



WORLD ANTI-DOPING CODE  
世界反兴奋剂条例

## INTERNATIONAL STANDARD FOR THERAPEUTIC USE EXEMPTIONS

# 治疗用药豁免国际标准

2021



WORLD  
ANTI-DOPING  
AGENCY  
play true

世界反兴奋剂机构

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FOR THERAPEUTIC USE EXEMPTIONS**

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世界反兴奋剂机构

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## ***International Standard for Therapeutic Use Exemptions***

The World Anti-Doping *Code International Standard for Therapeutic Use Exemptions* is a mandatory *International Standard* developed as part of the World Anti-Doping Program. It was developed in consultation with *Signatories*, public authorities and other relevant stakeholders.

The *International Standard for Therapeutic Use Exemptions* was first adopted in 2004 and came into effect on 1 January 2005. It was subsequently amended six times, the first-time effective January 2009, the second effective January 2010, the third effective January 2011, the fourth effective January 2015, the fifth effective January 2018, the sixth effective January 2019. A revised version was approved by the WADA Executive Committee at the World Conference on Doping in Sport in Katowice on 7 November 2019 and is effective as of 1 January 2021.

Published by:  
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## 《治疗用药豁免国际标准》

《世界反兴奋剂条例》下的《治疗用药豁免国际标准》是具有强制性的国际标准，是世界反兴奋剂体系的组成部分。本国际标准经征求签约方、政府部门和其他利益相关方意见后制定而成。

《治疗用药豁免国际标准》于 2004 年首次通过，并于 2005 年 1 月 1 日生效。随后对其进行了六次修订，分别于 2009 年 1 月、2010 年 1 月、2011 年 1 月、2015 年 1 月、2018 年 1 月和 2019 年 1 月生效。世界反兴奋剂机构（WADA）执委会于 2019 年 11 月 7 日在波兰卡托维兹举行的世界反兴奋剂大会上批准了本修订版，并于 2021 年 1 月 1 日生效。

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# Table Of Contents

**PART ONE: INTRODUCTION, *CODE* PROVISIONS, *INTERNATIONAL STANDARD* PROVISIONS AND DEFINITIONS ..... 2**

1.0 Introduction and Scope ..... 2

2.0 *Code* Provisions ..... 2

3.0 Definitions and Interpretation ..... 2

**PART TWO: STANDARDS AND PROCESS FOR GRANTING *TUES* ..... 16**

4.0 Obtaining a *TUE* ..... 16

5.0 *TUE* Responsibilities of *Anti-Doping Organizations* ..... 20

6.0 *TUE* Application Process ..... 26

7.0 *TUE* Recognition Process ..... 32

8.0 Review of *TUE* Decisions by *WADA* ..... 34

9.0 Confidentiality of Information ..... 38

**ANNEX 1: *Code* Article 4.4 FlowChart..... 40**

# 目 录

第一部分 导言、《条例》规定、国际标准规定和定义 .....	3
1.0 导言和适用范围 .....	3
2.0 《条例》规定 .....	3
3.0 定义和解释 .....	3
第二部分 批准 TUE 的标准和程序 .....	17
4.0 获得 TUE .....	17
5.0 反兴奋剂组织的 TUE 职责 .....	21
6.0 TUE 的申请程序 .....	27
7.0 TUE 的承认程序 .....	33
8.0 WADA 对 TUE 决定的审查 .....	35
9.0 信息保密 .....	39
附件 1 《条例》条款 4.4 流程图 .....	41

## PART ONE: INTRODUCTION, CODE PROVISIONS, INTERNATIONAL STANDARD PROVISIONS AND DEFINITIONS

### 1.0 Introduction and Scope

The *International Standard for Therapeutic Use Exemptions* is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The purpose of the *International Standard for Therapeutic Use Exemptions* is to establish (a) the conditions that must be satisfied in order for a *Therapeutic Use Exemption* (or *TUE*) 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; (b) the responsibilities imposed on *Anti-Doping Organizations* in making and communicating *TUE* decisions; (c) the process for an *Athlete* to apply for a *TUE*; (d) the process for an *Athlete* to get a *TUE* granted by one *Anti-Doping Organization* recognized by another *Anti-Doping Organization*; (e) the process for *WADA* to review *TUE* decisions; and (f) the strict confidentiality provisions that apply to the *TUE* process.

Terms used in this *International Standard* that are defined terms from the *Code* are italicized. Terms that are defined in this or another *International Standard* are underlined.

### 2.0 Code Provisions

The following articles in the 2021 *Code* are directly relevant to the *International Standard for Therapeutic Use Exemptions*, they can be obtained by referring to the *Code* itself:

- *Code* Article 4.4 *Therapeutic Use Exemptions* ("TUEs")
- *Code* Article 13.4 Appeals Relating to TUEs

### 3.0 Definitions and Interpretation

#### 3.1 Defined terms from the 2021 *Code* that are used in the *International Standard for Therapeutic Use Exemptions*

**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.



## 第一部分 导言、《条例》规定、国际标准规定和定义

### 1.0 导言和适用范围

《治疗用药豁免国际标准》是具有强制性的国际标准，是世界反兴奋剂体系的组成部分。

《治疗用药豁免国际标准》旨在规定：a) 批准治疗用药豁免（TUE）必须满足的条件，允许运动员的样本中含有禁用物质，或允许运动员因治疗原因使用或企图使用、持有和 / 或施用或企图施用某种禁用物质或禁用方法；b) 反兴奋剂组织在作出和通知 TUE 决定方面的职责；c) 运动员申请 TUE 的程序；d) 运动员从某一反兴奋剂组织获得的 TUE 被另一反兴奋剂组织承认的程序；e) WADA 审查 TUE 决定的程序；以及 f) 适用于 TUE 程序的严格保密规定。

本国际标准引用来自《世界反兴奋剂条例》（以下简称“条例”）的术语均以斜体标注。本国际标准定义的、或引用其他国际标准的术语用下划线标注。

### 2.0 《条例》规定

2021 版《条例》中的下列条款与《治疗用药豁免国际标准》直接相关，可参照《条例》原文：《条例》条款 4.4 治疗用药豁免（TUE）

- 《条例》条款 13.4 关于 TUE 的上诉

### 3.0 定义和解释

**3.1** 在《治疗用药豁免国际标准》中使用的引自 2021 版《条例》的术语

**ADAMS：**反兴奋剂管理系统是一个基于网络的数据库管理工具，用于数据的录入、储存、共享和报告，旨在协助各利益相关方和 WADA 结合数据保护法律开展反兴奋剂工作。

**施用：**提供、供应、指导、协助或以其他方式参与他人使用或企图使用某种禁用物质或禁用方法。但是，该定义不包括真正的医务人员将某种禁用物质或禁用方法用于真实合法的治疗目的或其他可接受的合法理由，也不包括涉及赛外检查中不禁用的禁用物质的行为，除非整体情况表明这些禁用物质不是用于真实合法的治疗目的或旨在提高运动能力。

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard for Laboratories*, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**Anti-Doping Organization:** WADA or 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*, International Federations, and *National Anti-Doping Organizations*.

**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 Anti-Doping 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 *Anti-Doping 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 elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* 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*.

*[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]*

**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*.

**CAS:** The Court of Arbitration for Sport.

**阳性检测结果：**WADA 认可的实验室或其他 WADA 批准的实验室依照《实验室国际标准》出具的，证明样本中存在禁用物质或其代谢物或标记物，或存在使用禁用方法的证据的报告。

**反兴奋剂组织：**WADA 或负责制定规则以启动、实施或执行兴奋剂管制过程中任何部分工作的签约方，例如包括国际奥委会、国际残奥委会、在其赛事中实施兴奋剂检查的其他重大赛事组织机构、国际单项体育联合会和国家反兴奋剂组织。

**运动员：**任何参加国际级（以各国国际单项体育联合会的定义为准）或国家级（以各国国家反兴奋剂组织的定义为准）体育比赛的当事人。反兴奋剂组织有权对既不是国际级也不是国家级的运动员适用反兴奋剂规则，从而将其纳入“运动员”的定义范围。对既不是国际级也不是国家级的运动员，反兴奋剂组织可以决定：实施有限的检查或根本不检查；样本可以不对所有禁用物质进行检测；要求提供部分行踪信息或不要求提供行踪信息；或不要求事先申请 TUE。但是，如果反兴奋剂组织选择行使检查权的运动员参加了低于国际级或国家级的比赛，并且构成了条款 2.1、2.3 或 2.5 的兴奋剂违规，则必须适用《条例》规定的后果。为实现条款 2.8 和 2.9 的目的以及为进行反兴奋剂宣传和教育，参加承认《条例》的任何签约方、政府或其他体育组织管辖下的体育运动的任何当事人都是运动员。

[ 运动员的释义：参加体育运动的个人可以属于以下五类中的一种：1) 国际级运动员，2) 国家级运动员，3) 非国际级或国家级运动员，但国际单项体育联合会或国家反兴奋剂组织选择对其行使权力的个人，4) 大众运动员，以及 5) 任何国际单项体育联合会或国家反兴奋剂组织均未或未选择对其行使权力的个人。所有国际级和国家级运动员都应当遵守《条例》的反兴奋剂规则，国际级和国家级运动员的确切定义将在国际单项体育联合会和国家反兴奋剂组织的反兴奋剂规则中予以规定。]

**企图：**有目的地参与从兴奋剂违规划策到实施过程中构成实质性步骤的行为。但是，如果当事人在被卷入该企图的第三方发现之前放弃了该企图，则不应当构成兴奋剂违规。

**CAS：**国际体育仲裁院。

**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.

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

**In-Competition:** The period commencing at 11:59 p.m. on the day 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*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

*[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the Competition period.]*

**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-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*.

*[Comment to International-Level Athlete: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]*

**条例：**《世界反兴奋剂条例》。

**比赛：**单一的竞赛、比赛或单场体育竞技，例如一场篮球比赛或奥运会田径 100 米跑决赛。对于每日或其他间隔颁奖的分段赛和其他体育比赛而言，比赛和赛事的区别将以相关国际单项体育联合会的规定为准。

**赛事：**由一个管理机构同时主办的一系列单项比赛的组合（例如奥运会、国际单项体育联合会举办的世界锦标赛或泛美运动会）。

**赛内：**从运动员参赛的前一天晚 11:59 开始，直至该比赛和与之相关的样本采集程序结束为止的一段时间。但是，如果国际单项体育联合会提供令人信服的理由，认为对其运动项目有必要采用不同的定义，则 WADA 可为某一特定运动项目批准一个替代定义；经 WADA 批准后，该运动项目的所有重大赛事组织机构都应当遵循该替代定义。

[赛内的释义：为赛内检查制定一个普遍接受的定义，可以为所有运动项目的运动员提供更大程度的一致性，消除或减少运动员对赛内检查相关时间范围的困惑，避免在赛事的比赛之间因疏忽而出现阳性检测结果，并有助于防止赛外禁用的物质在比赛期间产生提高运动能力的作用。]

**国际赛事：**由国际奥委会、国际残奥委会、国际单项体育联合会、重大赛事组织机构或其他国际体育组织作为赛事的管理机构，或为其任命技术官员的赛事或比赛。

**国际级运动员：**与《检查和调查国际标准》一致，由各国国际单项体育联合会规定的参加国际赛事的运动员。

[国际级运动员的释义：与《检查和调查国际标准》一致，国际单项体育联合会可自由确定划分国际级运动员的标准，例如，按照排名、参加特定的国际赛事、注册类型等。但是，这些标准必须以清晰准确的形式公布，以便运动员能够快速方便地确定他们何时被划分为国际级运动员。例如，如果标准包括参加某些国际赛事，则国际单项体育联合会必须公布这些国际赛事的清单。]

**International Standard:** 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*.

**Major Event Organizations:** The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

**National Anti-Doping Organization:** 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*.

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

**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.

*[Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]*

**国际标准：**WADA 为支持《条例》而制定的标准。遵守国际标准（而不是其他可替代的标准、实践或程序）意味着该国际标准规定的程序得到了适当的执行。国际标准应当包括依照该国际标准发布的任何技术文件。

**重大赛事组织机构：**担任任何洲际赛事、地区性赛事或其他国际赛事管理机构的洲际国家奥委会协会和其他国际综合性体育组织。

**国家反兴奋剂组织：**由各国指定的、具有在国家层面制定和实施反兴奋剂规则、指导样本采集、管理检查结果和实施结果管理的主要权力和职责的实体。如果政府主管机构尚未指定该实体，则该实体应当为该国的国家奥委会或其指定人员。

**国家级运动员：**符合《检查和调查国际标准》、由各国反兴奋剂组织确定的，参加国家级比赛的运动员。

**赛外：**任何非赛内的时间段。

**持有：**实际的、实质的持有，或推定持有（只有在当事人对禁用物质或禁用方法或对存在禁用物质或禁用方法的处所具有排他性控制或拟行使控制时才应当认定为推定持有）。但是，如果该当事人对禁用物质或禁用方法或对存在禁用物质或禁用方法的处所不具有排他性控制，则只有在该当事人知道存在禁用物质或禁用方法并打算对其实施控制的情况下，才可认定为推定持有。但是，如果该当事人在收到兴奋剂违规通知前，已采取实际行动表明自己从未打算持有禁用物质或禁用方法，并明确向反兴奋剂组织宣布放弃持有，则不得仅以持有为由判定其兴奋剂违规。尽管本定义中有相反的规定，但购买（包括以任何电子方式或其他方式）禁用物质或禁用方法即构成购买者的持有。

[持有的释义：根据本定义，在运动员的汽车内发现合成代谢类固醇即构成违规，除非该运动员证明他人曾使用过这辆车。在这种情况下，反兴奋剂组织必须证明，尽管该运动员对该车没有排他性控制，但运动员知道合成代谢类固醇的存在并打算对其进行控制。同样，在运动员及其配偶共同控制的家用药箱中发现合成代谢类固醇，反兴奋剂组织必须证明，该运动员知道合成代谢类固醇在药箱中并且打算对其进行控制。仅购买禁用物质的行为即构成持有，甚至即使产品尚未送达，由他人接收或送到第三方地址也构成持有。]



**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*.

**Recreational Athlete:** A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.

*[Comment to Recreational Athlete: The term “open category” is meant to exclude competition that is limited to junior or age group categories.]*

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, *Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

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

*[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]*

**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 [TUE]:** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

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

**WADA:** The World Anti-Doping Agency.



**禁用清单：**确定禁用物质和禁用方法的清单。

**禁用方法：**《禁用清单》上所述的任何方法。

**禁用物质：**《禁用清单》上所述的任何物质或物质类别。

**大众运动员：**由相关国家反兴奋剂组织确定的自然人。但是，该术语不应当包括在兴奋剂违规前 5 年内曾是国际级运动员（由各国国际单项体育联合会依照《检查和调查国际标准》界定）或国家级运动员（由各国国家反兴奋剂组织依照《检查和调查国际标准》界定），曾代表任何国家参加国际赛事公开组别比赛或已被列入任何国际单项体育联合会或国家反兴奋剂组织维护的任何注册检查库或其他行踪信息库的任何当事人。

[大众运动员的释义：“公开组别”一词是用于排除仅限于青少年或年龄组别的比赛。]

**结果管理：**从依照《结果管理国际标准》第 5 条的规定发出通知，或在某些情况下（例如非典型性结果、运动员生物护照、违反行踪信息管理规定）从《结果管理国际标准》第 5 条明确规定的预通知步骤，再到指控，直到最终解决问题，包括初审或上诉（如果提起上诉）听证程序结束的全过程的时间范围。

**样本或标本：**为进行兴奋剂管制而采集的任何生物材料。

[样本或标本的释义：有时有人声称采集血样违反某些宗教教义或文化团体的信条。现已确定这种说法毫无依据。]

**检查：**兴奋剂管制过程的组成部分，包括制定检查计划、样本采集、样本收存，以及将样本传送至实验室。

**治疗用药豁免（TUE）：**治疗用药豁免允许运动员有医疗需求时使用禁用物质或禁用方法，但必须满足条款 4.4 和《治疗用药豁免国际标准》中规定的条件。

**使用：**以任何方式使用、应用、摄入、注射或消耗的任何禁用物质或禁用方法。

**WADA：**世界反兴奋剂机构。

### 3.2 Defined terms from the *International Standard for the Protection of Privacy and Personal Information*

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

*[Comment to Personal Information: It is understood that Personal Information includes, but is not limited to, information relating to an Athlete's name, date of birth, contact details and sporting affiliations, whereabouts, designated TUEs (if any), anti-doping test results, and Results Management (including disciplinary hearings, appeals and sanctions). Personal Information also includes personal details and contact information relating to other Persons, such as medical professionals and other Persons working with, treating or assisting an Athlete in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this International Standard for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]*

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

### 3.3 Defined terms specific to the *International Standard for Therapeutic Use Exemptions*

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

**Therapeutic Use Exemption Committee (or "TUEC"):** The panel established by an *Anti-Doping Organization* to consider applications for TUEs.

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

### 3.4 Interpretation

**3.4.1** The official text of the *International Standard for Therapeutic Use Exemptions* shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

**3.4.2** Like the *Code*, the *International Standard for Therapeutic Use Exemptions* has been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.

**3.4.3** The comments annotating various provisions of the *International Standard for Therapeutic Use Exemptions* shall be used to guide its interpretation.

**3.4.4** Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the *International Standard for Therapeutic Use Exemptions*.

### 3.2 引自《隐私和个人信息保护国际标准》的术语

**个人信息：**与已确定或可确定的参赛者或其他当事人有关的信息，包括但不限于敏感的个人信息。该信息仅在反兴奋剂组织的反兴奋剂活动范围内处理。

[ 个人信息的释义：众所周知，个人信息包括但不限于运动员的姓名、出生日期、联系方式及所属的体育机构、行踪信息、特定的治疗用药豁免（以下简称“TUE”）（如有）、兴奋剂检查结果，以及结果管理（包括纪律处罚听证、上诉和处罚）等信息。个人信息还包括其他当事人的个人详细信息和联系方式，例如在反兴奋剂活动中，与运动员一起工作、治疗或协助运动员的医疗专家和其他当事人。此类信息始终是个人信息，并且在整个处理过程中受本国际标准的规范，无论相关个人是否仍参与有组织的体育活动。]

**处理（及其同源词处理和被处理）：**收集、获取、保留、储存、披露、转让、传送、修改、删除或以其他方式使用个人信息。

### 3.3 《治疗用药豁免国际标准》中的专用术语

**治疗的：**用治疗药物或方法治疗某种身体状况，或与之相关的治疗；或提供、协助治疗。

**治疗用药豁免委员会（TUEC）：**由反兴奋剂组织设立的，负责受理审批 TUE 申请的小组。

**WADA 治疗用药豁免委员会：**由 WADA 设立的，负责审查其他反兴奋剂组织作出的 TUE 决定的小组。

### 3.4 解释

**3.4.1** 《治疗用药豁免国际标准》的正式文本以英文和法文公布。如果英文与法文版本之间出现任何冲突，应当以英文版本为准。

**3.4.2** 与《条例》一样，《治疗用药豁免国际标准》在制定时权衡了比例原则、人权原则和其他适用的法律原则。应当据此解释和适用本国际标准。

**3.4.3** 《治疗用药豁免国际标准》各项规定的释义应当用于解释本国际标准。

**3.4.4** 除非另有规定，本文件中提及的章节和条款均指《治疗用药豁免国际标准》的章节和条款。

- 3.4.5** Where the term “days” is used in the *International Standard for Therapeutic Use Exemptions*, it shall mean calendar days unless otherwise specified.
- 3.4.6** The Annexes to the *International Standard for Therapeutic Use Exemptions* have the same mandatory status as the rest of the *International Standard for Therapeutic Use Exemptions*.

- 3.4.5** 除非另有规定,《治疗用药豁免国际标准》中使用的“天数”均为日历日。
- 3.4.6** 《治疗用药豁免国际标准》的附件与本国际标准的其他部分一样,具有同等的强制性地位。

## PART TWO: STANDARDS AND PROCESS FOR GRANTING TUES

### 4.0 Obtaining a TUE

- 4.1** An *Athlete* who needs to *Use a Prohibited Substance* or *Prohibited Method* for Therapeutic reasons must apply for and obtain a TUE under Article 4.2 prior to *Using* or *Possessing* the substance or method in question.

However, an *Athlete* may apply retroactively for a TUE (but must still meet the conditions in Article 4.2) if one of any of the following exceptions applies:

- 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) Due to national level prioritization of certain sports, the *Athlete's National Anti-Doping Organization* did not permit or require the *Athlete* to apply for a prospective TUE (see comment to Article 5.1);
- d) If an *Anti-Doping Organization* chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or *National-Level Athlete*, and that *Athlete* is *Using a Prohibited Substance* or *Prohibited Method* for Therapeutic reasons, the *Anti-Doping Organization* must permit the *Athlete* to apply for a retroactive TUE; or
- e) The *Athlete Used Out-of-Competition*, for Therapeutic reasons, a *Prohibited Substance* that is only prohibited *In-Competition*.

*[Comment to Article 4.1(c), (d) and (e): Such Athletes are strongly advised to have a medical file prepared and ready to demonstrate their satisfaction of the TUE conditions set out at Article 4.2, in case an application for a retroactive TUE is necessary following Sample collection.]*

*[Comment to Article 4.1(e): This seeks to address situations where, for Therapeutic reasons, an Athlete Uses a substance Out-of-Competition that is only prohibited In-Competition, but there is a risk that the substance will remain in their system In-Competition. In such situations, the Anti-Doping Organization must permit the Athlete to apply for a retroactive TUE (where the Athlete has not applied in advance). This also seeks to prevent Anti-Doping Organizations from having to assess advance TUE applications that may not be necessary.]*

- 4.2** An *Athlete* may be granted a TUE if (and only if) he/she can show, on the balance of probabilities, that each of the following conditions is met:

- a) The *Prohibited Substance* or *Prohibited Method* in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence.

*[Comment to Article 4.2(a): The Use of the Prohibited Substance or Prohibited Method may be part of a necessary diagnostic investigation rather than a treatment per se.]*

## 第二部分 批准 TUE 的标准和程序

### 4.0 获得 TUE

**4.1** 由于治疗原因而需要使用某种禁用物质或禁用方法的运动员，必须在使用或持有该物质或方法之前依照条款 4.2 的规定申请并获得 TUE。

但是，如果下列任何一种例外情况适用，运动员可以追溯性地申请 TUE（但仍必须满足条款 4.2 规定的条件）：

- a) 有必要对某种医疗状况进行急救或紧急的治疗；
- b) 由于缺乏足够的时间、机会或其他特殊情况，运动员无法在样本采集前提交 TUE 申请，或治疗用药豁免委员会（以下简称“TUEC”）无法受理审批 TUE 申请；
- c) 由于某些运动项目在国家层面的优先考虑，运动员所属国家反兴奋剂组织不允许或不要求运动员事先申请 TUE（请参阅条款 5.1 的释义）；
- d) 如果反兴奋剂组织决定采集某非国际级或非国家级运动员的样本，而该运动员因治疗原因正在使用某种禁用物质或禁用方法，则该反兴奋剂组织必须允许该运动员申请追溯性 TUE；或
- e) 运动员因治疗的原因在赛外使用了某种仅在赛内禁用的禁用物质。

[条款 4.1（c）、（d）和（e）的释义：强烈建议此类运动员备好医疗档案，并随时准备证明其满足条款 4.2 规定的 TUE 条件，以备在样本采集后需要申请追溯性 TUE。]

[条款 4.1（e）的释义：本条款旨在解决以下情况：运动员因治疗原因在赛外使用某种仅在赛内禁用的物质，但在赛内该物质仍有可能存留在其体内的风险。在这种情况下，反兴奋剂组织必须允许运动员申请追溯性 TUE（前提是运动员没有事先申请）。这也防止反兴奋剂组织不得不对事先提出的 TUE 申请进行不必要的审核。]

**4.2** 当（且仅当）运动员按照优势证据的标准，证明其满足以下各项条件，才可以批准其 TUE：

- a) 所涉禁用物质或禁用方法是治疗经诊断的并有相关临床证据支持的医疗状况所需的。

[条款 4.2（a）的释义：使用禁用物质或禁用方法可能是必要的诊断检查的一部分，而不是治疗本身的一部分。]

- b) The Therapeutic Use of the *Prohibited Substance* or *Prohibited Method* will not, on the balance of probabilities, 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 medical condition.

*[Comment to Article 4.2(b): An Athlete's normal state of health will need to be determined on an individual basis. A normal state of health for a specific Athlete is their state of health but for the medical condition for which the Athlete is seeking a TUE.]*

- c) The *Prohibited Substance* or *Prohibited Method* is an indicated treatment for the medical condition, and there is no reasonable permitted Therapeutic alternative.

*[Comment to Article 4.2(c): The physician must explain why the treatment chosen was the most appropriate, e.g. based on experience, side-effect profiles or other medical justifications, including, where applicable, geographically specific medical practice, and the ability to access the medication. Further, it is not always necessary to try and fail alternatives before using 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 Article 4.2: The WADA documents titled "TUE Physician Guidelines", posted on WADA's website, should be used to assist in the application of these criteria in relation to particular medical conditions.*

*The granting of a TUE is based solely on consideration of the conditions set out in Article 4.2. It does not consider whether the Prohibited Substance or Prohibited Method is the most clinically appropriate or safe, or whether its Use is legal in all jurisdictions.*

*When an International Federation or Major Event Organization TUEC is deciding whether or not to recognize a TUE granted by another Anti-Doping Organization (see Article 7), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Article 8), the issue will be the same as it is for a TUEC that is considering an application for a TUE under Article 6, i.e., has the Athlete demonstrated on the balance of probabilities that each of the conditions set out in Article 4.2 is met?]*

- 4.3** In exceptional circumstances and notwithstanding any other provision in this *International Standard for Therapeutic Use Exemptions*, an *Athlete* may apply for and be granted retroactive approval for his/her Therapeutic Use of a *Prohibited Substance* or *Prohibited Method* if, considering the purpose of the Code, it would be manifestly unfair not to grant a retroactive TUE. For *International-Level Athletes* and *National-Level Athletes*, an *Anti-Doping Organization* may grant an *Athlete's* application for a retroactive TUE pursuant to this Article only with the prior approval of WADA (and WADA may in its absolute discretion agree with or reject the *Anti-Doping Organization's* decision).



- b) 通过优势证据标准证明，为治疗目的而使用的禁用物质或禁用方法不应使运动员在治疗并恢复正常健康状况后，运动能力有任何超过原有水平的额外提高。

[ 条款 4.2 (b) 的释义：要根据运动员的个体情况确定其正常的健康状况。运动员的正常健康状况是指除运动员申请治疗用药豁免的病症外的健康状况。]

- c) 禁用物质或禁用方法是针对该医疗状况所需要的治疗方法，而且没有合理的、允许的替代治疗方法。

[ 条款 4.2(c) 的释义：医生必须解释为什么所选择的治疗方法是最合适的，例如，根据经验、副作用情况或其他医学理由，包括在适用的情况下，根据特定地域的医疗实践，以及获取药物的能力。此外，在使用禁用物质或禁用方法之前，不一定总是需要对各种替代方法进行试错。]

- d) 使用该禁用物质或禁用方法是必要的，但不能全部或部分地成为之前（在未获得 TUE 的情况下）使用了当时禁用的物质或方法的后果。

[ 条款 4.2 的释义：WADA 在其网站发布的题为《TUE 医生指南》的文件，应当用于帮助将此类标准适用于特定的医疗状况。

是否批准 TUE 完全是基于对条款 4.2 规定的条件的考虑，而并不考虑该禁用物质或禁用方法在临床上是否为最合适或最安全的，也不考虑其能否在所有管辖权限内合法使用。

国际单项体育联合会或重大赛事组织机构的 TUEC 在决定是否承认另一个反兴奋剂组织批准的 TUE 时（见第 7 条），以及 WADA 审查是否批准 TUE 决定时（见第 8 条），面临的问题与 TUEC 根据第 6 条受理审批 TUE 申请时的问题是相同的，即运动员应该在优势证据标准的基础上，证明其已满足条款 4.2 规定的各项条件。]

- 4.3** 在特殊情况下，尽管本国际标准另有其他规定，但如果考虑到《条例》的目的，不批准追溯性 TUE 显然不公平，则运动员可以申请并获得追溯性的批准，允许其将禁用物质或禁用方法用于治疗的目的。对于国际级运动员和国家级运动员，只有在获得 WADA 事先批准的情况下，反兴奋剂组织方可根据本条款的规定批准运动员申请并获得追溯性 TUE（但 WADA 可以酌情决定同意或拒绝反兴奋剂组织的决定）。

For *Athletes* who are not *International-Level Athletes* or *National-Level Athletes*, the relevant *Anti-Doping Organization* may grant an *Athlete's* application for a retroactive *TUE* pursuant to this Article without first consulting WADA; however, WADA may at any time review an *Anti-Doping Organization's* decision to grant a retroactive *TUE* pursuant to this Article, and may in its absolute discretion, agree with or reverse the decision.

Any decision made by WADA and/or an *Anti-Doping Organization* under this Article may not be challenged either as a defense to proceedings for an anti-doping rule violation, or by way of appeal, or otherwise.

All decisions of an *Anti-Doping Organization* under this Article 4.3, whether granting or denying a *TUE*, must be reported through ADAMS in accordance with Article 5.5.

*[Comment to Article 4.3: For the avoidance of doubt, retroactive approval may be granted under Article 4.3 even if the conditions in Article 4.2 are not met (although satisfaction of such conditions will be a relevant consideration). Other relevant factors might include the reasons why the Athlete did not apply in advance; the Athlete's experience; whether the Athlete declared the Use of the substance or method on the Doping Control form; and the recent expiration of the Athlete's TUE. In making its decision, WADA may, at its discretion, consult with a member(s) of a WADA TUEC.]*

## 5.0 TUE Responsibilities of Anti-Doping Organizations

- 5.1** Code Article 4.4 specifies (a) which *Anti-Doping Organizations* have authority to make *TUE* decisions; (b) how those *TUE* decisions should be recognized and respected by other *Anti-Doping Organizations*; and (c) when *TUE* decisions may be reviewed and/or appealed.

*[Comment to Article 5.1: See Annex 1 – Code Article 4.4 Flowchart summarizing the key provisions of Code Article 4.4.]*

*Where national policy requirements and imperatives lead a National Anti-Doping Organization to prioritize certain sports over others in its test distribution planning (as contemplated by Article 4.4.1 of the International Standard for Testing and Investigations), the National Anti-Doping Organization may decline to consider advance applications for TUEs from Athletes in some or all of the non-priority sports, but in that case it must permit any such Athlete from whom a Sample is subsequently collected to apply for a retroactive TUE. The National Anti-Doping Organization should publicize any such policy on its website for the benefit of affected Athletes.*

*Code Article 4.4.2 specifies the authority of a National Anti-Doping Organization to make TUE decisions in respect of Athletes who are not International-Level Athletes. In case of dispute as to which National Anti-Doping Organization should deal with the TUE application of an Athlete who is not an International-Level Athlete, WADA will decide. WADA's decision will be final and not subject to appeal.]*

对于非国际级运动员或非国家级运动员，相关反兴奋剂组织可根据本条款批准运动员的追溯性 TUE 申请，而无需事先征求 WADA 的意见。但是 WADA 可以根据本条款的规定，随时审查反兴奋剂组织批准的追溯性 TUE 决定，并可以自行决定同意或推翻这一决定。

不得在对兴奋剂违规处理过程的抗辩中，对 WADA 和 / 或反兴奋剂组织根据本条款作出的任何决定提出质疑，也不得通过上诉或其他方式提出质疑。

反兴奋剂组织依照本条款 4.3 作出的所有决定，无论是否批准 TUE 申请，都必须依照条款 5.5 的规定通过 ADAMS 报告。

[ 条款 4.3 的释义：为避免疑问，即使未满足条款 4.2 规定的条件（尽管满足这些条件是一个相关的考虑因素），也可以依照条款 4.3 批准追溯性申请。其他相关因素可能包括：运动员未事先申请的原因、运动员的经历、运动员是否在兴奋剂检查记录单上声明使用该物质或方法，以及运动员 TUE 的最近到期时间。WADA 在作出其决定时，可以酌情咨询 WADA TUEC 的一名或多名成员。]

## 5.0 反兴奋剂组织的 TUE 职责

- 5.1** 《条例》条款 4.4 规定：（a）哪些反兴奋剂组织有权作出 TUE 决定；（b）TUE 决定如何得到其他反兴奋剂组织的承认和遵守；以及（c）何时可以对 TUE 决定进行审查和 / 或提起上诉。

[ 条款 5.1 的释义：见附件 1：《条例》条款 4.4 流程图，概述了条款 4.4 的主要规定。

如果国家政策要求和指令使得国家反兴奋剂组织在检查计划上优先考虑某些运动项目（如《检查和调查国际标准》条款 4.4.1 所考虑的），国家反兴奋剂组织可以拒绝受理全部或部分非优先项目的运动员事先提出的 TUE 申请。但是，在这种情况下，必须允许这些运动员在被采集样本之后申请追溯性 TUE。为保护受影响的运动员的利益，国家反兴奋剂组织应当在其网站上发布任何此类政策。

《条例》条款 4.4.2 规定国家反兴奋剂组织有对非国际级运动员的 TUE 作出决定的权力。如果对哪个国家反兴奋剂组织应当受理非国际级运动员的 TUE 申请出现争议，WADA 应当作出决定。WADA 的决定为最终决定，且不得上诉。]

**5.2** For the avoidance of doubt, when a *National Anti-Doping Organization* grants a *TUE* to an *Athlete*, that *TUE* is valid at national level on a global basis and does not need to be formally recognized by other *National Anti-Doping Organizations* under Article 7.0 (for example, if an *Athlete* is granted a *TUE* by his/her *National Anti-Doping Organization* and then trains or competes in the country of another *National Anti-Doping Organization*, that *TUE* will be valid if the *Athlete* is then tested by such other *National Anti-Doping Organization*).

**5.3** Each *National Anti-Doping Organization*, International Federation and *Major Event Organization* must establish a TUEC to consider whether applications for grant or recognition of *TUEs* meet the conditions set out in Article 4.2.

*[Comment to Article 5.3: For the avoidance of doubt, the fulfilment of the conditions set out in Articles 4.1 and 4.3 may be determined by the relevant Anti-Doping Organization in consultation with a member(s) of the TUEC.]*

*While a Major Event Organization may choose to recognize pre-existing TUEs automatically, there must be a mechanism for Athletes participating in the Event to obtain a new TUE if the need arises. It is up to each Major Event Organization whether it sets up its own TUEC for this purpose, or rather whether it outsources the task by agreement to a third party. The aim in each case is to ensure that Athletes competing in such Events have the ability to obtain TUEs quickly and efficiently before they compete.]*

- a) TUECs should include at least three (3) physicians with experience in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine. In cases where specific expertise is required (for example, for *Athletes* with impairments where the substance or method pertains to the *Athlete's* impairment), at least one (1) TUEC member or expert should possess such expertise. One (1) physician member should act as chair of the TUEC.
- b) In order to ensure impartiality of decisions, all members of the TUEC must sign a conflict of interest and confidentiality declaration (a template declaration is available on WADA's website).

**5.4** Each *National Anti-Doping Organization*, International Federation and *Major Event Organization* must establish a clear process for applying to its TUEC for a *TUE* that complies with the requirements of this *International Standard*. It must also publish details of that process by (at a minimum) posting the information in a conspicuous place on its website and sending the information to WADA. WADA may re-publish the same information on its own website.

**5.2** 为避免疑问，国家反兴奋剂组织批准运动员 TUE 后，该 TUE 在全球范围内的国家层面都有效，无需依照第 7 条获得其他国家反兴奋剂组织的正式承认（例如，如果运动员所属国家反兴奋剂组织批准了运动员的 TUE，运动员在另一个国家反兴奋剂组织的所在国进行训练或比赛，且该国家反兴奋剂组织对运动员实施检查，则该 TUE 仍然有效）。

**5.3** 各国家反兴奋剂组织、国际单项体育联合会和重大赛事组织机构必须成立 TUEC，审核对 TUE 的批准或承认是否满足条款 4.2 规定的条件。

[条款 5.3 的释义：为避免疑问，是否满足条款 4.1 和 4.3 规定的条件，可由相关反兴奋剂组织与 TUEC 的一名或多名成员协商确定。

虽然重大赛事组织机构可以选择自动承认先前存在的 TUE，但必须有一个机制，使参加赛事的运动员在需要时能够获得新的 TUE。这取决于每个重大赛事组织机构是否为此目的设立自己的 TUEC，或者通过协议将此任务外包给第三方。无论采用哪种做法，其目的都是确保参加此类赛事的运动员能够在比赛前快速有效地获得 TUE。]

**a)** TUEC 应当包括至少三（3）名在运动员护理和治疗方面具有经验，并对临床、体育和运动医学有扎实知识的医生。在需要特定专业知识的情况下（例如，对于残疾人运动员，如果所用物质或方法与运动员的残疾有关），至少一（1）名 TUEC 成员或专家应当具备此类专业知识。一（1）名医生成员应当担任 TUEC 的主席。

**b)** 为了确保决定的公正性，TUEC 的所有成员必须签署利益冲突和保密声明（声明模板见 WADA 网站）。

**5.4** 各国家反兴奋剂组织、国际单项体育联合会和重大赛事组织机构必须依照本国际标准的要求，明确制定向其 TUEC 申请 TUE 的程序。该组织还必须公布该程序的详细情况，（至少）在其网站的明显位置张贴该信息，并将该信息发送给 WADA。WADA 可以在自己的网站上重新公布同样的信息。

**5.5** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must promptly report (in English or French) all decisions of its TUEC granting or denying *TUEs*, and all decisions to recognize or refusing to recognize other *Anti-Doping Organizations' TUE* decisions, through *ADAMS* as soon as possible and in any event within twenty-one (21) days of receipt of the decision. A decision to deny a *TUE* shall include an explanation of the reason(s) for the denial. In respect of *TUEs* granted, the information reported shall include (in English or French):

- a) Whether the *Athlete* was permitted to apply for a *TUE* retroactively under Article 4.1 and an explanation of the reason(s) why, or whether the *Athlete* was permitted to apply for and was granted a *TUE* retroactively under Article 4.3 and an explanation of the reason(s) why;
- b) The approved substance or method, the dosage(s), frequency, route of *Administration* permitted, the duration of the *TUE* (and, if different, the duration of prescribed treatment), and any conditions imposed in connection with the *TUE*; and
- c) The *TUE* application form and the relevant clinical information establishing that the Article 4.2 conditions have been satisfied in respect of such *TUE* (for access only by *WADA*, the *Athlete's National Anti-Doping Organization* and *International Federation*, and the *Major Event Organization* organizing an *Event* in which the *Athlete* wishes to compete).

*[Comment to Article 5.5: The TUE application form may be translated into other languages by Anti-Doping Organizations, but the original English or French text must remain on the form, and an English or French translation of the content must be provided.]*

*The full medical file, including diagnostic tests, laboratory results and values must be provided, but need not be translated into English or French. However, a translated summary of all the key information (including key diagnostic tests) must be entered into ADAMS, with sufficient information to clearly establish the diagnosis. It is strongly suggested that the summary be prepared by a physician or other person with adequate medical knowledge, in order to properly understand and summarize the medical information. More detailed/full translations may be required by the relevant Anti-Doping Organization or WADA, upon request.]*

**5.6** When a *National Anti-Doping Organization* grants a *TUE* to an *Athlete*, it must warn him/her in writing that (a) the *TUE* is valid at national level only, and (b) 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* in accordance with Article 7.0. Thereafter, the *National Anti-Doping Organization* 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 recognition process.

**5.5** 各国反兴奋剂组织、国际单项体育联合会和重大赛事组织机构必须及时（在收到决定的 21 天内）通过 ADAMS（用英文或法文）报告其 TUEC 作出的是否批准 TUE 申请的所有决定，以及是否承认其他反兴奋剂组织作出的 TUE 的所有决定。拒绝 TUE 的决定应当包括对拒绝理由的解释。对于已经批准的 TUE，报告的信息应当包括（用英文或法文）：

- a) 是否允许运动员依照条款 4.1 追溯性地申请 TUE，并解释原因，或者是否允许运动员依照条款 4.3 追溯性地申请并获得 TUE 并解释原因；
- b) 批准使用的物质或方法，允许的剂量、频率、施用途径、TUE 的有效期限（如有不同，则为规定治疗的持续时间），以及与该 TUE 有关的任何条件；以及
- c) TUE 申请表和相关临床资料，证明该 TUE 满足条款 4.2 规定的条件（仅供 WADA、运动员所属国家反兴奋剂组织和国际单项体育联合会，以及运动员希望参加的重大赛事的组织机构使用）。

[条款 5.5 的释义：反兴奋剂组织可将 TUE 申请表翻译成其他语言，但表格上必须保留英文或法文原文，并且必须提供表格内容的英文或法文翻译。]

必须提供完整的医疗档案，包括诊断检查、实验室结果和数值，但不必翻译成英文或法文。但是，必须将所有关键信息（包括关键的诊断检查）的摘要翻译后录入 ADAMS，并提供足够信息，以明确支持该诊断。强烈建议由医生或其他具有足够医学知识的人员编写该摘要，以便正确理解和总结医疗信息。相关反兴奋剂组织或 WADA 可能要求提供更加详细 / 完整的翻译。]

**5.6** 如果国家反兴奋剂组织批准了运动员的 TUE，则必须以书面形式提醒运动员以下事项：（a）该 TUE 仅在国家级比赛中有效；（b）如果运动员成为国际级运动员或参加国际赛事，该 TUE 无效，除非相关国际单项体育联合会或重大赛事组织机构依照第 7 条的规定承认该 TUE。此后，国家反兴奋剂组织应当帮助运动员确定需要何时将 TUE 提交给国际单项体育联合会或重大赛事组织机构以获得承认，并在此过程中指导和帮助运动员。

- 5.7** Each International Federation and *Major Event Organization* must publish and keep updated a notice (at a minimum, by posting it in a conspicuous place on its website and sending it to WADA) that sets out clearly (1) which *Athletes* under its jurisdiction are required to apply to it for a *TUE*, and when; (2) which *TUE* decisions of other *Anti-Doping Organizations* it will automatically recognize in lieu of such application, in accordance with Article 7.1(a); and (3) which *TUE* decisions of other *Anti-Doping Organizations* will have to be submitted to it for recognition, in accordance with Article 7.1(b).
- 5.8** If a *National Anti-Doping Organization* grants a *TUE* to an *Athlete* and the *Athlete* subsequently becomes an *International-Level Athlete* or competes in an *International Event*, the *TUE* will not be valid unless and until the relevant International Federation recognizes that *TUE* in accordance with Article 7.0. If an International Federation grants a *TUE* to an *Athlete* and the *Athlete* then competes in an *International Event* organized by a *Major Event Organization*, the *TUE* will not be valid unless and until the relevant *Major Event Organization* recognizes that *TUE* in accordance with Article 7.0. As a result, if the International Federation or *Major Event Organization* (as applicable) declines to recognize that *TUE*, then (subject to the *Athlete's* rights of review and appeal) that *TUE* may not be relied upon to excuse the presence, Use, Possession or Administration of the *Prohibited Substance* or *Prohibited Method* mentioned in the *TUE* vis-à-vis that International Federation or *Major Event Organization*.

## 6.0 TUE Application Process

- 6.1** 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 thirty (30) days before his/her next *Competition*, unless it is an emergency or exceptional situation.
- 6.2** The *Athlete* should apply to his/her *National Anti-Doping Organization*, International Federation and/or a *Major Event Organization* (as applicable), using the *TUE* application form provided. *Anti-Doping Organizations* shall make the application form they want *Athletes* to use available for download from their websites. That form must be based on the “*TUE* Application Form” template available on WADA’s website. The template may be modified by *Anti-Doping Organizations* to include additional requests for information, but no sections or items may be removed.

*[Comment to Article 6.2: In certain situations, an Athlete may not know which National Anti-Doping Organization they should apply to for a TUE. In such circumstances, the Athlete should consult the National Anti-Doping Organization of the country of the sport organization for which they compete (or with which they are a member or licence holder), to determine if they fall within that National Anti-Doping Organization’s TUE jurisdiction, according to their rules.]*



**5.7** 各国际单项体育联合会和重大赛事组织机构必须发布通知并不断更新（至少应当公布在其网站的醒目位置并发送给 WADA），明确规定：（a）在其管辖下的哪些运动员需要向其申请 TUE，以及何时申请；（b）依照条款 7.1（a），其他反兴奋剂组织的哪些 TUE 决定将自动予以承认，以代替重复申请；（c）依照条款 7.1（b），其他反兴奋剂组织的哪些 TUE 决定应当提交给它以获得承认。

**5.8** 如果国家反兴奋剂组织批准了运动员的 TUE，而该运动员随后成为国际级运动员或参加国际比赛，则其获得的 TUE 无效，除非直到相关国际单项体育联合会依照第 7 条的规定承认该 TUE。如果国际单项体育联合会批准了运动员的 TUE，且该运动员随后参加了某重大赛事组织机构举办的国际赛事，则其从国际单项体育联合会获得的 TUE 无效，除非直到重大赛事组织机构依照第 7 条的规定承认该 TUE。因此，如果国际单项体育联合会或重大赛事组织机构（如适用）拒绝承认该 TUE，则（根据运动员的审查权和上诉权）不得以相关重大赛事组织机构或国际单项体育联合会批准该 TUE 为由，对禁用物质或禁用方法的发现、使用、持有或施用进行抗辩。

## **6.0 TUE 的申请程序**

**6.1** 需要 TUE 的运动员应当尽快提出申请。对仅在赛内禁用的物质，运动员应当在下次比赛前至少三十（30）天内申请 TUE，紧急或特殊情况除外。

**6.2** 运动员应当使用提供的 TUE 申请表，向其所属的国家反兴奋剂组织、国际单项体育联合会和 / 或重大赛事组织机构（如适用）提出申请。反兴奋剂组织应当将建议运动员使用的 TUE 申请表发布在其网站上，供运动员下载使用。该申请表必须基于 WADA 网站上提供的“TUE 申请表”模板。反兴奋剂组织可以对模板进行修改，要求运动员提供额外信息，但不得删除任何部分或项目。

[条款 6.2 的释义：在某些情况下，运动员可能不知道应该向哪个国家反兴奋剂组织申请 TUE。在这种情况下，运动员应当咨询其参赛的体育组织（或运动员是其会员或证件持有者的组织）所在国的国家反兴奋剂组织，根据其规则确定他们是否属于该国家反兴奋剂组织的 TUE 管辖范围。

*If that National Anti-Doping Organization refuses to evaluate the TUE application because the Athlete does not fall within its TUE jurisdiction, the Athlete should consult the anti-doping rules of the National Anti-Doping Organization of the country in which they reside (if different).*

*If the Athlete still does not fall within that National Anti-Doping Organization's TUE jurisdiction, the Athlete should then consult the anti-doping rules of the National Anti-Doping Organization of their country of citizenship (if different from where they compete or reside).*

*Athletes may contact any of the above-referenced National Anti-Doping Organizations for assistance with determining whether the National Anti-Doping Organization has TUE jurisdiction. In the event that none of the above-mentioned National Anti-Doping Organizations have TUE jurisdiction, where there is an Adverse Analytical Finding the Athlete should ordinarily be permitted to apply for a retroactive TUE from the Anti-Doping Organization that has Results Management authority. See also the summary flowcharts on "Where to Apply?" in the medical section of WADA's website.]*

- 6.3** An Athlete may not apply to more than one (1) 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 (1) TUE at a time for the Use of the same Prohibited Substance or Prohibited Method for the same medical condition (and any such new TUE will supersede the previous TUE, which should be cancelled by the relevant Anti-Doping Organization).
- 6.4** The Athlete should submit the TUE application form to the relevant Anti-Doping Organization via ADAMS or as otherwise specified by the Anti-Doping Organization. The form must be signed by the treating physician and accompanied by 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.  
*[Comment to Article 6.4: The information submitted in relation to the diagnosis and treatment should be guided by the relevant WADA documents posted on WADA's website.]*
- 6.5** The Athlete should keep a complete copy of the TUE application form and of all materials and information submitted in support of that application.
- 6.6** 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.
- 6.7** The TUEC may request from the Athlete or his/her physician any additional information, examinations or 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 as it deems appropriate.

如果该国家反兴奋剂组织因为运动员不在其 TUE 管辖范围而拒绝受理 TUE 申请，则运动员应当查询其居住国的国家反兴奋剂组织的反兴奋剂规则（如有不同）。

如果运动员仍不在该国家反兴奋剂组织的 TUE 管辖范围，则运动员应当查询其国籍所在国的国家反兴奋剂组织的反兴奋剂规则（如果与比赛国或居住国不同）。

运动员可以向上述任何一个国家反兴奋剂组织寻求帮助，以确定该国家反兴奋剂组织是否具有 TUE 管辖权。如果上述国家反兴奋剂组织均不具有 TUE 管辖权，且在出现阳性检测结果的情况下，通常应当允许运动员向具有结果管理权的反兴奋剂组织申请追溯性 TUE。另请参阅 WADA 网站医学部分的“在哪里申请？”的简要流程图。]

**6.3** 运动员不得为同一种医疗状况向两个或两个以上的反兴奋剂组织申请使用同一种禁用物质或禁用方法的 TUE。运动员也不得因同一种医疗状况而同时获得两个或两个以上使用同一种禁用物质或禁用方法的 TUE（任何新的 TUE 都将取代之前的 TUE，相关反兴奋剂组织应当撤销之前的 TUE）。

**6.4** 运动员应当通过 ADAMS 或反兴奋剂组织规定的其他方式，将 TUE 申请表提交给相关反兴奋剂组织。申请表必须由主治医生签字，并附上详细的病史，包括原诊断医生开具的文件（如有），以及与申请相关的所有检查、实验室化验和影像学研究的成果。

[条款 6.4 的释义：提交的有关诊断和治疗的信息应当参照 WADA 网站上公布的相关 WADA 文件。]

**6.5** 运动员应当保留一份完整的 TUE 申请表以及为支持该申请而提交的所有材料和信息的完整副本。

**6.6** 只有在收到正确填写的申请表和所有相关文件后，TUEC 才会开始受理 TUE 申请。不完整的申请将退还给运动员，待其填写完整或补齐材料后重新提交。

**6.7** TUEC 可以要求运动员或其医生提供任何补充信息、检查或影像学研究，或认为受理该运动员申请所需的其他信息；和 / 或在必要时，寻求其他医学或科学专家的支持。

- 6.8** Any costs incurred by the *Athlete* in making the *TUE* application and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.
- 6.9** The TUEC shall decide whether or not to grant the application as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where a *TUE* application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.
- 6.10** 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*, in accordance with Article 5.5.
- 6.11** 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 expiry date, he/she must submit an application for a new *TUE* well in advance of that expiry date, so that there is sufficient time for a decision to be made on the application before the expiry date.
- [Comment to Article 6.11: Where applicable, the duration of validity should be guided by the WADA documents titled "TUE Physician Guidelines".]*
- 6.12** A *TUE* will be withdrawn prior to expiry if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *Anti-Doping Organization* granting the *TUE*. Alternatively a *TUE* may be reversed upon review by *WADA* or on appeal.
- 6.13** 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, the *Anti-Doping Organization* conducting the initial review of the *Adverse Analytical Finding*, in accordance with Article 5.1.1.1 of the *International Standard for Results Management* shall consider whether the finding is consistent with *Use* of the *Prohibited Substance* prior to the expiry, withdrawal or reversal of the *TUE*. If so, such *Use* (and any resulting presence of the *Prohibited Substance* in the *Athlete's Sample*) is not an anti-doping rule violation.
- 6.14** In the event that, after his/her *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 the relevant *Anti-Doping Organization*, 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.

*[Comment to Article 6.14: It is recognized that for certain medical conditions, dosages may fluctuate, particularly during the early stages of the establishment of a treatment regime or for a condition such as insulin-dependent diabetes. Such potential fluctuations should be accounted for in the TUE. However, in the event of a change that is not accounted for in the TUE, the Athlete must contact the relevant Anti-Doping Organization to determine whether a new TUE is required.]*

- 6.8** 运动员提交 TUE 申请和按照 TUEC 的要求补充申请资料所产生的费用由运动员本人承担。
- 6.9** 通常情况下，TUEC 应当在收到完整申请材料的二十一（21）天内，尽快决定是否批准 TUE 申请（除非出现特殊情况）。如果运动员在赛事之前的合理时间内提出 TUE 申请，则 TUEC 必须尽最大努力在赛事开始前作出决定。
- 6.10** TUEC 的决定必须以书面形式通知运动员，并且必须依照条款 5.5 的规定，通过 ADAMS 将决定提供给 WADA 和其他反兴奋剂组织。
- 6.11** 每项 TUE 都有一个规定的有效期，由 TUEC 决定；有效期届满后，该 TUE 将自动失效。运动员如果在有效期届满后仍需继续使用该禁用物质或禁用方法，必须在该 TUE 有效期届满前尽早提交新的 TUE 申请，以便 TUEC 有充足时间对该申请作出决定。

[条款 6.11 的释义：在适用的情况下，有效期应当以 WADA 文件《TUE 医生指南》的文件为指导。]

- 6.12** 如果运动员没有实时遵守批准 TUE 的反兴奋剂组织规定的任何要求或条件，则该 TUE 将在有效期届满前撤销。或者，经 WADA 审查或上诉，可以撤销该 TUE。
- 6.13** 如果在相关禁用物质的 TUE 有效期届满、撤回或撤销后报告阳性检测结果，对该阳性检测结果进行初审的反兴奋剂组织应当依照《结果管理国际标准》条款 5.1.1.1 的规定，确定该阳性结果是否与 TUE 有效期届满、撤回或撤销前使用的禁用物质一致。如果一致，则该使用（以及由此在运动员样本中发现的禁用物质）不构成兴奋剂违规。
- 6.14** 如果运动员在获得 TUE 后，需要使用的禁用物质或禁用方法在剂量、频率、施途径或持续时间上与批准的 TUE 有实质性不同，则运动员必须联系相关反兴奋剂组织，由其决定是否需要申请新的 TUE。如果发现、使用、持有或施用的禁用物质或禁用方法与批准的 TUE 不一致，即使运动员有 TUE，仍会被认定为兴奋剂违规。

[条款 6.14 的释义：人们普遍认为，对于某些医疗状况，剂量可能会有所波动，特别是在制定治疗方案的初期或胰岛素依赖型糖尿病等。在 TUE 中应当考虑到这种潜在波动。但是，如果出现 TUE 中未说明的变化，则运动员必须联系相关反兴奋剂组织，确定是否需要新的 TUE。]

## 7.0 TUE Recognition Process

**7.1** *Code Article 4.4 requires Anti-Doping Organizations to recognize TUEs granted by other Anti-Doping Organizations that satisfy the Article 4.2 conditions. 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:*

- a) The International Federation or Major Event Organization may publish notice that it will automatically recognize TUE decisions made pursuant to *Code Article 4.4* [or certain categories of such decisions, e.g., those made by specified *Anti-Doping Organizations*, or those relating to particular *Prohibited Substances*], provided that such TUE decisions have been reported in accordance with Article 5.5. 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.

*[Comment to Article 7.1(a): To ease the burden on Athletes, automatic recognition of TUE decisions once they have been reported in ADAMS in accordance with Article 5.5 is strongly encouraged. If an International Federation or Major Event Organizer is not willing to grant automatic recognition of all such decisions, it should grant automatic recognition of as many such decisions as possible, e.g., by publishing and keeping updated a list of Anti-Doping Organizations whose TUE decisions it will recognize automatically, and/or a list of those Prohibited Substances for which it will automatically recognize TUEs. Publication should be in the same manner as is set out in Article 5.4, i.e., the notice should be posted on the International Federation's website and sent to WADA and to National Anti-Doping Organizations.]*

- b) 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, either via ADAMS or as otherwise specified by that 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 materials referenced at Article 6.4 [unless the *Anti-Doping Organization* that granted the TUE has already made the TUE and supporting materials available via ADAMS, in accordance with Article 5.5].

**7.2** Incomplete requests for recognition of a TUE will be returned to the Athlete for completion and re-submission. In addition, the TUEC may request from the Athlete or his/her physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the Athlete's request for recognition of the TUE; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.

## 7.0 TUE 的承认程序

**7.1** 《条例》条款 4.4 要求反兴奋剂组织承认其他反兴奋剂组织批准的满足条款 4.2 规定条件的 TUE。因此，如果需要遵守国际单项体育联合会或重大赛事组织机构 TUE 规定的运动员已经获得 TUE，则无需向国际单项体育联合会或重大赛事组织机构提交新的 TUE 申请。相反，

- a) 国际单项体育联合会或重大赛事组织机构可以发布通知，自动承认依照《条例》条款 4.4 作出的 TUE 决定（或某些类别的决定，例如，由特定反兴奋剂组织作出的决定，或与某种禁用物质相关的决定），前提是此类 TUE 决定已依照条款 5.5 进行了报告。如果运动员的 TUE 属于一经批准、自动承认的类型，则运动员无需采取任何进一步行动。

[条款 7.1( a ) 的释义：为了减轻运动员的负担，强烈建议依照条款 5.5 的规定，在 ADAMS 中报告 TUE 决定后即自动承认 TUE 决定的做法。如果国际单项体育联合会或重大赛事组织机构不愿自动承认所有此类 TUE 决定，则应当尽可能多地自动承认此类决定，例如公布并不断更新其自动承认 TUE 决定的反兴奋剂组织的名单，和 / 或自动承认 TUE 的禁用物质清单。公布的方式应当与条款 5.4 规定的方式一致，即在国际单项体育联合会网站上发布通知，并发送给 WADA 和国家反兴奋剂组织。]

- b) 如果 TUE 未得到自动承认，运动员应当通过 ADAMS 或国际单项体育联合会或重大赛事组织机构指定的其他方式，向国际单项体育联合会或重大赛事组织机构提交承认 TUE 的申请，并同时附上该 TUE 的副本和条款 6.4 提到的 TUE 申请表以及证明材料原件（除非批准 TUE 的反兴奋剂组织已经依照条款 5.5 的规定，通过 ADAMS 提供了 TUE 和证明材料）。

**7.2** 不完整的承认 TUE 的申请将退回给运动员，待其补充完整后再次提交。此外，TUEC 可以要求运动员或其医生提供其认为必要的任何补充信息、检查或影像学研究或其他信息，以便审核运动员提交的承认 TUE 的申请；和 / 或在必要时，寻求其他医学或科学专家的支持。

- 7.3** Any costs incurred by the *Athlete* in making the request for recognition of the *TUE* and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.
- 7.4** The TUEC shall decide whether or not to recognize the *TUE* as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete request for recognition. Where the request 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*.
- 7.5** The TUEC's decision will be notified in writing to the *Athlete* and will be made available to *WADA* and to other *Anti-Doping Organizations* via *ADAMS*. A decision not to recognize a *TUE* must include an explanation of the reason(s) for the non-recognition.
- 7.6** If an International Federation chooses to test an *Athlete* who is not an *International-Level Athlete*, it must recognize a *TUE* granted by that *Athlete's National Anti-Doping Organization* unless the *Athlete* is required to apply for recognition of the *TUE* pursuant to Articles 5.8 and 7.0, i.e. because the *Athlete* is competing in an *International Event*.

## **8.0 Review of *TUE* Decisions by *WADA***

- 8.1** *Code* Article 4.4.6 provides that *WADA*, in certain cases, must review *TUE* decisions of International Federations, and that it may review any other *TUE* decisions, in each case to determine compliance with the Article 4.1 and 4.2 conditions. In relation to the Article 4.2 conditions, *WADA* shall establish a WADA TUEC that meets the requirements of Article 5.3 to carry out such reviews. In relation to the Article 4.1 conditions, these can be reviewed by *WADA* (which may, at its discretion, consult with a member(s) of a WADA TUEC).
- 8.2** Each request for review must be submitted to *WADA* in writing and must be accompanied by payment of the application fee established by *WADA*, as well as copies of all of the information specified in Article 6.4 (or, in the case of review of a *TUE* denial, all of the information that the *Athlete* submitted in connection with the original *TUE* application). The request must be copied to the *Anti-Doping Organization* whose decision would be the subject of the review, and to the *Athlete* (if he/she is not requesting the review).
- 8.3** 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 review the *TUE* decision. Any decision by *WADA* not to review the *TUE* decision is final and may not be appealed. However, the *TUE* decision may still be appealable, as set out in *Code* Article 4.4.7.



- 7.3** 运动员提交承认 TUE 的申请和按照 TUEC 的要求补充 TUE 所产生的任何费用由运动员本人承担。
- 7.4** 通常情况下，TUEC 应当在收到完整的承认申请的二十一（21）天内，尽快决定是否承认 TUE（除非出现特殊情况）。如果申请是在赛事之前的合理时间内提出的，则 TUEC 必须尽最大努力在赛事开始前作出决定。
- 7.5** TUEC 的决定将以书面形式通知运动员，并通过 ADAMS 提供给 WADA 和其他反兴奋剂组织。不承认 TUE 的决定必须包括对不承认原因的解释。
- 7.6** 如果国际单项体育联合会选择对非国际级运动员实施检查，则必须承认该运动员所属国家反兴奋剂组织批准的 TUE，除非依照条款 5.8 和第 7 条的规定，要求该运动员申请对其 TUE 的承认，例如运动员正在参加国际赛事。

## **8.0 WADA 对 TUE 决定的审查**

- 8.1** 《条例》条款 4.4.6 规定，在某些情况下，WADA 必须审查国际单项体育联合会作出的 TUE 决定，且 WADA 可以审查任何其他 TUE 决定，以确定是否满足条款 4.1 和 4.2 规定的条件。就条款 4.2 的条件而言，WADA 应当成立一个符合条款 5.3 要求的 WADA TUEC 来进行审查。就条款 4.1 的条件而言，可由 WADA 进行审查（WADA 可以酌情决定咨询 WADA TUEC 的成员）。
- 8.2** 每项审查请求必须以书面形式提交给 WADA，还必须一同支付 WADA 规定的审查费用，并附上条款 6.4 规定的所有资料的副本（如果审查的是拒绝 TUE 申请的决定，应附上运动员在最初 TUE 申请中提交的所有相关资料）。申请必须抄送给作出接受审查 TUE 的国家反兴奋剂组织和运动员（即使运动员并未提出审查请求）。
- 8.3** 如果请求审查的是 WADA 无义务审查的 TUE 决定，则 WADA 应当在收到申请后，在切实可行的情况下尽快告知运动员是否会审查该 TUE 决定。WADA 作出的任何不审查 TUE 决定的决定都是最终的，且不得上诉。但是，依照《条例》条款 4.4.7 的规定，仍然可以对该 TUE 决定提起上诉。

- 8.4** 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 (a) for clarification (for example, if the reasons are not clearly set out in the decision); and/or (b) for re-consideration by the International Federation (for example, if the *TUE* was only denied because medical tests or other information required to demonstrate satisfaction of the Article 4.2 conditions were missing).

*[Comment to Article 8.4: If an International Federation refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical tests or other information required to demonstrate satisfaction of the Article 4.2 conditions are missing, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.]*

- 8.5** Where a request for review is referred to the WADA TUEC, the WADA TUEC may seek additional information from the *Anti-Doping Organization* and/or the *Athlete*, including further studies as described in Article 6.7, and/or it may obtain the assistance of other medical or scientific experts as it deems appropriate.
- 8.6** *WADA* shall reverse any grant of a *TUE* that does not comply with the Article 4.1 and 4.2 conditions (as applicable). Where the *TUE* reversed was a prospective *TUE* (rather than a retroactive *TUE*), such reversal shall take effect upon the date specified by *WADA* (which shall not be earlier than the date of *WADA*'s notification to the *Athlete*). The reversal shall not apply retroactively and the *Athlete*'s results prior to such notification shall not be *Disqualified*. Where the *TUE* reversed was a retroactive *TUE*, however, the reversal shall also be retroactive.
- 8.7** *WADA* shall reverse any denial of a *TUE* where the *TUE* application met the Article 4.1 and 4.2 conditions (as applicable), i.e., it shall grant the *TUE*.
- 8.8** Where *WADA* 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 whichever *Anti-Doping Organization* "loses" the review (i.e., the *Anti-Doping Organization* whose view it does not uphold) (a) to reimburse the application fee to the party that referred the decision to *WADA* (if applicable); and/or (b) to pay the costs incurred by *WADA* in respect of that review, to the extent they are not covered by the application fee.
- 8.9** Where *WADA* 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 *WADA* in respect of that review.
- 8.10** If applicable, *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*).

**8.4** 如果请求审查 WADA 有义务审查的、国际单项体育联合会作出的 TUE 决定，WADA 可以将该决定退回国际单项体育联合会，以便：（a）作出澄清（例如，决定中没有明确说明原因）；和/或（b）由国际单项体育联合会重新审核（例如，仅仅是因为缺少能够证明满足条款 4.2 规定条件的医学检查或其他信息而不予批准 TUE 申请）。

[对条款 8.4 的释义：如果国际单项体育联合会仅仅因为缺少能够证明满足条款 4.2 规定条件所需的医学检查或其他信息而拒绝承认国家反兴奋剂组织批准的 TUE，则不应当将此事提交 WADA。相反，应补充所缺少的文件并重新提交给国际单项体育联合会。]

**8.5** 如果审查请求提交到 WADA TUEC，WADA TUEC 可以要求反兴奋剂组织和/或运动员提供补充信息，包括条款 6.7 所述的进一步研究，和/或在必要时，寻求其他医学或科学专家的支持。

**8.6** WADA 应当撤销任何不满足条款 4.1 和条款 4.2（如适用）规定条件的批准 TUE 的决定。如果 WADA 撤销的 TUE 是事先申请的 TUE（而不是追溯性 TUE），则该撤销应当在 WADA 规定的日期开始生效（但不得早于 WADA 通知运动员的日期）。撤销 TUE 的决定不具有溯及力。运动员在接到撤销 TUE 的通知前取得的比赛成绩不得取消。但是，如果被撤销的 TUE 是追溯性 TUE，则该撤销也具有溯及力。

**8.7** 如果 TUE 申请满足条款 4.1 和条款 4.2（如适用）规定的条件，则 WADA 应当撤销拒绝批准 TUE 的决定，即 WADA 应当批准该 TUE 申请。

**8.8** 如果 WADA 依照《条例》条款 4.4.3（强制性审查）审查国际单项体育联合会向其提交的决定，则 WADA 可以要求“输掉”审查的反兴奋剂组织（即 WADA 不支持该反兴奋剂组织的立场）：（a）将请求审查费用偿付给将此决定提交给 WADA 的一方（如适用）；和/或（b）支付 WADA 在审查中产生的费用（如果该费用不包含在请求审查费用中）。

**8.9** 如果 WADA 撤销了其自行决定审查的 TUE 决定，则 WADA 可以要求作出决定的反兴奋剂组织支付 WADA 在审查中产生的费用。

**8.10** 如适用，WADA 应尽快将 WADA TUEC 作出的论述详尽的决定通知运动员及其所属国家反兴奋剂组织和国际单项体育联合会（以及重大赛事组织机构，如适用）。

## 9.0 Confidentiality of Information

**9.1** The Processing of Personal Information during the *TUE* process by *Anti-Doping Organizations* shall comply with the *International Standard* for the Protection of Privacy and Personal Information. *Anti-Doping Organizations* shall ensure that they have a valid legal authority or basis for such Processing, in accordance with the *International Standard* for the Protection of Privacy and Personal Information and applicable laws.

**9.2** *Anti-Doping Organizations* shall communicate in writing the following information to *Athletes* as well as any other relevant information in accordance with Article 7.1 of the *International Standard* for the Protection of Privacy and Personal Information in connection with an *Athlete's* application for the grant or recognition of a *TUE*:

- a) All information pertaining to the application will be transmitted 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;
- b) The *Athlete* must authorize his/her physician(s) to release to any relevant TUEC upon request any health information that any such TUEC deems necessary in order to consider and determine the *Athlete's* application; and
- c) The decision on the application will be made available to all *Anti-Doping Organizations* with *Testing* authority and/or *Results Management* authority over the *Athlete*.

*[Comment to Article 9.2: Where Anti-Doping Organizations are relying upon the Athlete's consent to Process Personal Information in connection with the TUE process, the Athlete applying for the grant or recognition of a TUE shall provide written and explicit consent to the foregoing.]*

**9.3** The *TUE* application shall be dealt with in accordance with the principles of strict medical confidentiality. The members of all relevant TUECs, any consulted independent experts and the relevant staff of the *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:

- a) All medical information provided by the *Athlete* and physician(s) involved in the *Athlete's* care; and
- b) All details of the application, including the name of the physician(s) involved in the process.

**9.4** Should the *Athlete* wish to revoke the right of a TUEC to obtain any health information on his/her behalf, the *Athlete* shall notify his/her physician 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.

**9.5** *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.

## 9.0 信息保密

**9.1** 反兴奋剂组织在处理 TUE 过程中对个人信息处理应当遵守《隐私和个人信息保护国际标准》。反兴奋剂组织应当依照《隐私和个人信息保护国际标准》和适用法律，确保拥有处理个人信息的有效法律权限或依据。

**9.2** 反兴奋剂组织应当依照《隐私和个人信息保护国际标准》条款 7.1 的规定，就运动员申请 TUE 批准或承认一事，以书面形式向运动员通知以下信息以及任何其他相关信息：

- a) 所有与申请有关的信息将转发给依照本《国际标准》有权审核材料的所有 TUEC 成员，并可能需要转发给其他独立医学和科学专家，以及所有参与 TUE 申请的管理、审查或上诉的相关人员（包括 WADA 工作人员）；
- b) 运动员必须授权其医生根据要求向 TUEC 提供受理审批运动员申请所需的任何健康信息；以及
- c) 申请决定将提供给所有对运动员有检查权和结果管理权的反兴奋剂组织。

[ 条款 9.2 的释义：如果反兴奋剂组织需要运动员的同意来处理与 TUE 程序有关的个人信息，申请批准或承认 TUE 的运动员应当提供对上述内容的书面和明确的同意。 ]

**9.3** TUE 申请应当按照严格的医疗保密原则进行处理。所有相关的 TUEC 成员、任何咨询过的独立专家以及反兴奋剂组织的相关工作人员，都应当在严格保密的情况下从事与该程序相关的所有活动，并应当签署适当的保密协议。特别是，他们应当对以下信息保密：

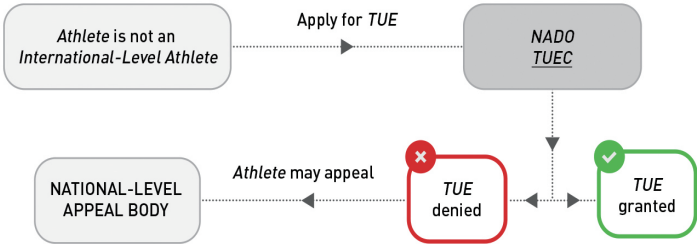
- a) 运动员和参与运动员医疗的医生提供的所有医疗信息；以及
- b) 申请的所有细节，包括参与该程序的医生姓名。

**9.4** 如果运动员希望撤销 TUEC 获取其健康信息的授权，运动员应当将该撤销以书面形式通知其医生。但是，由于该撤销，运动员的 TUE 申请或对现有 TUE 的承认将视为撤回，而不再获得批准或承认。

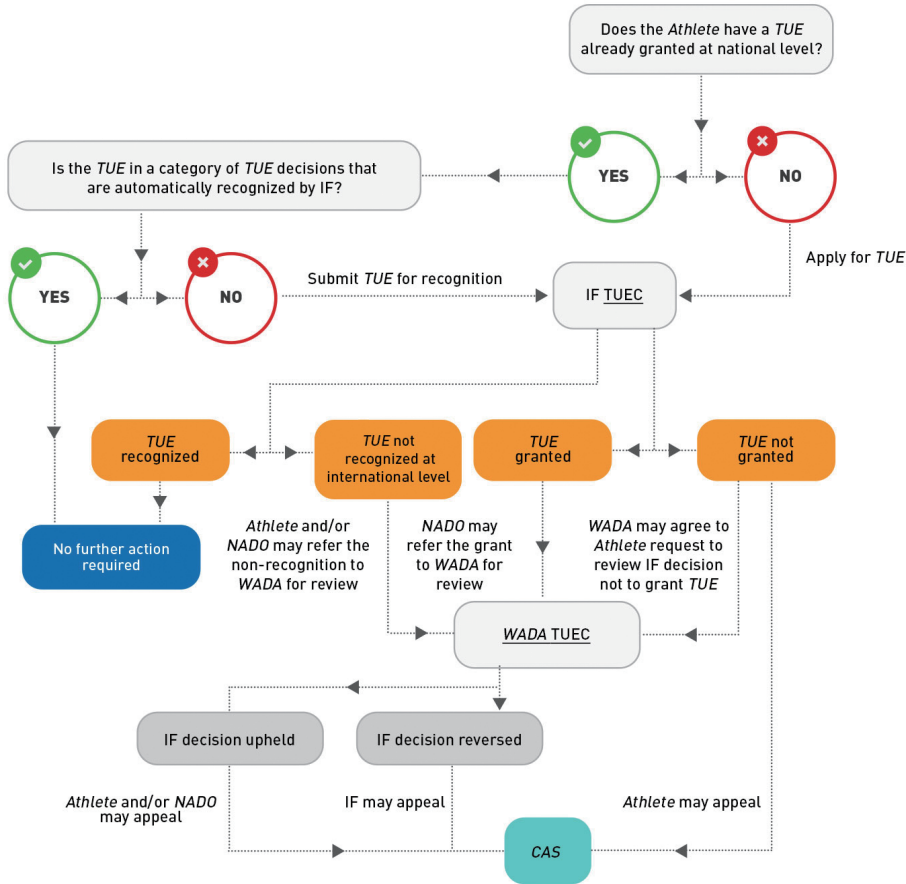
**9.5** 反兴奋剂组织只能将运动员提交的 TUE 申请的有关信息用于受理审批该申请，以及潜在的兴奋剂违规调查和处理程序。

ANNEX 1: CODE ARTICLE 4.4 FLOWCHART

1. TUE procedure if Athlete is an International-Level Athlete (and so subject to the International Federation’s TUE requirements) when need for TUE arises

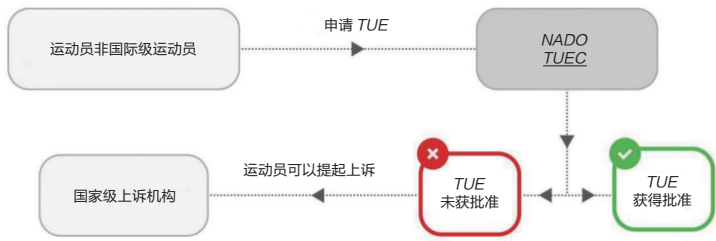


2. Athlete enters Event for which Major Event Organization (or “MEO”) has its own TUE requirements

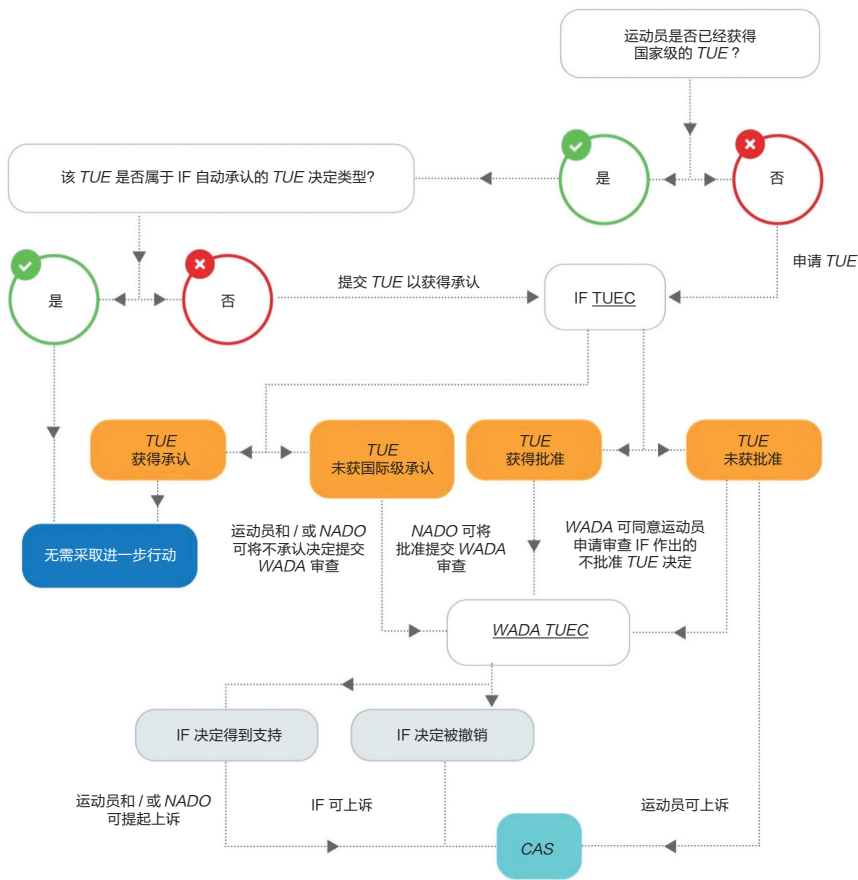


附件 1 《条例》条款 4.4 流程图

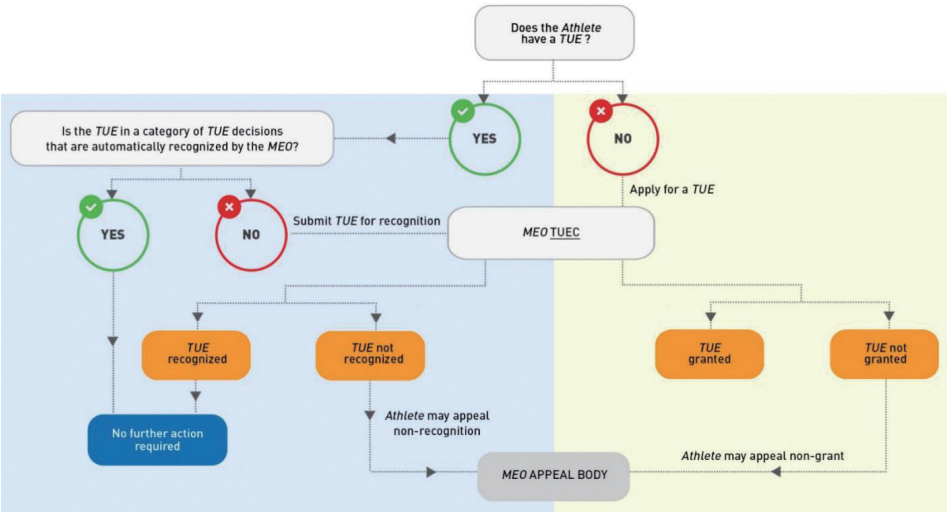
1. 非国际级运动员的 TUE 申请程序



2. 国际级运动员（需要遵守国际单项体育联合会的 TUE 规定）的 TUE 申请程序

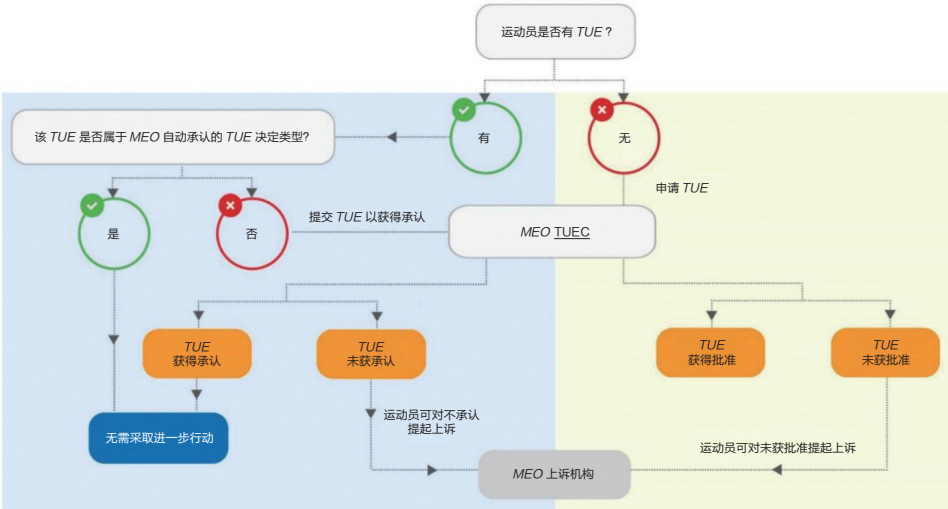


3. Athlete enters Event for which Major Event Organization (or "MEO") has its own TUE requirements





3. 运动员参加重大赛事组织机构（MEO）自行制定 TUE 要求的赛事



[www.wada-ama.org/code](http://www.wada-ama.org/code)

