



Date: SEP 07 2004

Dockets Management Branch
(HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re: Docket No. 2004N-0018
Response to FDA Call for Comments
**Human Subject Protection; Foreign Clinical Studies Not Conducted Under an
Investigational New Drug Application**

Dear Sir or Madam:

Reference is made to the June 10, 2004 Federal Register notice announcing the request for comments on the Proposed Rule: *Human Subject Protection; Foreign Clinical Studies Not Conducted Under an Investigational New Drug Application*.

AstraZeneca has reviewed this Proposed Rule and our comments are attached.

Please direct any questions or requests for additional information to me, or in my absence, to Tony E. Catka, Associate Director, USRA, Regulatory Project Management, at 302-885-9659.

Sincerely,

Gary M. Cooper
Director,
USRA, Regulatory Project Management
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Enclosure

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Comments
Proposed Rule
Docket No. 2004N-0018: Human Subject Protection; Foreign Clinical Studies Not
Conducted Under an Investigational New Drug Application

General Comments

Comment 1

It is recommended that the FDA consider making the rule change be the following: that it will accept as support for an IND, NDA or BLA a well-designed and well-conducted foreign clinical study not conducted under an IND if it complies with ICH E6 guidance as the standard for designing, conducting, recording, and reporting trials that involve the participation of human subjects.

Comment 2

AstraZeneca recognizes that the use of non-US data is often critical to the support of new cancer treatments. FDA's December 1998 Guidance for Industry - *FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products*, Section III B, *Alternate Sources of Clinical Study Data*, allows certain data to be submitted to FDA without additional data collection, auditing, or analyses by a pharmaceutical company submitting a supplemental marketing application. This is dependent on the quality and credibility of the institutions providing such data. It is recommended that the Proposed Rule be consistent with this FDA Guidance

(The comments included below reflect recommendations for changes to the proposed rule as currently rendered.)

Page Number	Section Number	Comment or proposed replacement text
32474	312.3	This section refers to an adequately constituted IEC but does not define what "adequately constituted" means. It is recommended that the FDA consider defining it according to ICH E6 3.2.
32475	312.120 (b) (6)	The requirement to obtain names and qualifications of the members of the IEC is in some cases not possible. Some IEC outside the US are unwilling to provide such information. Although this requirement exists currently in 312.120 (c) (3), it is recommended that some allowance be created for situations where it is impossible for a sponsor or clinical investigator to obtain this information.

Page Number	Section Number	Comment or proposed replacement text
32475	312.120 (b) (8), (9), (10), (11)	In this section FDA requests more stringent supporting information requirements for foreign clinical studies not conducted under an IND than what is currently required in 21 CFR 314 for studies conducted under an IND and which are submitted in an NDA. Specifically more detailed reporting is required with respect to: how informed consent was obtained, the incentives provided to subjects, how the sponsor monitored the study and ensured it was carried out according to the protocol, and how investigators were trained in GCP and the protocol, It is recommended that the proposed rule be changed to require a general description of how consent was obtained and what activities were used to ensure the quality of the data (e.g., monitoring, whether investigators were trained, etc.) in keeping with 21 CFR 314