

THERAPEUTIC USE EXEMPTION EXPERT ADVISORY GROUP

Terms of Reference

The WADA Therapeutic Use Exemption (TUE) Expert Advisory Group (TUE EAG) is a designated Advisory Group of the Health, Medicine and Research (HM&R) Committee¹.

These Terms of Reference (ToR) are approved by the WADA Director General, following consultation with the Chief Medical Officer.

Purpose:

To provide expert advice, recommendations and guidance to the HM&R Committee and WADA Management, in particular the Chief Medical Officer. The TUE EAG, through the Chair, reports to the HM&R Committee on all matters of Therapeutic Use Exemptions as articulated in the World Anti-Doping Code (the "Code") and the International Standard for TUEs. This includes matters of protocol, procedure and case reviews.

Objectives/Key Activities

- 1) Provide expertise to ensure the "TUE process" is operated and managed in a manner consistent with the Code and International Standards.
- 2) Participate as a member of a WADA TUE review committee when requested.
- 3) Assist in the development and maintenance of TUE-related documents such as the TUE Physician Guidelines and TUE Checklists.
- 4) Work closely with WADA Management to ensure the International Standard for TUE is fit for purpose and revised as necessary, in a manner consistent with the Code.
- 5) Identify national and international level expert physicians to ensure a network of expertise to assist with TUE Physician Guidelines or to participate in WADA TUE review committees as required.
- 6) Provide the WADA Chief Medical Officer with relevant opinions on medical matters outside the immediate sphere of therapeutic use exemption, should they arise.

¹ EAGs are bodies created to provide ongoing advice and assistance to WADA Standing Committees and/or WADA Management (who in turn report to the WADA Executive Committee), on issues requiring significant technical specialist expertise. EAGs may also assist with regular or ad hoc activities, as necessary.

- 7) Note trends in the TUE EAG's fields of expertise having the potential to impact the anti-doping system and propose new ideas which could be assessed by WADA's internal Innovation Board.

Reporting Structure

Working in close co-operation with WADA Management, specifically the Chief Medical Officer, the TUE EAG reports to the WADA HM&R Committee.

Membership/Composition

The composition of the TUE EAG shall not exceed a maximum of 12 members.

The WADA Director General², in consultation with the HM&R Committee Chairperson, will appoint members to the TUE EAG.

Members are selected on the basis of their expertise in the areas of sport medicine, anti-doping, TUE experience and research methodology.

The membership of the TUE EAG is published on the WADA website.

If required, additional experts may be called upon on an ad-hoc basis to contribute to specific topics or matters.

Each member (including the Chair) serves a two-year term, renewable but with a 12-year term limit, unless a business case is presented by the WADA Chief Medical Officer with support of the EAG Chair (in the case of a member) or the WADA HM&R Committee Chair (in the case of the EAG Chair) justifying the specific need or expertise, thereby retaining the Chair or member to maintain the integrity and capability of the group. The WADA Director General must support the exception.

Chair/Rapporteur

The TUE EAG Chair is selected based on his/her proven record and expertise in sport medicine, anti-doping, TUE experience, and research methodology.

The Chair/Rapporteur of the TUE EAG will be an ex-officio member of the WADA HM&R Committee (if not otherwise a member). He/she shall act as the official reporter,³ responsible for ensuring appropriate coordination with the HM&R Committee and its Chair and providing accurate and timely information on all relevant TUE matters.

² The WADA Director General will seek the expertise and guidance of the Chief Medical Officer.

³ The Chairperson/Rapporteur is responsible for producing a brief annual report (compiled with the support of the WADA liaison, and agreed to by the members of the TUE EAG) to the HM&R Committee, to enable it to remain aware of the tasks set for the TUE EAG for the coming year and to assess the extent to which the TUE EAG fulfilled its tasks over the preceding year.

WADA Liaison

The WADA Science and Medicine Department, and in particular the WADA Chief Medical Officer, will serve as the primary liaison between WADA and the TUE EAG.

The Chief Medical Officer will be an observer to the TUE EAG, contributing to discussion and bringing WADA expertise and context to the decisions of the TUE EAG yet does not hold a voting position. Additional WADA Science and Medicine staff may also participate in TUE EAG meetings as WADA experts on particular subjects and to provide operational support to the group as required.

Meetings and Working Norms

The TUE EAG will meet in person at least once per year (normally over two days). Additional meetings may be conducted in person, virtually via video or teleconference as determined by WADA.

The TUE EAG normally operates on the basis of consensus and maintains an informal meeting style appropriate to the conduct of efficient business.

Consensus is sought whenever possible. In the event of divergent opinion or disagreement, the absolute majority, determined by a show of hands will apply. In the event of a tie the casting vote will reside with the Chair. In the absence of a formally designated quorum, this decision will also reside with the Chair. Discussion and outcomes of all meetings will be recorded as will any dissenting opinion as requested.

The Chair has the right to limit discussion of recurring issues by referring to previous recommendations or conclusions.

Meeting notes of the TUE EAG meetings, reports and correspondence relative to the group's work shall be retained at the WADA Headquarters.

Code of Ethics, Conflict of Interest, Confidentiality and Media

Upon their appointment and again annually, all TUE EAG members are required to sign a document pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the WADA Foundation Board (as amended from time to time); (ii) to comply with the Conflict of Interest policy adopted by the WADA Foundation Board (as amended from time to time); (iii) to keep all matters related to WADA confidential; and (iv) to comply with the WADA Media Relations policy issued by the Agency (as amended from time to time).

A) Code of Ethics

The purpose of the WADA Code of Ethics is to establish clear ethical standards over the activities of WADA Officials (as defined in Section 2 of the Code of Ethics) to allow WADA to achieve its mission and protect its core values. WADA and all its Officials undertake to foster a culture of ethics, loyalty, and integrity within their respective areas of competence.

B) Conflict of Interest

TUE EAG members will be bound by the WADA Conflict of Interest policy. They will be required to annually complete and sign a Statement of Absence of Conflict of Interest in accordance with the policy, and to update such statement if and as necessary during the year.

C) Confidentiality

All TUE EAG members are required to sign a Confidentiality Declaration upon appointment and again annually. This ensures all members reflect on the confidential nature of their WADA work and confirm their adherence to such confidentiality rules.

D) Communications and Media

All TUE EAG members must read and comply with WADA's Media Relations policy. If a member should receive a request for an interview in relation to their role in WADA, or WADA's work in the fight against doping in sport, they should first consult with the WADA Head of Media Relations or (if absent), with the WADA Communications Director.

Financial Support

WADA shall provide the necessary administrative and operational resources for meetings. WADA will cover certain expenses and compensate members for meetings in accordance with its applicable indemnity policy

It is acknowledged that some experts go above and beyond the work involved with the preparation and attendance of the biannual meetings and may provide extensive advice or work on matters throughout the year. WADA offers a further indemnity to experts for such work. The specific indemnity details are outlined in the "Overview of WADA Expert Advisory Groups" document provided to Members each year.

Effective Date and Future Review of ToR

These ToR came in effect on 1 January 2021. Administrative updates to the ToR were made in January 2022, January 2023 and January 2024.

Whilst the ToR for all WADA EAGs are reviewed annually, the procedures for creating, supporting/, and managing the EAGs will be reviewed at least every three years to ensure they remain appropriate and applicable.

These ToR are published on the WADA website.