



WHAT IS A THERAPEUTIC USE EXEMPTION (TUE)?

Athletes may have illnesses or conditions that require them to take medications or undergo procedures. If the medication or method an athlete is required to use to treat an illness or condition is prohibited as per the World Anti-Doping Agency's (WADA) [Prohibited List](#), a TUE may give that athlete the authorization to use that substance or method while competing without invoking an anti-doping rule violation (ADRV) and applicable sanction. Applications for TUEs are evaluated by a panel of physicians the TUE Committee (TUEC).

NADO TUEs are only valid for national-level Competition and Out-of-Competition Testing.

WHAT ARE THE CRITERIA FOR GRANTING A TUE?

All of the four following criteria must be met (for more details, please refer to the [WADA International Standard for Therapeutic Use Exemptions \(ISTUE\) Article 4.2](#)):

- The athlete has a clear diagnosed medical condition, which requires treatment using a prohibited substance or method;
- The therapeutic use of the substance will not, on the balance of probabilities, produce significant enhancement of performance beyond the athlete's normal state of health;
- The prohibited substance or method is an indicated treatment for the medical condition, and there is no reasonable permitted therapeutic alternative;
- The necessity to use that substance or method is not the consequence of the prior use (without a TUE), of a substance or method which was prohibited at the time of use.

WHO SHOULD APPLY FOR A TUE? WHERE AND WHEN TO APPLY?

Athletes who are subject to anti-doping rules would need a TUE to take a prohibited substance or use a prohibited method. You should verify with **Kazakhstan NADO** to know to whom you need to apply and if you can apply retroactively.

First, check if the required medication or method you intend to take or use is prohibited as per the WADA Prohibited List.

You have a responsibility to inform your physician(s) that you are an Athlete bound to anti-doping rules. You and your physician(s) should check the [Prohibited List](#) for whatever substance/method you are prescribed. If the substance/method is prohibited, discuss non-prohibited alternatives, if there are none, apply for a TUE. Remember athletes have the ultimate responsibility. Contact **Kazakhstan NADO** if you are having difficulties.

Then, contact **Kazakhstan NADO** to determine your competition level and TUE application requirements.

If it is determined that you are a National-Level Athlete, you must apply to **Kazakhstan NADO** in advance, as soon as the need arises, unless there are emergency or exceptional circumstances.

The following Athletes shall be considered to be National-Level Athletes:

- (a) Athletes who are members or license holders of any National Federation in Kazakhstan or any other organization affiliated with a National Federation including associations, clubs, teams or leagues.
- (b) Athletes who participate or compete at any Competition, Event, or activity, which is organized, recognized, or hosted by a National Federation, by any affiliated association, organization, club, team, or league or by the Government in Kazakhstan.
- (c) Any other Athlete who by virtue of an accreditation, a license or any other contractual arrangement, falls within the competence of a National Federation in Kazakhstan or any affiliated association, organization, club, team, or league in Kazakhstan for the purposes of fighting doping in sport in Kazakhstan.
- (d) Athletes who participate in any activity organized, recognized, or hosted by a National Event organizer or any other national league and which is not otherwise affiliated with a National Federation.

For substances prohibited in-competition only, you should apply for a TUE at least 30 days before your next competition. Please refer to the section “How to apply to **Kazakhstan NADO** for a TUE?” below.

If your level is lower than the “National-Level” as defined above, you are entitled to apply for a retroactive TUE after being tested by **Kazakhstan NADO** or any other Anti-Doping Organization (ADO).

Important note:

A TUE granted by **Kazakhstan NADO** is only valid at the national level. If you are, or become an International-Level Athlete, or compete at Major Games, that TUE will not be valid unless it is recognized by the relevant International Federation (IF) or Major Event Organization (MEO). It is your responsibility to check if your **Kazakhstan NADO**'s TUE is automatically recognized by such IF or MEO.

Kazakhstan NADO can assist you in the determination of your level and TUE application requirements, and, should the need occur, assist you in presenting your **Kazakhstan NADO**'s TUE to an IF or MEO for recognition. Please contact antidopingkaz@mail.ru

CAN I GET A RETROACTIVE TUE?

You may only apply retroactively for a TUE to **Kazakhstan NADO** if:

- You required emergency or urgent treatment of a medical condition.
- There was insufficient time, opportunity or other exceptional circumstances that prevented you from submitting the TUE application, or having it evaluated, before getting tested.
- As per our anti-doping rules (**Kazakhstan NADO**) you were not permitted or required to apply in advance for a TUE.
- You are a lower level athlete who is not under the jurisdiction of an International Federation or National Anti-Doping Organization and were tested.
- You tested positive after using a substance Out-of-Competition that was only prohibited In-Competition (for example glucocorticoids).

In rare and exceptional circumstances and notwithstanding any other provision in the ISTUE, you may apply for and be granted retroactive approval for a therapeutic use of a prohibited substance or method, if considering the purpose of the Code, it would be manifestly unfair not to grant a retroactive TUE.

This unique retroactive TUE will only be granted with the prior approval of WADA (and WADA may in its absolute discretion agree with or reject the **KazNADO's** decision).

Important note:

Using a prohibited substance or method without a TUE could result in an Anti-Doping Rule Violation.

In case an application for a retroactive TUE is necessary following sample collection, you are strongly advised to have a medical file prepared and ready to submit for evaluation.

HOW TO APPLY TO KAZAKHSTAN NADO FOR A TUE?

Please download the **Kazakhstan NADO's** [TUE Application Form](#), and once duly completed and signed, send it together with the required medical file to antidopingkaz@mail.ru.

Your TUE application must be submitted in a legible form using capital letters or typing.

The medical file must include:

- A comprehensive medical history, including documentation from the original diagnosing physician(s) (where possible),
- The results of all examinations, laboratory investigations and imaging studies relevant to the application.

Any TUE application that is not complete or legible will not be dealt with and will be returned for completion and re-submission.

To assist you and your doctor in providing the correct medical documentation, we suggest consulting the WADA's [Checklists for TUE applications](#) for guidance and support during the TUE application process, and [Medical Information to Support the Decisions of TUECs](#) for guidance on specific common medical conditions, treatments, substances, etc.

Keep a complete copy of the TUE application form and all medical information submitted in support of your application, and proof that it has been sent.

WHAT HAPPENS AT MAJOR EVENTS?

A Major Event Organization (MEO) requires athletes to apply for the recognition of their TUE if they wish to use a prohibited substance or method in connection with the Event.

If you have a TUE granted by **KazNADO** and you will be competing at a Major Event e.g., the Olympic Games, you should contact the MEO for information on their recognition process.

WHEN WILL I RECEIVE A DECISION ON MY TUE APPLICATION [OR REQUEST FOR RECOGNITION]?

Kazakhstan NADO's TUEC's must render a decision as soon as possible, and usually within 21 days from the date of receipt of the complete TUE application, including the required medical information.

WHAT IF I NEED TO RENEW MY TUE?

Each TUE has a specific duration, at the end of which it expires automatically. Should you need to continue to use the prohibited substance or method, it is your responsibility to submit a new application for a TUE with updated medical information ahead of the expiry date, so that there is sufficient time for a decision to be made prior to the expiry of the current TUE.

Important note:

The presence (following sample collection), use, possession or administration of the prohibited substance or method shall be consistent with the terms of your TUE. Therefore, if you require a materially different dosage, frequency, route or duration of administration, you should contact **Kazakhstan NADO**, as you may be required to apply for a new TUE. Some substances and dosages, e.g. insulin, are often modified during treatment and these possible fluctuations should be mentioned by the treating physician in the TUE application and would usually be accepted by the ADO TUEC.

WHAT IF MY KAZNADO'S TUE APPLICATION IS DENIED?

A decision to deny a TUE application includes a written explanation of the reason(s) for the denial. If it is not clear to you, please contact **Kazakhstan NADO** to understand exactly why the TUE was denied. Sometimes, there may be a critical piece of information, diagnostic test, laboratory results missing, etc. In which case, you should re-apply to **Kazakhstan NADO** via e-mail at antidopingkaz@mail.ru or via postal mail at:

Seifullin ave., 563A, office 500, Almaty city, 050012, Kazakhstan

If **Kazakhstan NADO** denies an application for a TUE, the Athlete may appeal exclusively to the appellate body described in Articles 13.2.1 and 13.2.2 of the Code

13.2.1 Appeals Involving International-Level Athletes or International Events In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS.

13.2.2 Appeals Involving Other Athletes or Other Persons In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body in accordance with rules established by the National Anti-Doping Organization. The rules for such appeal shall respect the following principles:

- a timely hearing;
- a fair, impartial, and Operationally Independent and Institutionally Independent hearing panel;
- the right to be represented by counsel at the Person's own expense; and
- a timely, written, reasoned decision.

If no such body as described above is in place and available at the time of the appeal, the Athlete or other Person shall have a right to appeal to CAS.

WHAT IF MY KAZAKHSTAN NADO'S TUE IS NOT RECOGNIZED BY MY INTERNATIONAL FEDERATION?

You or **Kazakhstan NADO** have 21 days to refer the matter to WADA for review after notification of the non-recognition. You should send the same information that you submitted to **Kazakhstan NADO** and on which their TUEC based their decision, via a secure on-line method or by registered mail at:

WADA Medical Department
World Anti-Doping Agency
Stock Exchange Tower
800 Place Victoria (Suite 1700)
P.O. Box 120
Montreal (Quebec) H4Z 1B7
Canada

The email address to enquire and/or send the request for review is: medical@wada-ama.org

Pending WADA's decision, **Kazakhstan NADO's** TUE remains valid for national-level competition and out-of-competition testing only. If the matter is not referred to WADA for review, **Kazakhstan NADO** must determine whether the original TUE that was granted should remain valid for national-level Competition and Out-of-Competition Testing.

WILL MY MEDICAL INFORMATION BE TREATED IN A CONFIDENTIAL MANNER?

All the information contained in a TUE application including the supporting medical information, and any other information related to the evaluation of your TUE request is kept strictly confidential and treated in accordance with the Athlete's Declaration contained in the ADAMS TUE process. All members of the TUEC and any other authorized recipients of your TUE request and related information (as described in the Athlete's Declaration) are subject to a professional or contractual confidentiality obligation.

Please review the terms of the Athlete's Declaration carefully. In particular, note that should you wish to revoke the right of the **Kazakhstan NADO's** TUEC to obtain the information related to your TUE request in accordance with the Athlete's Declaration, your TUE application will be deemed withdrawn without approval being granted.

Your TUE request-related information will be retained by **Kazakhstan NADO** and any other authorized recipients for no longer than necessary for the purposes stated in the Athlete's Declaration, in accordance with the International Standard for the Protection of Privacy and Personal Information.

CONTACT INFORMATION

For any further information and questions in relation to **Kazakhstan NADO's** personal information practices, please contact antidopingkaz@mail.ru

If you have a doubt as regards to which organization you should apply for a TUE, or as to the recognition process, or any other question with regard to TUEs, please contact via e-mail at antidopingkaz@mail.ru or via postal mail at: Seifullin ave., 563A, office 500, Almaty city, 050012, Kazakhstan

OTHER USEFUL LINKS:

[WADA International Standard for Therapeutic Use Exemptions \(ISTUE\)](#)

[WADA Checklists for TUE Applications](#)

[WADA Guidelines for the 2021 International Standard for Therapeutic Use Exemptions \(ISTUE\)](#)

[WADA Anti-Doping Education and Learning \(ADEL\)](#)