

CCES Submission to 2027 International Standard for Therapeutic Use Exemptions Review Second Consultation Phase

In response to WADA's request for comments as part of Phase 2 of the 2027 International Standard for Therapeutic Use Exemptions consultation process, the CCES submitted the following comments.

Article 3 – Definitions and Interpretations

In the Comment to the definition for International-Level Athlete, consider changing the wording from “must” to “shall,” particularly, for publishing the criteria in a clear and concise form. Additionally, the definitions created by IFs should not reference other policies within the definition and should not direct undue applications to NADOs. Consider also creating a section in ADAMS to centralize the definitions of International Athletes.

Article 4 – Criteria for obtaining a TUE

Comment to Article 4.3: Consider changing the wording from “must” to “shall” to maintain consistency across requirements.

Article 5 – TUE Responsibilities of Anti-Doping Organizations

Article 5.3.b: Consider changing this to a comment and not an article.

Article 5.3.d: Consider changing this to a comment and not an article.

Article 7 – TUE Recognition Process

General Comment to Article 7

The automatic recognition of the TUEs (without additional steps) should be strongly considered. As all signatories should be assessing TUEs in accordance with the International Standard, TUEs should have an automatic binding effect.

General Comments:

Consideration should be given to permit nurse practitioners to fulfill same role as physicians, in countries/jurisdictions where certified to do so. In Canada, the general population has easier access to a nurse practitioner than they do access to physicians. It is becoming increasingly difficult for the general population, which includes athletes, to access a physician.

Code Article XX: Sanctions for athletes who fulfill the ISTUE Article 4.2 criteria but do not meet the criteria for a retroactive TUE

The CCES supports the three-month fixed sanction as it is in favour of the athletes, who arguably committed an administrative lapse of filing paperwork (assuming their TUE would be approved). This mechanism also reduces the administrative burden on ADOs in determining fault for each situation.

Alternatively, the CCES would also support, in such situations, the finding of a violation, with no associated period of ineligibility. If it is accepted that the athlete was properly using the prohibited substance for medical reasons, and a full TUE is subsequently granted going forward (meaning the athlete's error was purely administrative in not filing for a TUE in advance), the fact that a violation has been determined seems a sufficient punishment (given the heightened consequences that would come from any additional violation) and should disincentivize athletes from deliberately delaying the filing of an application.