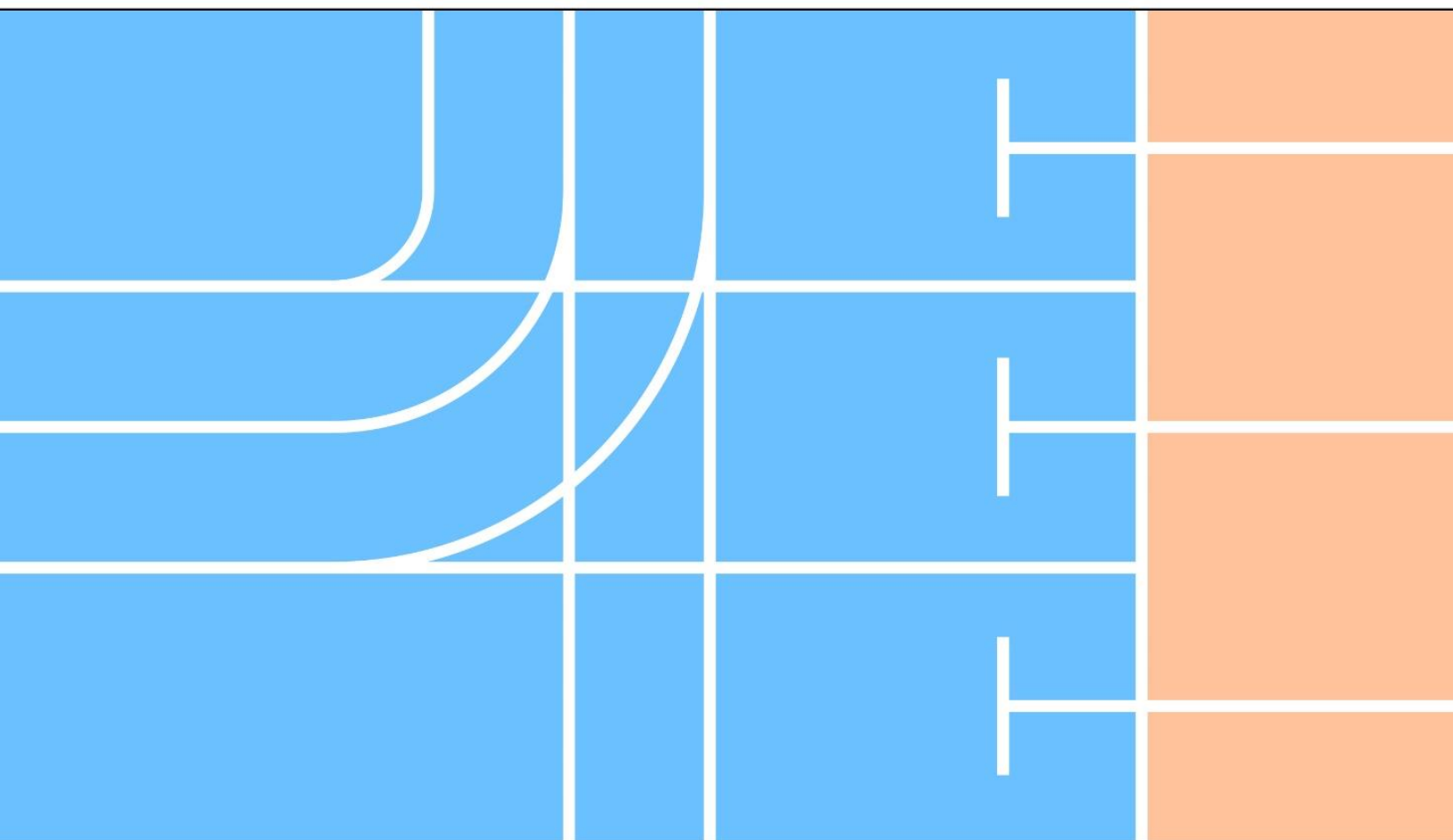


World Anti-Doping Code

International Standard for Therapeutic Use Exemptions



International Standard for Therapeutic Use Exemptions

The World Anti-Doping Code *International Standard for Therapeutic Use Exemptions* is a mandatory *International Standard* developed as part of the World Anti-Doping Program. It was developed in consultation with *Signatories*, public authorities, and other relevant stakeholders.

The *International Standard for Therapeutic Use Exemptions* was first adopted in 2004 and came into effect on 1 January 2005. It was subsequently amended eight times, the first-time effective January 2009, the second effective January 2010, the third effective January 2011, the fourth effective January 2015, the fifth effective January 2016, the sixth effective January 2019, the seventh effective January 2021, the eighth effective January 2023. This revised version was approved by the WADA Executive Committee on 5 December 2025 and is effective as of 1 January 2027.

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PART ONE: INTRODUCTION, CODE PROVISIONS, DEFINITIONS AND INTERPRETATION

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 italicized. Terms that are defined in this or another *International Standard* are underlined.

2.0 Code Provisions

The following articles in the *Code* are directly relevant to the *International Standard for Therapeutic Use Exemptions*; they can be obtained by referring to the *Code* itself:

- *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 *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, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

Anti-Doping Organization: WADA or 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*, 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 elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* 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: Individuals who participate in sport may fall in one of five categories:

1) *International-Level Athlete*, 2) *National-Level Athlete*, 3) individuals who are not *International* or *National-Level Athletes* but over whom the *International Federation* or *National Anti-Doping Organization* has chosen to exercise authority, 4) *Recreational Athlete*, and 5) individuals over whom no *International Federation* or *National Anti-Doping Organization* has, or has chosen to, exercise authority. 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*.]

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*.

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.

Education: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

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

In-Competition: The period commencing at 11:59 p.m. on the day 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*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the Competition 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*.

[Comment to International-Level Athlete: Consistent with the International Standard 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: 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: 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*, manage test results and conduct *Results Management* 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*.

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

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, anabolic 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 anabolic steroids and intended to have control over them. Similarly, in the example of anabolic 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 them. 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*.

Recreational Athlete: A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each *International Federation* consistent with the *International Standard for Testing*) or *National-Level Athlete* (as defined by

each *National Anti-Doping Organization* consistent with the *International Standard for Testing*), has represented any country in an *International Event* in an open category or has been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.

[Comment to Recreational Athlete: The term “open category” is meant to exclude competition that is limited to junior or age group categories. Those circumstances where a Protected Person or Recreational Athlete is to be treated differently than Persons or Athletes have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, *Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

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.]

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

Therapeutic Use Exemption (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 Defined terms from the *International Standard for Data Protection*

Personal Information: Information, whether in electronic or physical form, including without limitation Sensitive Personal Information, relating to an identified or identifiable individual when Processed in the context of *Anti-Doping Activities*.

[Comment to Personal Information: 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 TUEs (if any), anti-doping test results, and Results Management. Personal Information also includes personal details and contact information relating to other natural Persons, such as medical professionals and other natural 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 International 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, accessing, retaining, storing, disclosing, transferring, transmitting, amending, deleting, or otherwise making use of Personal Information.

3.3 Defined terms specific to the *International Standard for Therapeutic Use Exemptions*

Therapeutic: Of or relating to the treatment of a diagnosed 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 The official text of the *International Standard for Therapeutic Use Exemptions* shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

3.4.2 Like the *Code*, the *International Standard for Therapeutic Use Exemptions* has been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.

3.4.3 The comments annotating various provisions of the *International Standard for Therapeutic Use Exemptions* shall be used to guide its interpretation.

3.4.4 Unless otherwise specified, references to Articles are references to Articles of the *International Standard for Therapeutic Use Exemptions*.

3.4.5 Where the term "days" is used in the *International Standard for Therapeutic Use Exemptions*, it shall mean calendar days unless otherwise specified.

3.4.6 The Annexes to the *International Standard for Therapeutic Use Exemptions* have the same mandatory status as the rest of the *International Standard*.

PART TWO: STANDARDS AND PROCESS FOR GRANTING TUES

4.0 Criteria for obtaining a TUE

An *Athlete* who needs to Use a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons must apply for and obtain a TUE prior to Using or Possessing the substance or method in question, unless the *Athlete* is entitled to apply for a TUE retroactively under Article 4.1. In both cases, the Article 4.2 conditions must be satisfied.

[Comment to Article 4.0: Athletes who Use or Possess a Prohibited Substance or Prohibited Method before obtaining a TUE do so at their own risk. A retroactive TUE would be required.]

There may be situations where an Athlete has a medical condition and is Using or Possessing a Prohibited Substance or Prohibited Method prior to becoming subject to anti-doping rules. In that case, such prior Use/Possession does not require a TUE and a prospective TUE will be sufficient.]

4.1 A retroactive TUE provides an *Athlete* the opportunity to apply for a TUE for a *Prohibited Substance* or *Prohibited Method* after Using or Possessing the substance or method in question.

An *Athlete* may apply retroactively for a TUE (but must still meet the conditions in Article 4.2) if any one of the following exceptions applies:

- a) emergency or urgent treatment of a medical condition was necessary;
- b) there was insufficient time, opportunity or exceptional circumstances that resulted in the *Athlete* not being able to obtain a TUE prior to Using or Possessing the substance or method in question;
- c) due to national level prioritization of certain sports or disciplines, the *Athlete's National Anti-Doping Organization* did not permit or require the *Athlete* to apply for a prospective TUE (see Article 5.5);
- 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 Article 4.1: The fulfillment of one of the retroactive exceptions does not mean that a TUE will necessarily be granted; it means that the Athlete's application may be evaluated under Article 4.2 to determine if the specified TUE conditions have been satisfied.]

[Comment to Article 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 Article 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) they can show, on the balance of probabilities, that each of the following conditions is met:

- a) The *Athlete* has a diagnosed medical condition supported by relevant clinical evidence.
- b) The *Prohibited Substance* or *Prohibited Method* is an indicated and appropriate treatment for the medical condition.

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

[Comment to Article 4.2(b): An appropriate treatment could be based on factors such as experience, side-effect profiles or other medical justifications, including, where applicable, geographically specific medical practice, and the ability to access the medication.]

- c) 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 Article 4.2(c): 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.]

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

The granting 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), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Article 8), the issue will be the same as it is for a TUEC that is considering an application for a TUE under Article 6, 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 their 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*. For *International-Level Athletes* and *National-Level Athletes*, an *Anti-Doping Organization* may grant an *Athlete's* application for a retroactive *TUE* pursuant to this Article only with the prior approval of *WADA* (and *WADA* may in its absolute discretion agree with or reject the *Anti-Doping Organization's* decision).

For *Athletes* who are not *International-Level Athletes* or *National-Level Athletes*, the relevant *Anti-Doping Organization* may grant an *Athlete's* application for a retroactive *TUE* pursuant to this Article without first consulting WADA; however, WADA may at any time review an *Anti-Doping Organization's* decision to grant a retroactive *TUE* pursuant to this Article, and may in its absolute discretion, agree with or reverse the 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.

All decisions of an *Anti-Doping Organization* under this Article 4.3, whether granting or denying a *TUE*, must be reported through ADAMS in accordance with Article 5.5.

[Comment to Article 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, without limitation, the reasons why the Athlete did not apply in advance; the Athlete's experience; the Education previously received by the Athlete; 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 their respective decision, the Anti-Doping Organization and WADA must each consult with an appropriate medical expert(s) (which may, for example, be a member of staff or a member of a TUEC/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 Article 5.1: See Annex 1 – Code Article 4.4 Flowchart summarizing the key provisions of Code Article 4.4.]

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 their *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 (where applicable) *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. In relation to the Article 4.1 and 4.3 conditions, these can be assessed by the relevant *Anti-Doping Organization* in consultation with an appropriate medical expert(s) (which may, for example, be a member of staff or a member of a TUEC).
- a) A TUEC considering a specific application should include at least three (3) 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 (1) TUEC member or expert should possess such expertise. One (1) physician member should act as chair of the TUEC.

- b) Decisions should be reached through consensus, with further input from other physicians and/or experts if necessary. However, in case of disagreement, a majority decision may be made.
- c) 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).
- d) A wider pool of potential TUEC members may be established, from which TUECs for specific applications can be selected.

5.4 Each *National Anti-Doping Organization*, International Federation and *Major Event Organization* must establish a clear process for applying 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, including clearly setting out which *Athletes* are required to apply to it for a *TUE*, and when.

5.5 Where national policy requirements and imperatives lead a *National Anti-Doping Organization* to prioritize certain sports or disciplines over others in its test distribution planning (as contemplated by Article 4.4.1 of the *International Standard for Testing*), the *National Anti-Doping Organization* may decline to consider advance applications for *TUEs* from *Athletes* in some or all of the non-priority sports or disciplines, 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* must publish any such policy in a conspicuous place on its website, including clearly setting out which *Athletes* are not required to apply for a *TUE* in advance.

5.6 Each *National Anti-Doping Organization*, International Federation and *Major Event Organization* must promptly report (in English or French) all decisions 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 twenty-one (21) days of receipt of the decision. In respect of *TUEs* denied/not recognized, the information reported shall include an explanation of the reason(s) for the decision. In respect of *TUEs* granted, the information reported shall include:

- 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) the approved substance or method, the dosage(s), frequency, route of administration permitted, the duration of the *TUE*, and any conditions imposed in connection with the *TUE*; and

- c) the *TUE* application form (if not completed electronically in *ADAMS*) 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 Article 5.5: If a TUE application form is used it 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 must 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.]

- 5.7** When a *National Anti-Doping Organization* grants a *TUE* to an *Athlete*, it must warn them in writing that (a) the *TUE* is valid at national level only, and (b) if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, or becomes subject to the *TUE* requirements of a *Major Event Organization*, 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 they need 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.
- 5.8** Each International Federation and (where applicable) *Major Event Organization* must publish the following information in a conspicuous place on its website: (1) which *Athletes* 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 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).
- 5.9** 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 becomes subject to the *TUE* requirements of a *Major Event Organization*, the *TUE* will not be valid for those purposes 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** The *Athlete* should apply to their *National Anti-Doping Organization*, *International Federation* and/or a *Major Event Organization* (as applicable), online or using the *TUE* application form provided. *Anti-Doping Organizations* shall make the application form or process they want *Athletes* to use available on their websites. If an application form is used, it 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 Article 6.1: In certain situations, an Athlete may not know which National Anti-Doping Organization they should apply to for a TUE. In such circumstances, the Athlete should consult the National Anti-Doping Organization of the country of the sport organization for which they compete (or with which they are a member or license holder), to determine if they fall within that National Anti-Doping Organization’s TUE jurisdiction, according to their rules.

If that National Anti-Doping Organization refuses to evaluate the TUE application because the Athlete does not fall within its TUE jurisdiction, the Athlete should consult the anti-doping rules of the National Anti-Doping Organization of the country in which they reside (if different).

If the Athlete still does not fall within that National Anti-Doping Organization’s TUE jurisdiction, the Athlete should then consult the anti-doping rules of the National Anti-Doping Organization of their country of citizenship (if different from where they compete or reside).

Athletes may contact any of the above-referenced National Anti-Doping Organizations for assistance with determining whether the National Anti-Doping Organization has TUE jurisdiction. In the event that none of the above-mentioned National Anti-Doping Organizations have TUE jurisdiction, where there is an Adverse Analytical Finding, the Athlete should ordinarily be permitted to apply for a retroactive TUE from the Anti-Doping Organization that has Results Management authority. See also the summary flowcharts on “Where to Apply?” in the medical section of WADA’s website.]

- 6.2** An *Athlete* may not apply to more than one (1) *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 (1) *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*).

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

[Comment to Article 6.3: The information submitted in relation to the diagnosis and treatment should be guided by the relevant WADA documents posted on WADA’s website.]

- 6.4** The *Athlete* should keep a complete copy of the *TUE* application and of all materials and information submitted to their *Anti-Doping Organization*.
- 6.5** A *TUE* application will only be considered by the *Anti-Doping Organization* following the receipt of a properly completed application, accompanied by all relevant documents. Incomplete applications will be returned to the *Athlete* for completion and re-submission.

- 6.6** The *Anti-Doping Organization/TUEC* may request from the *Athlete* or their 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.
- 6.7** Any costs incurred by the *Athlete* in making the *TUE* application and in supplementing it as required by the *Anti-Doping Organization/TUEC* are the responsibility of the *Athlete*.
- 6.8** The *Anti-Doping Organization/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 twenty-one (21) days of receipt of a complete application. Where a *TUE* application is made in a reasonable time prior to an *Event*, the *Anti-Doping Organization/TUEC* must use its best endeavors to issue its decision before the start of the *Event*.
- 6.9** The *Anti-Doping Organization/TUEC's* decision must be notified in writing to the *Athlete* and must be made available to WADA and to other *Anti-Doping Organizations* via ADAMS, in accordance with Article 5.6. A decision not to grant a *TUE* must include an explanation of the reason(s) for the denial, and notification of the *Athlete's* rights of review and appeal (if applicable).
- 6.10** Unless agreed otherwise, the *Anti-Doping Organization* that granted the *TUE* will be responsible for the ongoing monitoring of any conditions attached to the *TUE* (whether or not the *TUE* is then recognized by another *Anti-Doping Organization* under Article 7.0).
- 6.11** In the event that, after their *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*, they must contact the relevant *Anti-Doping Organization*, who will then determine whether the *Athlete* needs to apply for a new *TUE*.
- [Comment to Article 6.11: 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.]*
- 6.12** The effective date for a prospective *TUE* will be the date of the *TUEC's* decision to grant the *TUE*. Retroactive *TUEs*, by their nature, do not proceed into the future and apply retroactively where an *Athlete* has already *Used* or *Possessed* the *Prohibited Substance* or *Prohibited Method* in question.
- [Comment to Article 6.12: An Anti-Doping Organization may grant a prospective TUE in conjunction with a retroactive TUE, and vice versa.]*
- 6.13** 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, they 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 Article 6.13: Where applicable, the duration of validity should be guided by the WADA documents titled “TUE Physician Guidelines”.]

- 6.14** 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.
- 6.15** 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*, in accordance with Article 5.1.1.1 of the *International Standard for Results Management* 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.
- 6.16** If the presence, *Use*, *Possession* or *Administration* of a *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.

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*, they 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. 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, they do not need to take any further action. The *TUE* may not then be subject to further review by the *Anti-Doping Organization* once automatically recognized.

[Comment to Article 7.1(a): Automatic recognition of *TUE* decisions can ease the burden on *Athletes*. Nevertheless, *International Federations* and *Major Event Organizations* should carefully select the *Anti-Doping Organizations* and/or substances for which they will automatically recognize. If an *International Federation* or *Major Event Organization* is willing to grant automatic recognition of *TUE* decisions, it should publish on its website and keep updated a list of *Anti-Doping Organizations* whose *TUE* decisions it will recognize automatically, and/or a list of those *Prohibited Substances* for which *TUE* decisions will be recognized automatically.]

- b) In the absence of such automatic recognition, the *Athlete* shall submit a request for recognition of the granted *TUE* to the *International Federation* or *Major Event Organization* in question, via ADAMS or as otherwise specified by that *International Federation* or *Major Event Organization*.

[Comment to Article 7.1(b): Recognition is based solely on satisfaction of the Article 4.2 conditions. Accordingly, *TUE* duration alone is not a reason to deny recognition (unless it relates to satisfaction

of the Article 4.2 conditions). Where applicable, TUE duration should be guided by the WADA TUE Physician Guidelines.]

- 7.2 Incomplete requests for recognition of a TUE will be returned to the *Athlete* for completion and re-submission. In addition, the *Anti-Doping Organization/TUEC* may request from the *Athlete* or their 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 *Anti-Doping Organization/TUEC* are the responsibility of the *Athlete*.
- 7.4 The *Anti-Doping Organization/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 twenty-one (21) days of receipt of a complete request for recognition. Where the request is made a reasonable time prior to an *Event*, the *Anti-Doping Organization/TUEC* must use its best endeavors to issue its decision before the start of the *Event*.
- 7.5 The *Anti-Doping Organization/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, and notification of the *Athlete's* rights of review and appeal (if applicable).
- 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 in consultation with an appropriate medical expert(s) (which may, for example, be a member of staff or an external medical expert).
- 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 6.4 (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 they are 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** On any request for a review, *WADA* may refer the decision back to the relevant *Anti-Doping Organization* (a) for clarification (for example, if the reasons are not clearly set out in the decision); and/or (b) for re-consideration by the *Anti-Doping Organization* (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 Article 8.4: For example, 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** In considering a request for review, *WADA*/the WADA TUEC may seek additional information from the *Anti-Doping Organization*, the *Athlete* and/or their physician, 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 all/some of the costs incurred by *WADA* in respect of that review (including WADA TUEC costs, expert fees and internal staff costs), 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 all/some of the costs incurred by *WADA* in respect of that review (including WADA TUEC costs, expert fees and internal staff costs).
- 8.10** *WADA* shall communicate the reasoned decision of the WADA TUEC promptly to the *Athlete*, their *National Anti-Doping Organization* and, where applicable, the International Federation and any *Major Event Organization*.

9.0 Confidentiality of Information

9.1 The Processing of Personal Information during the *TUE* process by *Anti-Doping Organizations* shall comply with the *International Standard* for Data Protection. *Anti-Doping Organizations* shall ensure that they have a valid legal authority or basis for such Processing, in accordance with the *International Standard* for Data Protection and applicable laws.

9.2 *Anti-Doping Organizations* shall communicate in writing the following information to *Athletes* as well as any other relevant information in accordance with Article 8.1 of the *International Standard* for Data Protection in connection with an *Athlete's* application for the grant or recognition of a *TUE*:

- a) 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) the *Athlete* must authorize their physician(s) to release to any relevant *Anti-Doping Organization* upon request any health information that any such *Anti-Doping Organization* deems necessary in order to consider and determine the *Athlete's* application; and
- c) 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 Article 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 all relevant TUECs, any consulted independent experts and the relevant staff of the *Anti-Doping Organization* 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:

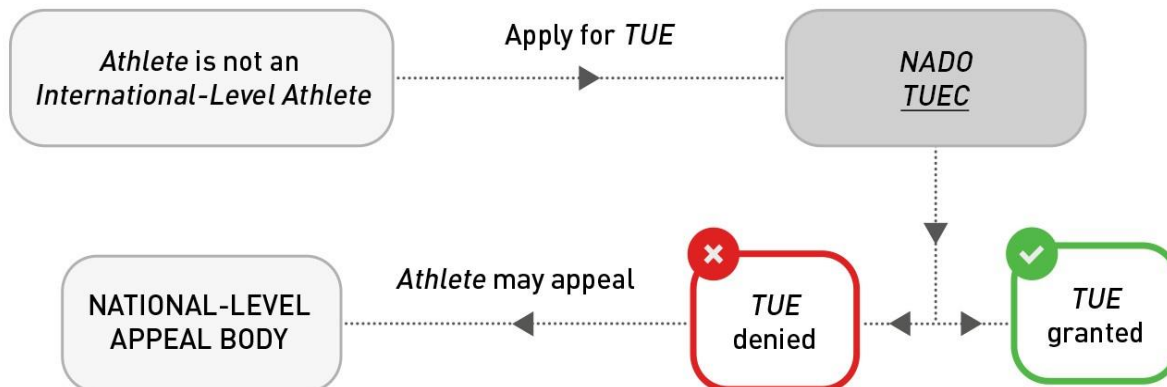
- a) all medical information provided by the *Athlete* and physician(s) involved in the *Athlete's* care; and
- b) all details of the application, including the name of the physician(s) involved in the process.

9.4 Should the *Athlete* wish to revoke the right of an *Anti-Doping Organization* to obtain any health information on their behalf, the *Athlete* shall notify their 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.

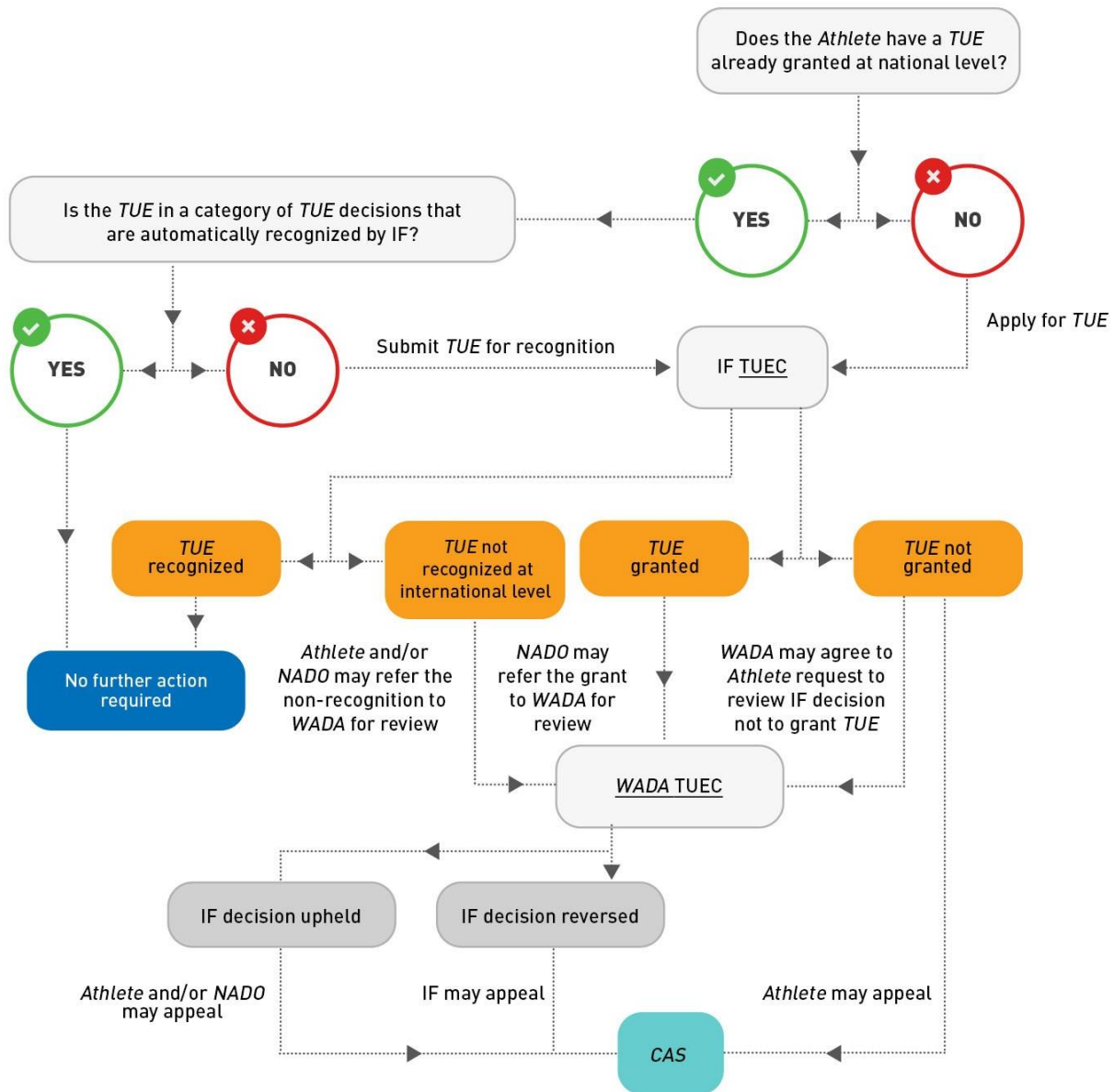
- 9.5** *Anti-Doping Organizations* shall only use information submitted by an *Athlete* in connection with a *TUE* application to evaluate the application and in the context of potential anti-doping rule violation investigations and proceedings.

ANNEX 1: CODE ARTICLE 4.4 FLOWCHART

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



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**

