

FACTSHEET: Significant Changes in the 2021 ISTUE

Obtaining a Therapeutic Use Exemption (TUE)

- An athlete can apply for a retroactive TUE if:
 - emergency or urgent treatment of a medical condition was necessary;
 - there was insufficient time, opportunity or other exceptional circumstances that prevented the athlete from applying prior to sample collection;
 - due to national level prioritization of certain sports, the athlete's National Anti-Doping Organization (NADO) did not permit or require the athlete to apply for a prospective TUE;
 - if an ADO chooses to collect a sample from an athlete who is not an international-level or national-level athlete, and that athlete is using a Prohibited Substance or Prohibited Method for therapeutic reasons; or
 - the athlete used out-of-competition, for therapeutic reasons, a substance that is only prohibited in-competition.
- Clarification was added to the requirements to obtain a TUE, including:
 - diagnosis being an essential component of the application.
 - use of a prohibited substance may be part of a diagnostic investigation and not only a treatment.
 - explanation regarding the assessment of an athlete's normal state of health was included.
 - the use of permitted alternative medications was clarified, in particular the need to consider, within reason, different practices in various geographical regions
 - granting of a TUE is based solely on consideration of the conditions set out in the ISTUE and not whether the prohibited substance or prohibited method is the most clinically appropriate or safe, or legal in all jurisdictions.
 - WADA's TUE Physician Guidelines are referenced



- Under exceptional circumstances and if it would be unfair not to do so, a retroactive TUE can be granted if not all criteria for granting a TUE is fulfilled, but requires the prior approval of WADA for international- and national-level athletes and must be entered in ADAMS.

TUE Responsibilities of ADOs

- A non-international-level athlete with a valid TUE issued by a NADO, does not need to have it formally recognized by another NADO.
- The fulfilment of the conditions for a retroactive TUE may be determined by the relevant ADO in consultation with a member(s) of the TUE Committee (TUEC).
- The TUEC Chair must be a member of the committee who is a physician.
- An ADO has to report the reason(s) why an athlete was permitted to apply for or granted a retroactive TUE.
- A translated summary in English or French of all the key information of the medical file (including key diagnostic tests), with sufficient information to clearly establish the diagnosis must be provided and entered into ADAMS.
- ADOs must publish a regularly updated notice on their website describing which athletes fall under their jurisdiction. International Federations (IFs) and Major Event Organizers (MEOs) must describe their TUE recognition process as well.

TUE Application Process

- New flowcharts will be made available on WADA's website to understand where non-international-level athletes should apply for a TUE.
 - First contact is the NADO where the sport organization they compete for is based or, if different, the country in which they reside.
 - Second, the NADO of their country of citizenship (if different).
 - If none of the above-mentioned NADOs have TUE jurisdiction, if there is an adverse analytical finding (AAF) the athlete should be able to apply for a retroactive TUE from the ADO with Results Management Authority (RMA).
- Athletes can only hold one valid TUE for a medical condition at a time and therefore can only apply for a TUE to one ADO at a time.

TUE Recognition Process

- If an IF chooses to test a non-international-level athlete, it must recognize a TUE granted by the NADO, unless the athlete is required to apply for recognition of the TUE because the athlete is competing in an international event.

Review of TUE Decisions by WADA

- If an IF refuses to recognize a TUE granted by a NADO only because medical tests or other information required are missing, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the IF.

Confidentiality of Information

- ADOs shall communicate information regarding the application, health of the athlete, decision on the application to athletes as well as any other relevant information in accordance with the International Standard for the Protection of Privacy and Personal Information (ISPPPI).