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ADO Cooperation for TUE Recognition

**WADA TUE Symposium
Paris, France, October 2014
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www.inado.org**

Objective

“The overarching objective of the meeting is to harmonise our approach to the TUE process ensuring that athletes with medical problems, who need to use substances that are prohibited, are treated appropriately and remain fully engaged in sport.”

Outline

- New 2015 Code and ISTUE processes
- Concept of “recognition” of another ADO’s TUE
- Proposals for the operation of recognition
 - Processes
 - Criteria
- Retroactive TUEs



“Ask your doctor if taking a pill to solve all your problems is right for you.”

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2015 Code and ISTUE

- Core elements of TUE rules stay the same but new provisions for recognizing other ADOs' TUEs, and new review/appeal processes if you cannot accept another ADO's TUE
- ADOs need to:
 - Prepare new TUE processes for recognition
 - Educate their TUECs and their staff
 - Establish a relationship with the TUE managers of the main ADOs with which they deal
 - For NADOs, prepare to help their athletes make successful TUE applications to IFs (and occasionally MEOs)
 - Review WADA resources for specific medical conditions

Applying for a TUE

- 2015 Code 4.4.2: “National-Level Athletes” (or below) apply to NADO for TUE
- 4.4.3: “International-Level Athletes” apply to IF for TUE
- 4.4.4.1: Athlete without NADO or IF TUE can apply to MEO for TUE (valid for event only)

Recognising a TUE

- 2015 Code 4.4.3.1: IF must recognise NADO TUE that meets ISTUE requirements (or refuse, and NADO can refer to WADA for review)
- 4.4.3.2: NADO can only object to IF TUE that does not meet ISTUE requirements (by referring it to WADA for review)
- 4.4.4.2/3: MEO must recognise NADO or IF TUE that meets ISTUE requirements (or refuse, and Athlete can appeal to independent body)

Recognising a TUE

- 2015 ISTUE 7.1: “Code Article 4.4 requires Anti-Doping Organizations to recognize TUEs granted by other Anti-Doping Organizations that satisfy the [Code] Article 4.1 conditions.”
- ISTUE 7.1(a): IFs and MEOs can automatically recognise TUEs from particular ADOs or for particular Prohibited Substances
- ISTUE 7.1(b): in absence of automatic recognition, Athlete must apply for recognition of single TUE

Recognising a TUE

- 2015 ISTUE 7.2 – 7.5: recognition of individual TUEs must be done by TUEC (not the ADO staff)
- This indicates that automatic recognition of TUEs from particular ADOs or for particular Prohibited Substances must be done initially by a TUEC
- But then why not have that automatic recognition administered by ADO staff (with TUEC oversight as may be required)?

Recognising a TUE

- Each ADO should have a timely process for recognition (note 2015 Code 4.4.9: failure to act deemed a denial)
- Recognition process should be as simple, consistent and transparent as possible
- Decide which elements of TUE granting process to use
- Since refusal to recognise may lead to WADA review or appeal, record reasons for refusal
- Remember: WADA can review any TUE on request or on its own initiative (Code 4.4.6)

Criteria for Recognising a TUE

- Best practices will develop with experience under the 2015 Code and ISTUE
- Future Code compliance assessments will help
- Initially, based on confidence in other ADO, confidence in ADO's TUE processes, and confidence in ADO's TUEC
 - First and foremost based on quality of specific application to recognise a TUE, and supporting documentation
 - Type of Prohibited Substance
 - Past experiences with the ADO
 - General quality of that ADO's TUEs and supporting documentation (ISO certification a plus)
 - Qualifications of TUEC members

Granting Automatic Recognition

- For ADO granting automatic recognition:
 - Documented assessment of the Prohibited Substance (Specified vs non-Specified Substances?)
 - Documented assessment of the other ADO and its TUE system
 - Performance undertaking from/MOU with other ADO?
 - Assessment should be reviewed if there is a later questionable TUE recognition application
 - Assessment should be reviewed periodically in any event

Seeking Automatic Recognition

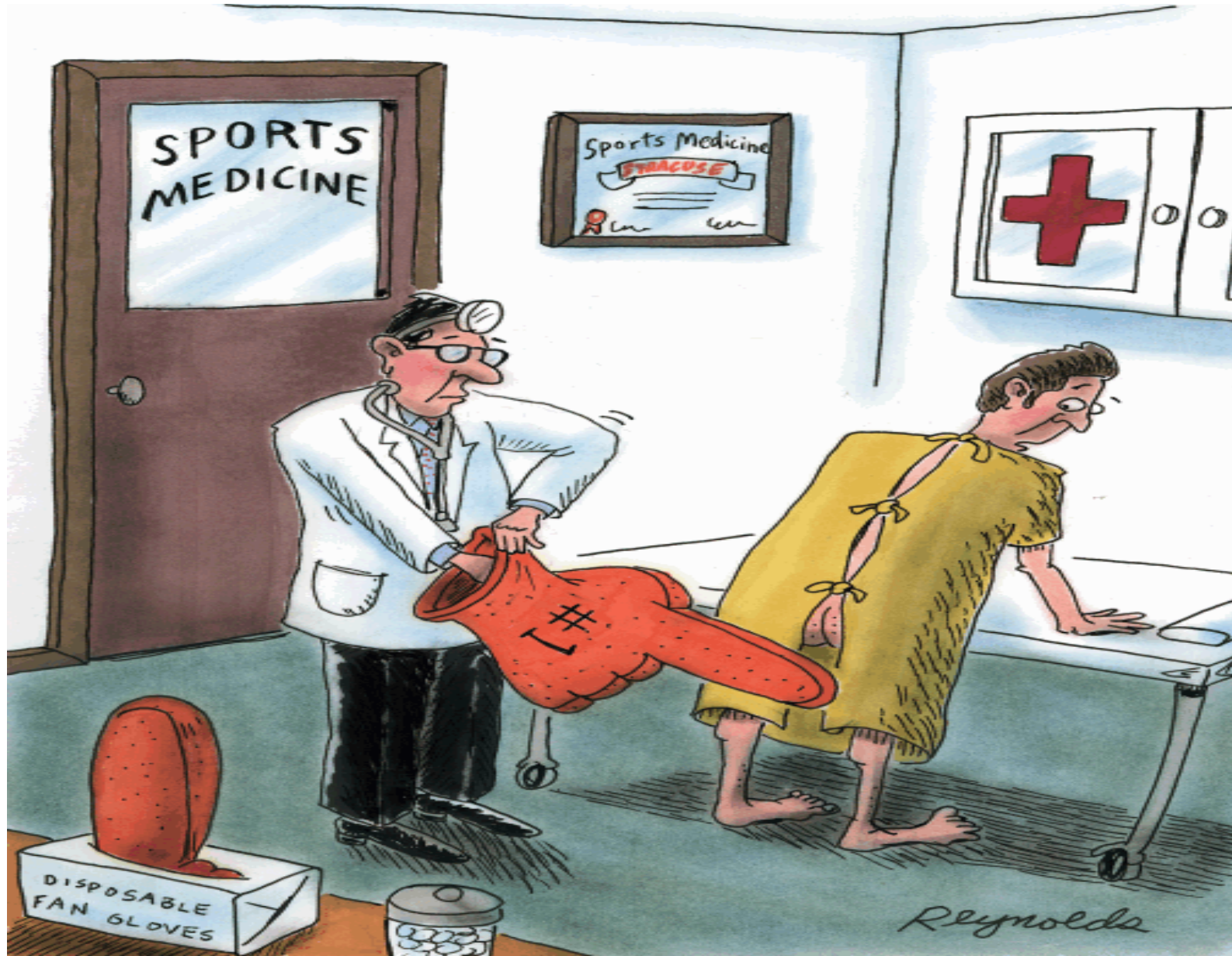
- For ADOs seeking automatic recognition:
 - Demonstrate TUE and TUEC competence by information and by examples (TUEs granted and refused, TUEC member qualifications, etc.)
 - Provide translated documents
 - Pilot project with key partner ADO
 - Testimonials from other ADOs
 - Use ADAMS

Retroactive TUEs

- Special cases requiring special circumstances:
2015 ISTUE 4.3 (a), (b), (c) or (d)
- 4.3 (c) depends on 2015 Code definition of Athlete sub “National-Level” (dealing with “competitors at lower levels of Competition” or “recreational-level competitors”)
- No reason to presume these TUEs might be sub-standard for recognition purposes

Final Thoughts

- Increase Athlete confidence and comfort
- Reduce ADO workload, avoid duplication
- Enhance consistency of TUE decisions
- Improve medical collegiality
- Minimise disagreements between TUECs



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