test are included in the final kit provided by BIOSYNEX.

- BIOSYNEX COVID-19 self-testing kit, references 859261/859262/859263 (5 individual packages containing each 5 tests and accessories per kit box):
  - The kit contains 5 individual transparent bags, each including:
    - 1 test, 1 sterile swab, 1 pre-filled diluent tube + 1 dropper cap + 1 dropper stop, usage instructions in multiple languages.
  - All the accessories required to provide the test are included in the final kit provided by BIOSYNEX.

Note:

BIOSYNEX COVID-19 Ag BSS rapid test, reference SW40006:

- This is the professional version for our Covid-19 Ag test, adapted for both nasal and nasopharyngeal sampling. The packaging is adapted for single use.
- The kit contains 25 individual packages containing each 1 test, 1 sterile swab, 1 pre-filled buffer tube + 1 dropper cap. Additionally there is one workstation per kit and usage instructions in multiple languages per kit.

o The CE Declaration of Conformity for the professional use of the antigen rapid test.

- BIOSYNEX :

Please refer to « Document 1 » which is the declaration of conformity of the professional version.

o The CE Declaration of Conformity for new components compared to professional use kit, if applicable.

- BIOSYNEX :

This not applicable since the only new component in the self-test version is the red dropper stop, as this is better adapted to lay persons in closing the tube before disposal in a wasting bin. Considering the nature of this new component, no declaration of conformity is available.

BIOSYNEX COVID-19 Ag BSS rapid test, reference SW40006:

- This is the professional version for our Covid-19 Ag test, adapted for both nasal and nasopharyngeal sampling. The packaging is adapted for single use.
- The kit contains 25 individual packages containing each 1 test, 1 sterile swab, 1 pre-filled buffer tube + 1 dropper cap. Additionally there is one workstation per kit and usage instructions in multiple languages per kit.
- Instructions For Use in Dutch language is attached in « Document 7 » for visualization of the component changes between the professional and self-testing IFU.

BIOSYNEX COVID-19 Ag Antigenic Self-testing kit (1 test/kit), references 859256/859257/859258:

- This is the self-testing version for lay users, adapted for nasal sampling
- The kit contains 1 individual transparent bag which includes:
  - 1 test, 1 sterile swab, 1 pre-filled diluent tube + 1 dropper cap + 1 dropper stop, usage instructions in multiple languages.
- All the accessories required to perform the test are provided in the kit box (the workstation is included on the box itself)

BIOSYNEX COVID-19 Antigenic self-testing kit (5 tests/kit), references 859261/859262/859263:

- This is the self-testing version for lay users, adapted for nasal sampling.
- The kit contains 5 individual transparent bags, each including:
  - 1 test, 1 sterile swab, 1 pre-filled diluent tube + 1 dropper cap + 1 dropper stop, usage instructions in multiple languages.
- All the accessories required to perform the test are provided in the kit box (the workstation is included on the box itself).

o Essential requirements checklist

- BIOSYNEX :

Please refer to « Document 8 » which is the Essential principles checklist for the self-testing version according to Directive 98/79/EC.

o Documentation for risk management with overview of risk estimation, risk control measures and residual risks in accordance with EN ISO 14971. Clearly indicate specific risks associated with the use as a self-test, for example by using highlight.

- BIOSYNEX :

Please refer to « Documents 9 and 9A » which are the Risk management file and the Annex I: Risk assessment & risk control. These documents are common for the professional and the self-testing versions. Risks related to the layperson use are well identified and controlled in document 9A, part H7-Hazards related to using the tests. This part is highlighted in yellow to be clearly and quickly found.

-If applicable: proof that another European member state has already granted an exemption for the use of the antigen rapid test as a self-test.

- BIOSYNEX :

BIOSYNEX is in process of obtaining approval through exemption for COVID-19 self-testing, in Germany. The dossier in the "Bundesinstitüt für Arzneimittel und Medizinprodukte (BfArM)" is Nr. 5640-S-041/21.
BIOSYNEX has also granted the authorization in Czech Republic, see "Document 10".
Since countries are proceeding with developing exemption approvals, BIOSYNEX intends to apply in many more countries.