

# THERAPEUTIC USE EXEMPTION EXPERT ADVISORY GROUP

## Terms of Reference

The WADA Therapeutic Use Exemption (TUE) Expert Advisory Group (TUE EAG) is a designated Advisory Group of the Health Medicine and Research Committee (HM&R)<sup>1</sup>.

### **Purpose:**

To provide expert advice, recommendations and guidance to the HM&R Committee and WADA Management, in particular the Chief Medical Officer. The TUE EAG, through the Chair, reports to the HM&R on all matters of Therapeutic Use Exemptions as articulated in the World Anti-Doping Code and the International Standard for TUEs. This includes matters of protocol, procedure and case reviews.

### **Objectives/Key Activities**

- 1) Provide expertise to ensure the “TUE process” is operated and managed in a manner consistent with the Code and International Standards.
- 2) Participate as a member of a WADA TUE review committee when requested.
- 3) Assist in the development and maintenance of TUE-related documents such as the TUE Physician Guidelines and TUE Checklists.
- 4) Work closely with WADA management to ensure the International Standard for TUE is fit for purpose and revised as necessary, in a manner consistent with the Code.
- 5) Identify national and international level expert physicians to ensure a network of expertise to assist with TUE Physician Guidelines or to participate in WADA TUE review committees as required.
- 6) Provide the WADA Chief Medical Officer with relevant opinions on medical matters outside the immediate sphere of therapeutic use exemption, should they arise.

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<sup>1</sup> EAGs are bodies created to provide ongoing advice and assistance to WADA Standing Committees and/or WADA Management (who in turn report to the WADA Executive Committee), on issues requiring significant technical specialist expertise. EAGs may also assist with regular or ad hoc activities, as necessary.

## **Reporting Structure**

Working in close co-operation with WADA Management, specifically the Chief Medical Officer, the TUE EAG reports to the WADA HM&R Committee.

## **Membership/Composition**

The composition of the TUE EAG shall not exceed a maximum of 12 members.

The WADA Director General<sup>2</sup>, in consultation with the HM&R Chairperson, will appoint members to the TUE EAG.

Members are selected on the basis of their expertise in the areas of sport medicine, anti-doping, TUE experience and research methodology.

Each member (including the Chair) serves a two-year term<sup>3</sup>, renewable but with a 12-year term limit, unless a business case is presented by the WADA Chief Medical Officer with support of the EAG Chair (in the case of a member) or the WADA HM&R Committee Chair (in the case of the EAG Chair) justifying the specific need or expertise, thereby retaining the Chair or member to maintain the integrity and capability of the group. The WADA Director General must support the exception.

## **Chair/Rapporteur**

The TUE EAG Chair is selected based on his/her proven record and expertise in sport medicine, anti-doping, TUE experience, and research methodology.

The Chair/Rapporteur of the TUE EAG will be an ex-officio member of the WADA HM&R Committee (if not otherwise a member). He/she shall act as the official reporter,<sup>4</sup> responsible for ensuring appropriate coordination with the HM&R Committee and its Chair and providing accurate and timely information on all relevant TUE matters.

## **WADA Liaison**

The WADA Science and Medicine Department, and in particular the WADA Chief Medical Officer, will serve as the primary liaison between WADA and the TUE EAG.

The Chief Medical Officer will be an observer to the TUE EAG, contributing to discussion and bringing WADA expertise and context to the decisions of the TUE EAG yet does not hold a voting

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<sup>2</sup> The WADA Director General will seek the expertise and guidance of the Chief Medical Officer.

<sup>3</sup> A rotation will be implemented at the outset (of the effective date of this ToR, i.e. 1 January 2021) so as to avoid all terms ending at the same time. For example, half the TUE EAG would have an initial one-year term, whereas the other half would have a two-year term. Thereafter, all terms will be for two years.

<sup>4</sup> The Chairperson/Rapporteur is responsible for producing a brief annual report (compiled with the support of the WADA liaison, and agreed to by the members of the TUE EAG to the HM&R Committee, to enable it to remain aware of the tasks set for the TUE EAG for the coming year and to assess the extent to which the TUE EAG fulfilled its tasks over the preceding year.

position. Additional WADA Science and Medicine staff may also participate in TUE EAG meetings as WADA experts on particular subjects and to provide operational support to the group as required.

### **Meetings and Working Norms**

The TUE EAG will generally meet in person, twice yearly each time for two days. Meetings may be conducted virtually via video or teleconference as determined by WADA.

The TUE EAG normally operates on the basis of consensus and maintains an informal meeting style appropriate to the conduct of efficient business.

Consensus is sought whenever possible. In the event of divergent opinion or disagreement, the absolute majority, determined by a show of hands will apply. In the event of a tie the casting vote will reside with the Chair. In the absence of a formally designated quorum, this decision will also reside with the Chair. Discussion and outcomes of all meetings will be recorded as will any dissenting opinion as requested.

The Chair has the right to limit discussion of recurring issues by referring to previous recommendations or conclusions.

Notes of the TUE EAG meetings, reports and correspondence shall be retained at the WADA Headquarters.

### **Conflict of Interest**

TUE EAG members will be bound by the Conflict of Interest policy adopted by the WADA Foundation Board in November 2019<sup>5</sup>, and will be required, annually, to complete or update, and sign a Statement of Absence of Conflict of Interest in accordance with the policy.

### **Confidentiality**

All group members are required to sign a Confidentiality Agreement upon appointment (and again at the start of each year if their appointment is renewed). This ensures all members reflect on the confidential nature of their WADA work and confirm their adherence to such confidentiality rules. Signing this document each year is a new process as of 2020 (as a result of the governance changes mentioned above); previously members were only required to sign once.

### **Communications and Media**

All TUE EAG members must read and comply with WADA's Media Relations policy. If a member should receive a request for an interview in relation to their role in WADA or WADA's work they

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<sup>5</sup> WADA's Foundation Board approved a set of governance reforms in November 2018 at its meeting in Baku, Azerbaijan. In 2019, WADA's Statutes were modified to reflect these reforms, and a new set of bylaws and operational regulations were created to supplement the formal Statutes. They were approved by WADA's Foundation Board in November 2019 in Katowice, Poland.

should first consult with the WADA Media Relations Senior Manager or (if absent), with the WADA Communications Director.

### **Financial Support**

WADA shall provide the necessary administrative and operational resources for meetings. WADA will meet all travel and accommodation costs, as well as most meals onsite. A daily indemnity is provided to cover incidental costs during travel to and from the meeting.

Where meetings are held virtually and meet certain rules such as a minimum duration, a daily indemnity for virtual attendance is disbursed.

It is acknowledged that some experts go above and beyond the work involved with the preparation and attendance of the biannual meetings and may provide extensive advice or work on matters throughout the year. WADA offers a further daily indemnity to experts for such work. The specific indemnity details are outlined in the full “Overview of WADA Expert Advisory Groups” document provided to Members on appointment.

### **Effective Date and Future Review of ToR**

These ToR came in effect on 1 January 2021. An administrative update to the ToR was made in January 2022.

Whilst the ToR for all WADA EAGs are reviewed annually, the procedures for creating, supporting/, and managing the EAGs will be reviewed at least every three years to ensure they remain appropriate and applicable.

These ToR are published on the WADA website.