

PART TWO: STANDARDS AND PROCESS FOR GRANTING TUES

4.0 Obtaining a TUE

- 4.1 An *Athlete* who needs to Use a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons must apply for and obtain a TUE under Article 4.2 prior to *Using* or *Possessing* the substance or method in question.

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

- a) Emergency or urgent treatment of a medical condition was necessary;
- b) There was insufficient time, opportunity or other exceptional circumstances that prevented the *Athlete* from submitting (or the TUEC to consider) an application for the TUE prior to *Sample* collection;
- c) Due to national-level prioritization of certain sports, the *Athlete's National Anti-Doping Organization* did not permit or require the *Athlete* to apply for a prospective TUE (see comment to Article 5.1);
- 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(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) he/she can show, on the balance of probabilities, that each of the following conditions is met:

- a) The *Prohibited Substance* or *Prohibited Method* in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence.

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