



Therapeutic Use Exemptions **Questions & Answers for Footballers**

January 2009 version

1. Introduction

In September 2003 the World Anti-Doping Agency (WADA) published the first International Standard for Therapeutic Use Exemptions, with the intention of eradicating both accidental and deliberate doping from sport by standardising the process through which players apply to use an otherwise prohibited substance for therapeutic purposes.

The International Standard for TUE has been revised in response to direct consultation with stakeholders in addition to related comments from the World Anti-Doping Code (Code) revision process. As a result of this collective feedback, a revised version of the standard (ISTUE, January 2009) came into effect on 1 January 2009.

2. What is the World Anti-Doping Agency (WADA)?

WADA is an independent organisation that was created on the initiative of the sports movement and governments in 1999. One of its main objectives is to promote the athlete's fundamental right to participate in doping-free sport and thus promote health, fairness and equality for athletes. WADA's major tasks are to harmonise anti-doping rules, regulations and procedures both at national and international level and to develop and assist anti-doping organisations worldwide. In this respect National Anti-Doping Organisations have been created so that an anti-doping programme can be implemented in each country.

3. What is a National Anti-Doping Organisation (NADO)?

A NADO is the state-approved body invested with the authority and responsibility to adopt and implement anti-doping rules, grant TUE (national-level athletes only), conduct testing and to oversee the collection of samples, manage test results and conduct hearings at national level. If no such body has been appointed by the competent public authorities, the role of NADO is fulfilled by the National Olympic Committee (NOC) or a body designated by the NOC.

4. What is a therapeutic use exemption (TUE)?

As a football player, and like everyone else, you may have illnesses or conditions that require you to take medication. If the substance(s) you are required to take happen to be on the Prohibited List, a Therapeutic Use Exemption may allow you to take this medication.

5. What happens if I fail to obtain a TUE?

Under the requirements of the World Anti-Doping Code and the UEFA TUE procedure, you, as a player, are responsible for obtaining a TUE. It is therefore of paramount importance that you do not start using the treatment (prohibited substance) before being granted the TUE.

Failure to submit and obtain a TUE could result in a doping case and could lead to disciplinary sanctions being taken against you.

You are responsible for any substance present in your body. You must therefore make sure that your team doctor knows about any substance you have taken whilst not under the supervision of club medical staff.

6. What are the criteria for granting a TUE?

- The player would experience significant health problems if he or she did not use the prohibited substance or method.
- Therapeutic use of the substance will not significantly enhance the player's performance.
- There is no reasonable therapeutic alternative to the otherwise prohibited substance or method.

7. Who grants therapeutic use exemptions?

The WADA International Standard for TUE states that all international federations and National Anti-Doping Organisations must have a process in place for players with documented medical conditions to request a TUE and have such requests dealt with appropriately by a panel of independent doctors called a Therapeutic Use Exemption Committee (TUEC).

Through their TUECs, international federations and National Anti-Doping Organisations are responsible for granting or declining such applications. In some countries, national football associations are competent to grant TUEs.

8. Where do I make a Therapeutic Use Exemption request?

<u>I am</u>	<u>TUE applications addressed to</u>	<u>Period</u>	<u>Request made by</u>
A national player participating in domestic competitions only. NB: this includes friendly matches abroad.	My National Anti-Doping Organisation (NADO) or competent public authority, or to my association if applicable.	Entire domestic season	Me (player) and my club doctor
An international player called up by my association to participate in UEFA national team competitions and international friendly matches.	UEFA	Period I am on duty with my national team (from arrival for pre-match training to departure after the match).	Me (player) and my national team doctor
An international player participating in UEFA club competitions or who is part of the FIFA Testing Pool (UEFA Champions League teams).	UEFA	Duration of my team's involvement in UEFA club competitions. NB: when my club is no longer involved in UEFA competitions, any new applications must be addressed to my NADO.	Me (player) and my club doctor
An international player called up by my association to participate in FIFA competitions (incl. FIFA World Cup qualifying matches) or who is part of the FIFA Pre-Competition Testing Pool.	FIFA TUE granted by UEFA automatically recognised	Period I am on duty with my national team (from arrival for pre-match training to departure after the match).	Me (player) and my national team doctor
A Player in the FIFA International Registered Testing Pool (injured and suspended players)	FIFA	Period during which I am included in the Registered Testing Pool	Me (player) and my national team doctor

You must not apply for a TUE to more than one organisation at a time. Your application must be sent to the authority which applies to your status as a player, based on the criteria in the table above. Do not send your application to WADA.

9. Do I have to apply to UEFA if I already have a valid TUE from FIFA?

No. UEFA has adopted the same rules and procedure for granting TUEs as FIFA so it has been agreed with FIFA that TUEs granted by either organisation would automatically be recognised by the other. No new TUE application needs to be sent to UEFA.

10. Do I have to apply to UEFA if I already have a valid TUE from my NADO, competent public authority or, if applicable, my football association?

Yes. NADOs may not grant TUEs to players known to take part in UEFA competitions.

However, in accordance with the mutual recognition principle (Article 15.4.1 of the WADA Code), for players moving into one these categories at short notice, the UEFA TUE Committee mutually recognises TUEs granted by NADOs, provided that the following three conditions are all fulfilled:

- the respective NADO follows the UEFA criteria for granting a TUE, in particular with regard to asthma treatment; and
- the original application form, including all medical information submitted to the granting body, is provided to the UEFA Anti-Doping Unit; and
- the UEFA TUE Committee confirms that the application complies with the UEFA TUE policy.

11. Do I have to apply to my NADO, competent public authority or, if applicable, my football association, if I already have a TUE from UEFA?

No. A TUE granted by an international federation (FIFA or UEFA) is valid at national level (in all countries) and, of course, for all international events (all UEFA and FIFA competitions).

Provided that UEFA has all the contact details, it will, when issuing a TUE, send the original to you, the player, at your club, and a confidential copy to your football association, FIFA, your NADO and WADA.

12. How can I apply to UEFA for a TUE?

The process is fairly simple. You must complete a UEFA TUE form by:

- asking your team doctor for a form or downloading it from the UEFA website: www.uefa.com (anti-doping section) or requesting a form from the UEFA Anti-Doping Unit (anti-doping@uefa.ch);

- getting your doctor to fill in the form and providing the required supporting documentation, personally signing the form and returning it to UEFA on confidential fax number **+41 22 990 31 31**.

13. Tips for making a TUE application

- Fill in the form in type or block capitals. If the form is not legible, it will be considered incomplete and will be returned to the applicant.
- When faxing the form, make sure the TUE application is duly completed and that you include all the required documentation and keep the request as well as a record of the transmission or acknowledgement of receipt. **Please carefully read Note 1 on page 4 of the TUE application for the list of required documentation/information. For asthma treatment, refer to the UEFA asthma minimum requirements.**
- NB: should the above requirements not be fully met when the form is first submitted, the granting of the TUE will be delayed and, therefore, the start of treatment.

14. Why do I have to submit a TUE application at least 21 days before the start of the competition?

This notice period of 21 days is fixed in the WADA International Standard for Therapeutic Use Exemptions. A time limit was fixed to give the anti-doping organisations enough time to process and examine all TUEs before the start of a competition or event and to ensure that they are in possession of all the TUEs for athletes competing in their event.

However, exceptions can be made to this rule, as explained in the next two questions.

15. What happens if I need emergency treatment prior to a fixture?

As standard TUE applications should only be submitted in emergency situations for acute conditions, you should not be competing immediately following the administration of a prohibited substance or method.

Short-term use of a prohibited substance or method to accelerate a player's recovery from an acute condition so that he or she can compete in a fixture would not be grounds for granting a TUE.

16. What happens if I have to undergo emergency treatment and do not have time to submit a TUE in advance?

You have to submit a TUE application as soon as possible in any case, explaining why you did not have time to submit the application before treatment and providing all the necessary medical evidence to show that your health would be seriously impaired if administration of the prohibited substance or method were withheld in the course of treatment. If the application is accepted, retroactive approval will be given.

17. What happens if my TUE is granted?

TUEs are granted for a specific medication and a defined dosage. They are also granted for a specific period of time and have an expiry date. Therefore, you need to comply with all the conditions set out on the TUE certificate.

Once you have been given a TUE by UEFA, FIFA, your NADO, or, if applicable, by your football association, it will inform WADA, which will then have the opportunity to review this decision. If the decision does not conform with the International Standard for TUEs, WADA may reverse it and deny your TUE.

18. What should I do if I am notified of a doping control while using a prohibited substance under a granted TUE?

When filling in the doping control form (D3. Declaration of Medication), make sure that you declare the substance or medication being used and state that you have been granted a TUE. If you have a copy of the TUE at hand, it is even preferable, but not mandatory, to show it to the doping control officer.

19. 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 check will be made to verify that the TUE is still in force 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 check proves satisfactory, the result of your test will be recorded as negative.

20. Will the information on my TUE application remain confidential?

All information contained in your TUE application will be kept strictly confidential as medical data. The anti-doping organisation's staff and all TUEC members are required to sign confidentiality agreements and if they require advice from other scientific experts on a particular case, your name will not be used when circulating the application outside the TUEC.

21. What can I do if WADA reverses the original decision to grant me a TUE?

You or your granting authority can appeal to the Court of Arbitration for Sport (CAS) for a final decision. The deadline for appealing to CAS is specified in the regulations of the anti-doping organisation that granted your TUE. If there is no such provision, the procedural rules of the CAS Code of Sports-related Arbitration apply, in particular Rule 49, which provides for a time limit of 21 days from receipt of the decision being appealed against.

22. What can I do if my TUE is denied by UEFA?

If UEFA denies you TUE application, you can make a request to the WADA TUEC (fax number: +1 514 904 4456) within 21 days of notification of the decision for the decision to be reviewed at your own expense. You must provide all of the information given for the first submission (complete file) as well as the initial decision. You may also have to submit additional medical information, if so requested by the WADA TUEC. The appeal procedure does not suspend the first decision, so you are not allowed to use the substance pending WADA's decision. If WADA upholds UEFA's decision not to grant the TUE, you can then appeal to CAS for a final decision. If WADA overturns UEFA's original position and grants the TUE, then UEFA also has the possibility of appealing to CAS for a final decision.

23. What can I do if my TUE is denied by my National Anti-Doping Organisation?

If your National Anti-Doping Organisation rejects your TUE application you can appeal to the independent review body in your country. Details of this body and the time limit for appealing can be found in the rules of your National Anti-Doping Organisation. If the review body grants you the TUE, WADA could appeal against this decision to CAS.

24. What major changes does the revised International Standard for TUE include?

The revised ISTUE eliminates the concept of the Abbreviated TUE.

Asthma (inhaled beta-2 agonists and inhaled glucocorticosteroids)

Footballers needing to use inhaled beta-2 agonists (Salbutamol, Salmeterol, Terbutaline and Formoterol) for asthma need an approved standard TUE for asthma prior to using the substance. The use of inhaled glucocorticosteroids as part of the same treatment must be declared on the TUE form and also during doping controls (on the doping control form, D3. Declaration of Medication).

Non-inhaled, non-systemic glucocorticosteroids (GCS)

In the case of non-inhaled, non-systemic GCS (intraarticular, periarticular, peritendinous, epidural, intradermal), the player must provide a declaration of use when undergoing a doping control that includes the diagnosis, the substance taken, and contact information of the medical doctor who administered the treatment. UEFA has the discretion to ask for more than this minimum declaration.

For topical use of GCS (topical: auricular, buccal, dermatological (including iontophoresis/phonophoresis), gingival, nasal, ophthalmic and perianal disorders), neither a TUE nor a declaration is required.

25. Is my abbreviated TUE still valid?

It will remain valid after 1 January 2009 until the earliest of the following three dates:

- the date on which it is cancelled by the competent TUE committee after review in accordance with ISTUE 2005;
- its expiry date as mentioned on the TUE;
- 31 December 2009 (at the latest).

26. Where can I find out more about the UEFA Doping Regulations, the List of Prohibited Substances and Therapeutic Use Exemptions?

You can print out TUE forms, TUE Q&As and the current UEFA Doping Regulations, the List of Prohibited Substances and the Q&As of the List of Prohibited Substances from the UEFA website: www.uefa.com (anti-doping section).

You can also find useful information on WADA's website at www.wada-ama.org

You can also contact your national anti-doping organisation.