Guidance for Industry

Providing Regulatory Submissions in Electronic Format — Annual Reports for NDAs and ANDAs

DRAFT GUIDANCE

This guidance document is being distributed for comment purposes only.

Comments and suggestions regarding this draft document should be submitted within 60 days of publication of the *Federal Register* notice announcing the availability of the draft guidance. Submit comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857. All comments should be identified with the docket number listed in the notice of availability that publishes in the *Federal Register*.

For questions on the content of the draft document contact Randy Levin, 301-594-5411.

U.S. Department of Health and Human Services
Food and Drug Administration
Center for Drug Evaluation and Research (CDER)

August 2003
Electronic Submissions

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Additional copies are available from:

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http://www.fda.gov/cder/guidance/index.htm

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This draft guidance, when finalized, will represent the Food and Drug Administration's (FDA's) current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach, contact the FDA staff responsible for implementing this guidance. If you cannot identify the appropriate FDA staff, call the appropriate number listed on the title page of this guidance.

I. INTRODUCTION

This guidance is one in a series of guidance documents intended to assist applicants making regulatory submissions in electronic format to the FDA. This document discusses issues related to the electronic submission of annual reports for new drug applications (NDAs) and abbreviated new drug applications (ANDAs). Agency guidance documents on electronic submissions will be updated regularly to reflect the evolving nature of the technology and the experience of those sponsors and FDA staff using this technology.

For a list of guidances that are under development on electronic submissions, see the guidance *Regulatory Submissions in Electronic Format — General Considerations*.[2] The general considerations guidance also addresses issues (e.g., appropriate file formats, media, and submission procedures) that are common to all submission types.

FDA's guidance documents, including this guidance, do not establish legally enforceable responsibilities. Instead, guidances describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited. The use of the word *should* in Agency guidances means that something is suggested or recommended, but not required.

[1] This guidance has been prepared by the Information Management Program in the Center for Drug Evaluation and Research (CDER).

[2] We update guidances periodically. To make sure you have the most recent version of a guidance, check the CDER guidance page at http://www.fda.gov/cder/guidance/index.htm.

II. GENERAL ISSUES

Regulations under the provisions of §§ 314.70(d), 314.81(b)(2), and 314.98 (21 CFR 314.70(d), 314.81(b)(2), and 314.98) provide reporting requirements for submitting annual reports. FDA Form 2252 (Transmittal of Periodic Reports for Drugs for Human Use) outlines the components required in the submission of annual reports. This section briefly addresses some issues related to the electronic submission of annual reports.

A. The Archival Copy

Once FDA has identified a submission type as one that the Agency can accept in electronic format, you have the option of providing the archival copy of each submission in paper or electronic format. Documents that qualify for electronic submission are listed in public docket number 92S-0251, as required by § 11.2 (21 CFR 11.2). If you send in an electronic submission, you should not provide any documents in paper format, except for those documents that should have an electronic signature.

B. Electronic Signatures

The Agency is developing procedures for archiving documents with electronic signatures. Until those procedures are in place, documents for which an original signature is called for, such as certifications, should be accompanied by a paper copy that includes the handwritten signature and the NDA or ANDA number.

III. ORGANIZING THE SUBMISSION

The documents for the annual report should be divided into different types based on the regulations. Reports for nonclinical (§ 314.81(b)(2)(v)) and clinical studies (§ 314.81(b)(2)(vi)) and information for chemistry, manufacturing, and controls (CMC) (§ 314.81(b)(2)(iv)) should be organized as described in the guidance for industry on *Providing Regulatory Submissions in Electronic Format — NDAs* or as described in the guidance *Providing Regulatory Submissions in Electronic Format — ANDAs*.[3] All other documents for the annual report should be placed in a folder named *us*. Guidance on providing these other documents follows.

You should provide FDA Form 2252 as a single PDF file. This file should be placed in the *us* folder.

In the annual report, you must summarize new information that might affect the safety, effectiveness, or labeling of the drug product (§ 314.81(b)(2)(i)). You should provide documents summarizing the following information as separate PDF files:

[3] Additional information regarding the CMC section of the annual report can be found in the guidance for industry on *Format and Content for the CMC Section of an Annual Report*.

- appropriate nonclinical studies
- clinical pharmacology
- safety
- labeling changes
- other significant new information

We also recommend that you provide a current list of approved CMC information to better document the changes occurring in applications. The list should include all information shown in Attachment 1 in the guidance for industry on *Format and Content of the CMC Section of an Annual Report*. This information should include (1) the type and date of each change to each component; (2) the type of submission used to report the change (original, supplemental or annual report); and (3) the date the change was reported and approved, if applicable. All these files should be placed in the *us* folder.

You should provide the distribution data (§ 314.81(b)(2)(ii)) as a single PDF file. A log of outstanding regulatory business (§ 314.81(b)(2)(ix)) should also be provided as a single PDF file. These files should be placed in the *us* folder.

The status of postmarketing study commitments (§ 314.81(b)(2)(vii)) should be provided as a single PDF file; you should include a bookmark for each study described. The status of other postmarketing studies (§ 314.81(b)(2)(viii)) should also be provided as a single PDF file; you should include a bookmark for each of these studies as well. The files for postmarketing study commitments and other postmarketing studies should be placed in the *us* folder.

Labeling provided with the annual report should be organized as described in the guidance for industry on *Providing Regulatory Submissions in Electronic Format – NDAs* or as described in the guidance *Providing Regulatory Submissions in Electronic Format – ANDAs*.