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1.0 Introduction

The International Standard for Therapeutic Use Exemptions (ISTUE) was created with the understanding that, due to illness or medical condition, an Athlete may require the Use of medications or treatments on the World Anti-Doping Agency’s (WADA’s) Prohibited List.

The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an anti-doping rule violation (ADRV) if it is consistent with the provisions of a Therapeutic Use Exemption (TUE) granted in accordance with the ISTUE (Code Article 4.4.1).

A TUE is granted to an Athlete under narrow, well-defined conditions. The TUE enables the Athlete to take the necessary medication while competing in sport Events, without resulting in a doping offence.

The Athlete must have a well-documented medical condition, backed up by reliable, relevant and sufficient medical data (ISTUE Article 6.2) that demonstrates he/she meets the criteria for grant of a TUE. This mandatory documentation supports the Athlete’s TUE application to his/her relevant Anti-Doping Organization (ADO).

1.1 Scope

This TUE Guidelines document takes ADOs through the lifecycle of the TUE, starting with the criteria for granting a TUE.

The Guidelines bring forward key ADO responsibilities, including support of Athletes making TUE applications, recognition of TUEs, and communication of TUE decisions. Confidentiality provisions and WADA’s role in the review of TUE decisions are also addressed.

These Guidelines are not mandatory, but are intended to give clarity and additional guidance to Code Article 4.4 and the ISTUE, each of which is mandatory.

Code Article 4.4 and the ISTUE prevail should any differences or ambiguities with the TUE Guidelines arise. The comments annotating various provisions of the ISTUE shall be used to interpret that International Standard (IS).
1.2 References

1.2.1 Defined Terms

These TUE Guidelines include defined terms from the Code, ISTUE, International Standard for Testing and Investigations (ISTI), International Standard for Laboratories (ISL) and the International Standard for the Protection of Privacy and Personal Information (ISPPPI). Code terms are written in italics. Terms from the IS are underlined.

These definitions are listed in Guidelines Section 13.

1.2.2 Documentation

The following are considered as main references for the TUE, all of which are available on WADA’s Web site: www.wada-ama.org.

- 2015 World Anti-Doping Code
- International Standard for Therapeutic Use Exemptions
- Questions and Answers on Therapeutic Use Exemptions
- Medical Information to Support the Decisions of Therapeutic Use Exemption Committees (TUE Physician Guidelines)
- Results Management, Hearings and Decisions Guidelines

1.2.3 TUE Procedure Flow Charts

The flow charts in Annex 1 visually represent Code Article 4.4 TUE procedures for:

1. Athletes who are not International-Level Athletes.
2. International-Level Athletes.
3. Major Event Organizations (MEOs) with their own requirements.
2.0 Criteria for Granting a TUE

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

a. The Prohibited Substance or Prohibited Method in question is needed to treat an acute or chronic medical condition, such that the Athlete would experience a significant impairment to health if the Prohibited Substance or Prohibited Method were to be withheld (ISTUE Article 4.1(a)).

b. The Therapeutic Use of the Prohibited Substance or Prohibited Method is highly unlikely to 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 acute or chronic medical condition (ISTUE Article 4.1(b)).

Although there may be some enhancement of individual performance as a result of the efficacy of the treatment, nevertheless, such enhancement must not exceed the level of performance of the Athlete prior to the onset of his/her medical condition.

c. There is no reasonable Therapeutic alternative to the Use of the Prohibited Substance or Prohibited Method (ISTUE Article 4.1(c)).

Three points should be noted in relation to reasonable Therapeutic alternatives:

- Only valid and referenced medications are to be considered as alternatives.
- The definition of what is valid and referenced may vary from one country to another. These differences should be taken into account. For example, a medication may be registered in one country and not in another, or approval may be pending, etc.
- There may be instances where it is not medically appropriate to try the alternatives before Using the medication containing the Prohibited Substance. In these cases, the physician is to state why.

d. The necessity for the Use of the Prohibited Substance or Prohibited Method is not due, wholly or in part, to prior Use (without a TUE) of a substance or method that was prohibited at the time of such Use (ISTUE Article 4.1 d).

When a TUEC is deciding whether or not to recognize a TUE granted by another Anti-Doping Organization (see Section 8.2, below), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Section 11.1, below), the issue will be...
the same as it is for a TUEC that is considering an application for a TUE under Section 3, below, i.e., has the Athlete demonstrated by a balance of probability that each of the conditions set out in article 4.1 is met?

WADA documents titled “Medical Information to Support the Decisions of TUECs” (TUE Physician Guidelines) assist physicians and ADOs in applying these criteria to particular medical conditions. These documents are available on WADA’s Web site www.wada-ama-org.

3.0 Application Process

A TUE is required for all treatments involving the Use of a Prohibited Substance or Method on the Prohibited List.

An Athlete must obtain a TUE prior to Using or Possessing the substance or method in question (ISTUE Article 4.2), unless one of the exceptions set out in ISTUE Article 4.3 applies. (Also see Guidelines Section 7.0 on Retroactive TUEs.)

3.1 Submission Timing and Deadline

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 (ISTUE Articles 4.3 and 6.1). If the Athlete knows he/she will be taking a substance on a long-term basis, even if it is only prohibited In-Competition, he/she should still apply as soon as possible to the appropriate ADO.

- **For substances prohibited at all times:** The TUE application must be submitted as soon as the medical condition requiring the Use of a Prohibited Substance or Prohibited Methods is diagnosed. If the condition is diagnosed before the Athlete becomes subject to anti-doping rules prohibiting the Use of Prohibited Substances and Prohibited Methods, he/she should submit a TUE application as soon as he/she becomes subject to those rules, unless he/she is one of those Athletes competing only at national level or below who is permitted by his/her NADO to apply (if necessary) for a retroactive TUE (ISTUE 4.3(c)).

3.1.1 Forms

All forms customized by ADOs should be in English or French, and any national language(s) that may be used. All copies of applications sent to WADA must be in English or French, or a translation into English or French must be provided (ISTUE Article 5.4).
ADOs must use the TUE application template provided in ISTUE Annex 2, adding their logo and contact details, and providing the form on their Web site for download by Athletes.

Additional requests for information may be added, but no sections or items may be removed (ISTUE Article 6.1). It is important that all requests for information stipulated by WADA remain on the forms.

### 3.1.2 Medical Information

All appropriate medical information necessary for the decision must be submitted in English or French. Files received by the ADO that are not in either English or French must be translated prior to being sent to WADA.

Note that it is not necessary to translate all the medical documents. However, a summary that explains the diagnosis and key elements of the clinical exams, medical tests and treatment plan is required.

### 3.2 Submitting the Application

The Athlete applies to his/her National Anti-Doping Organization (NADO), International Federation (IF) or MEO as applicable (Code Article 4.4), using the TUE application form available for download on the ADO’s Web site (ISTUE Article 6.1).

The Athlete submits his/her TUE application to the ADO via WADA’s Anti-Doping Administration and Management System (ADAMS) or in paper format using the appropriate TUE form. In the latter case, the ADO then enters the information in ADAMS.

### 3.3 Approval

TUE applications are examined by the Therapeutic Use Exemption Committee (TUEC) of the relevant ADO.

TUEC decisions should normally be taken within 21 days of receipt of all of the necessary documentation, and should be communicated in writing to the Athlete by the relevant ADO (ISTUE Articles 6.7 and 6.8).

### 3.4 Commencement of Medical Treatment

The TUE is effective upon receipt of notification from the relevant ADO that the TUE has been granted.
Athletes Using the *Prohibited Substance* or *Prohibited Method* prior to receiving notification of *TUE* authorization do so at their own risk.

Such *Use* would constitute an **anti-doping rule violation in the event of denial of the TUE by the TUEC**. However, in situations of a true medical emergency, an Athlete’s health should never be put in jeopardy for administrative reasons. See Guidelines Section 7.0 on Retroactive *TUEs*.

### 3.5 Documentation Criteria

A *TUE* application is deemed complete if it enables the *TUEC* to determine if the criteria set forth in the ISTUE are satisfied.

The following supporting documents must be attached to the completed *TUE* application form:

- A **statement by an appropriately qualified physician**, attesting to the Athlete’s diagnosis and need to *Use* the *Prohibited Substance* or *Prohibited Method* in question for *Therapeutic* reasons (ISTUE Article 6.2(a)); and

- 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 (ISTUE Article 6.2(b)).

See “Medical Information to Support the Decisions of TUECs” (*TUE* Physician Guidelines) for support documentation requirements.

*Athletes* should keep a complete copy of the *TUE* application form, and of all materials and information submitted in support of that application (ISTUE Article 6.3).

### 3.6 Incomplete Applications

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 (ISTUE Article 6.4).

### 3.7 Requests for Further Information

The *TUEC* may request additional information, examinations or imaging studies, or other information from the *Athlete* or his/her physician, and/or involve other medical or scientific experts (ISTUE Article 6.5).
Similarly, in its TUE review, the WADA TUEC may request additional information from the ADO and/or the Athlete, including further studies, and/or involve other medical or scientific experts (ISTUE Articles 6.5 and 8.5). See Guidelines Section 12.1.

However, it should be noted that the WADA TUEC may reverse a granted TUE without requesting further information, and the Athlete would then have to re-apply for a TUE to the appropriate ADO.

3.8 Costs

The Athlete is responsible for all costs related to the TUE application, TUE recognition requests, and for any supplemental information required by the TUEC (ISTUE Article 6.6).

4.0 Confidentiality of Information

Collection, storage, processing, disclosure, and retention of Personal Information by ADOs and WADA during the TUE process shall comply with ISPPPI criteria (ISTUE Article 9.1).

An Athlete applying for a TUE or for TUE recognition shall provide written consent for the following:

a. Transmission of all information pertaining to the application to all TUEC members authorized 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. Release by the Athlete’s physician(s) upon TUEC request of any health information deemed necessary by the TUEC to consider and determine the Athlete’s application; and

c. Decision on the application be made available to all ADOs with Testing Authority and/or Results Management Authority (RMA) over the Athlete.

Before collecting Personal Information or obtaining consent from an Athlete, the ADO shall communicate to the Athlete the information set out in ISPPPI Article 7.1.

Athletes applying for a TUE through ADAMS will be presented with the above-mentioned consents within ADAMS.

TUE applications are managed according to the principles of strict medical confidentiality. TUEC members, independent experts and the relevant ADO staff shall conduct all activities relating to the process in strict confidence, and sign appropriate confidentiality agreements.
To revoke the TUEC’s right to obtain any health information on his/her behalf, the Athlete shall notify his/her medical practitioner in writing. Upon revocation, the Athlete’s application for a TUE or for recognition of an existing TUE will be considered withdrawn without approval/recognition granted.

Information submitted by an Athlete should only be used by ADOs for the purpose of evaluating a TUE request and in the context of potential ADRV investigations and procedures.

5.0 Duration of TUE Validity

The TUEC assigns each TUE a start and end date, upon which the TUE expires automatically. If the Athlete needs to continue to Use the Prohibited Substance or Prohibited Method after the specified end date, he/she must apply for a new TUE well in advance, to allow sufficient time for a decision to be made on the application before the existing TUE expires (ISTUE Article 6.9).

For guidance on TUE duration, consult the WADA documents titled “Medical Information to Support the Decisions of TUECs” (TUE Physician Guidelines).

A TUE will be withdrawn prior to expiry if the Athlete does not promptly comply with any requirements or conditions imposed by the ADO granting the TUE. Alternatively, a TUE may be reversed upon review by WADA or on appeal (ISTUE Article 6.10).

An MEO TUE may only be granted for the duration of the Event. If the Athlete needs to continue to Use the Prohibited Substance or Prohibited Method in question after the Event, he/she must apply to his/her IF or NADO for a new TUE — unless he/she competes below national level, or competes only at national level and his/her NADO permits the making of retroactive applications (ISTUE Article 4.3).

5.1 Chronic Conditions

A TUE for an otherwise Prohibited Substance or Prohibited Method will always be granted for a specific dose, frequency, method, route, and duration of Administration, even if the medical condition and the Use of the substance are chronic. When a potentially chronic medical condition is first diagnosed, it may be advisable to grant a TUE for a shorter period until the medical regime is stabilized. In certain situations, a (clearly defined) range of dosage may be acceptable.

For some chronic conditions, a TUE may be granted for a prolonged period. See "Medical Information to Support the Decisions of TUECs” (TUE Physician Guidelines). Nevertheless, independent of TUE requirements, the Use of the substance should be regularly monitored by a physician as part of good medical practice.
5.2 Changes in the TUE

Under ISTUE Article 6.12, if the Athlete subsequently 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 apply for a new TUE.

If the presence, Use, Possession or Administration of the Prohibited Substance or Prohibited Method is inconsistent with the terms of the TUE granted, the fact that the Athlete has a TUE will not prevent an ADRV finding.

6.0 TUE Renewal

6.1 Renewal Requirements

TUEs cannot be renewed without a new medical consultation and confirmation. The Athlete must complete a new application signed by his/her physician when the previous TUE expires.

6.2 Renewal Option in ADAMS

ADAMS simplifies the TUE renewal procedure by providing a computerized form in which a majority of the fields are already completed.

The Athlete obtains and submits the updated medical documentation, following the standard TUE application procedure. Application forms should be completed, signed and dated by the physician and the Athlete, whether this is the Athlete’s first TUE application or an application for renewal.

6.3 No Automatic Renewals

Automatic extension of a TUE is not allowed under any circumstances. The physician must re-examine the Athlete and determine if his/her medical condition has changed, and if the treatment authorized by the original TUE remains appropriate.

7.0 Retroactive TUEs

There are situations for which TUEs may be granted retroactively.

The evaluation process is identical to the standard TUE application procedure: The relevant TUEC studies the application and issues its decision.

Per ISTUE Article 4.3, the following situations may result in a retroactive TUE:
a. Emergency treatment or treatment of an acute medical condition was necessary; or

b. Due to other exceptional circumstances, there was insufficient time or opportunity for the Athlete to submit, or the TUEC to consider, an application for the TUE prior to Sample collection; or

c. Applicable rules required the Athlete or permitted the Athlete to apply for a retroactive TUE. This is applicable to Persons who are not International-Level or National-Level Athletes (Code Article 4.4.5) and (where the relevant NADO so chooses) to National-Level Athletes in sports specified by the relevant NADO (ISTUE Article 5.1 Comment); or

[Comment: Such Athletes are strongly advised to have a medical file prepared and ready to demonstrate their satisfaction of the TUE conditions set out at ISTUE Article 4.1, should an application for a retroactive TUE be necessary following Sample collection.]

d. It is agreed, by WADA and by the ADO to whom the application for a retroactive TUE is or would be made, that fairness requires the grant of a retroactive TUE.

7.1 Further Clarification on Retroactive TUEs

a. A medical emergency or acute medical situation occurs when the Athlete’s medical condition justifies immediate Administration of a Prohibited Substance or Method and failure to treat immediately could significantly put the Athlete’s health at risk.

- It is always preferable to address a TUE application prospectively rather than retrospectively. ADOs granting TUEs should have internal procedures to expedite the evaluation and granting of TUE for emergency situations, whenever possible, and without putting the athlete’s health at risk.

b. Exceptional circumstances occur when a TUE cannot be granted in time through No Fault of the Athlete. The following examples could be considered “exceptional circumstances”:

- A healthy Athlete is suddenly affected by a medical condition days prior to an Event, and is unable to request and be granted a TUE by a TUEC in the time allotted.

- A young Athlete with a medical condition whose prior Competition level did not require an advance TUE, and whose anti-doping education is limited, is suddenly named to a national team.
8.0  **ADO Authority and TUE Recognition**

This section addresses ADO authority to grant a TUE and when TUE decisions are to be recognized and respected by other ADOs, as required under Code Article 4.4.

The Code Article 4.4 Flow Chart in Annex 1 provides a visual representation of the TUE recognition process.

8.1  **ADO Authority to Grant a TUE**

ADO authority to grant a TUE is based on the Athlete’s Competition level.

8.1.1  **NADOs**

An Athlete who is not an International-Level Athlete should apply to his/her NADO for a TUE (Code Article 4.4.2).

- When a NADO grants a TUE to an Athlete, it must warn him/her in writing that:
  
  a. The TUE is valid at the national level only, and

  b. 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 IF or MEO, as per ISTUE Article 7.1.

- Thereafter, the NADO should help the Athlete determine when he/she needs to submit the TUE to an IF or MEO for recognition, guiding and supporting the Athlete through the recognition process.

- If the NADO denies the TUE application, the Athlete can appeal exclusively to the national-level appeal body described in Code Articles 13.2.2 and 13.2.3 (Code Article 4.4.2).

Where national policy requirements and imperatives lead a NADO to prioritize certain sports over others in its Test Distribution Plan (ISTI Article 4.4.1), the NADO may decline to consider advance applications for TUEs from Athletes in some or all of the non-priority sports.

In such cases, the NADO must permit any Athlete from whom a Sample is subsequently collected to apply for a retroactive TUE (ISTUE Article 4.3(c)). Any such policy is to be publicized on the NADO’s Web site for the benefit of affected Athletes (Comment to ISTUE Article 5.1).
8.1.2 IFs and MEOs

An International-Level Athlete applies to his/her IF (Code Article 4.4.3).

Athletes may be required by a MEO to apply for a TUE if the Athlete wants to Use a Prohibited Substance or Method in connection with the Event (Code Article 4.4.4).

- The MEO ensures a process is available for an Athlete to apply for a TUE if he/she doesn’t already have one.
- A MEO-granted TUE is effective for the Event only (Code Article 4.4.4.1).

Per ISTUE Article 5.6, each IF and MEO must publish a notice in a conspicuous place on its Web site that clearly explains:

1. Which Athletes coming under its jurisdiction are required to apply to it for a TUE, and when;
2. Which TUE decisions of other ADOs it will automatically recognize, as per ISTUE Article 7.1(a); and
3. Which TUE decisions of other ADOs must be submitted to it for recognition, as per ISTUE Article 7.1(b). WADA may republish the notice on its Web site.

Using ADAMS, IFs are to report a TUE grant to WADA and to the Athlete's NADO.

8.1.3 Change in Athlete's Competition Level

If an Athlete’s Competition level changes, such that he/she needs a TUE from an IF or an MEO, rather than apply for a new TUE, he/she can ask the IF or MEO to recognize his/her pre-existing TUE (unless the IF or MEO has already stated that it will automatically recognize such TUEs without any need to request recognition).

8.2 TUE Recognition

Code Article 4.4 requires ADOs to recognize TUEs granted by other ADOs that satisfy ISTUE Article 4.1 conditions. However, the appropriate ADO may review a granted TUE to ensure that the TUE has been properly granted, i.e. has truly satisfied ISTUE criteria.

- A TUE granted by an Athlete’s NADO that meets ISTUE criteria must be recognized by the Athlete’s IF (Code Article 4.4.3.1).
- A TUE granted by an Athlete’s NADO or IF that meets ISTUE criteria must be recognized by the MEO (Code Article 4.4.4.2).

The IF or MEO 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 ADOs, or those relating to particular Prohibited
Substances), provided that such TUE decisions have been reported in accordance with ISTI Article 5.4 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, he/she does not need to take any further action. If not, he/she should submit a request for TUE recognition in accordance with ISTUE Article 7.1(b).

To ease the burden on Athletes, automatic recognition of TUE decisions is strongly encouraged.

If an IF or MEO 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 a list of ADOs 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 ISTUE Article 5.3, i.e. the notice should be posted on the IF’s Web site and sent to WADA and to NADOs.

To encourage automatic recognition of their TUE decisions, ADOs should be transparent about the quality and rigour of their TUE processes.

9.0 TUE Review and Appeal Processes

The following Code Article 4.4 scenarios represent the responsibilities associated with TUE review and appeal. (See Guidelines Annex 1 for a visual representation of these processes.)

If: The IF refuses to recognize a NADO TUE because it considers the TUE doesn’t meet ISTUE criteria.

Then: The IF must notify the Athlete and his/her NADO promptly, with reasons.

The Athlete or NADO shall have 21 days from such notification to refer the matter to WADA for review.

The NADO-granted TUE remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA’s decision.

If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.
If: The Athlete doesn’t already have a NADO-granted TUE for the substance or method in question.

Then: The Athlete must apply directly to his/her IF for a TUE as soon as the need arises.

If: The IF (or the NADO, where it has agreed to consider the application on behalf of the IF) denies the Athlete’s application.

Then: The IF must notify the Athlete promptly, with reasons.

If: The IF grants the Athlete’s application.

Then: The IF must notify not only the Athlete, but also his/her NADO.

- If the NADO considers that the TUE does not meet ISTUE criteria, it has 21 days from such notification to refer the matter to WADA for review.

- If the NADO refers the matter to WADA for review, the TUE granted by the IF remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA’s decision.

- If the NADO doesn’t refer the matter to WADA for review, the TUE granted by the IF becomes valid for national-level Competition as well when the 21-day review deadline expires.

Note that if an IF chooses to test an Athlete who is not an International-Level Athlete, then the IF must recognize a TUE granted to that Athlete by his/her NADO.

If: A MEO decides the TUE doesn’t meet ISTUE criteria and so refuses to recognize or grant the TUE

Then: The MEO promptly notifies the Athlete with reasons.

- A MEO’s decision not to recognize or grant a TUE may be appealed by the Athlete to an independent body established or appointed by the MEO for that purpose.
- If the Athlete doesn’t appeal (or the appeal is unsuccessful), he/she may not Use the substance or method in question in connection with the Event.
- However, any TUE granted by the Athlete’s NADO or IF for that substance or method remains valid outside of that Event.

**If:** A TUE decision denying the grant of a TUE by an IF (or by NADO where it has agreed to consider the application on behalf of an IF) isn’t reviewed by WADA, or is reviewed by WADA, but not reversed upon review.

**Then:** The decision may be appealed by the Athlete and/or the Athlete’s NADO, exclusively to the Court of Arbitration for Sport (CAS).

[Comment to Code Article 4.4.7: In such cases, the decision being appealed is the International Federation’s TUE decision, not WADA’s decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

**N.B.:** If an ADO refuses to recognize a TUE granted by another ADO only because medical records or other information are missing that are needed to demonstrate satisfaction with ISTUE criteria, then the matter shouldn’t be referred to WADA. Instead, the file should be completed and re-submitted to the appropriate ADO.

### 10.0 ADO TUEC Responsibilities

ADOs must establish a process to review TUEs. They may have a permanent TUEC or rapidly set up TUECs for each individual case, depending on the expertise and availability of the experts in their network.

While a MEO 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 MEO whether it sets up its own TUEC for this purpose, or outsources the task by agreement to a Third Party (such as SportAccord). 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 (ISTUE Article 5.2).

The TUEC promptly evaluates the TUE application and issues its decision, which is considered the ADO’s final decision. The TUEC may seek whatever medical or scientific expertise it deems appropriate in reviewing any application for a TUE.

Each NADO, IF and MEO has the following TUEC-related responsibilities:

- **Set up a network of physicians** responsible for evaluating TUE applications. 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 (ISTUE Article 5.2). One of the member physicians acts as TUEC chair.

  For applications involving Athletes with impairments, at least one TUEC member must possess general experience in the care and treatment of Athletes with impairments, or possess specific experience in relation to the Athlete’s particular impairments(s) (ISTUE Article 5.2(a)).

- **Establish a clear process for applying to its TUEC for a TUE** that complies with ISTUE requirements. The TUEC must also publish details of the application process on its Web site and send the information to WADA to potentially post on its Web site (ISTUE Article 5.3).

- **Promptly report (in English or French) all decisions of its TUEC to grant or deny TUEs, and all decisions to recognize or refuse to recognize other ADOs' TUE decisions, through ADAMS or any other system approved by WADA.** In respect of TUEs granted, the information reported shall include (in English or French):
  a. Not only the approved substance or method, but also the dosage(s), frequency and route of Administration permitted, the duration of the TUE, and any conditions imposed in connection with the TUE; (ISTUE 5.4(a)) and
  b. The TUE application form and a summary of the relevant clinical information (translated into English or French) establishing that ISTUE Article 4.1 conditions have been satisfied, accessible only by WADA, the Athlete’s NADO and IF, and the MEO organizing an Event in which the Athlete wishes to compete (ISTUE 5.4(b)).

The process of TUE recognition is greatly facilitated by the use of ADAMS.
10.1.1 Conflict of Interest and Confidentiality

To ensure a level of independence of decisions, TUEC members should have no political responsibility in the ADO that appoints them, and all must sign a conflict of interest and confidentiality declaration (ISTUE Article 5.2(b)). The TUEC Confidentiality Declaration template available on WADA’s Web site is provided in Guidelines Annex 2.

Any TUEC member having a conflict of interest with their NADO or IF should be excluded from the examination of TUE applications made by Athletes who are members of their NADO or IF.

10.2 21-Day Deadline for Decisions

The TUEC decides as soon as possible whether or not to grant the TUE application, 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 (ISTUE Article 6.7).

The TUEC’s decision is to be communicated in writing to the Athlete and made available to WADA and to other ADOs via ADAMS or any other system approved by WADA, in accordance with ISTUE Article 5.4 (ISTUE Article 6.8).

a. A decision to grant a TUE must specify the dosage(s), frequency, route and duration of Administration of the Prohibited Substance or Prohibited Method in question that the TUEC is permitting, reflecting the clinical circumstances, and any conditions imposed in connection with the TUE.

b. A decision to deny a TUE application must include an explanation of the reason(s) for the denial.

10.2.1 Failure to Meet Deadline

An Athlete who has not received a response to his/her TUE application after the 21-day period or before the Event is to contact the ADO to confirm the status of his/her TUE application.

The ADO is obligated to render a decision within a reasonable period of time on a TUE application submitted in due form. If this obligation isn’t fulfilled, the Athlete may seek a TUE review by WADA. Absence of a decision may be considered a denial of the application for the purposes of rights of appeal provided for in Code Article 4.4.9.
11.0 **WADA TUE Monitoring and Review**

Under *Code* Article 4.4.6, WADA must review an IF’s decision:

- not to recognize a *TUE* granted by the *NADO*, when requested by the *Athlete* or the *Athlete’s NADO*.
  
  The IF must give reasons why it will not recognize the *TUE*. WADA may refer the decision back to the IF if the refusal is due to missing information (ISTUE Article 8.4).

- to grant a *TUE*, when requested by the *Athlete’s NADO*.
  
  The *NADO* must give reasons why it believes that ISTUE criteria are not satisfied.

WADA may review any *TUE* decisions at any time, whether upon request by those affected or on its own initiative.

If a *TUE* decision under review meets ISTUE criteria, WADA won’t interfere with it. If ISTUE criteria aren’t met, WADA will reverse it.

These reviews are carried out by the *WADA TUEC* created in compliance with the requirements outlined in ISTUE Article 5.2.

11.1 **WADA TUE Review**

The *TUE* review process begins with a request to WADA. (For a visual representation of the *TUE* review process, see Guidelines Annex 1: *Code* Article 4.4 Flow Chart.)

The process of requesting WADA to review a *TUE* is identical for *Athletes* and *ADOs*:

1. *TUE* review requests must be submitted to WADA in writing by registered mail, accompanied by payment of the application fee and copies of all of the information specified in ISTUE Article 6.2, or (in the review of a *TUE* denial or of a decision not to recognize a *NADO-granted TUE*) all of the information that the *Athlete* submitted in connection with the original *TUE* application (ISTUE Article 8.2).

2. The documents provided to WADA are to contain all of the information sent during the initial submission (complete file), along with the initial decision issued and the explanation provided by the *ADO* on why the *TUE* was not granted or not recognized.

3. The request must be copied to the party whose decision would be the subject of the review, and to the *Athlete*, if he/she is not requesting the review.
4. The certificate of payment of the required application fee must be included once WADA agrees to review the case. This fee is non-refundable, regardless of the outcome of the review. WADA provides all of the bank information concerning fee payment upon request.

5. The review procedure commences upon WADA’s receipt of payment and all necessary documentation.

6. Upon receipt of the complete request for review, WADA sets up and coordinates the WADA TUEC, which will review the case and issue its decision, generally within 21 days. WADA will then inform all of the relevant parties of the decision issued.

7. Although WADA has the right to request further information, the WADA TUEC generally reviews the original TUE decision based on the original file submitted. If additional medical information is to be considered, the TUE application should be re-submitted to the Athlete’s IF/NADO.

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 refer the TUE decision to the WADA TUEC for review. If WADA decides not to refer the TUE decision, it will return the application fee to the Athlete.

Any decision by WADA not to refer the TUE decision to the WADA TUEC is final and may not be appealed. However, the original TUE decision may still be appealable, as set out in Code Article 4.4.7 (ISTUE Article 8.3).

Where the request is for review of a TUE decision of that WADA is obliged to review, WADA may refer the decision back to the IF or NADO, as applicable (ISTUE Article 8.4):

a. for clarification, e.g. if the reasons are not clearly set out in the decision; and/or

b. for re-consideration, e.g. if the TUE was only denied because medical tests or other information required to demonstrate satisfaction of the ISTUE Article 4.1 conditions were missing.

The WADA TUEC may review the case based only on the originally submitted information but may seek additional information from the ADO and/or the Athlete, including further studies as described in ISTUE Article 6.5. The WADA TUEC may obtain the assistance of other medical or scientific experts as it deems appropriate (ISTUE Article 8.5).
Where the WADA TUEC reviews a decision of an IF that has been referred to it pursuant to Code Article 4.4.3 (i.e. a mandatory review), it may require whichever ADO “loses” the review (i.e. the ADO whose view it does not uphold) to:

a. Reimburse the application fee to the party that referred the decision to WADA (if applicable); and/or

b. Pay the costs incurred by WADA in respect of that review, to the extent they are not covered by the application fee (ISTUE Article 8).

The WADA TUEC shall reverse any denial of a TUE where the TUE application met the ISTUE Article 4.1 conditions, i.e. it shall grant the TUE (ISTUE Article 8.7).

Where the WADA TUEC reverses a TUE decision that WADA reviewed under its own discretion, WADA may require the ADO that made the initial decision to pay the costs incurred by WADA in respect of that review (ISTUE Article 8.9).

WADA shall communicate the reasoned decision of the WADA TUEC promptly to the Athlete and to his/her NADO, IF, and (if applicable) the MEO (ISTUE Article 8.10).

11.2 TUE Status During WADA Review

The review procedure does not suspend the initial decision, which remains in effect throughout the duration of the review until the WADA TUEC issues its decision. However, if the Athlete had been granted a TUE by a NADO that was not recognized by an IF, then the TUE would only be valid at a national-level Competition (and for Out-of-Competition Testing), pending WADA’s review, but not for international-level Competition (Code Article 4.4.3).

If the TUE was granted by an IF and referred to WADA for review by a NADO, the TUE is valid for international-level Competition and Out-of-Competition Testing, but not valid for national-level Competition, pending WADA’s review.

If the WADA TUEC overturns the initial decision and grants the TUE, the Athlete may start to Use the substance or method according to the TUE granted by the WADA TUEC. The TUE will be valid at both national and international-level Competition. Conversely, a TUE refused by WADA will not be valid at either level of Competition.

The ADO that issued the initial decision has the right to appeal before the CAS. (See Guidelines Section 11.3 below.) Unless the CAS orders otherwise, WADA’s decision remains in effect until the CAS hands down the final decision.

11.3 Appeal of WADA Decisions

As per Code Article 13.4:
If the initial decision is overturned by the WADA TUEC, only the Athlete or the ADO whose decision was invalidated may appeal this decision before the CAS.

If the initial decision denying a TUE isn’t invalidated by the WADA TUEC, the decision may be appealed:

- Before the CAS by International-Level Athletes, or
- Before the national-level review body by other Athletes. If the national-level review body invalidates the decision to deny the TUE, WADA may appeal such decision before the CAS.

12.0 TUE Management Within ADAMS

ADAMS is a Web-based system designed in strict compliance with the Code to assist stakeholders and WADA in their anti-doping operations.

As a central clearinghouse for Doping Control Testing data and results management decisions, ADAMS allows for data entry, reporting, sharing, and storage in a highly secure environment, with access restricted to relevant authorized parties.

The ADAMS TUE management module provides the following services:

- Online submission of TUE applications by
  - Athletes;
  - Athlete physicians; and
  - ADOs to TUEC physicians.
- Online management of TUE applications
- Notification of receipt to Athletes
- Notification of refusal to grant a TUE to Athletes
- Dispatch of TUE certificates to Athletes
- Online notification of the expiry/change in status of a TUE to relevant parties
- Sharing of information relating to the TUE with all relevant parties
- Recognition by IF of TUE granted by NADOs
- Link between TUEs and AAFs
- Search function and printing of reports.
12.1 **ADAMS and Athletes**

*ADAMS* enables *Athletes* to complete forms and submit their *TUE* applications online, receive online notification from *ADOs*, and consult changes in the status of their applications.

12.2 **ADAMS and Physicians**

*Athlete* physicians can complete *TUE* application forms online after identifying themselves to the *Athlete’s ADO*.

12.3 **ADAMS and ADOs**

*ADAMS* enables *ADOs* to manage *TUE* applications online. *ADOs* can grant/deny *TUEs*, send notification to *Athletes* and confirm whether a *TUE* is under review by *WADA*.

*ADOs* can also use *ADAMS* to recognize *TUEs* granted by another *ADO*. 
13.0 Definitions

13.1 2015 Code Defined Terms

**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 (AAF):** 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 (ADO):** 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 to Athlete: 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.]

**Athlete Support Personnel:** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition.

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

**Atypical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

**CAS:** The Court of Arbitration for Sport.

**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.

**Doping Control**: All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, *Sample* collection and handling, laboratory analysis, TUEs, results management and hearings.

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

**International Event**: An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

**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 to *International-Level Athlete*: 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.]

**International Standard (IS)**: A standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another
alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.

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

**Marker:** A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

**Metabolite:** Any substance produced by a biotransformation process.

**Minor:** A natural Person who has not reached the age of eighteen years.

**National Anti-Doping Organization (NADO):** 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.

**No Fault or Negligence:** The Athlete or other Person’s establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

**Out-of-Competition:** Any period which is not In-Competition.

**Person:** A natural Person or an organization or other entity.

**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 to Possession: 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.

Registered Testing Pool (RTP): The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation’s or National Anti-Doping Organization’s test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 and the International Standard for Testing and Investigations.

Sample or Specimen: Any biological material collected for the purposes of Doping Control.

[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

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**: Therapeutic Use Exemption, as described in Article 4.4.

**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.

### 13.2 ISTUE Defined Terms

**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 (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*.

### 13.3 ISTI Defined Terms

**Results Management Authority (RMA)**: The organization that is responsible, in accordance with *Code* Article 7.1, for the management of the results of *Testing* (or other evidence of a potential anti-doping rule violation) and hearings, whether (1) an *Anti-Doping Organization* (for example, the International Olympic Committee or other *Major Event Organization*, *WADA*, an International Federation, or a *National Anti-Doping Organization*); or (2) another organization acting pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization* (for example, a National Federation that is a member of an International Federation). In respect of *Whereabouts Failures*, the *Results Management Authority* shall be as set out in Article I.5.1.

**Test Distribution Plan**: A document written by an *Anti-Doping Organization* that plans *Testing* on *Athletes* over whom it has *Testing Authority*, in accordance with the requirements of Article 4 of the International Standard for Testing and Investigations.

**Testing Authority**: The organization that has authorized a particular *Sample* collection, whether (1) an *Anti-Doping Organization* (for example, the International Olympic Committee or other *Major Event Organization*, *WADA*, an International Federation, or a *National Anti-Doping Organization*); or (2) another organization conducting *Testing* pursuant to the authority of and in accordance with the rules of
the Anti-Doping Organization (for example, a National Federation that is a member of an International Federation).

13.4 ISL Defined Terms

**Laboratory(ies):** (A) WADA-accredited laboratory(ies) applying test methods and processes to provide evidentiary data for the detection of Prohibited Substances, Methods or Markers on the Prohibited List and, if applicable, quantification of a Threshold Substance in Samples of urine and other biological matrices in the context of anti-doping activities.

**Major Event:** A series of individual international Competitions conducted together under an international multi-sport organization functioning as a ruling body (e.g., the Olympic Games, Pan American Games) and for which a significant increase of resources and capacity, as determined by WADA, is required to conduct Doping Control for the Event.

13.5 ISPPPI Defined Terms

**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.]

**Processing (and its cognates, Process and Processed):** Collecting, retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

**Third Party:** Any natural Person or legal entity other than the natural Person to whom the relevant Personal Information relates, Anti-Doping Organizations and Third-Party Agents.
Annex 1: Code Article 4.4 Flow Chart

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

Athlete is not an International-Level Athlete → Apply for TUE → NADO TUEC

NATIONAL-LEVEL APPEAL BODY → Athlete may appeal

TUE denied → TUE granted

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

Does Athlete have a TUE already?

Yes → MEO TUEC

Is the TUE in a category of TUE decisions that are automatically recognized by MEO?

Yes → MEO TUEC

No → Submit TUE for recognition

TUE recognized → No further action

TUE not recognized → Athlete may appeal non-recognition

TUE granted → Athlete may appeal non-grant

TUE not granted → MEO APPEAL BODY
TUE Procedure if Athlete is an International-Level Athlete and is subject to the International Federation's (IF’s) TUE requirements when need for TUE arises.

Does Athlete have a TUE already granted at national level?

Yes

Is TUE in a category of TUE decisions that are automatically recognized by IF?

Yes

TUE recognized

No further action

No

Submit TUE for recognition

TUE not recognized

TUE not granted

TUE granted

IF TUEC

IF TUEC

WADA TUEC

WADA TUEC

IF decision upheld

IF may appeal

Athlete may appeal

Athlete and/or NADO may appeal

NADO may refer the grant to WADA

Athlete and/or NADO may refer the non-recognition to WADA

WADA may agree to Athlete request to review decision not to grant TUE

CAS
Annex 2: Confidentiality Template

CONFLICT OF INTEREST AND CONFIDENTIALITY DECLARATION

As a member of the Therapeutic Use Exemption Committee (TUEC) of [Your organization name], I, the undersigned, ________________________________, affirm and acknowledge that, by signing this declaration, I am bound by the terms of such declaration.

I understand that the nature of my participation as a member of the aforementioned TUEC is such that I shall come into contact with or be made aware of sensitive and confidential information.

I swear or solemnly state that, as a member of the TUEC of [Your organization name], I shall respect all of the requirements relating to the confidentiality of the information that I receive or that is brought to my attention in any way whatsoever during the course of my duties and functions throughout and beyond the duration of my participation.

With the exception of legal obligations, authorization by virtue of my office, or the express authorization of [Person in charge of your organization], I shall not reveal or hand over to anybody, particularly to representatives of the media, any confidential information or document that is brought to my attention or is in my possession, either directly or indirectly through my participation as a member of the TUEC of [Your organization name], excluding information that has already been made public or is in my possession independently of [Your organization name]. I shall not use my title as member of the TUEC for any public declaration.

I, the undersigned, acknowledge that [Your organization name] holds all of the property rights and titles to all of the material, copies, extracts, summaries and other confidential information drawn up during my participation as a member of the TUEC of [Your organization name].

Furthermore, I understand that the violation of my confidentiality obligation may result in possible legal proceedings against me and the immediate termination of my participation as a member of the TUEC of [Your organization name].

In the event of any conflict of interest with a party to the application for a Therapeutic Use Exemption that the TUEC of [Your organization name] may have to handle, I shall immediately inform [Person in charge of your organization] and abstain from taking part in the decision procedure for the specific case in question.

DATED THE ______ DAY OF ____________, 20________________

BY _________________________________________

(SIGNATURE)