ANDAs: Pre-Submission of Facility Information Related to Prioritized Generic Drug Applications (Pre-Submission Facility Correspondence)

Guidance for Industry

DRAFT GUIDANCE

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

November 2017
Pharmaceutical Quality/CMC

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Additional copies are available from:
Office of Communications, Division of Drug Information
Center for Drug Evaluation and Research
Food and Drug Administration
10001 New Hampshire Ave., Hillandale Bldg., 4th Floor
Silver Spring, MD 20993-0002
Phone: 855-543-3784 or 301-796-3400; Fax: 301-431-6353
Email: druginfo@fda.hhs.gov
http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm

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TABLE OF CONTENTS

I. INTRODUCTION 1

II. BACKGROUND 2

III. SCOPE 3

IV. PRE-SUBMITTING FACILITY INFORMATION - CONTENTS 4

V. ANDA SUBMISSION TIMING 7

VI. RECEIPT AND ASSESSMENT PROCESS FOR PRE-SUBMITTED FACILITY INFORMATION 7

A. Pre-Submitting *Priority* ANDA Sections Containing Facility Information through FDA's Electronic Submissions Gateway (ESG). 7

B. ANDA Submission 8

VII. NOTIFICATIONS TO THE APPLICANT 9

A. Pre-Submission Assessment: Preliminary Assessment of ANDA *Priority* 9

B. ANDA Review: Determining Whether the ANDA Qualifies for the *Priority Review Goal* 10

VIII. QUESTIONS AND ANSWERS 10

IX. DEFINITIONS 11

ANDAs: Pre-Submission of Facility Information Related to Prioritized Generic Drug Applications (Pre-Submission Facility Correspondence) Guidance for Industry[1,2]

This revised draft guidance, when finalized, will represent the current thinking of the Food and Drug Administration (FDA or Agency) on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. To discuss an alternative approach, contact the FDA staff responsible for this guidance as listed on the title page.

I. INTRODUCTION

The Food and Drug Administration (FDA) is issuing this revised[3] draft guidance to describe the process through which prospective generic drug applicants seeking a *priority review goal*[4] submit *complete, accurate facility information* in advance of submitting a *priority* original abbreviated new drug application (original ANDA), prior approval supplement (PAS), PAS amendment, or ANDA amendment (hereafter collectively referred to as ANDA).[5] FDA is revising the draft guidance because, after issuance of the original draft guidance, section 505(j)(11) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (U.S.C. 355(j)(11)) as added by section 801 of the FDA Reauthorization Act of 2017 (FDARA)[6] resulted in changes to the pre-submission of *facility* information. Specifically, that provision requires the pre-submission of relevant sections of the ANDA as determined by FDA.[7] This permits FDA to utilize the existing process for submission of ANDAs (including electronic Common Technical

[1] This guidance has been prepared by a multidisciplinary workgroup including members from the Office of Pharmaceutical Quality, the Office of Translational Sciences, the Office of Generic Drugs, and the Office of Business Informatics in the Center for Drug Evaluation and Research at the Food and Drug Administration, and in consultation with the Office of Regulatory Affairs, the Office of Combination Products, and the Center for Devices and Radiological Health.

[2] When final, this guidance will represent the FDA's current thinking on this topic. For the most recent version of a guidance, check the FDA Drugs guidance web page at https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.

[3] The first draft of this document, *ANDAs: Pre-Submission Facility Correspondence Associated with Priority Submissions*, was issued pursuant to 21 CFR 10.115 in June 2017. See *Federal Register* notice at 82 FR 28072.

[4] In this guidance, italicized text is used to denote terms that are defined in section IX, Definitions.

[5] In this guidance, the term "ANDA" collectively includes original ANDAs, PASs, PAS amendments, and ANDA amendments. The term "original ANDA" is used alone when referring exclusively to an original abbreviated new drug application.

[6] Public Law 115-52.

[7] Section 505(j)(11) also makes clear that the pre-submission of *facility* information is not the submission of an original ANDA under Section 505. That is important because the submission of an original ANDA is delayed by statute until 5 years after approval of the reference listed drug (or 4 years if there is a patent challenge) in certain circumstances, see Section 505(j)(5)(F)(ii), and the statute makes clear that the pre-submission can be submitted before the date that a full original ANDA can be submitted.

Document (eCTD) submission format) for the pre-submission of *facility* information and avoids the duplicative effort by applicants that would have been required if the relevant *facility* information had to be first submitted as identified in the original draft guidance and then resubmitted, in somewhat different form, in the ANDA itself. While this change will ultimately lead to greater efficiency for applicants and for FDA, it does require that FDA identify the relevant sections of the ANDA to be included in the pre-submission and clarify the process for submission of this information. FDA is doing so in this revised guidance.

In general, FDA's guidance documents 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.

II. BACKGROUND

In 2016-2017, FDA, regulated industry, and public stakeholders conducted negotiations concerning reauthorization of the Generic Drug User Fee Amendments (GDUFA). A chief product of these congressionally-mandated discussions was the *GDUFA Reauthorization Performance Goals and Program Enhancements, FYs 2018-2022* (GDUFA II Commitment Letter). [8] Together, the Generic Drug User Fee Amendments of 2017 and the GDUFA II Commitment Letter describe FDA's performance goals, as well as changes and improvements to the user fee program. The performance goals and program enhancements address aspects of the generic drug review program that are important for facilitating timely access to quality, affordable generic medicines.

On August 18, 2017, FDARA, which reauthorized GDUFA (Title III) and added other provisions related to generic drugs (Title VIII), was signed into law. In particular, section 801 of FDARA added section 505(j)(11) to the FD&C Act to address *priority* review of generic drugs.

One of the enhancements specified in both Title VIII, section 801 of FDARA and the GDUFA II Commitment Letter (hereafter collectively referred to as GDUFA II) is a mechanism to enable a shorter review goal (*priority review goal*) for certain *priority* original ANDAs, PASs, PAS amendments, and ANDA amendments, through the pre-submission of *facility* information, including sections of the ANDA determined to be relevant by FDA. Applicants submitting such *priority* ANDAs qualify for review with an 8-month goal date[9] by pre-submitting "complete, accurate information regarding facilities involved in manufacturing processes and testing of the

[8] See *GDUFA Reauthorization Performance Goals and Program Enhancements, FYs 2018-2022.* All public documents cited in this guidance may be found on the FDA web site (www.fda.gov).

[9] Section 801 of FDARA establishes an 8-month goal date for priority original ANDAs. However, the GDUFA II Commitment Letter includes a shorter review goal for priority ANDA amendments, PASs, and PAS amendments, when an inspection is not needed. See *GDUFA Reauthorization Performance Goals and Program Enhancements, FYs 2018-2022* for further details. For the purposes of this guidance, *priority review goal* refers to all such goal dates.

drug that is the subject of the application,"[10] as outlined in this guidance, not later than 60 days prior to ANDA submission, giving FDA at least 60 days to determine whether inspection of a *facility* is necessary and, if so, begin inspection planning in advance of the ANDA receipt.[11]

FDA intends to consider an ANDA to be a *priority* ANDA if it meets the criteria listed in either section 505(j)(11)(A) of the FD&C Act, or the Center for Drug Evaluation and Research's (CDER's) Manual of Policies and Procedures (MAPP) 5240.3, *Prioritization of the Review of Original ANDAs, Amendments, and Supplements* (Prioritization MAPP).[12]

It is important to note that the pre-submitted *facility* information must be unchanged relative to the date of the ANDA submission to maintain eligibility for a *priority review goal*, with one exception: Applicants may exclude a *facility* that was not used to generate data to meet any of the application requirements for the submission and that is not the only *facility* intended to conduct one or more unit operations in commercial production.[13] This situation may occur when an applicant provides for the use of alternate manufacturing or testing facilities to perform redundant functions as compared to the primary facility.

Failure to follow the process for pre-submission of *facility* information described below will only impact whether an ANDA is eligible for the *priority review goal*. ANDAs that are not eligible for the *priority review goal* under GDUFA II may still be prioritized for review under the Prioritization MAPP, but the standard review goal[14] will apply. Absent extraordinary circumstances, FDA does not expect to utilize its limited resources to review a second pre-submission of facility information for an ANDA if the first pre-submission does not qualify the ANDA for *priority* designation.

III. SCOPE

This guidance establishes FDA's expectations for the content, timing, and assessment of sections of the ANDA containing *facility* information submitted to the Agency not less than 60 days before the *priority* ANDA submission. Specifically, the guidance describes:

[10] See section 505(j)(11)(B) of the FD&C Act, which states in part that "…the applicant shall provide complete, accurate information regarding facilities involved in manufacturing processes and testing of the drug that is the subject of the application, including facilities in corresponding Type II active pharmaceutical ingredients drug master files referenced in an application and sites or organizations involved in bioequivalence and clinical studies used to support the application, to enable [FDA] to make a determination regarding whether an inspection of a facility is necessary."

[11] See section 505(j)(11) of the FD&C Act.

[12] Section 505(j)(11)(D) of the FD&C Act reaffirms FDA's authority to "prioritize review of other applications as [FDA] deems appropriate." To make sure you have the most recent version of a MAPP, check the FDA/CDER MAPPs web page at https://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ManualofPoliciesProcedures/default.htm.

[13] See section 505(j)(11)(B) of the FD&C Act.

[14] For the purpose of this guidance, the "standard review goal" is the goal that otherwise will apply to a submission if it is not eligible for a *priority review goal*.

- The content and format of the *facility* information that should be submitted to enable FDA's assessment of *facilities* listed in the pre-submission.

- Timeframes for pre-submitting sections of the ANDA containing *complete, accurate facility information*, and the intersection of these timeframes with submission of the ANDA.

- The possible outcomes of the Agency's assessment of pre-submitted ANDA sections containing *facility* information.

- When and how the Agency notifies an applicant about the status of the pre-submitted ANDA sections containing *facility* information.

IV. PRE-SUBMITTING FACILITY INFORMATION - CONTENTS

Pre-submitting sections of the ANDA containing *facility* information to the Agency ahead of ANDA submission provides the information FDA needs to conduct a meaningful assessment of the *facilities* involved in manufacturing processes and testing of the drug, including facilities in corresponding Type II active pharmaceutical ingredient drug master files referenced in the application, and sites or organizations involved in bioequivalence and clinical studies used to support the application to determine whether an inspection is necessary.[15] Under GDUFA II, this *complete, accurate facility information* "shall include the relevant (as determined by [FDA]) sections of" the ANDA.[16] These sections of the ANDA must be submitted in eCTD format.[17] The relevant sections as determined by FDA, along with the corresponding eCTD Module Number, are stated below[18]:

[15] See section 505(j)(11)(B) of the FD&C Act.

[16] See footnote 10.

[17] See the guidance for industry *Providing Regulatory Submissions in Electronic Format — Certain Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications*. See also the eCTD Technical Conformance Guide, at https://www.fda.gov/drugs/developmentapprovalprocess/formssubmissionrequirements/electronicsubmissions/ucm535180.htm.

[18] Per normal submission practices, information for eCTD module 3.2.S may be incorporated through reference to a type II DMF, where a letter of authorization (LOA) has been submitted to the DMF by the DMF holder, and a copy of that LOA is included in eCTD module 1.4.2 of the ANDA.

eCTD Section Number	Description
1.1	Form FDA 356h – the Form FDA 356h should be submitted with the pre-submission of *facility* information. Submitting the Form FDA 356h will enable the Agency to expedite processing of the pre-submission. Consider the following when submitting a Form FDA 356h associated with a pre-submission: • Field 21 "Submission" – this field accommodates selection of all of the choices that apply. For a Pre-Submission of *facility* information related to a *priority* ANDA, select "Product Correspondence" and "Other." In the "Other" field, specify that this is a "Pre-Submission of Facility Information Related to a Priority ANDA." • Field 22 "Submission Sub-Type" – for this field, select "Pre-submission."
1.2	Cover Letter – the Cover Letter accompanying the pre-submission of facility information should include: • Statement of justification for expedited review request under the Prioritization MAPP[19] • Statement of inspection readiness • Statement identifying the Reference Listed Drug • Anticipated date of ANDA submission
1.3.1.2	U.S. Agent Appointment Letter (if applicable)
1.4.2	Statement of Right of Reference – this includes the DMF Right of Reference Letter, if applicable
2.7.1	Summary of Biopharmaceutic Studies and Associated Analytical Methods (Tables 2 and 10)[20]
3.2.S.1.1	Nomenclature
3.2.S.1.2	Structure
3.2.S.1.3	General Properties
3.2.S.2.1	Manufacturer(s)
3.2.S.2.2	Drug Substance Manufacturing Process Description
3.2.S.2.3	Control of Materials
3.2.S.2.4	Control of Critical Steps and Intermediates
3.2.S.2.5	Process Validation / Evaluation
3.2.S.2.6	Manufacturing Process Development
3.2.S.4.1	Specification
3.2.S.4.4	Batch Analyses

[19] Applicants should include a statement in the cover letter describing the basis for their expedited review request under 505(j)(11)(A) or the Prioritization MAPP. For example, if the ANDA drug product is on FDA's drug shortage list, the applicant should include that information in the cover letter accompanying the submission.

[20] See Model Bioequivalence Data Summary Tables: Technical Specifications Document, at https://www.fda.gov/downloads/drugs/ucm120957.pdf.

eCTD Section Number	Description
3.2.P.1	Description and Composition of the Drug Product
3.2.P.2.3	Pharmaceutical Development - Manufacturing Process Development
3.2.P.3.1	Manufacturer(s)
3.2.P.3.2	Batch Formula
3.2.P.3.3	Description of Manufacturing Process and Process Controls
3.2.P.3.4	Control of Critical Steps, and Intermediates – this section also includes control of materials.
3.2.P.3.5	Process Validation and/or Evaluation - any available process validation information at the time of the pre-submission of facility information.
3.2.P.4.1	Specifications
3.2.P.5.4	Batch Analyses
5.3.1.2	Comparative Bioavailability and Bioequivalence Study Reports and related information. Specifically: • Study Report (ICH E3, Section 1, Section 3 to 15)[21] • Protocol and Amendments (ICH E3 16.1.1) • List and Description of Investigators (ICH E3 16.1.4) • Randomization Schemes (ICH E3 16.1.7) • Discontinued Subjects (ICH E3 16.2.1) • Protocol Deviations (ICH E3 16.2.2) • Subjects excluded from the statistical analysis (for example, adverse effects and serious adverse effects) (ICH E3 16.2.3)
5.3.1.3	In-Vitro – In-Vivo Correlation Study Reports and Related Information
5.3.1.4	Reports of Bioanalytical and Analytical Methods for all bioequivalence studies

NOTE – For PASs and ANDA amendments, only the modules applicable to these types of submissions need to be submitted.

NOTE regarding combination products and non-drug constituent parts – If the product that is the subject of an ANDA is a "combination product" (as defined at 21 CFR 3.2),[22] then *facility* information related to the manufacturing and testing of the non-drug constituent parts[23] generally

[21] The ICH guidance for industry *E3 Structure and Content of Clinical Study Reports*.

[22] As set forth in 21 CFR 3.2(e), a combination product is a product composed of any combination of a drug, device, or biological product with one another.

[23] See the guidance for industry *Current Good Manufacturing Practice Requirements for Combination Products*, section 2.C "Overview of the Final Rule." This guidance explains how to demonstrate compliance with CGMP requirements for drug-device combination products as described in 21 CFR part 4. The rule allows manufacturers of drug-device combination products to implement a streamlined approach by demonstrating compliance with either the drug CGMPs (21 CFR parts 210 and 211) or the device Quality System (QS) regulation (21 CFR part 820), and

should be located in the same eCTD sections that would include information for the drug constituent part alone.[24]

V. ANDA SUBMISSION TIMING

Under GDUFA II, in order for the ANDA to be eligible to receive the *priority review goal*, the *facility* information sections of a qualifying *priority* ANDA, described in section IV above, shall be submitted not later than 60 days prior to the submission of the ANDA itself. This timing allows the Agency to begin assessing the *facility* information before receiving the ANDA. To minimize the possibility of changes to *facility* information between the pre-submission of *facility* information and the ANDA (and consequently loss of the *priority review goal*), FDA encourages applicants to pre-submit the *facility* information no more than 90 days before submission of the ANDA.

VI. RECEIPT AND ASSESSMENT PROCESS FOR PRE-SUBMITTED FACILITY INFORMATION

The following section describes the process for the receipt and assessment of the pre-submission of *facility* information related to a *priority* ANDA.

A. Pre-Submitting *Priority* ANDA Sections Containing Facility Information through FDA's Electronic Submissions Gateway (ESG)

1. Obtaining a Pre-Assigned ANDA Number (if applicable)

For original ANDAs, the applicant should request a pre-assigned ANDA number before pre-submitting the *facility* information. For PASs, PAS amendments, and original ANDA amendments, the applicant should use the relevant ANDA application number on the Form FDA 356h.

2. Transmitting the Facility Information Pre-Submission through FDA's ESG

The pre-submission of ANDA sections containing *facility* information must be submitted electronically in eCTD format[25] through the FDA ESG

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also demonstrating compliance with specified provisions from the other of these two sets of CGMP requirements. If your non-drug constituent is a medical device, to inform FDA's facility assessment you should include in your submission summaries of basic Quality System procedures, including management review procedures (21 CFR 820.20), design controls (21 CFR 820.30), purchasing controls (21 CFR 820.50), and corrective and preventive action procedures (21 CFR 820.100). As applicable to the combination product, you also should include summary information on compliance with installation (21 CFR 820.170) and servicing (21 CFR 820.200) requirements.

[24] For additional information on how to incorporate information regarding non-drug constituent parts into the eCTD Sequence, please refer to the eCTD Technical Conformance Guide at https://www.fda.gov/drugs/developmentapprovalprocess/formssubmissionrequirements/electronicsubmissions/ucm535180.htm.

[25] See footnote 17.

following the Agency's instructions.[26] When transmitting the pre-submission through the ESG, choose "CDER" when selecting the appropriate Center, and choose "eCTD" when selecting the submission type.

Following the pre-submission of the ANDA sections containing *facility* information, the applicant should submit the *priority* ANDA consistent with the "ANDA Submission Timing" described above in section V. If the applicant decides not to submit the ANDA, FDA should be notified in writing. The notice of decision not to submit the ANDA should reference the submission number, and be submitted to eCTD Module 1.2.

3. FDA's Assessment of the Pre-Submission

After receiving the pre-submitted sections of the ANDA containing *facility* information, the Agency will preliminarily assess whether the ANDA meets the *priority* designation criteria under section 505(j)(11)(A) of the FD&C Act or the Prioritization MAPP.[27] FDA will communicate with the applicant as described in Section VII.A below. Note that this assessment of *priority* is preliminary. FDA will assess and make the official *priority* designation under section 505(j)(11)(A) of the FD&C Act and the Prioritization MAPP after the ANDA is submitted.

If upon assessment of the pre-submission, the ANDA preliminarily appears to meet the *priority* designation criteria, FDA will use the pre-submitted *facility* information to begin the *facility* assessment process with the expectation that the ANDA will be submitted following the "ANDA Submission Timing," described above in section V.

B. ANDA Submission

In order for an ANDA to be eligible for a *priority review goal*, it must 1) be designated a *priority* as described in 505(j)(11)(A) of the FD&C Act or in the Prioritization MAPP; 2) be submitted no less than 60 days after the corresponding pre-submission; 3) have been the subject of a pre-submission of *complete, accurate facility information*; and 4) not contain any changes to the pre-submitted *facility* information.[28]

[26] See the Electronic Submissions Gateway web page at https://www.fda.gov/forIndustry/ElectronicSubmissionsGateway/default.htm for technical details related to submitting documents through FDA's Electronic Submission Gateway.

[27] Prioritization of review is determined per the criteria established in CDER's MAPP 5240.3, entitled *Prioritization of the Review of Original ANDAs, Amendments, and Supplements.*

[28] See footnote 1311.

The applicant should submit a signed certification statement (in eCTD Module 1.2) stating either that the applicant has made no changes to the pre-submitted *facility* information, or that the only change made was to exclude a *facility* as described in 505(j)(11)(B) of the FD&C Act.[29]

Changes other than those permitted under 505(j)(11)(B) generally will result in assignment of the standard review goal. Such changes should be made by including the changed information in the appropriate eCTD module with the ANDA submission. Such changes should be identified in the cover letter.

FDA's review of the ANDA, which will include an official assessment and determination of whether the ANDA meets the *priority* designation criteria, will be performed in accordance with its established statutes, regulations, policies and procedures for ANDA reviews. The Agency will notify the applicant of the standard or *priority* designation and the assigned goal date in the ANDA acknowledgment letter.

VII. NOTIFICATIONS TO THE APPLICANT

A. Pre-Submission Assessment: Preliminary Assessment of ANDA *Priority*

As part of its preliminary assessment of *priority*, as stated in section VI.A.3 above, if FDA determines that the drug product to be submitted for review in the ANDA is likely to meet the *priority* designation criteria in 505(j)(11)(A) of the FD&C Act or the Prioritization MAPP, the Agency will send a letter to:

- Indicate that the ANDA appears, upon preliminary review, to meet the *priority* designation criteria and the pre-submitted *facility* information is eligible for further assessment;
- Inform the submitter that a goal date incorporating any *priority* designation determination will be provided after submission and receipt for review of the ANDA; and
- Remind the submitter that they must submit their ANDA no sooner than 60 days after the date of submission of the pre-submitted *facility* information date in order to be eligible for the *priority review goal*.

If FDA preliminarily determines that the ANDA will not meet the *priority* designation criteria, the Agency will send a letter stating this. The letter will also state that the pre-submission is not eligible for further assessment.

[29] Section 505(j)(11)(B) of the FD&C Act states that the pre-submitted information "shall be unchanged relative to the date of [ANDA submission], except to the extent that a change is made to such information to exclude a facility that was not used to generate data to meet any application requirements for such submission and that is not the only facility intended to conduct one or more unit operations in commercial production."

B. ANDA Review: Determining Whether the ANDA Qualifies for the *Priority Review Goal*

After receiving the ANDA, FDA will determine the applicable goal date for the submission. Establishing the applicable goal date for the ANDA is based on the Agency's *priority* designation determination at the time of ANDA submission, and assessment of whether the applicant submitted *complete, accurate facility information* that did not change relative to the date of ANDA submission.[30] The Agency will convey the outcomes of this assessment and the resulting goal date in the ANDA acknowledgement letter or paragraph IV acknowledgement letter. Upon receiving the ANDA, if the Agency determines that the application does not meet FDA's *priority* designation criteria as defined in GDUFA II or the Prioritization MAPP, or if the pre-submitted *facility* information is not found to be complete, accurate, and unchanged relative to the ANDA submission date, the ANDA will receive a standard goal date.

During the course of review of an ANDA granted a *priority* designation, if FDA determines that the applicant made changes to the pre-submitted *facility* information, the review goal will be converted to the standard review goal. The Agency will notify the applicant through FDA's current process for communicating goal date modifications.[31]

VIII. QUESTIONS AND ANSWERS

A. What types of submissions are addressed by this guidance?

This guidance applies to *priority* original ANDAs, PASs, PAS amendments, and original ANDA amendments.

B. What is the purpose of the certification statement to which section VI refers?

The certification statement is the applicant's signed statement that the pre-submitted sections of the ANDA are unchanged as of the date of ANDA submission, or that the only change made was to exclude a *facility* as described in 505(j)(11)(B) of the FD&C Act, as is required by GDUFA II for *priority review goal* eligibility.[32]

Applicants including changes to the pre-submitted *facility* information in the ANDA other than changes permitted under 505(j)(11)(B) of the FD&C Act should omit the certification statement and identify such changes in the cover letter. [33] Such changes will generally result in assignment of the standard review goal.

[30] See footnote 13.
[31] See guidance for industry *ANDA Submissions – Amendments and Easily Correctable Deficiencies under GDUFA.*
[32] See footnote 13.
[33] FDA will determine whether a change made since the pre-submitted facility information (other than those allowed by section 505(j)(11)(B) of the FD&C Act) constitutes a change that impacts FDA's facility assessment.

C. When the ANDA is submitted, should it include the *facility* information that was originally provided in the pre-submitted *facility* information?

No. The applicant should not re-submit the sections of the ANDA that were pre-submitted as recommended in section IV of this guidance. However, if the pre-submitted facility information has changed, the new information must be included in the ANDA[34] and should be identified in the cover letter.

D. Can an applicant pre-submit more of its ANDA than is recommended in this guidance?

No. The applicant should not pre-submit sections of their ANDA unless they are listed in Section IV of this guidance.

E. Do the facilities need to be ready for inspection at the time of the pre-submission?

Yes. Under the terms of the GDUFA II Commitment Letter, if a *facility* is not ready for inspection at the time of pre-submission, the ANDA may not receive the *priority review goal.*

F. Is there a user fee payment required when pre-submitting *facility* information?

No. There are no user fees associated with the pre-submission of *facility* information. Application fees are paid at the time of the ANDA submission.[35]

IX. DEFINITIONS

A. Complete, Accurate Facility Information

GDUFA II establishes that "applicant shall provide *complete, accurate information* regarding *facilities* involved in manufacturing processes and testing of the drug that is the subject of the application, including *facilities* in corresponding Type II active pharmaceutical ingredients drug master files referenced in an application and sites or organizations involved in bioequivalence and clinical studies used to support the application…. Such information shall include the relevant (as determined by [FDA]) sections of such application." (Section 505(j)(11)(B) of the FD&C Act.)

B. Facility

For the purposes of this guidance, the term "*facility(ies)*" means "manufacturing site" and "bioequivalence site."

"Manufacturing site" means all *facilities* involved in manufacturing processes,

[34] 21 CFR 314.50 and 21 CFR 314.94.

[35] See www.fda.gov - Generic Drug User Fee Cover Sheet and Payment Information.

packaging, and testing for the ANDA and corresponding Type II API DMF.[36] For the purpose of this guidance, this term refers to any manufacturing, packaging or testing site associated with a planned ANDA that conducts an operation to support manufacturing or testing of the drug substance and/or product. This includes sites listed in Type II DMFs and sites that manufacture non-drug constituent parts of a combination product.

"Bioequivalence site" means all sites or organizations involved in bioequivalence and clinical [endpoint bioequivalence] studies used to support the ANDA submission.[37] For the purposes of this guidance, this term also captures sites that conduct analytical testing in support of the planned ANDA.

C. Priority

The term "*priority*" refers to ANDAs that meet the relevant criteria listed in section 505(j)(11)(A) of the FD&C Act or submissions affirmatively identified as eligible for expedited review pursuant to CDER's Manual of Policy and Procedures (MAPP) 5240.3, *Prioritization of the Review of Original ANDAs, Amendments and Supplements*, as revised (Prioritization MAPP).[38]

D. Priority Review Goal

The term "*priority review goal*" refers to the accelerated goal dates identified in GDUFA II for ANDAs that are designated *priority* by FDA and have submitted within the proper timeframe *complete, accurate information* regarding *facilities* that is unchanged relative to the date of subsequent ANDA submission.[39]

[36] 21 CFR 314.50(d)(1)(i) and (iii).
[37] 21 CFR 314.94(a)(7). *See also* 21 CFR 320.24(b).
[38] See footnote 27.
[39] Section 505(j)(11)(B) of the FD&C Act and "Submission Review Performance Goals," *GDUFA Reauthorization Performance Goals and Program Enhancements, FYs 2018-2022*, section I.