From: OC GCP Questions
To: [redacted]
Subject: Annual IRB Review Timeline Requirements for International Sites
Date: Sunday, August 10, 2014 12:47:53 PM

Good afternoon –

It is unclear if the studies you mention are FDA regulated studies. If the study is conducted under and IND (Investigational New Drug) for FDA all FDA regulations must be followed. Therefore a lapse in IRB review would not be acceptable. 21 CFR 56.109(f) states -- *An IRB shall conduct continuing review of research covered by these regulations at intervals appropriate to the degree of risk,* ***but not less than once per year*** *[emphasis added], and shall have authority to observe or have a third party observe the consent process and the research.*

You mention that the studies are operating under a Federal-wide Assurance under 45 CRF 46. It is probably best to contact OHRP for additional answers to your questions. Please see their contact information below.

Contact OHRP | HHS.gov

Also it might be helpful for you to review FDA's guidance on determining whether human research studies can be conducted without an IND.

http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM229175.pdf

I hope this information is useful. Please contact us again at gcp.questions@fda.hhs.gov should you have additional questions.

Kind regards,

Doreen M. Kezer, MSN
Senior Health Policy Analyst
Office of Good Clinical Practice
Office of the Commissioner, FDA

This communication does not constitute a written advisory opinion under 21 CFR 10.85, but rather is an informal communication under 21 CFR 10.85(k) which represents the best judgment of the employee providing it. This information does not necessarily represent the formal position of FDA, and does not bind or otherwise obligate or commit the agency to the views expressed.

From: [redacted]
Sent: Friday, August 08, 2014 2:43 PM
To: OC GCP Questions
Cc: [redacted]
Subject: Annual IRB Review Timeline Requirements for International Sites

Good afternoon,

We need your advice regarding the annual IRB review requirement for our Phase III trial that involves international sites. When a protocol is approved in Japan, the site receives approval for the duration of the trial. The Japanese legal system does not require annual "review" of continuing protocols; it only requires an annual "report". Under this legal system, the annual reports are not necessarily submitted to ethical committees in *exactly 365 days*; some annual reports may be submitted outside of the

annual review period ranging from a couple of days to a couple of months. This is causing our Japanese sites to have lapses between IRB approval periods.

All of our international sites are operating under a Federal-wide Assurance, and it is our understanding that through the FWA, an institution commits to HHS and that it will comply with the requirements in the HHS Protection of Human Subjects regulations at 45 CFR part 46. Our interpretation is that ethical committees must review the research, at a minimum, every 365 day. Considering the Japanese legal system's procedure for protocol approvals and timeline requirements for ethical committee review, is it mandatory to adhere to a strict 365 day timeline for annual reviews, or may an "approval window" (i.e., no more than 2 weeks) be applied?

Thank you in advance for any guidance you can provide.

Sincerely,

[redacted]