

20th DIA Japan Annual Meeting 2023

“Rebuilding Drug Development through Society 5.0:
The Fusion of Knowledge and Technology that Transcends Time and Space”

November 5-7, 2023 | Ariake Central Tower Hall & Conference

Session Title: Session 13

Background and Direction of the Draft Evaluation Guidelines for Conditional & Term-limited Approvals and Subsequent Efficacy Follow-up Plans of Regenerative Medical Products

再生医療等製品の条件及び期限付き承認とその後の有効性評価計画策定に関する評価指標（案）の背景と方向性

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再生医療等製品の条件及び期限付き承認

Conditional and term-limited approval of regenerative medical products

薬機法 第二十三条の二十六（条件及び期限付承認）

前条第一項の承認の申請者が製造販売をしようとする物が、次の各号のいずれにも該当する再生医療等製品である場合には、厚生労働大臣は、同条第二項第三号イ及びロの規定にかかわらず、薬事・食品衛生審議会の意見を聴いて、その適正な使用の確保のために必要な条件及び七年を超えない範囲内の期限を付してその品目に係る同条第一項の承認を与えることができる。

- 一 申請に係る再生医療等製品が**均質でない**こと。
- 二 申請に係る**効能、効果又は性能を有すると推定されるもの**であること。
- 三 申請に係る効能、効果又は性能に比して著しく有害な作用を有することにより再生医療等製品として使用価値がないと推定されるものでないこと。

Article 23-26 of the Pharmaceuticals and Medical Devices Act (Conditional and Term-limited Approval)

Notwithstanding the provisions of paragraph (2)(iii)(a) and (b) of the preceding Article, when an applicant for approval under paragraph (1) of the preceding Article intends to manufacture and distribute a regenerative medical product that falls under any of the following items, the Minister of Health, Labour and Welfare may, after hearing opinions from the Pharmaceutical Affairs and Food Sanitation Council, grant approval under paragraph (1) of the same Article for the product, subject to conditions necessary to ensure its proper use and a term limit not exceeding seven years.

- (i) The regenerative medical product pertaining to the application is **not homogeneous**.
- (ii) The product is **presumed to have the efficacy, effectiveness or performance** pertaining to the application.
- (iii) The product is not presumed to have no value for use as a regenerative medical product because it has a significantly harmful effect compared to the efficacy, effectiveness or performance pertaining to the application.



再生医療等製品の条件・期限付き製造販売承認における課題

The major challenge in the conditional and term-limited approval of regenerative medical products

Q: 「効能、効果又は性能を有すると推定される」ために必要な「治験による有効性エビデンスレベル」はどの程度と捉えるべきか？

A: 全ての再生医療等製品に適用できるような一般論は今のところない。



『申請に係る効能、効果又は性能を有すると認められず、推定もされないとき』

と

『申請に係る効能、効果又は性能を有すると認められな
いが、推定はされる』とき』

の区別が法的にも科学的にも不明確。

Q: What should be considered the “level of efficacy evidence from clinical trials” required for a product to be “presumed to have efficacy, effectiveness or performance”?

A: There is currently no general answer that can be applied to all regenerative medicine products.



The distinction between:

"when the efficacy, effectiveness, or performance pertaining to the application is not recognized **AND IS NOT presumed**"

and

"when the efficacy, effectiveness, or performance pertaining to the application is not recognized **BUT IS presumed**"

is unclear from both legal and scientific perspectives.

再生・細胞医療・遺伝子治療開発協議会の議論の中間まとめ
(内閣府, 令和3年5月28日) からの抜粋



Excerpt from “Interim Summary of Discussions at the Council for Development of Regenerative/Cell Medicine and Gene Therapy” (Cabinet Office, May 28, 2021)

「... 条件及び期限付き承認について、承認の予見可能性が確保されることが期待されている。」

“... It is expected that the foreseeability of approval will be ensured with respect to conditional and term-limited approvals.”

再生医療等製品の条件及び期限付き承認の製造販売後の評価方法に関する検討会
(厚労省医療機器審査管理課での意見交換、令和3年度)

Discussion group on post-marketing evaluation methods for approval of regenerative medical products with conditions and time limits (for exchange of opinions at the Medical Device Review and Management Division, MHLW, FY2021)

▶ **メンバー**

森尾友宏 (東京医科歯科大学)
森豊隆志 (東京大学)
小野寺雅史 (国立成育医療研究センター)
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再生医療等製品の条件及び期限付き承認の製造販売後の評価方法に関する検討会
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▶ 目的

薬機法第23条の26の趣旨を踏まえ、
条件及び期限付承認における
製造販売後承認条件評価として実施
する製造販売後使用成績調査又は製
造販売後臨床試験の
デザインの留意点・基本的な考え方
を検討

▶ Purpose

To study points and basic concepts for
the design of post-marketing surveys or
post-marketing clinical studies to be
conducted as post-marketing
evaluations of the authorizations in
conditional and term-limited approvals,
based on the intent of Article 23-26 of
the PMD Act.

再生医療等製品の条件及び期限付き承認の製造販売後の評価方法に関する検討会 (厚労省医療機器審査管理課での意見交換、令和3年度)

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1. 条件及び期限付き製造販売承認を得た4品目の再生医療等製品について、承認時点のエビデンスと製造販売後条件評価計画をレビュー
 2. 条件及び期限付き承認時点でのエビデンスレベルを踏まえた販売後使用成績調査又は製造販売後臨床試験の計画の留意点について議論（例えば、評価項目が運動機能等、主観的な評価とならざるを得ない場合にどのような計画であれば、条件及び期限付き承認後の本申請に向けた評価を市販後に適切に行うことが可能であるかなど）
 3. 薬機法第二十三条の二十六の二「申請に係る効能、効果又は性能を有すると推定されるもの」の再定義は目的としない
1. Review of evidence and post-marketing evaluation plans at the time of approval for four regenerative medical products for which conditional and term-limited approval was granted
 2. Discussions on points to consider in planning post-marketing surveys or post-marketing clinical studies based on the level of evidence at the time of conditional and term-limited approval (e.g., what kind of plan would enable appropriate post-marketing evaluation for the next marketing authorization application after approval with conditions and time limits, when the evaluation items must be subjective, such as motor function, etc.)
 3. Redefinition of Article 23-26-2 of the Pharmaceutical Affairs Act "that is presumed to have the efficacy, effectiveness or performance pertaining to the application" won't be discussed.

再生医療等製品の条件及び期限付き承認の製造販売後の評価方法に関する検討会
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▶ 市販後調査計画で妥当性を検討すべきポイント

1. 症例数
2. 評価実施施設数
3. 評価パラメーターの客観性
4. 症例の無作為化
5. 評価の盲検化
6. 対照群の設定と方向 (前向き vs. 後向き)
7. 製造販売後使用成績調査等の選択の妥当性

▶ Points to consider for the validity of post-marketing surveillance plans

1. Number of cases
2. Number of sites where evaluation is performed
3. Objectivity of evaluation parameters
4. Randomization of the cases
5. Blinding of the evaluation
6. Setting and orientation of control group (prospective vs. retrospective)
7. Appropriateness of selection of post-marketing studies.

再生医療等製品の条件及び期限付き承認の製造販売後の評価方法に関する検討会
(厚労省医療機器審査管理課での意見交換、令和3年度)

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7. 製造販売後使用成績調査等の選択の妥当性

- A) 対象疾患の**重篤度**、対象疾患**患者数**、患者の**QOL**、**代替治療法**の有無
- B) 製造販売後の**有効性の機序**と**有効性関連重要品質特性**の検証の体制
- C) 製造販売後の**安全性**の評価・検証の体制
- D) 市販後調査による**有効性エビデンス収集の実現可能性**

= 『科学的評価に適う有効性エビデンスの収集が達成できないかもしれない』というリスクに関する対策

7. Design and selection of appropriate post-marketing surveillance methods

- A) **Severity** of the target disease, **number of patients** with the target disease, **quality of life** of patients, availability of **alternative treatment methods**
- B) System for **validating the mechanism of action** and **efficacy-related critical quality attributes** after marketing
- C) System for evaluation/verification of **the safety**
- D) **Feasibility of collecting efficacy evidence** through post-marketing surveillance

= Measures to address the risk that the collection of evidence appropriate for scientific evaluation of the efficacy may not be achieved.

『間葉系幹細胞加工製品の条件及び期限付製造販売承認後の有効性評価計画に関する評価指標』検討班
(厚労省 次世代医療機器・再生医療等製品評価指標作成事業、令和4年度)

Study Group for "Evaluation Guidelines for Efficacy Evaluation Plan of Mesenchymal Stem Cell-Processed Products after Conditional and Term-limited Approval" (Evaluation Guidelines Development Project for Next Generation Medical Devices and Regenerative Medical Products, FY2022)

▶ メンバー

令和3年度の検討会と同じ

森尾友宏 (東京医科歯科大学)
森豊隆志 (東京大学)
小野寺雅史 (国立成育医療研究センター)
佐藤陽治 (国立医薬品食品衛生研究所；座長)
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Kohei UEMURA (Univ. of Tokyo)

『間葉系幹細胞加工製品の条件及び期限付製造販売承認後の有効性評価計画に関する評価指標』検討班
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- ▶ 現時点での開発動向から、日本ではヒト間葉系幹細胞／間葉系間質細胞（hMSC）を原料としたヒト細胞加工製品の製造販売承認申請が、近い将来に複数なされると期待されている。
- ▶ hMSC加工製品をモデルとして、製造販売承認審査において条件及び期限付き承認を考慮する際の、
 - ① 製品開発における条件・期限付き承認の位置づけ
 - ② 製品の特性とそれによる申請データの特徴
 - ③ これらに基づいた視点から考えられる、条件及び期限付き承認後に有効性の科学的評価を行うために必要な市販後調査計画の留意点を議論
- ▶ Based on current development trends, several applications for marketing authorization of cell-processed products derived from human mesenchymal stem/stromal cells (hMSCs) are anticipated in Japan in the near future.
- ▶ Using hMSC processed products as a model, and assuming conditional and term-limited approval in the marketing authorization review, we discussed:
 - ① the position of conditional and term-limited approval in the product development,
 - ② characteristics of the products and resulting application data, and
 - ③ points to consider in post-marketing surveillance planning necessary for the scientific evaluation of efficacy after conditional and term-limited approval.

『ヒト由来の間葉系幹細胞若しくは間葉系間質細胞を原料とするヒト細胞加工製品の条件及び期限付製造販売承認並びにその後の有効性評価計画に関する評価指標（案）』

Evaluation Guidelines for Conditional and Term-limited Manufacturing/Marketing Authorization and Subsequent Efficacy Evaluation Plan of Cell-Processed Products Derived from Human Mesenchymal Stem/Stromal Cells (Draft)

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『再生医療推進法』（平成25年）

The Act for the Promotion of Regenerative Medicine (2013)

第11条 「**国は、再生医療製品の特性を踏まえ、再生医療製品の早期の**医薬品、医療機器等の品質、有効性及び安全性の確保等に関する法律の規定による**製造販売の承認を**図り、かつ、安全性を確保す**るため、**再生医療製品の審査に当たる人材の確保、再生医療製品の審査の透明化、再生医療製品の審査に関する体制の整備等のための**必要な措置を講ずる**ものとする。」

⇒ ヒトMSC加工製品の製造販売承認審査において条件及び期限付承認を検討する際も、**ヒトMSC加工製品自体の「特性」と、ヒトMSC加工製品を用いた再生医療等の「特性」を踏まえる必要がある。**

Article 11 “**Considering the characteristics of regenerative medical products, in order to grant manufacturing/marketing authorization of regenerative medical products,** which is under the provisions of the PMD Act, **at an early stage** and to ensure their safety, **the Government shall take necessary measures** for securing human resources to review applications for regenerative medical products, making their review process transparent, establishing their review system etc.”

⇒ When considering conditional and term-limited approval of hMSC-processed products, **it is also necessary to take into account “the characteristics” of the hMSC-processed products themselves and “the characteristics” of regenerative/cellular therapy using hMSC-processed products.**

『ヒト由来の間葉系幹細胞若しくは間葉系間質細胞を原料とするヒト細胞加工製品の条件及び期限付製造販売承認並びにその後の有効性評価計画に関する評価指標（案）』

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5. ヒトMSC加工製品の製造販売承認審査において留意すべき事項

5. Points to consider in the review of manufacturing/marketing authorization for hMSC-processed products

5.1 ヒトMSC加工製品の特性

5.1.1. ヒトMSCの不均質性

5.1.2. ヒトMSCの作用機序の多様性

5.1.3. 自己由来ヒトMSC加工製品の品質のドナー間での差

5.2 ヒト細胞加工製品を用いた再生医療等の特性

5.2.1. 対象疾患の重篤性等

5.2.2. 実臨床の疾患の症状及び特性に基づく患者の選択基準の完成並びに実臨床に基づいた適切な使用法の完成の必要性

5.3 ヒトMSC加工製品の条件及び期限付製造販売承認を検討する際の留意事項

5.1 Characteristics of hMSC-Processed Products

5.1.1 Heterogeneity of hMSCs

5.1.2. Diversity of mechanisms of action of hMSCs

5.1.3. Variability in the quality of autologous hMSC-processed products among donors

5.2 Characteristics of Regenerative/Cellular Therapy Using Human Cell-Processed Products

5.2.1. Target disease severity, etc.

5.2.2. Need for establishment of patient selection criteria based on the symptoms and characteristics of the disease in actual clinical practice and establishment of appropriate usage methods based on actual clinical practice

5.3 Points to consider for selecting the conditional and term-limited approval of an hMSC-processed product



5. ヒトMSC加工製品の製造販売承認審査において留意すべき事項

5. Points to consider in the review of manufacturing/marketing authorization for hMSC-processed products

5.1 蓄積される臨床データに基づく：

- ① ヒトMSC加工製品の主成分となるヒト細胞集団の不均質性の理解
- ② 主たる作用機序の理解及び臨床有効性と関連する重要品質特性の理解
- ③ 原料細胞ドナーの差による最終製品の品質のばらつきに関する理解
・・・を推奨

5

5.3 ヒトMSC加工製品の条件及び期限付製造販売承認を検討する際の留意事項

5.1 Recommends:

- ① understanding the **heterogeneity** of the human cell population that is the primary component of hMSC-processed products
- ② understanding **the primary mechanism of action** clinical efficacy
- ③ understanding and **critical quality attributes** associated with **the variability in final product quality** due to differences in raw cell donors
... based on the accumulated clinical data

5.

5.3 Points to consider for selecting the conditional and term-limited approval of an hMSC-processed product



『ヒト由来の間葉系幹細胞若しくは間葉系間質細胞を原料とするヒト細胞加工製品の条件及び期限付製造販売承認並びにその後の有効性評価計画に関する評価指標（案）』

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2. 本文書の対象

令和3年度の検討会
「市販後調査計画で妥当性を検討すべきポイント」

5. ヒト細胞加工製品の製造販売承認審査において留意すべき事項

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The FY2021 Discussion Group
“Points to consider for the validity of post-marketing surveillance plans”

5. Points to consider in the evaluation of the post-marketing surveillance plan after conditional and term-limited approval for MSC-processed products

6. Points to consider in the evaluation of the post-marketing surveillance plan after conditional and term-limited approval

6. 条件及び期限付製造販売承認後の承認条件評価計画の評価において留意すべき事項

6. Points to consider in the evaluation of the post-marketing surveillance plan after conditional and term-limited approval



(1) 症例数

(2) 評価実施施設数

(3) 評価パラメーターの客観性

(4) 症例の無作為化

(5) 評価の盲検化

(6) 対照群の設定と方向（前向き vs. 後向き）

(7) 製造販売後使用成績調査等の選択の妥当性

(1) Number of cases

(2) Number of sites where evaluation is performed

(3) Objectivity of evaluation parameters

(4) Randomization of the cases

(5) Blinding of the evaluation

(6) Setting and orientation of control group (prospective vs. retrospective)

(7) Appropriateness of selection of post-marketing studies.

有効性の推定に必要な**症例数**などについては、臨床試験デザインごとに具体例を示す補足文書（事務連絡）を厚労省が検討中

MHLW is currently preparing a supplemental document (administrative notice) that provides specific examples for each clinical trial design **regarding the number of cases** required to presume efficacy.

Questions?

Supplement: “Efficacy, Effectiveness or Performance”

Regenerative Medical Products (Cellular/Gene Therapy Products)

Having efficacy, effectiveness or performance statistically (e.g., $p < 0.05$)

Not having efficacy, effectiveness or performance statistically
BUT presumed to have in a sense of the PMD Act

Not having efficacy, effectiveness or performance statistically
AND presumed NOT to have even in a sense of the PMD Act

The boundaries are unclear

When the boundaries are unclear, complete denial is rather difficult.