

important information

Doctors should check the List of Prohibited Substances and Methods whenever they prescribe a medication to any athlete. Athletes, in turn, have a responsibility to remind doctors to check the List of Prohibited Substances and Methods. Coaches should also remind athletes and doctors of these responsibilities whenever possible.

The List of Prohibited Substances and Methods is updated every year. New regulations come into effect on January 1, but they are released on October 1 to give coaches and athletes three months to comply. The current and upcoming Lists of Prohibited Substances and Methods are available on the KMS website www.sportmalta.org.mt/userFiles/WADA_Prohibited_List_2012_EN.pdf and WADA's website at <http://list.wada-ama.org/>

If the prescribed medication contains a substance on the List of Prohibited Substances and Methods, and there is no reasonable alternative, the doctor should fill out a Therapeutic Use Exemption (TUE) request form as explained above.

If the prescribed medication does not contain a substance on the List of Prohibited Substances and Methods, no Therapeutic Use Exemption (TUE) is needed.



what happens if an athlete is granted a TUE?

TUEs are granted for a specific medication with a defined dosage. They are also granted for a specific period of time and do expire. The athlete needs to comply with all the treatment conditions outlined in the TUE Application.

Once a TUE has been granted by KMS or the IF, the anti-doping organisation will inform WADA, who will then have the opportunity to review this decision. If the decision does not conform to the International Standard for TUEs, WADA may reverse it and deny the TUE. WADA's decision is not retroactive.

what happens if a tue is denied?

If an athlete who is in KMS's Registered Testing Pool or is due to participate in a national or international event has a TUE denied, the athlete may appeal the decision by the TUEC to the National Anti-Doping Appeals Board or to WADA.

WADA may reverse the decision taken by the TUEC and/or the Appeals Board. Any decision by WADA reversing the granting or denial of a TUE may be appealed exclusively to the Court of Arbitration of Sport (CAS) by the athlete or KMS. A decision by the TUEC and/or the Appeals Board which is not reversed by WADA may be appealed by the athlete to CAS.

will the information provided in the application form remain confidential?

All the information contained in the TUE application will be kept strictly confidential as medical data. All members on the TUEC panel are required to sign confidentiality agreements and if they require advice from other medical experts regarding a particular case, the name of the athlete will not be disclosed.

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therapeutic use exemptions

An Athlete's Guide

what is a therapeutic use exemption?

Athletes may have illnesses or conditions that require them to take particular medications. A Therapeutic Use Exemption (TUE) may give the athlete the authorisation to take the required medication if the medication that the athlete must take to treat the illness or condition is included in the Prohibited List.



who grants a TUE?

The Malta Anti-Doping Rules and the WADA Code permit athletes with documented medical conditions, requiring the use of a prohibited substance or method to apply for a Therapeutic Use Exemption (TUE). According to the International Standard for Testing incorporated in the Malta Anti-Doping Rules and the Code, all National Anti-Doping Organisations and International Federations must have a process in place whereby athletes with a documented medical condition can request a TUE. The Therapeutic Use Exemption Committee (TUEC) is a panel of independent specialised physicians appointed by Anti-Doping Commission (ADC) to process the TUE requests made by athletes. Thus, KMS or the IF, through their TUEC is responsible for granting or declining a TUE.

criteria for granting a TUE

The Therapeutic Use Exemption Committee (TUEC) established by the ADC or your IF will take a decision on whether to grant a TUE based on the following criteria:

- The athlete would experience a significant impairment to health if the prohibited substance or method was not used for treatment of an acute or chronic medical condition.
- The therapeutic use of the prohibited substance or method would not enhance performance, other than the enhancement that might be anticipated by a return to a normal state of health following the treatment of a legitimate medical condition.
- There is no reasonable therapeutic alternative to the use of the otherwise-prohibited substance or method.

In normal circumstances, decisions of the TUEC should be made within thirty (30) days of receipt of all relevant documentation and will be communicated, in writing, to the athlete by the relevant IF or KMS.

If the TUE is denied, the athlete cannot use the prohibited substance or method. Use of the prohibited substance or method is considered an anti-doping rule violation (ADRV). If the TUE is approved, the athlete may use the medication or method according to the terms of the TUE, in amounts consistent with therapeutic use. Using more of the medication or method than is consistent with therapeutic use is considered an anti-doping rule violation (ADRV).

how can an athlete apply for a TUE?

If the athlete is an international level athlete or is entered in an international event for which a TUE is required, the athlete must submit the TUE Application to the IF, which is responsible for accepting applications and granting TUEs.

If the athlete is a national level athlete, the athlete must submit the TUE Application to the National Anti-Doping Organization (NADO) i.e. KMS.

Each athlete must contact the NADO or the IF and ask for a TUE Application form or download it from the website of the IF or KMS (www.sportmalta.org.mt/antidoping). The athlete must have his doctor fill out the TUE form and produce the required supporting documentation. The TUE form should be signed by the athlete (or the athlete's parent or guardian, for a minor). The completed form must be sent to the NADO or the appropriate IF.

The athlete must submit the application for a TUE not less than thirty (30) days before the approval is needed. For instance, if the athlete wishes to compete in an event, the TUE request form must be received by KMS or the IF thirty (30) days in advance of the event. Retroactive (after-use) TUEs will only be considered when emergency treatment or treatment of an acute medical condition is necessary, or under exceptional circumstances.

Athletes must not submit a TUE application to more than one organisation.

