# POLICY AND PROCEDURES

## OFFICE OF GENERIC DRUGS

## Evaluating Requests for and Conducting Product Development and Pre-Submission Pre-ANDA Meetings

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## PURPOSE

This Manual of Policies and Procedures (MAPP) outlines the policies and procedures of the Office of Generic Drugs (OGD) and the Office of Pharmaceutical Quality (OPQ) for (1) evaluating requests from prospective abbreviated new drug application (ANDA) applicants (prospective applicants) for a product development or a pre-submission pre-ANDA meeting[1] and (2) conducting such meetings as contemplated in the Generic Drug User Fee Amendments Reauthorization Performance Goals and Program Enhancements Fiscal Years 2023-2027 (GDUFA III commitment letter).[2] This MAPP contains revisions to a prior version that reflected certain terms of the GDUFA II commitment letter.

[1] Product development and pre-submission meetings, which are both part of the pre-ANDA program at the Food and Drug Administration (FDA), are conducted before prospective applicants submit an ANDA. This MAPP applies only to product development and pre-submission meetings and not to product-specific guidance (PSG) teleconferences, pre-submission PSG meetings, post-submission PSG meetings, mid-cycle review meetings, enhanced mid-cycle review meetings, post-complete response letter clarification teleconferences, or post-complete response letter scientific meetings.

[2] The GDUFA III commitment letter is available at https://www.fda.gov/media/153631/download.

## BACKGROUND

The Generic Drug User Fee Amendments of 2012 (GDUFA I)[3] amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) to authorize FDA to assess and collect user fees to provide the Agency with resources[4] to help ensure patients have access to quality, affordable, safe, and effective generic drugs. GDUFA fee resources bring greater predictability and timeliness to the review of generic drug applications. GDUFA has been reauthorized every 5 years to continue FDA's ability to assess and collect GDUFA fees and this user fee program has been reauthorized two times since GDUFA I, most recently in the Generic Drug User Fee Amendments of 2022. As described in the GDUFA III commitment letter that accompanied the legislation,[5] FDA has agreed to performance goals and program enhancements regarding aspects of the generic drug assessment program that build on previous authorizations of GDUFA. New enhancements to the program are designed to maximize the efficiency and utility of each assessment cycle, with the intent of reducing the number of assessment cycles for ANDAs and facilitating timely access to generic medicines for American patients.

In the GDUFA III commitment letter, FDA continued its commitment to conduct different types of meetings with prospective applicants within specific time frames to, among other things, clarify regulatory expectations for prospective applicants and assist these applicants in developing more complete ANDA submissions.[6] The meetings relevant to this MAPP include both product development meetings and pre-submission meetings, which are intended to allow prospective applicants to discuss the development of their products with FDA before they submit an ANDA. In particular, for prospective applicants developing complex generic drug products:[7]

- Product development meetings provide prospective applicants a forum for a scientific exchange on specific issues (e.g., a proposed study design, alternative approach, additional study expectations, or questions) and for FDA to provide targeted advice regarding these prospective applicants' ongoing ANDA development programs.

[3] Title III of the Food and Drug Administration Safety and Innovation Act, Public Law 112-144.

[4] User fees are available for obligation in accordance with appropriations acts.

[5] See footnote 2.

[6] See GDUFA III commitment letter at 21, 25-27; see also the guidance for industry *Formal Meetings Between FDA and ANDA Applicants of Complex Products Under GDUFA* (October 2022) (Formal Meetings guidance) at 2. For the most recent version of a guidance, check the FDA guidance web page at https://www.fda.gov/RegulatoryInformation/Guidances/default.htm.

[7] See the GDUFA III commitment letter at 45-46 for FDA's definition of a *complex product*. See also the Center for Drug Evaluation and Research's MAPP 5240.10 *Classifying Approved New Drug Products and Drug-device Combination Products as Complex Products for Generic Drug Development Purposes*, available at https://www.fda.gov/media/157675/download.

- Pre-submission meetings provide prospective applicants the opportunity to present unique or novel data or information that will be included in the ANDA submission such as formulation, key studies, justifications, and/or methods used in product development, as well as the interrelationship of the data and information in the ANDA.[8]

## POLICY

A prospective applicant may request a product development or pre-submission meeting through the CDER NextGen Collaboration Portal (portal).[9] Once received, OGD and OPQ will evaluate the request and determine whether it should be granted or denied. If either OGD or OPQ agrees to grant the meeting request, the meeting will be held.

- **Criteria for Granting a Product Development Meeting Request**

FDA ***will*** grant a product development meeting if, in FDA's judgment:

- The requested meeting concerns:
  - development of a complex product for which FDA has not issued a PSG[10] or
  - An alternative equivalence evaluation (i.e., change in study type, such as in vitro to comparative clinical endpoint) for a complex product for which FDA has issued a PSG[11]
- FDA determines the prospective applicant's meeting package is complete and a controlled correspondence[12] response would not adequately address the prospective applicant's questions; and
- A product development meeting would significantly improve ANDA assessment efficiency.[13]

[8] FDA recommends that a prospective applicant submit its pre-submission meeting request approximately 6 to 8 months before submission of the ANDA. See the Formal Meetings guidance for more information.

[9] The portal is accessible at https://edm.fda.gov/. For questions about submitting pre-ANDA meeting requests, prospective applicants can contact PreANDAHelp@fda.hhs.gov.

[10] PSGs describe FDA's current thinking and expectations on how to develop generic drug products therapeutically equivalent to specific reference listed drugs. Product-Specific Guidances for Generic Drug Development web page, available at https://www.fda.gov/drugs/guidances-drugs/product-specific-guidances-generic-drug-development.

[11] GDUFA III commitment letter at 25.

[12] For more information on controlled correspondence, see the guidance for industry guidance *Controlled Correspondence Related to Generic Drug Development* (December 2020).

[13] GDUFA III commitment letter at 25.

FDA ***may*** grant a product development meeting, dependent on available resources, if, in FDA's judgment:

- The requested meeting concerns complex development issues other than those identified above (e.g., a novel approach for a non-complex product);
- FDA determines the prospective applicant's meeting package is complete and a controlled correspondence response would not adequately address the prospective applicant's questions; and
- A product development meeting would significantly improve ANDA assessment efficiency.[14]

- **Criteria for Granting a Pre-Submission Meeting Request**

FDA ***will*** grant pre-submission meetings for prospective applicants that have had a product development meeting for the same complex generic product (i.e., face-to-face, videoconference, teleconference, or written response only) or if FDA believes in its sole discretion that the pre-submission meeting would improve assessment efficiency.[15] For example, FDA ***may*** grant a pre-submission meeting to a prospective applicant of a complex product that did not have a product development meeting or for a non-complex product if FDA decides the pre-submission meeting would improve ANDA assessment efficiency and dependent on available resources. Prospective applicants of complex products are strongly encouraged to seek agency input via product development meetings prior to submitting a request for a pre-submission meeting. Pre-submission meeting requests for non-complex products will generally be denied.[16]

- **Notification of the Meeting Request Decision**

If FDA grants the meeting request, FDA will notify the prospective applicant via the portal that the meeting has been granted and will indicate the format.

- For "will grant" product development meetings, FDA generally will grant the prospective applicant's requested meeting format (i.e., face-to-face, videoconference, teleconference, or written response only).[17] For "may grant" product development meetings, FDA has discretion to determine the format.

[14] GDUFA III commitment letter at 26.

[15] GDUFA III commitment letter at 26.

[16] See the Formal Meetings guidance.

[17] On occasion, a prospective applicant may request a written response for a product development meeting. If it is a "will grant" meeting, FDA may determine that a face-to-face meeting, videoconference, or teleconference would promote discussion. If so, FDA may ask the prospective applicant to reconsider the original request for a written response only.

- For "will grant" pre-submission meetings, FDA generally will grant the prospective applicant's requested meeting format (i.e., face-to-face or videoconference).[18] For pre-submission meetings that FDA may grant if FDA decides that the meeting would improve ANDA assessment efficiency and dependent on available resources, FDA has discretion to determine the format.

If FDA denies the meeting request, FDA will notify the prospective applicant via the portal that the meeting has been denied. The denial will state why the meeting has been denied and will generally provide a path forward for future communication with FDA (e.g., a controlled correspondence or a revised meeting request).

## PROCEDURES

OGD[19] and OPQ will evaluate requests for product development and pre-submission meetings and conduct these meetings by completing the following three stages (see also Attachments 1 and 2).[20]

### A. Stage 1

Within 14 days[21] from receiving the prospective applicant's product development meeting request or within 30 days from receiving the prospective applicant's pre-submission meeting request, OGD and/or OPQ will complete the following actions.

1. The OGD Pre-ANDA Meeting Coordinator will perform a preliminary screening of the request to confirm that the prospective applicant:

   a. Included a valid pre-assigned ANDA number in the request.

   b. Submitted a meeting package.

2. Once the OGD Pre-ANDA Meeting Coordinator determines that the meeting package is acceptable for further assessment, he or she will assign the grant/deny assessment task to the Meeting Project Manager (Meeting

[18] Due to the nature of the pre-submission meeting, teleconference and written response only are not options for this meeting type.

[19] The procedures in this MAPP generally apply to staff in OGD's Office of Research and Standards.

[20] The time frames for each stage are effective as of October 1, 2022.

[21] Days, unless otherwise specified, means calendar days. GDUFA III commitment letter at 47.

PM) [22] who will assign the meeting request assessment to the appropriate teams, which will consist of staff from OGD and OPQ.

3. The OGD and OPQ meeting request assessment teams will:

   a. Confirm the prospective applicant's eligibility for the product development or pre-submission meeting.

   b. Assess the meeting request and package.

   c. Provide a recommendation on whether to grant or deny the request to the Meeting PM.

      i. If the meeting is granted, the Meeting PM will send, via the portal, a letter (grant letter) indicating the grant decision and the agreed-upon meeting format to the prospective applicant. For meetings or teleconferences, the scheduling information will be sent to the prospective applicant in either the grant letter or as soon as possible following notification that the request has been granted.

      ii. For pre-submission meetings, the grant letter may include comments on additional content for the meeting, including information on what topics should be addressed in the meeting in addition to those identified in the meeting request by the prospective applicant. The Formal Meetings guidance contains a suggested pre-submission meeting presentation outline template with recommendations on information that should be included by prospective applicants. To the extent prospective applicants do not identify relevant topics from that outline in their meeting request, the grant letter may identify that the prospective applicant should also address those topics at the meeting.[23]

      iii. If the meeting is denied, the Meeting PM will send, via the portal, a letter (deny letter) indicating the denial to the prospective applicant, which generally provides advice on a path forward.

[22] In general, the Meeting PM, who will manage meetings and communicate with the prospective applicants, will be from OGD or OPQ.

[23] If the meeting is granted, the prospective applicant may update the draft presentation up to 21 days prior to the meeting date so that FDA may provide preliminary comments on the updated presentation.

iv. If the meeting request is withdrawn by the prospective applicant, the Meeting PM will send, via the portal, a letter confirming the withdrawal to the prospective applicant.

## B. Stage 2

If the meeting request is granted, then within 120 days from granting the product development meeting request or within 60 days of receiving the pre-submission meeting request, OGD and/or OPQ are to complete the following actions.

1. The meeting package assessment team[24] will convene and review the meeting package.[25]

    a. If, during review of the meeting package, the meeting package assessment team identifies questions for the prospective applicant, the Meeting PM will send an information request (IR), via the portal, to that prospective applicant.

2. If a face-to-face meeting, videoconference, or teleconference will be held:

    a. The Meeting PM will send the prospective applicant a letter detailing the date and time of the meeting, if not included in the grant letter.

    b. The meeting package assessment team will prepare, before the meeting, preliminary written responses or comments which are generally based on (1) FDA's current thinking and available information, (2) input from the involved disciplines, and (3) consultations with other offices/centers, as applicable.[26]

    c. If the prospective applicant cancels the meeting before FDA issues the preliminary written responses or comments, the Meeting PM will not prepare or issue the preliminary written responses or comments.

[24] The meeting package assessment team will include assessment staff from OGD, OPQ, and possibly other offices based upon the type of proposed complex generic drug product and the questions in the meeting package. For pre-submission meetings, FDA will also identify ANDA assessment team members to attend the meeting.

[25] For pre-submission meetings, the assessment team does not conduct a substantive review of the meeting package.

[26] The pre-submission meeting does not include substantive assessment of summary data or full study reports, but FDA will identify items or information that should be clarified before submission of the ANDA.

d. If the prospective applicant does not cancel the meeting before FDA issues the preliminary written responses or comments, the Meeting PM will send the preliminary written responses or comments, via the portal, to the prospective applicant at least 5 days before the scheduled meeting.

e. For the product development meeting, if the prospective applicant cancels the meeting after receiving the preliminary written responses, the preliminary written responses will serve as the official, final response from FDA.

f. If the prospective applicant does not cancel the meeting after receiving the preliminary written responses, OGD and OPQ will meet with the prospective applicant. After receiving the preliminary written responses or comments, prospective applicants should provide an updated agenda no later than 48 hours before the scheduled meeting or teleconference.[27] Preliminary written responses or comments communicated by FDA should not generate the submission of new questions, and new questions will not be entertained at the meeting or teleconference.

3. If the product development meeting is granted as a written response only:

a. The meeting package assessment team will prepare the written response only, which will serve as the final response from FDA.

b. The Meeting PM will send that response, via the portal, to the prospective applicant within 120 days after the meeting is granted as a written response only.

## C. Stage 3

Within 30 days from the face-to-face meeting, videoconference, or teleconference, the following actions will occur:

1. Within 7 days from the face-to-face meeting, videoconference, or teleconference, the prospective applicant may submit, through the portal, its own post-meeting summary.

2. The Meeting PM will compile minutes of the meeting and circulate them, considering content, as appropriate, from any post-meeting summary submitted by the prospective applicant, to the meeting package assessment team for review and comment.

[27] See the Formal Meetings guidance.

3. Within 30 days, the Meeting PM will issue the final meeting minutes to the prospective applicant through the portal.

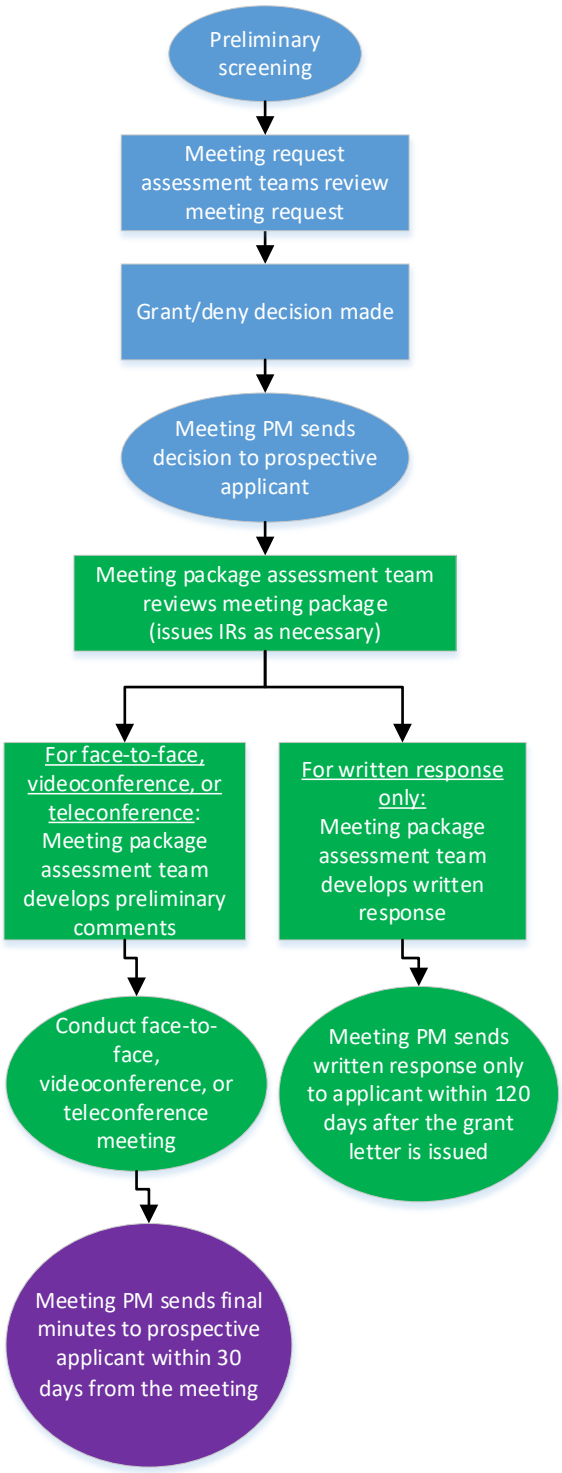
## EFFECTIVE DATE

- This MAPP is effective upon date of publication.

## CHANGE CONTROL TABLE

| Effective Date | Revision Number | Revisions |
|---|---|---|
| 9/19/2019 | N/A | Initial |
| 10/5/2022 | 1 | Revised for GDUFA III |

## ATTACHMENT 1: Procedures for Evaluating Requests for and Conducting Product Development Meetings



## ATTACHMENT 2: Procedures for Evaluating Requests for and Conducting Pre-Submission Meetings