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WWR Therapeutic Exemptions Manual

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WWR Therapeutic Exemptions Manual

Introduction

Due to illness or other medical conditions, an Athlete may require the Use of medications or treatments on the World Anti-Doping Agency's (WADA's) Prohibited List. A Therapeutic Use Exemption (TUE) enables the Athlete to take the necessary medication while competing in sport Events, without resulting in a doping offence.

The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an anti-doping rule violation (ADRV) if it is consistent with the provisions of a Therapeutic Use Exemption (TUE).

The Athlete must have a well-documented medical condition, backed up by reliable, relevant and sufficient medical data that demonstrates they meet the criteria for a TUE.

This Manual details the requirements for obtaining a TUE and the procedures to be followed by the WWR in reviewing and responding to TUE applications.

This Manual includes terms that are defined in the World Anti-doping Code and other documents published by WADA. Definitions are provided in Annex 1 of this manual.

Criteria for granting a TUE

An Athlete may be granted a TUE if (and only if) they can show, by a balance of probability, that each of the following conditions is met:

- a. The Prohibited Substance or Prohibited Method in question is needed to treat an acute or chronic medical condition, such that the Athlete would experience a significant impairment to health if the Prohibited Substance or Prohibited Method were to be withheld.
- b. The Therapeutic Use of the Prohibited Substance or Prohibited Method is highly unlikely to 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 acute or chronic medical condition.

Although there may be some enhancement of individual performance as a result of the efficacy of the treatment, nevertheless, such enhancement must not exceed the level of performance of the Athlete prior to the onset of their medical condition.

- c. There is no reasonable Therapeutic alternative to the Use of the Prohibited Substance or Prohibited Method.

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Three points should be noted in relation to reasonable Therapeutic alternatives:

- Only valid and referenced medications are to be considered as alternatives.
 - The definition of what is valid and referenced may vary from one country to another. These differences should be taken into account. For example, a medication may be registered in one country and not in another, or approval may be pending, etc.
 - There may be instances where it is not medically appropriate to try the alternatives before Using the medication containing the Prohibited Substance. In these cases, the physician is to state why.
- d. The necessity for the Use of the Prohibited Substance or Prohibited Method is not due, wholly or in part, to prior Use (without a TUE) of a substance or method that was prohibited at the time of such Use.

WADA documents titled “Medical Information to Support the Decisions of TUECs” (TUE Physician Guidelines) assist physicians and ADOs in applying these criteria to particular medical conditions. These documents are available on WADA’s Web site.

TUE applications

A TUE is required for all treatments involving the Use of a Prohibited Substance or Method on the Prohibited List.

An Athlete must obtain a TUE prior to Using or Possessing the substance or method in question, unless they meet the criteria for a retroactive TUE as detailed in this Manual.

An Athlete who needs a TUE should apply as soon as possible.

- For substances prohibited In-Competition only: The Athlete should apply for a TUE at least 30 days before their next Competition, unless it is an emergency or exceptional situation. If the Athlete knows they will be taking a substance on a long-term basis, even if it is only prohibited In-Competition, they should still apply as soon as possible to the appropriate ADO.
- For substances prohibited at all times: The TUE application must be submitted as soon as the medical condition requiring the Use of a Prohibited Substance or Prohibited Methods is diagnosed. If the condition is diagnosed before the Athlete becomes subject to anti-doping rules prohibiting the Use of Prohibited Substances and Prohibited Methods, they should submit a TUE application as soon as they becomes subject to those rules.

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Athletes who are International-Level Athletes in the sport of wheelchair rugby are required to submit their TUE Applications to the WWR.

For the purposes of this Manual, International-Level Athletes in the sport of wheelchair rugby are defined as those athletes who are licensed by the WWR and permitted to register for and participate in competitions sanctioned by the WWR.

Wheelchair rugby Athletes who are not International-Level Athletes should submit their applications to their National Anti-Doping Organization (NADO), in accordance with the rules and regulations of the NADO.

TUE Applications are to be submitted to the WWR using the form provided at Annex 2 to this Manual. This form is also available for download on the WWR web site.

The following supporting documents must be attached to the completed TUE Application:

- A statement by an appropriately qualified physician, attesting to the Athlete's diagnosis and need to Use the Prohibited Substance or Prohibited Method in question for Therapeutic reasons.
- A comprehensive medical history, including documentation from the original diagnosing physician(s) (where possible) and the results of all examinations, Laboratory investigations and imaging studies relevant to the application.

Athletes should keep a complete copy of the TUE Application and all supporting materials and information.

TUE Applications and the physician's statement must be submitted in English. If the medical history documents are not in English, either an English translation or a summary in English that explains the diagnosis and key elements of the clinical exams, medical tests and treatment plan is required.

Incomplete applications will be returned to the Athlete for completion and resubmission.

The Athlete is responsible for all costs related to the TUE application.

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TUE Committee

The WWR will establish a TUE Committee (TUEC) to review and decide on all TUE Applications.

The TUEC may seek whatever medical or scientific expertise it deems appropriate in reviewing any application for a TUE.

The WWR TUEC will include at least three physicians with experience in the care and treatment of Athletes and a sound knowledge of clinical, sports and exercise medicine. One of the member physicians acts as TUEC chair. At least one TUEC member must possess experience in the care and treatment of Athletes with impairments, specifically the eligible impairment types for the sport of wheelchair rugby.

TUEC members should have no political responsibility with the WWR or its member organizations. Members must sign a conflict of interest and confidentiality declaration, provided at Annex 3. TUEC members are subject to the WWR Code of Conduct.

TUE decisions

The TUEC will decide as soon as possible whether or not to grant a TUE application, usually within 21 days of receipt of a complete application. Where a TUE application is made a reasonable time prior to an Event, the TUEC must use its best endeavors to issue its decision before the start of the Event.

The TUEC may request additional information, examinations or imaging studies, or other information from the Athlete or their physician, and/or involve other medical or scientific experts.

The TUEC's decision is to be communicated in writing to the Athlete and made available to WADA and to other ADOs via ADAMS or any other system approved by WADA.

A decision to grant a TUE must specify the dosage(s), frequency, route and duration of Administration of the Prohibited Substance or Prohibited Method in question that the TUEC is permitting, reflecting the clinical circumstances, and any conditions imposed in connection with the TUE.

A decision to deny a TUE application must include an explanation of the reason(s) for the denial.

An Athlete who has not received a response to their TUE application after the 21-day period or before the Event is to contact the WWR to confirm the status of their TUE application.

The WWR is obligated to render a decision within a reasonable period of time on a TUE application submitted in due form. If this obligation isn't fulfilled, the Athlete may seek a TUE review by WADA. Absence of a decision may be considered a denial of the application for the purposes of rights of appeal provided for in the World Antidoping Code.

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The TUE is effective upon receipt of notification from the relevant ADO that the TUE has been granted. Athletes Using the Prohibited Substance or Prohibited Method prior to receiving notification of TUE authorization do so at their own risk. Such Use would constitute an anti-doping rule violation in the event of denial of the TUE by the TUEC.

In situations of a true medical emergency, an Athlete's health should never be put in jeopardy for administrative reasons. When necessary, Athletes may apply for a Retroactive TUE as detailed in this Manual.

Confidentiality of information

The Collection, storage, processing, disclosure, and retention of Personal Information by the WWR and TUEC during the TUE process shall comply with the WADA International Standard for the Protection of Privacy and Personal Information.

An Athlete applying for a TUE shall provide written consent for the following:

- Transmission of all information pertaining to the application to all TUEC members authorized 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;
- Release by the Athlete's physician(s) upon TUEC request of any health information deemed necessary by the TUEC to consider and determine the Athlete's application; and
- Decision on the application be made available to all ADOs with Testing Authority and/or Results Management Authority (RMA) over the Athlete.

TUE applications are managed according to the principles of strict medical confidentiality. TUEC members, independent experts and WWR staff shall conduct all activities relating to the process in strict confidence, and sign appropriate confidentiality agreements.

The Athlete may at any time revoke the TUEC's right to obtain any health information on their behalf by notifying their medical practitioner in writing. Upon revocation, the Athlete's application for a TUE or for recognition of an existing TUE will be considered withdrawn without approval or recognition.

Information submitted by an Athlete will only be used by the WWR for the purpose of evaluating the TUE Application and in the context of potential ADRV investigations and procedures.

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Duration of validity

The TUEC will assign each TUE a start and end date, upon which the TUE expires automatically. If the Athlete needs to continue to Use the Prohibited Substance or Prohibited Method after the specified end date, they must apply for a new TUE well in advance, to allow sufficient time for a decision to be made on the application before the existing TUE expires.

In determining the duration of validity, the TUEC will consult the WADA documents titled "Medical Information to Support the Decisions of TUECs".

A TUE will be withdrawn prior to expiry if the Athlete does not promptly comply with any requirements or conditions imposed when the TUE is granted. A TUE may be also reversed upon review by WADA or on appeal.

A TUE will always be granted for a specific dose, frequency, method, route, and duration of Administration, even if the medical condition and the Use of the substance are chronic. When a potentially chronic medical condition is first diagnosed, the TUE may be granted for a shorter period until the medical regime is stabilized.

In certain situations, a clearly defined range of dosage may be acceptable. For some chronic conditions, a TUE may be granted for a prolonged period. Nevertheless, independent of TUE requirements, the Use of the substance should be regularly monitored by a physician as part of good medical practice.

TUE changes and renewals

If, following the approval of a TUE, the Athlete subsequently 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 apply for a new TUE.

If the presence, Use, Possession or Administration of the Prohibited Substance or Prohibited Method is inconsistent with the terms of the TUE granted, the fact that the Athlete has a TUE will not prevent an ADRV finding.

TUEs cannot be renewed without a new medical consultation and confirmation. The Athlete must complete a new application signed by their physician when the previous TUE expires.

Automatic extension of a TUE is not allowed under any circumstances. The physician must re-examine the Athlete and determine if their medical condition has changed, and if the treatment authorized by the original TUE remains appropriate.

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Retroactive TUEs

There are situations for which TUEs may be granted retroactively. The evaluation process is identical to the standard TUE application procedure: The relevant TUEC studies the application and issues its decision.

The following situations may result in a retroactive TUE:

- Emergency treatment or treatment of an acute medical condition was necessary; or
- Due to other exceptional circumstances, there was insufficient time or opportunity for the Athlete to submit, or the TUEC to consider, an application for the TUE prior to Sample collection; or
- Applicable rules required the Athlete or permitted the Athlete to apply for a retroactive TUE. This is applicable to Persons who are not International-Level or National-Level Athletes; or
- It is agreed, by WADA and by the WWR, that fairness requires the grant of a retroactive TUE.

A medical emergency or acute medical situation occurs when the Athlete's medical condition justifies immediate Administration of a Prohibited Substance or Method and failure to treat immediately could significantly put the Athlete's health at risk.

It is always preferable to address a TUE application prospectively rather than retrospectively. The WWR will expedite the evaluation and granting of TUE for emergency situations, whenever possible, and without putting the athlete's health at risk.

Exceptional circumstances occur when a TUE cannot be granted in time through No Fault of the Athlete. The following examples could be considered "exceptional circumstances":

- A healthy Athlete is suddenly affected by a medical condition days prior to an Event, and is unable to request and be granted a TUE by a TUEC in the time allotted.
- An athlete with a medical condition whose prior Competition level did not require an advance TUE, and whose anti-doping education is limited, is suddenly named to a national team.

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Authority and TUE recognition

Authority to grant a TUE is based on the Athlete's Competition level. International-Level Athletes in wheelchair rugby must apply to the WWR.

An Athlete who is not an International-Level Athlete should apply to their NADO for a TUE. A TUE granted by a NADO is valid at the national level only. If the Athlete becomes an International-Level Athlete or competes in an International Event, that TUE will not be valid for those purposes unless it is recognized by the WWR.

In some cases, Athletes may be required by a Major Event Organization (MEO) to apply for a TUE if the Athlete wants to Use a Prohibited Substance or Method in connection with the Event. A MEO-granted TUE is effective for the Event only.

The WWR will automatically recognize TUEs granted by other ADOs, provided that such TUE decisions have been reported in accordance with ISTI Article 5.4 and are available for review by WADA. If the Athlete's TUE falls into a category of TUEs that are automatically recognized in this way, they do not need to take any further action. If not, they should submit a request for TUE recognition in accordance with ISTUE Article 7.1(b).

Reviews and appeals

Decisions by the WWR TUEC to grant or deny a TUE are considered final and are not subject to the WWR Appeals Policy, as long as all the requirements of this Manual and other relevant WWR Rules and Regulations have been followed.

Upon the request of an Athlete or ADO, a TUEC decision may be subject to review by WADA. Details on WADA TUE reviews are provided in the WADA TUE Guidelines.

The review procedure does not suspend the initial decision, which remains in effect throughout the duration of the review until the WADA TUEC issues its decision.

The WWR Appeals Policy will apply in the case where an Athlete who applies for and is denied a TUE considers that the requirements of this Manual and other relevant WWR Rules and Regulations have not been followed. In this case it is the process followed to reach the decision that is the subject of the appeal, and not the decision itself. If an appeal is upheld, the Athlete shall be permitted to resubmit the application. The appeal body shall not have the authority to grant a TUE.

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Annex 1 - Definitions

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 (AAF): A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

Anti-Doping Organization (ADO): 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, WADA, International Federations, and National Anti-Doping Organizations.

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition.

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 AntiDoping 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 AntiDoping 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 authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) 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.

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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.

Atypical Finding: A report from a WADA-accredited laboratory or other WADA approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

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.

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings.

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

In-Competition: Unless provided otherwise in the rules of an International Federation or the ruling body of the Event in question, "In-Competition" means the period commencing twelve hours 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.

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 Standard (IS): 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.

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 and Investigations.

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Laboratory(ies): (A) WADA-accredited laboratory(ies) applying test methods and processes to provide evidentiary data for the detection of Prohibited Substances, Methods or Markers on the Prohibited List and, if applicable, quantification of a Threshold Substance in Samples of urine and other biological matrices in the context of anti-doping activities.

Major Event Organizations (MEOs): The continental associations of National Olympic Committees and other international multisport organizations that function as the ruling body for any continental, regional or other International Event.

Major Event: A series of individual international Competitions conducted together under an international multi-sport organization functioning as a ruling body (e.g., the Olympic Games, Pan American Games) and for which a significant increase of resources and capacity, as determined by WADA, is required to conduct Doping Control for the Event.

Marker: A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural Person who has not reached the age of eighteen years.

National Anti-Doping Organization (NADO): 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, the management of test results, and the conduct of hearings 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 and Investigations.

No Fault or Negligence: The Athlete or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

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

Person: A natural Person or an organization or other entity.

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable Participant or relating to other Persons whose information is Processed solely in the context of an Anti-Doping Organization's Anti-Doping Activities.

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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.

Processing (and its cognates, Process and Processed): Collecting, retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

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.

Registered Testing Pool (RTP): The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organization's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 and the International Standard for Testing and Investigations.

Results Management Authority (RMA): The organization that is responsible, in accordance with Code Article 7.1, for the management of the results of Testing (or other evidence of a potential anti-doping rule violation) and hearings, whether (1) an Anti-Doping Organization (for example, the International Olympic Committee or other Major Event Organization, WADA, an International Federation, or a National AntiDoping Organization); or (2) another organization acting pursuant to the authority of and in accordance with the rules of the Anti-Doping Organization (for example, a National Federation that is a member of an International Federation). In respect of Whereabouts Failures, the Results Management Authority shall be as set out in Article I.5.1.

Sample or Specimen: Any biological material collected for the purposes of Doping Control.

Signatories: Those entities signing the Code and agreeing to comply with the Code, as provided in Article 23.

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Test Distribution Plan: A document written by an Anti-Doping Organization that plans Testing on Athletes over whom it has Testing Authority, in accordance with the requirements of Article 4 of the International Standard for Testing and Investigations.

Testing Authority: The organization that has authorized a particular Sample collection, whether (1) an Anti-Doping Organization (for example, the International Olympic Committee or other Major Event Organization, WADA, an International Federation, or a National Anti-Doping Organization); or (2) another organization conducting Testing pursuant to the authority of and in accordance with the rules of the Anti-Doping Organization (for example, a National Federation that is a member of an International Federation).

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 Committee (TUEC): The panel established by an AntiDoping Organization to consider applications for TUEs.

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

Third Party: Any natural Person or legal entity other than the natural Person to whom the relevant Personal Information relates, Anti-Doping Organizations and Third-Party Agents.

TUE: Therapeutic Use Exemption, as described in Article 4.4.

Use: The utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

WADA TUEC: The panel established by WADA to review the TUE decisions of other Anti-Doping Organizations.

WADA: The World Anti-Doping Agency.

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Annex 2 – TUE Application

Please complete all sections in capital letters or typing. Athlete to complete sections 1, 2, 3, and 7; physician to complete sections 4, 5, and 6. Illegible or incomplete applications will be returned and will need to be re-submitted in legible and complete form.

1. Athlete Information

Last Name: _____ First Name(s): _____

Female Male Date of Birth (dd/mm/yyyy): _____

Address: _____

City: _____ Country: _____ Postcode: _____

Tel.: _____ E-mail: _____
(with International code)

Sport: WHEELCHAIR RUGBY Sport Class: _____

International or National Sport Organization: World Wheelchair Rugby

Please state the impairment type that makes you eligible to play wheelchair rugby:

2. Previous applications

Have you submitted any previous TUE application(s) to any ADO?

Yes: No:

For which substance or method?

To whom? _____ When? _____

Decision: Approved Not approved

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3. Retroactive applications

Is this a retroactive application?

Yes:

No:

If yes, on what date was treatment started? _____

Do any of the following exceptions apply (Article 4.1 of the ISTUE):

- 4.1 (a) You required emergency or urgent treatment of a medical condition.
- 4.1 (b) There was insufficient time, opportunity or other exceptional circumstances that prevented you from submitting the TUE application, or having it evaluated, before getting tested.
- 4.1 (c) You were not permitted or required to apply in advance for a TUE as per WWR anti-doping rules.
- 4.1 (d) You are a lower-level athlete who is not under the jurisdiction of an International Federation or National Anti-Doping Organization and were tested.
- 4.1 (e) You tested positive after using a substance Out-of-Competition that was only prohibited In-Competition, e.g., S9 glucocorticoids (See Prohibited List)

Please explain (if necessary, attach further documents):

Other Retroactive Applications (ISTUE Article 4.3)

In rare and exceptional circumstances notwithstanding any other provision in the ISTUE, an Athlete may apply for and be granted retroactive approval for their TUE if, considering the purpose of the Code, it would be manifestly unfair not to grant a retroactive TUE.

In order to apply under Article 4.3, please include a full reasoning and attach all necessary supporting documentation.

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Physician to complete sections 4, 5 and 6.

4. Medical information

Diagnosis (Please use the WHO ICD 11 classification if possible):

5. Medication details

Prohibited Substance: Generic name	Dose	Route of Administration	Frequency	Duration of Treatment
1.				
2.				
3.				
4.				
5.				

Evidence confirming the diagnosis must be attached and forwarded with this application. The medical information must include a comprehensive medical history and the results of all relevant examinations, laboratory investigations and imaging studies. Copies of the original reports or letters should be included when possible. In addition, a short summary that includes the diagnosis, key elements of the clinical exams, medical tests and the treatment plan would be helpful.

If a permitted medication can be used to treat the medical condition, please provide justification for the therapeutic use exemption for the prohibited medication.

WADA maintains a series of TUE Checklists to assist athletes and physicians in the preparation of complete and thorough TUE applications. These can be accessed by entering the search term "Checklist" on the WADA website: <https://www.wada-ama.org>.

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6. Medical practitioner's declaration

I certify that the information in sections 4 and 5 above is accurate. I acknowledge and agree that my personal information may be used by Anti-Doping Organization(s) (ADO) to contact me regarding this TUE application, to verify the professional assessment in connection with the TUE process, or in connection with Anti-Doping Rule Violation investigations or proceedings. I further acknowledge and agree that my personal information will be uploaded to the Anti-Doping Administration and Management System (ADAMS) for these purposes (see the ADAMS Privacy Policy for more details).

Name:

Medical specialty:

License number:

Licensing body:

Address:

City: _____ Country: _____ Postcode: _____

Tel.: _____ E-mail: _____
(with International code)

Signature of Medical Practitioner: _____ Date: _____

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7. Athlete's declaration

I, _____, certify that the information set out at sections 1, 2, 3 and 7 is accurate and complete.

I authorize my physician(s) to release the medical information and records that they deem necessary to evaluate the merits of my TUE application to the following recipients: the Anti-Doping Organization(s) (ADO) responsible for making a decision to grant, reject, or recognize my TUE; the World Anti-Doping Agency (WADA), who is responsible for ensuring determinations made by ADOs respect the ISTUE; the physicians who are members of relevant ADO(s) and WADA TUE Committees (TUECs) who may need to review my application in accordance with the World Anti-Doping Code and International Standards; and, if needed to assess my application, other independent medical, scientific or legal experts.

I further World Wheelchair Rugby to release my complete TUE application, including supporting medical information and records, to other ADO(s) and WADA for the reasons described above, and I understand that these recipients may also need to provide my complete application to their TUEC members and relevant experts to assess my application.

I have read and understood the TUE Privacy Notice (below) explaining how my personal information will be processed in connection with my TUE application, and I accept its terms.

Athlete's signature: _____ **Date:** _____

Parent's/Guardian's signature: _____ **Date:** _____

(If the Athlete is a Minor or has an impairment preventing him/her signing this form, a parent or guardian shall sign on behalf of the Athlete)

Please submit the completed form to World Wheelchair Rugby by email to antidoping@worldwheelchair.rugby

WWR Therapeutic Exemptions Manual

TUE Privacy Notice

This Notice describes the personal information processing that will occur in connection with your submission of a TUE Application.

TYPES OF PERSONAL INFORMATION (PI)

- The information provided by you or your physician(s) on the TUE Application Form (including your name, date of birth, contact details, sport and discipline, the diagnosis, medication, and treatment relevant to your application);
- Supporting medical information and records provided by you or your physician(s); and
- Assessments and decisions on your TUE application by ADOs (including WADA) and their TUE Committees and other TUE experts, including communications with you and your physician(s), relevant ADOs or support personnel regarding your application.

PURPOSES & USE

Your PI will be used in order to process and evaluate the merits of your TUE application in accordance with the International Standard for Therapeutic Use Exemptions. In some instances, it could be used for other purposes in accordance with the World Anti-Doping Code (Code), the International Standards, and the anti-doping rules of ADOs with authority to test you. This includes:

- Results management, in the event of an adverse or atypical finding based on your sample(s) or the Athlete Biological Passport; and
- In rare cases, investigations, or related procedures in the context of a suspected Anti-Doping Rule Violation (ADRV).

TYPES OF RECIPIENTS

Your PI, including your medical or health information and records, may be shared with the following:

- ADO(s) responsible for making a decision to grant, reject, or recognize your TUE, as well as their delegated third parties (if any). The decision to grant or deny your TUE application will also be made available to ADOs with testing authority and/or results management authority over you;
- WADA authorized staff;
- Members of the TUE Committees (TUECs) of each relevant ADO and WADA; and
- Other independent medical, scientific or legal experts, if needed.

Note that due to the sensitivity of TUE information, only a limited number of ADO and WADA staff will receive access to your application. ADOs (including WADA) must handle your PI in accordance with the International Standard for the Protection of Privacy and Personal Information (ISPPPI). You may also consult the ADO to which you submit your TUE application to obtain more details about the processing of your PI.

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Information on how WWR processes PI collected for anti-doping purposes can be found in WWR Anti-doping Manual which can be downloaded from the Anti-doping section of WWR web site at www.worldwheelchair.rugby.

Your PI will also be uploaded to ADAMS by the ADO who receives your application so that it may be accessed by other ADOs and WADA as necessary for the purposes described above. ADAMS is hosted in Canada and is operated and managed by WADA. For details about ADAMS, and how WADA will process your PI, consult the ADAMS Privacy Policy (ADAMS Privacy Policy).

FAIR & LAWFUL PROCESSING

When you sign the Athlete Declaration, you are confirming that you have read and understood this TUE Privacy Notice. Where appropriate and permitted by applicable law, ADOs and other parties mentioned above may also consider that this signature confirms your express consent to the PI processing described in this Notice. Alternatively, ADOs and these other parties may rely upon other grounds recognized in law to process your PI for the purposes described in this Notice, such as the important public interests served by anti-doping, the need to fulfill contractual obligations owed to you, the need to ensure compliance with a legal obligation or a compulsory legal process, or the need to fulfill legitimate interests associated with their activities.

RIGHTS

You have rights with respect to your PI under the ISPPPI, including the right to a copy of your PI and to have your PI corrected, blocked or deleted in certain circumstances. You may have additional rights under applicable laws, such as the right to lodge a complaint with a data privacy regulator in your country.

Where the processing of your PI is based on your consent, you can revoke your consent at any time, including the authorization to your physician to release medical information as described in the Athlete Declaration. To do so, you must notify your ADO and your physician(s) of your decision. If you withdraw your consent or object to the PI processing described in this Notice, your TUE will likely be rejected as ADOs will be unable to properly assess it in accordance with the Code and International Standards.

In rare cases, it may also be necessary for ADOs to continue to process your PI to fulfill obligations under the Code and the International Standards, despite your objection to such processing or withdrawal of consent (where applicable). This includes processing for investigations or proceedings related to ADRV, as well as processing to establish, exercise or defend against legal claims involving you, WADA and/or an ADO.

SAFEGUARDS

All the information contained in a TUE application, including the supporting medical information and records, and any other information related to the evaluation of a TUE request must be handled in accordance with the principles of strict medical confidentiality. Physicians who are members of a TUE Committee and any other experts consulted must be subject to confidentiality agreements.

Under the ISPPPI, ADO staff must also sign confidentiality agreements, and ADOs must implement strong privacy and security measures to protect your PI. The ISPPPI requires ADOs to apply higher levels of security to TUE information, because of the sensitivity of this information. You can find information about security in ADAMS by consulting the

WWR Therapeutic Exemptions Manual

response to How is your information protected in ADAMS? in our ADAMS Privacy and Security FAQs.

RETENTION

Your PI will be retained by ADOs (including WADA) for the retention periods described in Annex A of the ISPPPI. TUE certificates or rejection decisions will be retained for 10 years. TUE application forms and supplementary medical information will be retained for 12 months from the expiry of the TUE. Incomplete TUE applications will be retained for 12 months.

CONTACT

Consult WWR Anti-doping Manager via email to antidoping@worldwheelchair.rugby for questions or concerns about the processing of your PI. To contact WADA, use privacy@wada-ama.org.

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Annex 3 – Conflict of Interest and Confidentiality Declaration CONFLICT OF INTEREST AND CONFIDENTIALITY DECLARATION

As a member of the Therapeutic Use Exemption Committee (TUEC) of the WWR, I, the undersigned, _____, affirm and acknowledge that, by signing this declaration, I am bound by the terms of such declaration. I understand that the nature of my participation as a member of the aforementioned TUEC is such that I shall come into contact with or be made aware of sensitive and confidential information.

I swear or solemnly state that, as a member of the TUEC of the WWR, I shall respect all of the requirements relating to the confidentiality of the information that I receive or that is brought to my attention in any way whatsoever during the course of my duties and functions throughout and beyond the duration of my participation.

With the exception of legal obligations, authorization by virtue of my office, or the express authorization of the CEO of the WWR, I shall not reveal or hand over to anybody, particularly to representatives of the media, any confidential information or document that is brought to my attention or is in my possession, either directly or indirectly through my participation as a member of the TUEC of the WWR, excluding information that has already been made public or is in my possession independently of the WWR. I shall not use my title as member of the TUEC for any public declaration.

I, the undersigned, acknowledge that the WWR holds all of the property rights and titles to all of the material, copies, extracts, summaries and other confidential information drawn up during my participation as a member of the TUEC of the WWR.

Furthermore, I understand that the violation of my confidentiality obligation may result in possible legal proceedings against me and the immediate termination of my participation as a member of the TUEC of the WWR.

In the event of any conflict of interest with a party to the application for a Therapeutic Use Exemption that the TUEC of the WWR may have to handle, I shall immediately inform the CEO of the WWR and abstain from taking part in the decision procedure for the specific case in question.

DATED THE _____ DAY OF _____, 20_____

BY _____
(SIGNATURE)