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The World Anti-Doping Code

INTERNATIONAL STANDARD FOR THERAPEUTIC USE EXEMPTIONS

Draft Version 2.0

April 2019

International Standard for Therapeutic Use Exemptions

The World Anti-Doping Code International Standard for Therapeutic Use Exemptions (ISTUE) is a mandatory International Standard developed as part of the World Anti-Doping Program.

The International Standard for Therapeutic Use Exemptions was first adopted in 2004 and came into effect on 1 January 2005. Further revisions were made in 2009, 2010, 2011, 2015, 2018 and 2019. This version of the International Standard for Therapeutic Use Exemptions will come into effect on 1 January 2021.

The official text of the International Standard for Therapeutic Use Exemptions shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

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PART ONE: INTRODUCTION, CODE PROVISIONS AND DEFINITIONS

1.0 Introduction and Scope

The International Standard for Therapeutic Use Exemptions is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The purpose of the International Standard for Therapeutic Use Exemptions is to establish (a) the conditions that must be satisfied in order for a Therapeutic Use Exemption (or *TUE*) to be granted, permitting the presence of a *Prohibited Substance* in an *Athlete's Sample* or the *Athlete's Use* or *Attempted Use, Possession* and/or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons; (b) the responsibilities imposed on *Anti-Doping Organizations* in making and communicating *TUE* decisions; (c) the process for an *Athlete* to apply for a *TUE*; (d) the process for an *Athlete* to get a *TUE* granted by one *Anti-Doping Organization* recognized by another *Anti-Doping Organization*; (e) the process for *WADA* to review *TUE* decisions; and (f) the strict confidentiality provisions that apply to the *TUE* process.

Terms used in this *International Standard* that are defined terms from the *Code* are written in italics. Terms that are defined in this *International Standard* are underlined.

2.0 Code Provisions

The following articles in the 2021 *Code* are directly relevant to the International Standard for Therapeutic Use Exemptions:

Code Article 4.4 **Therapeutic Use Exemptions ("TUEs")**

Code Article 13.4 **Appeals Relating to TUEs**

3.0 Definitions and Interpretation

3.1 Defined terms from the 2021 *Code* that are used in the International Standard for Therapeutic Use Exemptions:

ADAMS: The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and *WADA* in their anti-doping operations in conjunction with data protection legislation.

Administration: Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method* used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are

not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use of a Prohibited Method*.

Anti-Doping Organization: A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, WADA, International Federations, and *National Anti-Doping Organizations*.

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “Athlete.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering, results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]

Code: The World Anti-Doping Code.

Competition: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

Event: A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

In-Competition: Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, “*In-Competition*” means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

[Comment: An International Federation or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.]

International-Level Athlete: *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.

[Comment: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]

Major Event Organizations: The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country’s *National Olympic Committee* or its designee.

National-Level Athlete: *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the International Standard for Testing and Investigations.

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the

premises in which a *Prohibited Substance or Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance or Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance or Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

Prohibited List: The List identifying the *Prohibited Substances* and *Prohibited Methods*.

Prohibited Method: Any method so described on the *Prohibited List*.

Prohibited Substance: Any substance, or class of substances, so described on the *Prohibited List*.

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23.

Testing: The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

TUE: A Therapeutic Use Exemption allows an *Athlete* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard* for Therapeutic Use Exemptions are met.

Use: The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

WADA: The World Anti-Doping Agency.

- 3.2 Further defined term from the International Standard for the Protection of Privacy and Personal Information that is used in the International Standard for Therapeutic Use Exemptions:

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or relating to other *Persons*

whose information is Processed solely in the context of an *Anti-Doping Organization's Anti-Doping Activities*.

[3.2 Comment: It is understood that Personal Information includes, but is not limited to, information relating to an Athlete's name, date of birth, contact details and sporting affiliations, whereabouts, designated therapeutic use exemptions (if any), anti-doping test results, and results management (including disciplinary hearings, appeals and sanctions). Personal Information also includes personal details and contact information relating to other Persons, such as medical professionals and other Persons working with, treating or assisting an Athlete in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this Standard for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]

3.3 Further defined terms specific to the International Standard for Therapeutic Use Exemptions:

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

Therapeutic Use Exemption Committee (or "TUEC"): The panel established by an *Anti-Doping Organization* to consider applications for *TUEs*.

WADA TUEC: The panel established by *WADA* to review the *TUE* decisions of other *Anti-Doping Organizations*.

3.4 Interpretation:

3.4.1 Unless otherwise specified, references to articles are references to articles of the International Standard for Therapeutic Use Exemptions.

3.4.2 The comments annotating various provisions of the International Standard for Therapeutic Use Exemptions shall be used to interpret that *International Standard*.

3.4.3 The official text of the International Standard for Therapeutic Use Exemptions shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

PART TWO: STANDARDS AND PROCESS FOR GRANTING TUES

4.0 Obtaining a TUE

4.1 An *Athlete* who needs to Use a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons must apply for and obtain a TUE under Article 4.2 prior to *Using* or *Possessing* the substance or method in question. However, an *Athlete* may apply retroactively for a TUE (but must still meet the conditions in Article 4.2) if one of the following exceptions applies:

- a. emergency or urgent treatment of a medical condition was necessary; or
- b. there was insufficient time, opportunity or other exceptional circumstances that prevented the *Athlete* submitting, or the TUEC considering, an application for the TUE prior to *Sample* collection; or
- c. due to national-level prioritization of certain sports, the *Athlete's National Anti-Doping Organization* did not permit or require the *Athlete* to apply for a prospective TUE (see comment to Article 5.1); or
- d. if an *Anti-Doping Organization* chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or *National-Level Athlete*, and that *Athlete* is *Using* a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons, the *Anti-Doping Organization* must permit the *Athlete* to apply for a retroactive TUE; or
- e. the *Athlete Used Out-of-Competition*, for therapeutic reasons, a *Prohibited Substance* that is only prohibited *In-Competition*.

[Comment to 4.1(c), (d) and (e): Such Athletes are strongly advised to have a medical file prepared and ready to demonstrate their satisfaction of the TUE conditions set out at Article 4.2, in case an application for a retroactive TUE is necessary following Sample collection.]

[Comment to 4.1(e): This seeks to address situations where, for therapeutic reasons, an Athlete Uses a substance Out-of-Competition that is only prohibited In-Competition, but there is a risk that the substance will remain in their system In-Competition. In such situations, the Anti-Doping Organization must permit the Athlete to apply for a retroactive TUE (where the Athlete has not applied in advance). This also seeks to prevent Anti-Doping Organizations from having to assess advance TUE applications that may not be necessary.]

4.2 An *Athlete* may be granted a TUE if (and only if) he/she can show, on the balance of probabilities, that each of the following conditions is met:

- a. The *Prohibited Substance* or *Prohibited Method* in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence.

[Comment to 4.2(a): The use of the Prohibited Substance or Prohibited Method may be part of a necessary diagnostic investigation rather than a treatment per se.]

- b. The Therapeutic Use of the *Prohibited Substance* or *Prohibited Method* will not, on the balance of probabilities, produce any additional enhancement of performance beyond what might be anticipated by a return to the *Athlete's* normal state of health following the treatment of the medical condition.

[Comment to 4.2(b): An Athlete's normal state of health will need to be determined on an individual basis. A normal state of health for a specific Athlete is their state of health but for the medical condition for which the Athlete is seeking a TUE.]

- c. The *Prohibited Substance* or *Prohibited Method* is an indicated treatment for the medical condition, and there is no reasonable permitted Therapeutic alternative.

[Comment to 4.2(c): The physician must explain why the treatment chosen was the most appropriate e.g. based on experience, side-effect profiles or other medical justifications, including, where applicable, geographically specific medical practice. Further, it is not always necessary to try and fail alternatives before using the Prohibited Substance or Prohibited Method. Assessing reasonable Therapeutic alternatives may also include assessing whether the Athlete can access, based on their location or financial situation, the available alternatives.]

- d. The necessity for the *Use* of the *Prohibited Substance* or *Prohibited Method* is not a consequence, wholly or in part, of the prior *Use* (without a *TUE*) of a substance or method which was prohibited at the time of such *Use*.

[Comment to 4.2: The WADA documents titled "TUEC Guidelines", posted on WADA's website, should be used to assist in the application of these criteria in relation to particular medical conditions.

The grant of a TUE is based solely on consideration of the conditions set out in Article 4.2. It does not consider whether the Prohibited Substance or Prohibited Method is the most clinically appropriate or safe, or whether its use is legal in all jurisdictions.

When an International Federation or Major Event Organization TUEC is deciding whether or not to recognize a TUE granted by another Anti-Doping Organization (see Article 7, below), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Article 8, below), the issue will be the same as it is for a TUEC that is considering an application for a TUE under Article 6, below, i.e., has the Athlete demonstrated on the balance of probabilities that each of the conditions set out in Article 4.2 is met.]

- 4.3** In exceptional circumstances and notwithstanding any other provision in this International Standard for Therapeutic Use Exemptions, an *Athlete* may apply for and be granted retroactive approval for his/her Therapeutic Use of a *Prohibited Substance* or *Prohibited Method* if, considering the purpose of the *Code*, it would be manifestly unfair not to grant a retroactive *TUE*. Any decision by an *Anti-Doping Organization* to grant or not grant a retroactive *TUE* pursuant to this Article must be submitted to *WADA*, and *WADA* may in its absolute discretion agree with or overturn the *Anti-Doping Organization's* decision. Any decision made by *WADA* and/or an *Anti-Doping Organization* under this Article may not be challenged either as a defense to proceedings for an anti-doping rule violation, or by way of appeal, or otherwise.

[Comment to 4.3: For the avoidance of doubt, retroactive approval may be granted under Article 4.3 even if the conditions in Article 4.2 are not met (although satisfaction of such conditions will be a relevant consideration). Other relevant factors might include the reasons why the Athlete did not apply in advance; the Athlete's experience; whether the Athlete declared the use of the substance or method on the Doping Control form; and the recent expiration of the Athlete's TUE. In making its decision WADA may, at its discretion, consult with a member(s) of a WADA TUEC.]

5.0 TUE Responsibilities of Anti-Doping Organizations

- 5.1** Code Article 4.4 specifies (a) which *Anti-Doping Organizations* have authority to make *TUE* decisions; (b) how those *TUE* decisions should be recognized and respected by other *Anti-Doping Organizations*; and (c) when *TUE* decisions may be reviewed and/or appealed.

[Comment to 5.1: See Annex 1 for a flow-chart summarizing the key provisions of Code Article 4.4.

Where national policy requirements and imperatives lead a National Anti-Doping Organization to prioritize certain sports over others in its test distribution planning (as contemplated by Article 4.4.1 of the International Standard for Testing and Investigations), the National Anti-Doping Organization may decline to consider advance applications for TUEs from Athletes in some or all of the non-priority sports, but in that case it must permit any such Athlete from whom a Sample is subsequently collected to apply for a retroactive TUE. The National Anti-Doping Organization should publicize any such policy on its website for the benefit of affected Athletes.

Code Article 4.4.2 specifies the authority of a National Anti-Doping Organization to make TUE decisions in respect of Athletes who are not International-Level Athletes. In case of dispute as to which National Anti-Doping Organization should deal with the TUE application of an Athlete who is not an International-Level Athlete, WADA will decide. WADA's decision will be final and not subject to appeal.]

- 5.2** For the avoidance of doubt, when a *National Anti-Doping Organization* grants a *TUE* to an *Athlete*, that *TUE* is valid at national level on a global basis and does not need to be formally recognized by other *National Anti-Doping Organizations* under Article 7.0 (for example, if an *Athlete* is granted a *TUE* by his/her *National Anti-Doping Organization* and then trains or competes in the country of another *National Anti-Doping Organization*, that *TUE* will be valid if the *Athlete* is then tested by such other *National Anti-Doping Organization*).

- 5.3** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must establish a TUEC to consider whether applications for grant or recognition of *TUEs* meet the conditions set out in Article 4.2.

[Comment to 5.3: For the avoidance of doubt, the fulfilment of the conditions set out in Articles 4.1 and 4.3 may be determined by the relevant Anti-Doping Organization in consultation with a member(s) of the TUEC.

While a Major Event Organization may choose to recognize pre-existing TUEs automatically, there must be a mechanism for Athletes participating in the Event to obtain a new TUE if the need arises. It is up to each Major Event Organization whether it sets up its own TUEC for this purpose, or rather whether it outsources the task by agreement to a third party. The aim in each case should be to ensure that Athletes competing in such Events have the ability to obtain TUEs quickly and efficiently before they compete.]

- a. TUECs should include at least three physicians with experience in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine. In cases where specific expertise is required (for example, for *Athletes* with impairments where the substance or method pertains to the *Athlete's* impairment), at least one TUEC member or expert should possess such expertise.
- b. In order to ensure impartiality of decisions, all members of the TUEC must sign a conflict of interest and confidentiality declaration (a template declaration is available on WADA's website).

5.4 Each *National Anti-Doping Organization*, International Federation and *Major Event Organization* must establish a clear process for applying to its TUEC for a TUE that complies with the requirements of this *International Standard*. It must also publish details of that process by (at a minimum) posting the information in a conspicuous place on its website and sending the information to WADA. WADA may re-publish the same information on its own website.

5.5 Each *National Anti-Doping Organization*, International Federation and *Major Event Organization* must promptly report (in English or French) all decisions of its TUEC granting or denying TUEs, and all decisions to recognize or refusing to recognize other *Anti-Doping Organizations' TUE* decisions, through ADAMS as soon as possible and in any event within 21 days of receipt of the decision. A decision to deny a TUE shall include an explanation of the reason(s) for the denial. In respect of TUEs granted, the information reported shall include (in English or French):

- a. whether the *Athlete* was permitted to apply for a TUE retroactively under Article 4.1 and an explanation of the reason(s) why, or whether the *Athlete* was permitted to apply for and was granted a TUE retroactively under Article 4.3 and an explanation of the reason(s) why;
- b. not only the approved substance or method, but also the dosage(s), frequency, route of *Administration* permitted, the duration of the TUE (and, if different, the duration of prescribed treatment), and any conditions imposed in connection with the TUE; and
- c. the TUE application form and the relevant clinical information establishing that the Article 4.2 conditions have been satisfied in respect of such TUE (for access only by WADA, the *Athlete's National Anti-Doping Organization* and International Federation, and the *Major Event Organization* organizing an *Event* in which the *Athlete* wishes to compete).

[Comment to 5.5: The TUE application form may be translated into other languages by Anti-Doping Organizations, but the original English or French text must remain on the form, and an English or French translation of the content should be provided.

The full medical file, including diagnostic tests, laboratory results and values must be provided, but need not be translated into English or French. However, a translated summary of all the key information (including key diagnostic tests) must be entered into ADAMS, with sufficient information to clearly establish the diagnosis. It is strongly suggested that the summary be prepared by a physician or other person with adequate medical knowledge, in order to properly understand and summarize the medical information. More detailed/full translations may be required by the relevant Anti-Doping Organization or WADA, upon request.]

- 5.6** When a *National Anti-Doping Organization* grants a *TUE* to an *Athlete*, it must warn him/her in writing (a) that that *TUE* is valid at national level only, and (b) that if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, that *TUE* will not be valid for those purposes unless it is recognized by the relevant *International Federation* or *Major Event Organization* in accordance with Article 7.0. Thereafter, the *National Anti-Doping Organization* should help the *Athlete* to determine when he/she needs to submit the *TUE* to an *International Federation* or *Major Event Organization* for recognition, and should guide and support the *Athlete* through the recognition process.
- 5.7** Each *International Federation* and *Major Event Organization* must publish and keep updated a notice (at a minimum, by posting it in a conspicuous place on its website and sending it to *WADA*) that sets out clearly (1) which *Athletes* coming under its jurisdiction are required to apply to it for a *TUE*, and when; (2) which *TUE* decisions of other *Anti-Doping Organizations* it will automatically recognize in lieu of such application, in accordance with Article 7.1(a); and (3) which *TUE* decisions of other *Anti-Doping Organizations* will have to be submitted to it for recognition, in accordance with Article 7.1(b).
- 5.8** If a *National Anti-Doping Organization* grants a *TUE* to an *Athlete* and the *Athlete* subsequently becomes an *International-Level Athlete* or competes in an *International Event*, the *TUE* will not be valid unless and until the relevant *International Federation* recognizes that *TUE* in accordance with Article 7.0. If an *International Federation* grants a *TUE* to an *Athlete* and the *Athlete* then competes in an *International Event* organized by a *Major Event Organization*, the *TUE* will not be valid unless and until the relevant *Major Event Organization* recognizes that *TUE* in accordance with Article 7.0. As a result, if the *International Federation* or *Major Event Organization* (as applicable) declines to recognize that *TUE*, then (subject to the *Athlete's* rights of review and appeal) that *TUE* may not be relied upon to excuse the presence, *Use, Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* mentioned in the *TUE* vis-à-vis that *International Federation* or *Major Event Organization*.

6.0 TUE Application Process

- 6.1** An *Athlete* who needs a *TUE* should apply as soon as possible. For substances prohibited *In-Competition* only, the *Athlete* should apply for a *TUE* at least 30 days before his/her next *Competition*, unless it is an emergency or exceptional situation.
- 6.2** The *Athlete* should apply to his/her *National Anti-Doping Organization*, *International Federation* and/or a *Major Event Organization* (as applicable), using the *TUE* application form provided. *Anti-Doping Organizations* shall make the application form they want *Athletes* to use available for download from their websites. That form must be based on the "TUE Application Form" template available on *WADA's* website. The template may be

modified by *Anti-Doping Organizations* to include additional requests for information, but no sections or items may be removed.

[Comment to 6.2: If an Athlete is uncertain as to which National Anti-Doping Organization they should apply to for a TUE, they should first contact the National Anti-Doping Organization of the country where the sport organization for which they compete (or with which they are a member or licence holder) is based or, if different, the country in which they reside. If that National Anti-Doping Organization considers that the Athlete does not fall within its TUE jurisdiction, the Athlete should contact the National Anti-Doping Organization of their country of citizenship (if different).]

6.3 An *Athlete* may not apply to more than one *Anti-Doping Organization* for a *TUE* for the use of the same *Prohibited Substance* or *Prohibited Method* for the same medical condition. Nor may an *Athlete* have more than one *TUE* at a time for the use of the same *Prohibited Substance* or *Prohibited Method* for the same medical condition (and any such new *TUE* will supersede the previous *TUE*, which should be cancelled by the relevant *Anti-Doping Organization*).

6.4 The *Athlete* should submit the *TUE* application form to the relevant *Anti-Doping Organization* via *ADAMS* or as otherwise specified by the *Anti-Doping Organization*. The form must be signed by the treating physician and accompanied by a comprehensive medical history, including documentation from the original diagnosing physician(s) (where possible) and the results of all examinations, laboratory investigations and imaging studies relevant to the application.

[Comment to 6.4: The information submitted in relation to the diagnosis and treatment should be guided by the relevant WADA documents posted on WADA's website.]

6.5 The *Athlete* should keep a complete copy of the *TUE* application form and of all materials and information submitted in support of that application.

6.6 A *TUE* application will only be considered by the TUEC following the receipt of a properly completed application form, accompanied by all relevant documents. Incomplete applications will be returned to the *Athlete* for completion and re-submission.

6.7 The TUEC may request from the *Athlete* or his/her physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the *Athlete's* application; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.

6.8 Any costs incurred by the *Athlete* in making the *TUE* application and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.

6.9 The TUEC shall decide whether or not to grant the application as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than 21 days of receipt of a complete application. Where a *TUE* application is made a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.

6.10 The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to *WADA* and to other *Anti-Doping Organizations* via *ADAMS*, in accordance with Article 5.5.

6.11 Each *TUE* will have a specified duration, as decided by the TUEC, at the end of which the *TUE* will expire automatically. If the *Athlete* needs to continue to *Use* the *Prohibited Substance* or *Prohibited Method* after the expiry date, he/she must submit an application for a new *TUE* well in advance of that expiry date, so that there is sufficient time for a decision to be made on the application before the expiry date.

[Comment to 6.11: Where applicable, the duration of validity should be guided by the WADA documents titled "TUEC Guidelines".]

6.12 A *TUE* will be withdrawn prior to expiry if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *Anti-Doping Organization* granting the *TUE*. Alternatively a *TUE* may be reversed upon review by *WADA* or on appeal.

6.13 Where an *Adverse Analytical Finding* is issued shortly after a *TUE* for the *Prohibited Substance* in question has expired or has been withdrawn or reversed, the *Anti-Doping Organization* conducting the initial review of the *Adverse Analytical Finding* (Code Article 7.2) shall consider whether the finding is consistent with *Use* of the *Prohibited Substance* prior to the expiry, withdrawal or reversal of the *TUE*. If so, such *Use* (and any resulting presence of the *Prohibited Substance* in the *Athlete's Sample*) is not an anti-doping rule violation.

6.14 In the event that, after his/her *TUE* is granted, the *Athlete* requires a materially different dosage, frequency, route or duration of *Administration* of the *Prohibited Substance* or *Prohibited Method* to that specified in the *TUE*, he/she must contact the relevant *Anti-Doping Organization*, who will then determine whether the *Athlete* needs to apply for a new *TUE*. If the presence, *Use*, *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* is not consistent with the terms of the *TUE* granted, the fact that the *Athlete* has the *TUE* will not prevent the finding of an anti-doping rule violation.

[Comment to 6.14: It is recognized that for certain medical conditions, dosages may fluctuate, particularly during the early stages of the establishment of a treatment regime or for a condition such as insulin-dependent diabetes. Such potential fluctuations should be accounted for in the TUE. However, in the event of a change that is not accounted for in the TUE, the Athlete must contact the relevant Anti-Doping Organization to determine whether a new TUE is required.]

7.0 TUE Recognition Process

7.1 Code Article 4.4 requires *Anti-Doping Organizations* to recognize *TUEs* granted by other *Anti-Doping Organizations* that satisfy the Article 4.2 conditions. Therefore, if an *Athlete* who becomes subject to the *TUE* requirements of an *International Federation* or *Major Event Organization* already has a *TUE*, he/she should not submit an application for a new *TUE* to the *International Federation* or *Major Event Organization*. Instead:

- a. The International Federation or *Major Event Organization* may publish notice that it will automatically recognize *TUE* decisions made pursuant to Code Article 4.4 (or certain categories of such decisions, e.g., those made by specified *Anti-Doping Organizations*, or those relating to particular *Prohibited Substances*), provided that such *TUE* decisions have been reported in accordance with Article 5.5 and therefore are available for review by *WADA*. If the *Athlete's TUE* falls into a category of *TUEs* that are automatically recognized in this way at the time the *TUE* is granted, he/she does not need to take any further action.

[Comment to 7.1(a): To ease the burden on Athletes, automatic recognition of TUE decisions once they have been reported in accordance with Article 5.5 is strongly encouraged. If an International Federation or Major Event Organizer is not willing to grant automatic recognition of all such decisions, it should grant automatic recognition of as many such decisions as possible, e.g., by publishing and keeping updated a list of Anti-Doping Organizations whose TUE decisions it will recognize automatically, and/or a list of those Prohibited Substances for which it will automatically recognize TUEs. Publication should be in the same manner as is set out in Article 5.4, i.e., the notice should be posted on the International Federation's website and sent to WADA and to National Anti-Doping Organizations.]

- b. In the absence of such automatic recognition, the *Athlete* shall submit a request for recognition of the *TUE* to the International Federation or *Major Event Organization* in question, either via *ADAMS* or as otherwise specified by that International Federation or *Major Event Organization*. The request should be accompanied by a copy of the *TUE* and the original *TUE* application form and supporting materials referenced at Articles 6.1 and 6.2 (unless the *Anti-Doping Organization* that granted the *TUE* has already made the *TUE* and supporting materials available via *ADAMS*, in accordance with Article 5.5).
- 7.2 Incomplete requests for recognition of a *TUE* will be returned to the *Athlete* for completion and re-submission. In addition, the TUEC may request from the *Athlete* or his/her physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the *Athlete's* request for recognition of the *TUE*; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.
 - 7.3 Any costs incurred by the *Athlete* in making the request for recognition of the *TUE* and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.
 - 7.4 The TUEC shall decide whether or not to recognize the *TUE* as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than 21 days of receipt of a complete request for recognition. Where the request is made a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.
 - 7.5 The TUEC's decision will be notified in writing to the *Athlete* and will be made available to *WADA* and to other *Anti-Doping Organizations* via *ADAMS*. A decision not to recognize a *TUE* must include an explanation of the reason(s) for the non-recognition.
 - 7.6 If an International Federation chooses to test an *Athlete* who is not an *International-Level Athlete*, it must recognize a *TUE* granted by that *Athlete's National Anti-Doping*

Organization unless the *Athlete* is required to apply for recognition of the *TUE* pursuant to Articles 5.8 and 7.0 i.e. because the *Athlete* is competing in an *International Event*.

8.0 Review of *TUE* Decisions by *WADA*

- 8.1 *Code* Article 4.4.6 provides that *WADA*, in certain cases, must review *TUE* decisions of International Federations, and that it may review any other *TUE* decisions, in each case to determine compliance with the Article 4.1 and 4.2 conditions. In relation to the Article 4.2 conditions, *WADA* shall establish a *WADA TUEC* that meets the requirements of Article 5.3 to carry out such reviews. In relation to the Article 4.1 conditions, these can be reviewed by *WADA* (which may, at its discretion, consult with a member(s) of a *WADA TUEC*).
- 8.2 Each request for review must be submitted to *WADA* in writing, and must be accompanied by payment of the application fee established by *WADA*, as well as copies of all of the information specified in Article 6.2 (or, in the case of review of a *TUE* denial, all of the information that the *Athlete* submitted in connection with the original *TUE* application). The request must be copied to the *Anti-Doping Organization* whose decision would be the subject of the review, and to the *Athlete* (if he/she is not requesting the review).
- 8.3 Where the request is for review of a *TUE* decision that *WADA* is not obliged to review, *WADA* shall advise the *Athlete* as soon as practicable following receipt of the request whether or not it will review the *TUE* decision. Any decision by *WADA* not to review the *TUE* decision is final and may not be appealed. However, the *TUE* decision may still be appealable, as set out in *Code* Article 4.4.7.
- 8.4 Where the request is for review of a *TUE* decision of an International Federation that *WADA* is obliged to review, *WADA* may nevertheless refer the decision back to the International Federation (a) for clarification (for example, if the reasons are not clearly set out in the decision); and/or (b) for re-consideration by the International Federation (for example, if the *TUE* was only denied because medical tests or other information required to demonstrate satisfaction of the Article 4.2 conditions were missing).
- [Comment to 8.4: If an International Federation refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical tests or other information required to demonstrate satisfaction of the Article 4.2 conditions are missing, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.]*
- 8.5 Where a request for review is referred to the *WADA TUEC*, the *WADA TUEC* may seek additional information from the *Anti-Doping Organization* and/or the *Athlete*, including further studies as described in Article 6.7, and/or it may obtain the assistance of other medical or scientific experts as it deems appropriate.
- 8.6 *WADA* shall reverse any grant of a *TUE* that does not comply with the Article 4.1 and 4.2 conditions (as applicable). Where the *TUE* reversed was a prospective *TUE* (rather than a retroactive *TUE*), such reversal shall take effect upon the date specified by *WADA* (which shall not be earlier than the date of *WADA*'s notification to the *Athlete*). The reversal shall not apply retroactively and the *Athlete*'s results prior to such notification shall not be *Disqualified*. Where the *TUE* reversed was a retroactive *TUE*, however, the reversal shall also be retroactive.

- 8.7** WADA shall reverse any denial of a *TUE* where the *TUE* application met the Article 4.1 and 4.2 conditions (as applicable), i.e., it shall grant the *TUE*.
- 8.8** Where WADA reviews a decision of an International Federation that has been referred to it pursuant to *Code* Article 4.4.3 (i.e., a mandatory review), it may require whichever *Anti-Doping Organization* “loses” the review (i.e., the *Anti-Doping Organization* whose view it does not uphold) (a) to reimburse the application fee to the party that referred the decision to WADA (if applicable); and/or (b) to pay the costs incurred by WADA in respect of that review, to the extent they are not covered by the application fee.
- 8.9** Where WADA reverses a *TUE* decision that WADA has decided in its discretion to review, WADA may require the *Anti-Doping Organization* that made the decision to pay the costs incurred by WADA in respect of that review.
- 8.10** If applicable, WADA shall communicate the reasoned decision of the WADA TUEC promptly to the *Athlete* and to his/her *National Anti-Doping Organization* and International Federation (and, if applicable, the *Major Event Organization*).

9.0 Confidentiality of Information

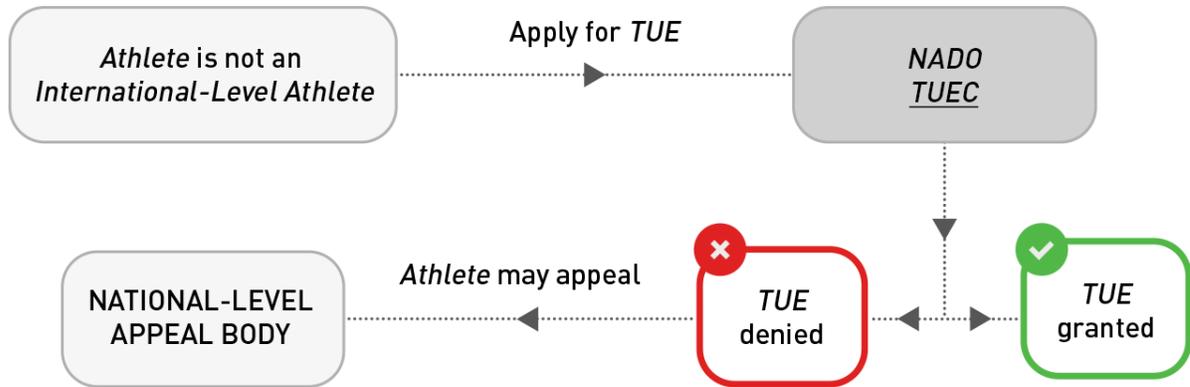
- 9.1** The Processing of Personal Information during the *TUE* process by *Anti-Doping Organizations* and WADA shall comply with the International Standard for the Protection of Privacy and Personal Information. *Anti-Doping Organizations* shall ensure that they have a valid legal authority or basis for such Processing, in accordance with the International Standard for the Protection of Privacy and Personal Information and applicable laws.
- 9.2** *Anti-Doping Organizations* shall communicate the following information to *Athletes* as well as any other relevant information in accordance with Article 7.1 of the International Standard for the Protection of Privacy and Personal Information in connection with an *Athlete*'s application for the grant or recognition of a *TUE*:
- a. that all information pertaining to the application will be transmitted to members of all TUECs with authority under this *International Standard* to review the file and, as required, other independent medical or scientific experts, and to all necessary staff (including WADA staff) involved in the management, review or appeal of *TUE* applications;
 - b. that the *Athlete* must authorize his/her physician(s) to release to the TUEC upon request any health information that the TUEC deems necessary in order to consider and determine the *Athlete*'s application; and
 - c. that the decision on the application will be made available to all *Anti-Doping Organizations* with *Testing* authority and/or results management authority over the *Athlete*.

[Comment to 9.2: Where Anti-Doping Organizations are relying upon the Athlete's consent to Process Personal Information in connection with the TUE process, the Athlete applying for the grant or recognition of a TUE shall provide written and explicit consent to the foregoing.]

- 9.3** The *TUE* application shall be dealt with in accordance with the principles of strict medical confidentiality. The members of the TUEC, independent experts and the relevant staff of the *Anti-Doping Organization* and *WADA* shall conduct all of their activities relating to the process in strict confidence and shall sign appropriate confidentiality agreements. In particular they shall keep the following information confidential:
- a. All medical information provided by the *Athlete* and physician(s) involved in the *Athlete's* care.
 - b. All details of the application, including the name of the physician(s) involved in the process.
- 9.4** Should the *Athlete* wish to revoke the right of the TUEC to obtain any health information on his/her behalf, the *Athlete* shall notify his/her physician in writing of such revocation; provided that, as a result of that revocation, the *Athlete's* application for a *TUE* or for recognition of an existing *TUE* will be deemed withdrawn without approval/recognition having been granted.
- 9.5** *Anti-Doping Organizations* and *WADA* shall only use information submitted by an *Athlete* in connection with a *TUE* application to evaluate the application and in the context of potential anti-doping rule violation investigations and proceedings.

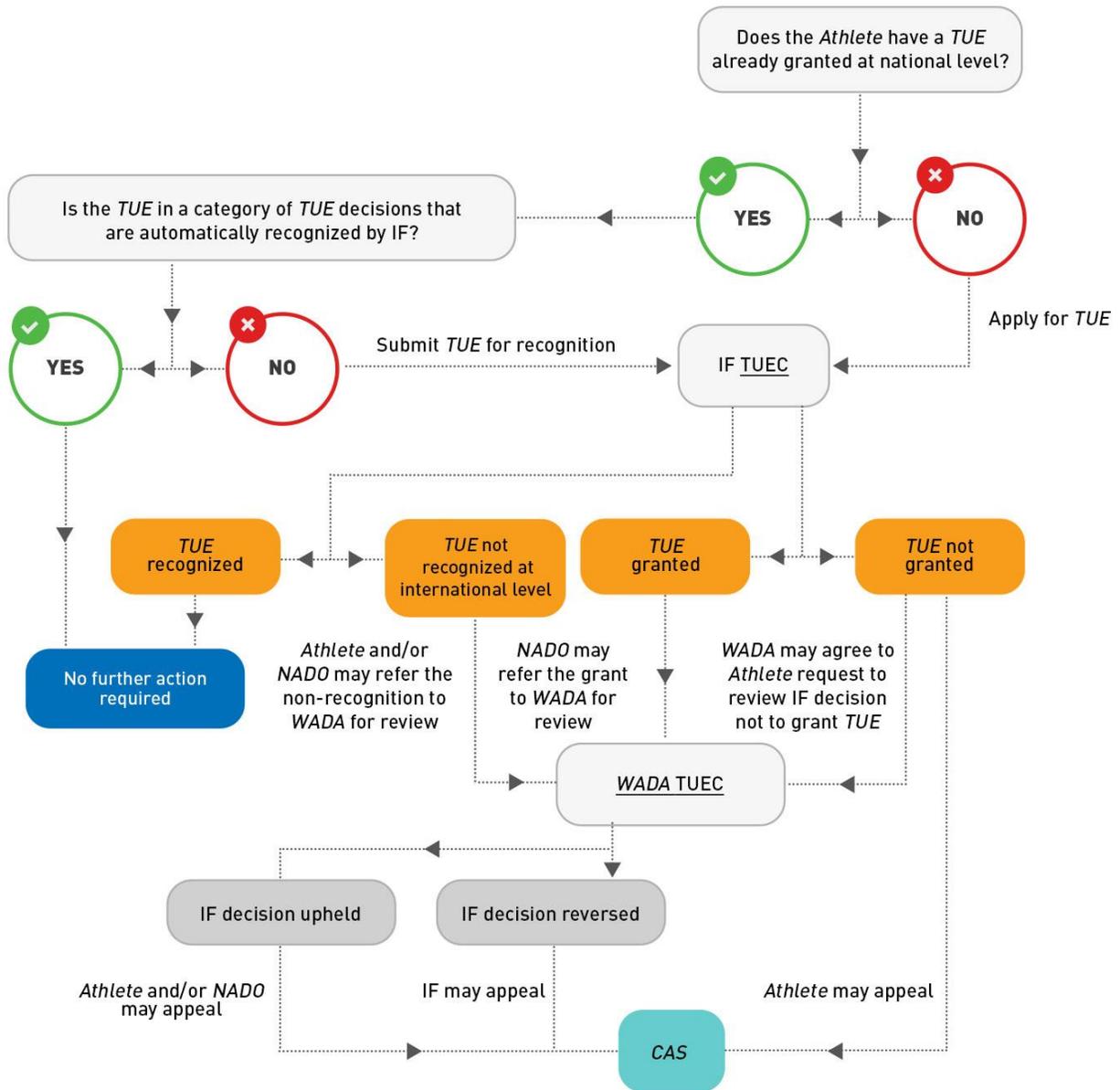
ANNEX 1: CODE ARTICLE 4.4 FLOW-CHART

1. TUE procedure if Athlete is not an International-Level Athlete when need for TUE arises



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2. TUE procedure if Athlete is an International-Level Athlete (and so subject to the International Federation's TUE requirements) when need for TUE arises



3. Athlete enters Event for which Major Event Organization (or "MEO") has its own TUE requirements

