Mesoblast Policy on Expanded Access - Effective 10th February 2017

Purpose

To establish the Mesoblast policy for providing expanded access use of investigational medicinal products (IMP) to patients outside of a clinical trial. This policy applies globally with respect to expanded access use of all Mesoblast IMPs which are not approved in the country from which the request originates or is intended to be used.

Background

An Expanded Access Program (EAP) provides access to an IMP outside of a clinical trial in a country where the IMP has not received marketing approval. The IMP is intended to treat a serious or immediately life-threatening disease or condition for which there is no available satisfactory alternative treatment. Where clinical trials are ongoing for the IMP, there are patients that do not qualify to participate in a trial due to not meeting the enrolment criteria or not having access to a trial center. There are several types of EAPs. An individual patient EAP is the use of an IMP for the treatment of an individual patient in response to requests from physicians. There are also EAPs where the use of the IMP is intended for a group of patients with the same disease/condition, who for one reason or another are not suitable for inclusion in other clinical programs.

It is anticipated that Mesoblast may have ongoing clinical trials for a condition for which a request for expanded access to a Mesoblast product is received; Mesoblast seeks to ensure that expanded access use does not interfere with clinical trial recruitment, and further expanded access programs do not compromise any of Mesoblast's clinical development programs. When determining whether to grant expanded access to an investigational product, Mesoblast considers the potential risk/benefit to recipients of unapproved Mesoblast product(s).

Responsibilities

All expanded access use requests that satisfy the criteria set forth in this policy will be considered on a fair and equitable basis. The Mesoblast team will ensure that the physicians(s) in the expanded access use program continue to receive any updates or other relevant materials regarding the investigational product as well as be included on the distribution list for safety reporting.

Policy

Mesoblast is committed to assisting patients and their health care advisors with obtaining access to investigational products through clinical trial participation in the active development programs. Such programs may be identified by directly contacting the company or visiting the clinical trial research portals such as:

- For trials being run in the United States: http://www.clinicaltrials.gov

- For trials being run in Australia and New Zealand: http://www.anzctr.org.au

- The World Health Organization (WHO) search portal for clinical trials: http://apps.who.int/trialsearch/

Any use of an unapproved Mesoblast investigational product outside of a clinical study must be in accordance with local laws and regulations governing such programs. For access to an investigational product to be considered outside of clinical trials, the following criteria must be met for Mesoblast to consider expanded access use:

Patients must meet all of the following criteria:

- The patient has a serious or immediately life-threatening condition or disease

- There is a lack of other treatment options

- The patient is not a candidate for a clinical trial (including lack of access for geographic limitations).

Other criteria for needed for consideration of expanded access use include:

- Providing the investigational product will not interfere with the initiation, conduct or completion of clinical investigations that could support the marketing approval of the expanded access use and must not otherwise compromise the potential development of the expanded access use

- Mesoblast must have adequate supply of the investigational product

- There are meaningful human clinical data with sufficient evidence of safety and signals of efficacy to support an assessment that the potential benefits of the investigational product to the patient outweigh the risks to the patient

- The patient may potentially benefit from the therapy. The potential benefits to the patient justify the potential risks of treatment and the risks from this investigational product are not unreasonable in the context of the disease/condition to be treated with the investigational product

- The physician who is responsible for the patient who will be treated under EAP is properly licensed and fully qualified to administer the investigational product and agrees to comply with all applicable legal, ethical and regulatory requirements, safety reporting or other data provision Mesoblast may require, International Conference on Harmonization (ICH) Good Clinical Practice (GCP) principles including informed consent to ensure that the intended patient understands the risks associated with taking an unapproved investigational product where safety and efficacy has not been fully established.

- In the United States, the Food and Drug Administration (FDA) and the Institutional Review Board (IRB) at the patient's treating hospital or clinic must review and approve the use of the medicine, in the patient, before Mesoblast can provide it. Outside of the United States, appropriate regulatory authority and IRB/EC conditions and approvals must be received by Mesoblast for the proposed expanded access use.

- The patient must provide informed consent in accordance with ICH/GCP.

- The patient must meet any additional eligibility criteria specified in the EAP protocol, where such EAP protocols exist.

- For individual patient EAP, the treating physician or institution will be responsible for the submission of all necessary documentation to regulatory authorities and/or IRB/Ethics committees.

Expanded access use is contingent upon approval of appropriate regulatory bodies and IRB/ethics committees. Expanded access use is not permitted if local laws/regulations prohibit such programs or if the import of the Mesoblast product into that country is not permitted.

Requests for the use of an unapproved Mesoblast investigational product outside of a clinical study are to be made by contacting Mesoblast directly at clinical@mesoblast.com. The anticipated time for Mesoblast to respond to these requests is 2 – 3 business days from request submission.

Cessation of Expanded Access:

- Unless not permitted by local regulation, expanded access/compassionate use treatment will be discontinued when the product becomes commercially available in that location. Patients enrolled and in treatment through the EAP may continue to receive treatment under this program, if feasible.