



TUE Bylaws

Adopted by the board of directors for Anti-Doping Norway (ADNO) on the 27.12.2020.

§ 1. Scope of the Bylaws

(1) The Bylaws are adopted in accordance with art. 4.4.2.1 of the Anti-Doping Rules given by The Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF) and are in compliance with the World Anti-Doping Code (WADC), and the “International Standard for Therapeutic Use Exemptions” (ISTUE). In case of conflict, the World Anti-Doping Code/the International Standards shall prevail.

(2) According to NIF’s Antidoping Rules, all Athletes who are members of a sports club affiliated to NIF shall refrain from using, administering or possessing substances or methods that are on the Prohibited List published by WADA.

(3) International- and National-Level Athletes who must use, administer or possess substances or methods included in the Prohibited List in relation to medical treatment must apply for at Therapeutic Use Exemption (TUE), cf. §§ 3 and 4. All other Athletes over 15 years of age who will participate in organized sports and who must use, possess or administer substances or methods included in the Prohibited List in relation to medical treatment may apply for a TUE prior to using or possessing the substance or method in question.

(4) Definitions given in NIF’s Anti-Doping Rules shall apply to these bylaws.

§ 2. Therapeutic Use Exemption Committee (TUEC)

(1) The board of directors of ADNO shall appoint a TUEC consisting of a chair and at least four members. The members are appointed for a period of four years, with the possibility of reappointment for two periods¹. National TUEs are decided by the TUEC. ADNO may provide guidelines for the TUEC.

¹ This rule is first adopted from 01.01.2021. TUEC members appointed as of 01.01.2021 may be reappointed two times, independent of how long they have served as members of the committee.

(2) The members of the TUEC shall be physicians and shall jointly have a broad medical background and necessary experience in the care and treatment of athletes. At least one of the members shall be authorized as “idrettslege NIMF”.² The members of the TUEC shall sign a conflict of interest and confidentiality declaration.

§ 3. Criteria for obtaining a TUE

To be able to obtain a TUE, the following criteria must be met, on a balance of probabilities, and documented:

- a) The Prohibited Substance/Method in question is necessary to treat a diagnosed medical condition supported by relevant clinical evidence,
- b) the Prohibited Substance/Method used in the treatment does not, on the balance of probabilities, give any known performance enhancing effect beyond what might be anticipated by a return to the athlete’s normal state of health following the treatment of the medical condition,
- c) the Prohibited Substance/Method is an indicated treatment for the medical condition, and there is no reasonable permitted therapeutic alternative.
- d) the use of medication containing the Prohibited Substance/Method is not a consequence, wholly or in part, of the prior use (without a TUE) of Prohibited substance or method that was prohibited at the time of such use.

§ 4. Application for a TUE

§ 4.1. When to apply

(1) International- or National-Level Athletes who need to use a prohibited substance or method must apply for a TUE as soon as possible before use. For substances prohibited In-competition only, the Athlete should apply for a TUE at least thirty days before their next competition, unless it is an emergency or exceptional situation.

(2) Other categories of athletes may apply in advance and shall in any event apply for a TUE if requested by ADNO. If ADNO requests the athlete to apply for a TUE, the athlete shall submit a complete application with enclosures within a reasonable deadline set by ADNO.

(3) Retroactive application for a TUE may be sent in the following circumstances:

- 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) The Athlete was not required to apply for a prospective TUE; or
- d) The Athlete used out-of-competition, for therapeutic reasons, a prohibited substance that is only prohibited in-competition.

² Physician with authorization in sports medicine.

(4) In exceptional circumstances and notwithstanding any other provision in these Bylaws, an athlete may apply for and be granted retroactive TUE if it would be manifestly unfair not to grant a retroactive TUE. For International-Level Athletes and National-Level Athletes, retroactive approval may only be granted by ADNO with the prior approval of WADA. Decisions made by ADNO or WADA related to this rule may not be appealed.

§ 4.2. Where to apply

(1) An International-Level Athlete as defined by the athlete's international federation must apply to the International Federation for a TUE, unless the Athlete has a national TUE and obtains a recognition of the national TUE from his or her International Federation.

(2) An Athlete who is to participate in an International Event where international TUEs are required, must apply to the Event organizer if required to do so, unless the athlete has a national TUE and obtains a recognition of the national TUE from the Event organizer.

(3) Other athletes shall submit their application for a TUE to ADNO.

§ 4.3. Application requirements

(1) When applying for a TUE, the following applies:

- a) When applying to ADNO, ADNO's application form provided on ADNO's website shall be used, and only complete applications will be evaluated,
- b) The application shall include a comprehensive medical history, including relevant test results confirming the diagnosis, and
- c) ADNO may ask for additional information that is deemed necessary to process the application.

(2) Applications for TUE to International Federations or to Major Event Organizations shall be submitted on the application forms specified by the recipient.

(3) The application shall be signed by the treating physician. Necessary annexes shall be included in the application. The recipient may request additional information, additional examinations or that the athlete submits new documentation.

(4) An athlete may not apply to more than one Anti-Doping Organization for a TUE for the use of the same prohibited substance or prohibited method for the same medical condition. Nor may an athlete have more than one TUE at a time for the use of the same prohibited substance or prohibited method for the same medical condition.

§ 4.4. Processing time

ADNO shall process the application for a TUE as soon as possible, and preferably within 21 days after receipt of a complete application. Where a TUE application is made in a reasonable time prior to an Event, ADNO must use its best endeavors to issue its decision before the start of the Event.

§ 4.5. Notification

ADNO shall provide a written and reasoned decision on the TUE application. The decision shall be made available to WADA and to other Anti-Doping Organizations via ADAMS.

§ 4.6. Expiration, Withdrawal or Reversal of a TUE

(1) A granted TUE shall expire automatically at the end of any term for which it was granted, without the need for any further notice. A granted TUE may be withdrawn if the Athlete does not promptly comply with any requirements or conditions for the granted TUE. Where an athlete has been granted a TUE before the expiry of a former TUE, the new TUE will be valid, and the former TUE will be invalid.

(2) NIF's Antidoping Rules art 4.4.5 shall govern the expiration, withdrawal or reversal of a TUE.

(3) If the Athlete wishes to renew an approved TUE, he/she must submit an application for a new TUE well in advance of the expiry date, so that there is sufficient time for a decision to be made on the application before the expiry date of the TUE.

(4) WADA may agree with or reject TUEs given retroactively according to § 4.1 (4).

§ 4.7. Subsequent change

In the event that, after a TUE is granted, the Athlete requires a materially different dosage, frequency, route or duration of administration of the prohibited substance or prohibited method to that specified in the TUE, he/she must contact ADNO, who will then determine whether the athlete needs to apply for a new TUE. If the presence, use, possession or administration of the prohibited substance or prohibited method is not consistent with the terms of the TUE granted, the fact that the athlete has the TUE will not prevent the finding of an anti-doping rule violation.

§ 5. Recognition of TUE's

A TUE granted by ADNO for use on national level, is valid in any country at national level without additional application. NIF's Anti-Doping Rules art 4.4.4 shall govern recognition of TUE's.

§ 6. Review and appeals of TUE decisions

(1) Denial of an application for a TUE can be appealed according to NIF's antidoping Rules art. 4.4.6.1.

(2) Other decisions regarding TUE's may be reviewed or appealed according to NIF's antidoping Rules art. 4.4.6.1 to 4.4.6.5.

§ 7. Exceptions for the use of beta blockers

(1) An exception to § 3 b may be made when considering a TUE for the use of beta blockers for athletes in golf, billiards, shooting and archery as defined below, unless the athlete is to

compete on the international level, is defined as a registered testing pool athlete or national level athlete, or is to compete in a Norwegian championship.

(2) The exception applies to:

- a) Athletes who compete in golf. The exception does not apply for national federation tournaments,
- b) Athletes in billiards who only compete in approved tournaments on the local or regional level and the Norwegian Championship for veterans, and
- c) Athletes who will compete in shooting or archery in and out of competition. Athletes who are to participate in the Norwegian Championship for veterans are included in the exception.