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Committee for Advanced Therapies (CAT)

Procedural advice on the provision of scientific recommendation on classification of advanced therapy medicinal products in accordance with article 17 of regulation (EC) no 1394/2007

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1. Introduction

The scientific recommendation on classification of Advanced Therapy Medicinal Products (ATMPs) (thereinafter called 'ATMP classification') is an optional procedure for applicants, which involves the Committee for Advanced Therapies (CAT).

The purpose of this procedure is to allow applicants to clarify, in case of doubt, the classification whether a given product based on genes, cells or tissues meets the scientific criteria which define ATMPs, in order to address, as early as possible, questions of borderline with other areas such as cosmetics or medical devices, which may arise as science develops. It is recommended that this is done before submission of request for scientific advice/protocol assistance, Paediatric Investigation Plan (PIP) evaluation, certification of quality and non-clinical data for SMEs developing ATMPs, orphan drug designation and Marketing Authorisation Application (MAA).

Within 60 calendar days following receipt of a valid request, the CAT shall deliver its 'scientific recommendation on ATMP classification'[1] after consultation with the European Commission (EC). The EMA shall also publish summaries of this recommendation, after deletion of all information of commercial confidential nature.

This document describes the procedure and gives guidance for the steps to be followed by the applicant and the EMA for the ATMP classification. The content of the summaries of recommendations for publication on the EMA website is also presented.

2. Legal basis

- According to Recital 24 of Regulation (EC) No 1394/2007:

  "The Agency should be empowered to give scientific recommendations on whether a given product based on genes, cells or tissues meets the scientific criteria which define advanced therapy medicinal products, in order to address, as early as possible, questions of borderline with other areas such as cosmetics or medical devices, which may arise as science develops. The Committee for Advanced Therapies, with its unique expertise, should have a prominent role in the provision of such advice."

- According to Article 17 of Regulation (EC) No 1394/2007:

  "1. Any applicant developing a product based on genes, cells or tissues may request a scientific recommendation of the Agency with a view to determining whether the referred product falls, on scientific grounds, within the definition of an advanced therapy medicinal product. The Agency shall deliver this recommendation after consultation with the Commission and within 60 days after receipt of the request.

  2. The Agency shall publish summaries of the recommendations delivered in accordance with paragraph 1, after deletion of all information of commercial confidential nature."

3. Scope

The request for ATMP classification is available only for products based on genes, cells or tissues, as starting material, active substance or finished product including when combined with medical devices, bio-materials, scaffolds or matrices, and for which there are doubts as to whether or not they fall with the definition of ATMP[2].

In the case that the products fulfil such definition, the CAT in its scientific recommendation concludes as to whether it fulfils the definition of gene therapy medicinal product or somatic cell therapy medicinal product or tissue engineered product.

[1] Thereinafter referred also as 'scientific recommendation'

[2] See Regulation (EC) No 1394/2007 – Article 2: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_324/l_32420071210en01210137.pdf

4. Roles and Responsibilities of all parties involved in the ATMP classification

4.1. CAT

The CAT is the committee responsible for the adoption of scientific recommendations on ATMP classification taking in to account the legal provisions in force, the scientific state of the art and the input from the European Commission.

The CAT identifies and nominates the CAT Coordinator according to the product request and the specific field of expertise.

CAT members provide comments on the draft scientific recommendation prepared by the CAT Coordinator.

The CAT Coordinator supported by the EMA Coordinator:

- Prepares the draft scientific recommendation report;
- Identifies whether a consultation of another Scientific Committee or Working parties is needed. Those consultations are agreed at the CAT meeting (Day 30 of the procedure);
- Discuss issues identified and comments received with the Committee;
- Amends, as appropriate, the scientific recommendation report for CAT adoption

4.2. EMA Secretariat

The CAT Secretariat is responsible for coordinating the ATMP classification within the Committee and for the consultation of the European Commission (EC).

The EMA Coordinator:

- Is responsible for checking the adequacy of the request for ATMP classification;
- Supports the CAT Coordinator;
- Act as the contact person for the applicant.

The Innovation Task Force (ITF)[3] provides operational, scientific, regulatory and legal support to the CAT, contributing to the preparation of the draft classifications in the light of previous experience and newly emerging scientific aspects.

The ITF:

- Appoints the EMA coordinator
- Provides background information to the CAT coordinator;
- Discusses scientific, regulatory and legal issues identified in the draft scientific recommendation report and during the classification procedure
- Maintains the scientific memory of the classifications carried out

[3] For more information regarding the ITF, see: http://www.ema.europa.eu/ema/index.jsp?curl=pages/regulation/general/general_content_000334.jsp&mid=WC0b01ac05800ba1d9

4.3. Other Scientific Committees and Working Parties

Other Scientific Committees and Working Parties (WPs) can be consulted by the CAT in case that specific scientific issues need to be addressed in order to conclude on the classification of the product. When possible, this consultation takes place during the procedure and will not lead to clock stop as a rule.

4.4. European Commission

In line with Article 17.1 of Regulation (EC) No 1394/2007, the European Commission is consulted on all ATMP classifications. This consultation will take place in the 60-day procedural time (see section 6.2)

The Commission can also be consulted by the CAT in case that specific legal and/or regulatory issues need to be addressed in order to conclude on the classification of the product. When possible, this consultation takes place during the procedure and will not lead to clock stop as a rule.

5. Documentation required

The information supporting a request for ATMP classification should be submitted using the Request form Template.

The applicant should provide information on:

- The product (e.g. on active substance, finished product, mechanism of action and proposed use);
- On the status of the development of the product (including element of the manufacturing, quality aspects and outline of the non-clinical and clinical development) relevant for the ATMP classification.

Applicants should also substantiate their positions on the classification of their product on the light of legal definitions in force.

6. Procedure

A general outline of the procedure for ATMP classification is provided in Figure 1.

6.1. Activities prior to the start of the procedure:

- The request for ATMP classification (see section 5) shall be received by the CAT Secretariat, according to the published template request form and submission dates[4] (at the latest 15 days before the start of the procedure); upon its receipt the EMA Coordinator is appointed.
- The EMA Coordinator checks if in the request sufficient information and justifications are provided by the applicant to substantiate the claim that their product is an ATMP.
- If major additional information is needed that cannot be provided within 5 working days, the procedure is initiated at the next starting date, provided that the required information is made available.
- The EMA Coordinator prepares a briefing note on points for consideration by the CAT Coordinator (e.g. regulatory, legal and scientific issues, proposal to consult a Working Party if needed).

[4] Submission dates and start dates are published at:
http://www.ema.europa.eu/ema/index.jsp?curl=pages/regulation/general/general_content_000296.jsp&mid=WC0b01ac058007f4bc

6.2. CAT procedure for ATMP Classification

The procedure starts at the CAT meeting according to the timetable published on the EMA website.

Day 1:

- The CAT appoints one of its members as CAT coordinator for the ATMP classification.
- The timetable for the ATMP classification is adopted by the CAT.

Day 15

- The CAT Coordinator supported by the EMA Coordinator prepares within 15 days the draft scientific recommendation.
- The CAT Coordinator sends the draft scientific recommendation to the CAT and the ITF for comments within 7 days.

Day 27:

- The CAT Coordinator, supported by the EMA, addresses the comments received and, if needed, amends the draft scientific recommendation for discussion at the next CAT meeting. He/she also identifies the need for additional information from the applicant (to be provided either by written responses or via an oral explanation) and sends the draft list of questions to the CAT Secretariat.

Day 30: CAT meeting

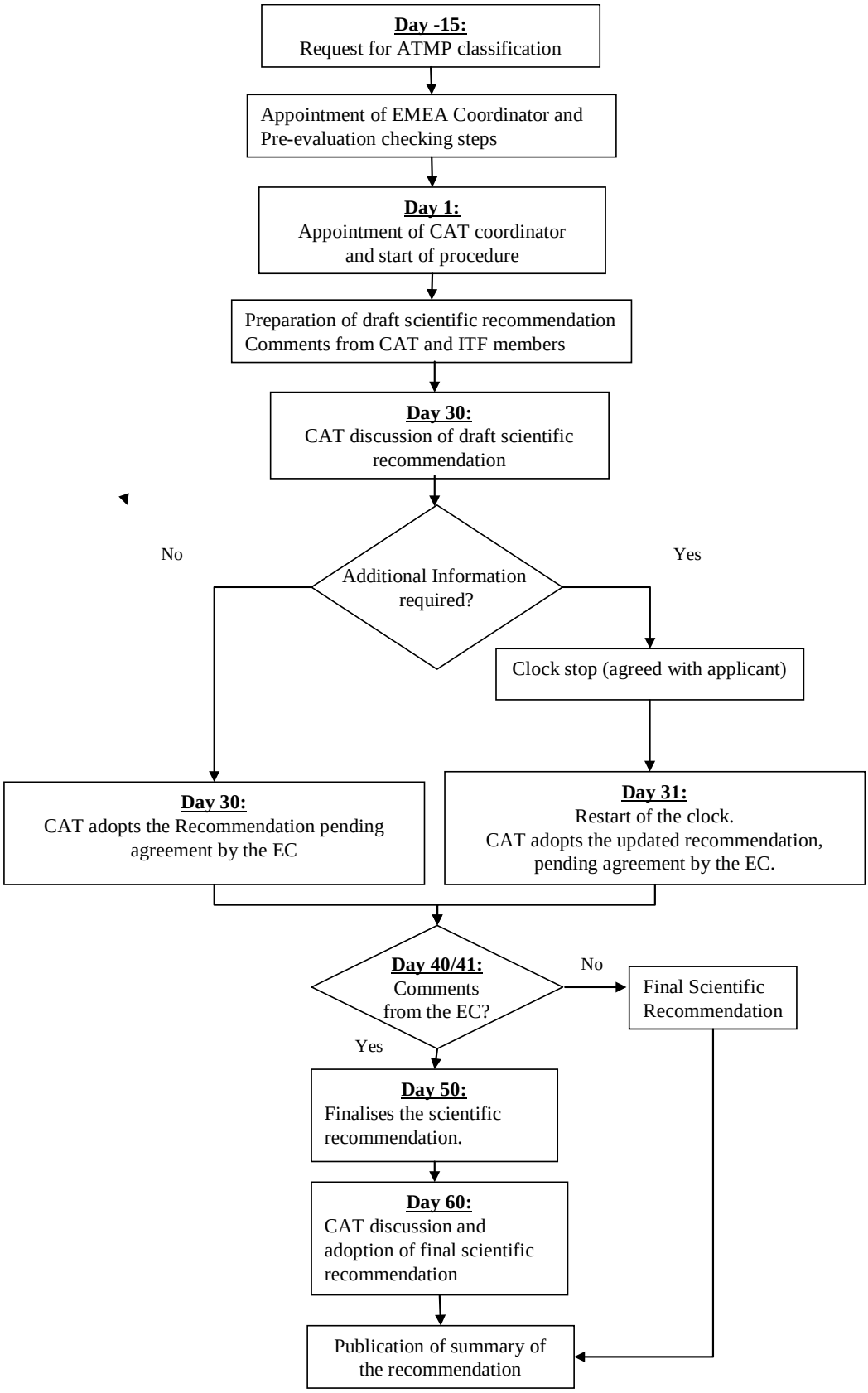
- The CAT coordinator presents the draft scientific recommendation at CAT meeting;
- CAT discusses and decides if additional information is required from the applicant before finalisation of the ATMP classification:

1. **If there is no need for additional information**:
    - **Day 30**: CAT adopts the draft scientific recommendation, pending consultation of the EC
    - The CAT Secretariat sends the scientific recommendation to EC for comments within 10 days.
    - When no comments have been received from the EC:
        - **Day 40**: The final CAT scientific recommendation is sent to the applicant and represents the final position of the CAT.
        - A summary of the scientific recommendation is published (see section 7)
    - In case comments have been received from the EC,
        - **Day 60**: Adoption by CAT of final scientific recommendation prepared by the CAT Coordinator taking into account comments received from EC
        - The final CAT scientific recommendation is sent to the applicant and represents the final position of the CAT.
        - A summary of the scientific recommendation is published (see section 7)
2. **There is a need for additional information**
    - **Day 30**: The EMA Coordinator contacts the applicant and discusses the questions arising from the discussion at the CAT. CAT can invite the applicant for an oral explanation.
    - A clock stop (of max. 1 month) will be agreed with the applicant. The clock will restart taking into account that the discussion and final adoption at the CAT must take place within 60 days active review time.
    - In the case CAT decides to consult another Committee, a Working Party or the European Commission prior to finalisation of the scientific recommendation on classification, this will take place, as far as possible,

within the remaining 30 days. If more time would be required for this consultation, the EMA coordinator will agree a clock stop with the applicant.

- **Day 31: clock restarts** upon submission of additional information by the applicant (written responses or oral explanation) or, in case of consultation, at the end of the clock stop as agreed with the applicant.
  - CAT coordinator, supported by the EMA coordinator; updates the draft scientific recommendation.
  - CAT adopts the draft scientific recommendation, pending consultation of the EC.
  - The CAT Secretariat sends the scientific recommendation to the EC for comments within 10 days.
- When no comments have been received from the EC:
  - **Day 41:** The final CAT scientific recommendation is sent to the applicant and represents the final position of the CAT.
  - A summary of the scientific recommendation is published.
- In case comments have been received from the EC,
  - **Day 60:** Adoption by CAT of final scientific recommendation prepared by the CAT Coordinator taken into account comments received from EC.
  - The final CAT scientific recommendation is sent to the applicant and represents the final position of the CAT.
  - A summary of the scientific recommendation is published.

Figure 1: Overview of timelines and steps for adoption of scientific recommendation by CAT



7. Summaries for publication

According to Article 17(2), "(…) the Agency shall publish summaries of the recommendations delivered in accordance with paragraph 1, after deletion of all information of commercial confidential nature".

In the report on scientific recommendation on classification of ATMPs, a section initially proposed by the applicant and revised during the procedure by the EMA Coordinator includes information for publication.

This section will consist of the following information:

- Product description
- Therapeutic area
- Outcome of the scientific recommendation
- Date

Within 7 calendar days, the applicant can comment on this section of the report taking into account the principles of confidential information, as described on the EMA document "Principles to be applied for the Deletion of Commercially Confidential Information for the Disclosure of EMEA Documents (Doc. Ref. EMEA/45422/2006)".

This section will then be published after consideration by the CAT and the EMA coordinators of the applicant's comments.

Abbreviations

ATMPs: Advanced Therapy Medicinal Products

CAT: Committee for Advanced Therapy

EC: European Commission

EMA: European Medicines Agency

ITF: Innovation Task Force

WP: Working Party