

## Therapeutic Use Exemptions

The purpose of the International Standard for TUE is to ensure that the process of granting TUEs is harmonised across sports and countries.

### What is a Therapeutic Use Exemption (TUE)?

Athletes, like all others, may have illnesses or conditions that require them to take particular medications. If the medication an athlete is required to take to treat an illness or condition happens to fall under the Prohibited List, a Therapeutic Use Exemption may give that athlete the authorisation to take the needed medicine.

### What are the criteria for granting a TUE?

The criteria are:

- The athlete would experience significant health problems without taking the prohibited substance or method,
- The therapeutic use of the substance would not produce significant enhancement of performance, and
- There is no reasonable therapeutic alternative to the use of the otherwise prohibited substance or method.

### Who grants TUEs?

Under the World Anti-Doping Code, WADA has issued an International Standard for the granting of TUEs. The standard states that all International Federations (IFs) and National Anti-Doping Organisations (NADOs) must have a process in place whereby athletes with documented medical conditions can request a TUE, and have such request appropriately dealt with by a panel of independent physicians called a Therapeutic Use Exemption Committee (TUEC). IFs and NADOs, through their TUECs, are then responsible for granting or declining such applications.

### Where should I submit my TUE Application?

If you are an international level athlete or if you are entered in an international event, you must submit your TUE Application to your IF, which is responsible for accepting applications and granting TUEs. For other athletes who are members of a country's national registered testing pool, TUE Applications must be submitted to the athletes' NADOs. *Note: Athletes must not submit TUE Applications to more than one organisation. Athletes must submit their TUE Applications to the authority which applies to their status as an athlete, using the criteria mentioned above. WADA does not accept TUE Applications from athletes.*

#### *Special Protocols for TUE Applications may be in Effect during Major Events*

If you are entered in a **Major Event**, you are advised to inquire of your IF or NADO whether there is any variation in the TUE submission protocol for the Event. **Major Events** include those organised by international multi-sport organisations that function as the ruling body for any continental, regional, or other international event (e.g. IOC, IPC, FISU).

### What is WADA's role regarding TUEs?

WADA's role in the TUE process is two-pronged. First, the Agency, through its TUEC, has the right to monitor and review any TUE granted by a federation or anti-doping organisation and, pursuant to such review, to reverse any decision. Second, an athlete who submits a TUE Application to a federation or anti-doping organisation and is denied a TUE, can appeal the decision to the WADA TUEC. If WADA determines that the denial of the TUE did not comply with the International Standard, the Agency can reverse the decision.

### What is the difference between an Abbreviated TUE and a Standard TUE?

Abbreviated TUE	Standard TUE
<ul style="list-style-type: none"> <li>“ Only for glucocorticosteroids by non-systemic routes (local routes of administration other than dermatological applications which are not prohibited and do not require any TUE) and for beta-2 agonists (formoterol, salbutamol, salmeterol and terbutaline) by inhalation.</li> </ul>	<ul style="list-style-type: none"> <li>“ For any treatment involving a substance or method on the Prohibited List that is not admissible for an abbreviated TUE.</li> </ul>
<ul style="list-style-type: none"> <li>“ Using the Abbreviated TUE Form.</li> </ul>	<ul style="list-style-type: none"> <li>“ Using the Standard TUE Form.</li> </ul>
<ul style="list-style-type: none"> <li>“ A notification is sent to the athlete by the relevant organisation upon receipt of a duly completed request. <u>Note:</u> A review by the TUEC may be initiated at any time during the duration of the TUE.</li> </ul>	<ul style="list-style-type: none"> <li>“ Will be reviewed by a TUEC.</li> </ul>
<ul style="list-style-type: none"> <li>“ Athlete can begin treatment as soon as the form has been received by the relevant organisation.</li> </ul>	<ul style="list-style-type: none"> <li>“ If approved, athlete can begin treatment only after receiving the authorisation notice from the relevant organisation (except in rare cases of an acute life threatening condition for which a retroactive approval may be considered).</li> </ul>

### How can I apply for a TUE?

The process for an athlete to apply for a TUE is fairly simple. Each athlete must:

- “ Contact his or her IF or NADO (whichever applies) and ask for a TUE Application form.
- “ Have his or her physician fill out the TUE Application form and produce the required supporting documentation and forward it to the IF or NADO (whichever applies). Athletes should remember that according to the International Standards, the TUE Application should be submitted at least 21 days before participating in an event.

#### Tips on applying for a TUE

- Choose the correct form (standard or abbreviated – whichever applies).
- Fill in the form by typing if possible, or in block capital letters. If the form is not legible, the form is deemed incomplete and will be returned to the athlete.
- When faxing the form, ensure that you include all the required documentation and keep a copy of the request as well as a record of the transmission or acknowledgement of receipt.

### What happens if I am granted a TUE?

TUEs are granted for a specific medication with a defined dosage. They are also granted for a specific period of time and do expire. The athlete needs to comply with all the treatment conditions outlined in the TUE Application. Once a TUE has been granted by an IF or a NADO, it will inform WADA, who will then have the opportunity to review this decision. If the decision does not conform to the International Standard for TUEs, WADA may reverse it and deny the TUE.

### What can I do if WADA reverses the original decision granting me a TUE?

You or your granting authority can appeal to the Court of Arbitration for Sport (CAS) for a final decision.

### What should I do if I am notified for doping control while using a prohibited substance under a granted TUE?

When filling out the doping control form, make sure that you declare the substance or medication being used and that you specify that a TUE has been granted. If you have easy access to a copy of the TUE Approval form, it is preferable but not mandatory that you show it to the doping control official.

### What will happen if the prohibited substance is detected during the analysis?

When the doping control authority receives the report from the laboratory, an initial review will take place to verify that the TUE is still in effect and that the results of the analysis are consistent with the TUE granted (nature of substance, route of administration, dose, time frame of administration, etc.). If the review proves satisfactory, the result of your test will be recorded as negative.

**What can I do if my TUE is denied by my granting authority?**

If your granting authority denies your TUE Application, you may ask WADA to review the decision at your own expense, by providing all information given during the first submission (complete file) as well as the initial decision returned (using the following fax number: +1 514 904 4456). In doing so, you may be requested to submit additional medical information to WADA's TUEC. The review procedure does not suspend the first decision, therefore you are not allowed to use the substance while waiting for the decision from WADA. If WADA overturns your granting authority's original position and grants the TUE, your granting authority still has the possibility of appealing to CAS for a final decision.

**What can I do if WADA upholds my granting authority's decision not to grant the TUE?**

For athletes applying to an International Federation:

You can then appeal the IF decision to CAS for a final decision.

For athletes applying to a National Anti-Doping Organisation:

You can then appeal the NADO decision to an independent review body in your country. If this body grants you the TUE, WADA could appeal this decision to CAS for a final decision.

**Will the information on my TUE Application remain confidential?**

Athletes concerned about confidentiality should note that all the information contained in their TUE Application will be kept strictly confidential as medical data. All members of the TUECs are required to sign confidentiality agreements and if they require advice from other scientific experts on a particular case, the name of the athlete will not be used when circulating the application outside the TUEC.

**Where can I find out more about therapeutic use exemptions?**

The procedures for applying for and granting a TUE are outlined in the International Standard for Therapeutic Use Exemptions, published by WADA. You may also contact your IF or NADO for more information.