

## PART TWO: STANDARDS AND PROCESS FOR GRANTING TUES

### 4.0 Obtaining a TUE

4.1 An *Athlete* may be granted a TUE if (and only if) he/she 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.
- c. There is no reasonable Therapeutic alternative to the Use of the *Prohibited Substance* or *Prohibited Method*.
- 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 4.1: When a TUEC is deciding whether or not to recognize a TUE granted by another Anti-Doping Organization (see Article 7, below), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Article 8, below), the issue will be the same as it is for a TUEC that is considering an application for a TUE under article 6, below, i.e., has the Athlete demonstrated by a balance of probability that each of the conditions set out in article 4.1 is met?]*

*The WADA documents titled "Medical Information to Support the Decisions of TUECs", posted on WADA's website, should be used to assist in the application of these criteria in relation to particular medical conditions.]*

4.2 Unless one of the exceptions set out in Article 4.3 applies, an *Athlete* who needs to Use a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons must obtain a TUE prior to Using or Possessing the substance or method in question.

4.3 An *Athlete* may only be granted retroactive approval for his/her Therapeutic Use of a *Prohibited Substance* or *Prohibited Method* (i.e., a retroactive TUE) if:

- a. Emergency treatment or treatment of an acute medical condition was necessary;  
or
- b. Due to other exceptional circumstances, there was insufficient time or opportunity for the *Athlete* to submit, or for the TUEC to consider, an application for the TUE prior to *Sample* collection; or