



Republika e Kosovës
Republika Kosova – Republic of Kosovo
Qeveria – Vlada – Government

REGULATION
(GRK) No. 35/2024 ON DUTIES, COMPOSITION, FUNCTIONING AND
COMPENSATION OF COMMISSIONS IN THE ANTIDOPING AGENCY¹

¹Regulation (GRK) No. 35/2024 on Duties, Composition, Functioning and Compensation of Commissions in the Antidoping Agency, has been approved in the 238-th Meeting of the Government of the Republic of Kosovo, with the Decision No. 05/238, dated 18.12.2024;

Government of the Republic of Kosovo,

Pursuant to Article 93, paragraph 4, of the Constitution of the Republic of Kosovo, based on Article 10 (paragraph 2) of Law No. 08/L-152 on Anti-Doping, Article 8, Paragraph 4, Subparagraph 4.5, of Law No. 08/L-117 on the Government of the Republic of Kosovo,

Adopts:

REGULATION
(GRK) No. 35/2024 ON DUTIES, COMPOSITION, FUNCTIONING AND
COMPENSATION OF COMMISSIONS IN THE ANTIDOPING AGENCY

Article 1
Purpose

This regulation defines the duties, composition, functioning and compensation of the Anti-Doping Agency commissions.

Article 2
Scope

This regulation shall apply to natural and legal persons in the Republic of Kosovo.

Article 3
Definitions

Terms used in this regulation have the same meaning as in the Law Nr. 08/L-152 on Anti-Doping and the National Anti-Doping Rules.

Article 4
Commissions of the Agency

1. The Agency shall establish the permanent commissions as follows:

- 1.1. Therapeutic Use Exemption Commission ; and
- 1.2. Disciplinary Commission.

Article 5
Composition of the Therapeutic Use Exemption (TUE) Commission, mandate, selection and compensation

1. The Therapeutic Use Exemption Commission shall be composed of 5 members, one of whom is appointed as the chairperson.
2. The members of this commission must be specialist doctors in fields such as: internal medicine or cardiology, endocrinology, sports medicine, gynecology and obstetrics, pediatrics and psychiatry. They must have experience in the care and treatment of athletes as well as sound knowledge of clinical medicine, sports medicine and exercise.
3. Members of the Therapeutic Use Exemption Commission are delegated by the relevant health institutions at the request of the Agency, who are appointed by the director of the Agency.
4. Before becoming a member of the Therapeutic Use Exemption Commission, each member must sign a conflict of interest and confidentiality declaration.
5. The replacement of the Therapeutic Use Exemption Commission is done at the request of the chairperson, after he has ascertained the violations as follows: unjustified absence in three consecutive meetings, violation of anti-doping rules and violation of the code of ethics.
6. The term of office for the Therapeutic Use Exemption Commission members shall be four (4) years, with the possibility of re-election for one more term.
7. The role of the commission secretariat shall be performed by the Anti-Doping Agency.

Article 6
Duties of the Therapeutic Use Exemption Commission

1. The duties of the Therapeutic Use Exemption Commission are as follows:
 - 1.1. The Commission shall evaluate and decide on the application for TUEs for athletes who are not international-level athletes in accordance with the relevant provisions of World Anti-Doping Code (the Code) and the International Standard for Therapeutic Use Exemptions and no later than twenty-one (21) days from the date of receipt of a complete application (unless exceptional circumstances apply). Where the application is made at a reasonable time before an event, the commission must make its best efforts to issue its decision before the start of the event;
 - 1.2. Before considering an application for TUE, each member must present to the chairperson any circumstances that may affect their impartiality in relation to the athlete making the application;
 - 1.3. A member of the TUE Commission shall not be able to serve as a voting member of the commission if there are any circumstances likely to affect the impartiality of the TUEC panel;

1.4. The decision of the TUE Commission is the final decision of the Agency and may be further appealed to CAS, as the second instance, in accordance with Article 4.4.2 of the Code, within twenty-one (21) days after the party has received the decision;

1.5. The decision of the Agency's TUE Commission shall be communicated in writing to the athlete and must be made available to WADA and other anti-doping organizations via ADAMS in accordance with the International Standard for Therapeutic Use Exemptions.

Article 7

Application for a retroactive TUE

An athlete may apply for a retroactive TUE for a prohibited substance or prohibited method after using a prohibited substance or prohibited method in question, in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions.

Article 8

Approval of TUE

1. A TUE granted by the Agency is valid at the national level on a global basis and does not need to be formally recognized by other national anti-doping organizations in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions.

2. A TUE is not automatically valid at international level if the athlete becomes an athlete of this level or competes in an international event but only if the TUE is recognized by the relevant International Federation or Major Event Organization in accordance with the International Standard for Therapeutic Use Exemptions:

2.1 Recognition of a TUE at the international level shall be governed by the relevant provisions set forth by the Code and International Standard for Therapeutic Use Exemptions.

3. A valid TUE granted by anti-doping organizations shall be recognized by the Agency without the need for other additional procedures for confirmation.

Article 9

Expiration, withdrawal or reversal of a TUE

1. A TUE granted in accordance with this regulation and the National Anti-Doping Rules: (a) expires automatically at the end of each given term, without the need to make any other notification or complete formalities; (b) may be revoked if the athlete does not immediately comply with the requirements or conditions imposed by the TUE Commission for the issuance of the TUE; (c) may be withdrawn by the TUE Commission if it is later established that the criteria for granting the TUE are not actually met; or (d) may be revoked upon review by WADA or on appeal.

2. In such cases the athlete is not subject to any consequences based on his use or possession or administration of the prohibited substance or prohibited method in question in accordance with the TUE prior to the actual date of expiration, revocation, withdrawal or cancellation of the TUE.

3. The review according to article 5.1.1.1 of the International Standard for Results Management of an adverse analytical finding includes the review of whether such finding is consistent with the use of the prohibited substance or the prohibited method prior to the date of expiration, withdrawal, or reversal of a TUE, in which case, no violation of anti-doping rules is confirmed.

Article 10

Composition of the Disciplinary Commission, mandate, selection and compensation

1. The Disciplinary Commission shall consist of 5 members. The Chairman of the Commission is appointed by the director of the Agency for each individual case, according to the order in the Commission appointment decision. In case of conflict of interest, then the member in turn is named Chairman.

2. The members of the Disciplinary Commission must be from the relevant field of sports, health, justice, security and the sports community in Kosovo.

3. The members of the Disciplinary Commission are delegated by the relevant institutions at the request of the Agency and are appointed by the director of the Agency.

4. Before becoming a member of the Disciplinary Commission, each member must sign a conflict of interest and confidentiality declaration in accordance with applicable legislation and the International Standard for Results Management.

5. The replacement of the members of the Disciplinary Commission is done at the request of the chairperson, after he has ascertained the violations as follows: unjustified absence in three consecutive meetings, violation of anti-doping rules and violation of the code of ethics.

6. The term of office for the Disciplinary Commission members shall be four (4) years, with the possibility of re-election for one more term.

7. The role of the Commission Secretariat shall be performed by the Anti-Doping Agency.

Article 11

Duties of the Disciplinary Commission

1. The duties of the Disciplinary Commission are as follows:

1.1. The Disciplinary Commission shall evaluate and decide on the relevant case presented to the Disciplinary Commission by the Agency;

1.2. The Disciplinary Commission holds hearings with the parties in the procedure in accordance with the Code, the National Anti-Doping Rules, and the International Standard for Results Management;

1.3. The entire Result Management for the relevant case should be concluded within six months of notification (save for cases involving complex issues or delays not in the control of the *Anti-Doping Organization*);

1.4. Before considering an application of the relevant case, each member must present to the chairperson any circumstances that may affect their impartiality in relation to the case being considered;

1.5. A member of the Disciplinary Commission shall not be able to serve as a voting member of the commission if there are any circumstances likely to affect the impartiality of the decision;

1.6. The decision of the Disciplinary Commission is the final decision of the Agency and may be further appealed to CAS, as the second instance following Code Article 13.2;

1.7. Decisions shall be notified to the athlete or *other person*, to other anti-doping organizations with a right of appeal under the Code and National Anti-Doping Rules, and will be promptly reported into ADAMS.

Article 12

Compensation of commissions members

1. Members of the Agency's commissions shall be duly compensated for their work.
2. The compensation of commissions members who receive a salary from the state budget is done according to the Law on Salaries of the Republic of Kosovo.
3. A member of the Disciplinary Commission from the sports community in Kosovo shall be compensated equivalently as the other commission members.

Article 13

Entry into force

This regulation shall enter into force seven (7) days after its publication in the Official Gazette of the Republic of Kosovo.

Albin KURTI

Prime Minister of the Republic of Kosovo

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