

The National Anti-Doping
Agency

APPROVED BY
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Doping Agency
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POLICY

on the Use of prohibited Substances and Methods

This policy is made in accordance with the International Standard for Therapeutic Use Exemptions (hereinafter referred to as ISTUE).

ISTUE of the World Anti-Doping Code (hereinafter referred to as WADC), is a mandatory International Standard developed as a part of the World Anti-Doping Program.

Purpose:

The purpose of the policy is to establish:

the responsibilities imposed on the National Anti-Doping Agency (hereinafter referred to as NADA) in making and communicating Therapeutic Use (hereinafter referred to as TUE) decisions;

the conditions that must be satisfied in order for the Therapeutic Use Commission (hereinafter referred to as TUEC) to be granted, permitting the presence of a Prohibited Substance in an Athlete's Sample or the Athlete's Use or Attempted Use, Possession and/or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method for therapeutic reasons;

the process for an Athlete to apply for a TUE;

the process for an Athlete to get a TUE recognized;

the process to review TUE decisions for World Anti-Doping Agency (hereinafter referred to as WADA);

the strict confidentiality provisions that apply to the TU process.

The responsibilities imposed on NADA in making and communicating TUE decisions

The National Anti-Doping Organization must establish a TUEC to consider whether applications for grant or recognition of TUE meet the conditions.

TUEC should include at least three physicians with experience in the care and treatment of Athletes and a sound knowledge of clinical, sports medicine, as well as medical supervision. In cases involving Athletes with impairments, at least one TUEC member should possess general experience in

the care and treatment of Athletes with impairments, or possess specific experience in relation to the Athlete's particular impairments.

In order to ensure a level of independence of decisions, at least a majority of the members of a TUEC should have no responsibility in NADA that appoints them. All members of the TUEC must sign a confidentiality declaration.

Upon receipt of a properly drafted apply for TUE with clinical documentation, NADA enters this information into the ADAMS system within 15 working days in Russian and English.

NADA must promptly report all decisions of its TUEC granting or denying TUE, and all decisions to recognize or refusing to recognize other Anti-Doping Organizations' TUE decisions, through ADAMS or any other system approved by WADA within 5 working days after the TUEC decision.

In respect of TUE granted, the information reported shall include:

the approved substance or method, the dosage(s), frequency and route of Administration permitted, the duration of the TUE, and any conditions imposed in connection with the TUE;

the TUE application form and the relevant clinical information establishing that the ISTUE Article 4.1 conditions have been satisfied in respect of such TUE (for access only by WADA, NADA, International Federation, and the Major Event Organization organizing an Event in which the Athlete wishes to compete).

When a NADA grants a TUE to an Athlete, it must warn him/her in writing that:

that TUE is valid at national level only;

that 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 relevant International Federation or Major Event Organization. Thereafter, the NADA should help the Athlete to determine when he/she needs to submit the TUE to an International Federation or Major Event Organization for recognition, and should guide and support the Athlete through the TUE recognition process.

Athletes who are not International-Level Athletes should contact NADA to apply for TUE. If NADA refuses to grant TUE, the athlete has the right to appeal exclusively to the appellate body of the national level, provided for in ISTUE Article 13.2.2 and 13.2.3 and Subclause 4.4.6 of Clause 4.6 of the Anti-Doping Rules of the Republic of Belarus (hereinafter referred to as ADR).

An Athlete who is an International-Level Athlete must submit a request to his or her International Federation.

In case NADA has made a decision to test an Athlete who does not belong to the International or national level, such an Athlete has the right to

request a retroactive TUE for any prohibited substance or prohibited method that the Athlete used for therapeutic reasons.

Obtaining a TUE

An Athlete may be granted a TUE if (and only if) he/she can show that each of the following conditions is met:

The Prohibited Substance or Prohibited Method 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;

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;

There is no reasonable Therapeutic alternative to the Use of the Prohibited Substance or Prohibited Method;

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.

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, an Athlete may also be granted retroactive TUE, therefore, approving of the therapeutic use of the Prohibited Substance or Prohibited Method if:

emergency treatment or treatment of an acute medical condition was necessary;

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;

the applicable rules required the Athlete or permitted the Athlete to apply for a retroactive TUE;

it is agreed, by WADA and by NADA to whom the application for a retroactive TUE is or would be made, that fairness requires the grant of a retroactive TUE.

TUE Application Process

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 his/her next Competition, unless it is an emergency or exceptional situation.

The Athlete should apply for a TUE, using the TUE application form provided, which is available from the Agency official website.

The form must be accompanied by:

a statement by an appropriately qualified physician (sports medicine physician), attesting to the need for the Athlete to Use the Prohibited Substance or Prohibited Method for Therapeutic reasons;

a comprehensive medical history, including documentation from the original diagnosing physicians (where possible) and the results of laboratory and clinical investigations relevant to the application.

The Athlete should keep a complete copy of the TUE application form and of all materials and information submitted by him/her in support of that TUE application.

A TUE application will only be considered by the TUEC following the receipt of a properly completed application form, accompanied by all relevant documents. Incomplete applications will be returned to the Athlete for completion and re-submission.

The TUEC may request from the Athlete or his/her physician any additional information, examinations, imaging studies, or other information that it deems necessary in order to consider the Athlete's application; and (or) it may seek the assistance of such other medical or scientific experts.

Any costs incurred by the Athlete in making the TUE application and providing supplementary materials it as required by the TUEC are the responsibility of the Athlete.

The TUEC shall decide whether or not to grant the application as soon as possible, and usually (unless exceptional circumstances apply) within 21 days since the 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's decision must be communicated in writing to the Athlete and must be made available to WADA and to other Anti-Doping Organizations 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.

A decision to deny a TUE application must include an explanation of the reasons for the denial.

Each TUE will have a specified duration, as decided by the TUEC, at the end of which the TUE will expire automatically. If the Athlete needs to continue to Use the Prohibited Substance or Prohibited Method after the TUE expiry date, he/she must submit an application for a new TUE well in advance of the previous TUE expiry date, since the TUEC shall decide whether or not to grant the application as soon as possible, usually (unless exceptional

circumstances apply) the decision is made within 21 days since the receipt of a complete application.

A TUE will be withdrawn prior to expiry if the Athlete does not promptly comply with any requirements or conditions imposed by NADA granting the TUE. Alternatively, a TUE may be reversed upon review by WADA or on appeal.

Where an Adverse Analytical Finding is issued shortly after a TUE for the Prohibited Substance in question has expired or has been withdrawn or reversed, NADA, conducting the initial review of the Adverse Analytical Finding shall consider whether the Adverse Analytical Finding is consistent with Use of the Prohibited Substance prior to the expiry (a request is sent to the laboratory where the sample was examined, the concentration of the prohibited substance in the sample is checked, taking into account the conditions under which the TUE was granted), withdrawal or reversal of the TUE. If there is the Adverse Analytical Finding, such Use (and any resulting presence of the Prohibited Substance in the Athlete's Sample) is not an anti-doping rule violation.

In the event that, after TUEs granted, he/she 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 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.

TUE Recognition Process

Code Article 4.4 requires NADA and other Anti-Doping Organizations to recognize TUEs granted by other Anti-Doping Organizations. Therefore, if an Athlete who becomes subject to the TUE requirements of an International Federation or Major Event Organization already has a TUE, he/she should not submit an application for a new TUE to the International Federation or Major Event Organization.

Instead:

The International Federation or Major Event Organization may publish notice that it will automatically recognize TUE decisions made pursuant to Code Article 4.4. This notice will be available to the Athlete and his staff in the ADAMS system, if there is an access to this system, or an athlete, an athlete's staff can request NADA to receive this information. If the Athlete's TUE falls into a category of TUEs that are automatically recognized in this way at the time the TUE is granted, he/she does not need to take any further action.

In the absence of such automatic recognition, the Athlete shall submit a request for recognition of the TUE to the International Federation or Major Event Organization in question, via ADAMS or as otherwise specified by that either International Federation or Major Event Organization. The request should be accompanied by a copy of the TUE and the original TUE application form and supporting medical materials (unless NADA that granted the TUE has already made the TUE and supporting medical materials available via ADAMS or other system approved by WADA).

If the Athlete already has a TUE granted by NADA for the relevant substance or method, and if the TUE meets the criteria set out in the International Standard for Therapeutic Use, then the International Federation recognizes it. If the International Federation considers that TUE does not meet the criteria contained in the International Standard for Therapeutic Use, and refuses to recognize it, the International Federation notifies the Athlete and NADA indicating the reasons for the refusal.

In this case, the athlete or NADA may, within 21 days from the date of such notice, refer the case to WADA. If the case was transferred to WADA for consideration, the TUE granted by NADA continues to be validated for In-Competition and Out-Competition testing at the national level (but not valid for international competitions) until the decision is made by WADA. If the case has not been submitted to WADA for consideration, the TUE becomes invalid for any purposes after the 21-day period provided for submitting the TUE for review.

If the Athlete doesn't have a TUE granted by NADA for the relevant substance or method, the athlete must submit a request directly to his International Federation as soon as the need arises. If the International Federation (or NADA, in cases where it agreed to consider the request on behalf of the International Federation) refuses the athlete, it notifies the athlete about it, indicating the reasons for the refusal.

If the International Federation provides the athlete with TUE, it notifies not only the athlete, but also NADA, and if NADA considers that the TUE does not meet the criteria set by the International Standard for Therapeutic Use, it has the right to send this case in WADA for consideration within 21 days from the date of the notification.

In case NADA submits the case to WADA for consideration, the TUE granted by the International Federation remains valid for international-level competitions and out-competition testing (but does not apply to national-level competitions) until a decision is made by WADA. If NADA does not submit the case to WADA for consideration, the TUE granted by the International Federation also becomes valid for national-level competitions after the 21-day period provided for submitting the TUE for review.

If the International Federation refuses to recognize a TUE granted by NADA due to the lack of medical documents or other information to meet the criteria established by the ISTUE, the case should not be submitted to WADA.

On the contrary, the package of documents must be supplemented and resubmitted to the International Federation for consideration. If the International Federation selected for Testing an athlete who is not an international-level athlete, then it recognizes the TUE granted to such an athlete by NADA.

If an athlete already has a TUE granted by NADA or the International Federation, and if this TUE meets the criteria established by the ISTUE, the Major Event Organization recognizes such TUE. If the Major Event Organization considers that TUE does not meet these criteria, and refuses to recognize it, it will inform the athlete about this with an explanation of the reasons for the refusal.

The decision of Major Event Organization whether to recognize or not to accept TUE can be appealed by the athlete exclusively to an independent body created or appointed for these purposes by the Major Event Organization. If the athlete does not appeal (or if the appeal decision is not in his favor), he or she cannot use the appropriate prohibited substance or prohibited method for the sporting event, but any TUE granted by NADA or the International Federation for this substance or method, is still in force outside the sporting event.

Review of TUE Decisions by WADA

WADA, in certain cases, must review TUE decisions of International Federations, and that it may review any other TUE decisions.

Each request for review must be submitted to WADA in writing, and must be accompanied by payment of the application fee established by WADA. The request must be copied to the party whose decision would be the subject of the review, and to the Athlete (if he/she is not requesting the review).

Where the request is for review of a TUE decision that WADA is not obliged to review, WADA shall advise the Athlete as soon as practicable following receipt of the request whether or not it will refer the TUE decision to the WADA TUEC for review. If WADA decides not to refer the TUE decision, it will return the application fee to the Athlete. Any decision by WADA not to refer the TUE decision to the WADA TUEC is final and may not be appealed.

Where the request is for review of a TUE decision of an International Federation that WADA is obliged to review, WADA may nevertheless refer the decision back to the International Federation:

for clarification (for example, if the reasons are not clearly set out in the decision);

for reconsideration by the International Federation (for example, if the TUE was only denied because medical tests or other information were missing).

Where the WADA TUEC reviews a decision of an International Federation that has been referred to it pursuant to Code Article 4.4.3 (i.e., a mandatory review), it may require NADA to reimburse the application fee to the party that referred the decision to WADA (if applicable); and/or to pay the costs incurred by WADA in respect of that review, to the extent they are not covered by the application fee.

Where the WADA TUEC reverses a TUE decision that WADA has decided in its discretion to review, WADA may require the Anti-Doping Organization that made the decision to pay the costs incurred by NADA in respect of that review.

WADA shall communicate the reasoned decision of the WADA TUEC promptly to the Athlete and to his/her National Anti-Doping Organization and International Federation (and, if applicable, the Major Event Organization).

Confidentiality of Information

The collection, storage, processing, disclosure and retention of Personal Information during the TUE process by Anti-Doping Organizations and WADA shall comply with the International Standard for the Protection of Privacy and Personal Information and local regulations on the protection of the privacy and personal data of athletes, athletes staff and other persons.

An Athlete applying for the grant of a TUE or for recognition of a TUE shall provide written consent:

for the transmission of all information pertaining to the application to members of all TUECs with authority under this International Standard 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;

for the Athlete's physician(s) to release to the TUEC upon request any health information that the TUEC deems necessary in order to consider and determine the Athlete's application; and

for the decision on the application to be made available to all National Anti-Doping Organizations with Testing authority and/or results management authority over the Athlete.

The TUE application shall be dealt with in accordance with the principles of strict medical confidentiality. The members of the TUEC, independent experts and the relevant staff of the National Anti-Doping Organization shall conduct all of their activities relating to the process in strict confidence and

shall sign appropriate confidentiality agreements. In particular they shall keep the following information confidential:

all medical information and data provided by the Athlete and physician(s) involved in the Athlete's care;

all details of the application, including the name of the physician(s) involved in the process.

Should the Athlete wish to revoke the right of the TUEC to obtain any health information on his/her behalf, the Athlete shall notify his/her medical practitioner in writing of such revocation; provided that, as a result of that revocation, the Athlete's application for a TUE or for recognition of an existing TUE will be deemed withdrawn without approval/recognition having been granted.

National Anti-Doping Organizations shall only use information submitted by an Athlete in connection with a TUE application to evaluate the application and in the context of potential anti-doping rule violation investigations and proceedings.