



THERAPEUTIC USE EXEMPTION POLICY

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Table of Contents

INTRODUCTION	3
1 APPLICATION OF THE ADS TUE POLICY	3
2 CRITERIA FOR GRANTING A TUE.....	4
3 TUE PROCEDURE	4
3.1 SUBMISSION DEADLINE	4
3.2 FORMS AND DOCUMENTS	5
3.3 APPROVAL PROCEDURE.....	5
3.4 COMMENCEMENT OF MEDICAL TREATMENT.....	6
4 RETROACTIVE TUE	6
5 CANCELLATION OF A TUE.....	7
6 RENEWAL OF TUE	7
7 DURATION OF VALIDITY.....	7
8 RECOGNITION OF TUE	8
9 LANGUAGES USED	8
10 DATA PROTECTION.....	8
11 RESULTS MANAGEMENT	9
12 WADA TUEC REVIEWS AND APPEALS	10
APPENDIX 1: TERMS AND DEFINITIONS	11

INTRODUCTION

According to the World Anti-Doping Agency's (WADA) International Standard for Therapeutic Use Exemption (TUE), athletes with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a TUE. A TUE may, under certain well-defined and restricted conditions, enable athletes to take the necessary medication whilst competing in sporting events without resulting in a doping offence. An independent Therapeutic Use Exemption Committee (TUEC) shall review applications for TUEs according to the requirements of the Standard.

This policy should be read in conjunction with the principles set out in Article 4.4 of the World Anti-Doping Code and the International Standard for TUE established through the Code. The Introduction, the Terms and Definitions (Appendix 1) and the other appendices shall also be considered integral parts of this policy.

1 APPLICATION OF THE ADS TUE POLICY

1.1 Depending on the status of an Athlete or the level of competition the Athlete is participating in, a TUE application must be made by the Athlete to the relevant body (ADS, International Federation or other relevant Anti-Doping Organisations).

1.2 All athletes listed below shall submit their TUE applications to ADS:

- (a) Athletes in the ADS Registered ("ADS RTP") and Domestic Testing Pool ("ADS DTP");
- (b) Athletes carded under Sport Singapore's spexCarding programme;
- (c) Singapore Athletes participating in a National Sports Association's (NSA) National Championship for which a TUE granted pursuant to the ADS Anti-Doping Rules is required; and
- (d) Any other Singapore athlete not mentioned above where a TUE is required.

1.3 The following Athletes shall obtain a TUE from their International Federation (IF):

- (a) Athletes in the International Federation's Registered Testing Pool ("IF RTP"); and
- (b) Athletes participating in an International Event for which a TUE granted pursuant to the International Federation's (IF) rules are required. This applies whether or not the athletes already have a TUE on a national level.

Athletes must abide by their respective IF's TUE policies and procedures for their TUE applications.

1.4 The following Athletes shall obtain a TUE from their respective countries' National Anti-Doping Organisations (NADO):

- (a) Non-Singapore Athletes participating in a National Sports Association's (NSA) National Championship for which a TUE granted pursuant to the ADS Anti-Doping Rules is required. Athletes must abide by their respective NADO's TUE policies and procedures for their TUE applications.

Note: TUE applications may be submitted to ADS if an Athlete's NADO does not have the capacity to review and grant TUEs.

- 1.5 Depending on the applicable anti-doping rules, Athletes who are participating in a Major Event, for eg, the Olympic or Paralympic Games, Asian Games, Commonwealth and Southeast Asian Games, may be required to apply for a TUE to the respective Major Event Organiser (MEO). The TUE granted by the MEO is effective for the period of the event only. Athletes must abide by the respective MEO's TUE policies and procedures for their TUE applications.
- 1.6 A TUE application shall be submitted to only one Anti-Doping Organisation at a time. The Athlete must submit an application to the relevant Anti-Doping Organisation when his/her status as an athlete changes. That is, when a national-level Athlete with a TUE approved by ADS becomes an international-level athlete, he/she must submit a TUE application to his/her IF **within thirty (30) days** of requiring such a TUE.

2 CRITERIA FOR GRANTING A TUE

A TUE will be granted only if the following criteria are fulfilled:

- 2.1 The Athlete would experience a significant impairment to health if the Prohibited Substance or Prohibited Method were to be withheld in the course of treating an acute or chronic medical condition;
- 2.2 The therapeutic Use of the Prohibited Substance or Prohibited Method would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition;
- 2.3 There is no reasonable therapeutic alternative to the Use of the otherwise Prohibited Substance or Prohibited Method; and
- 2.4 The necessity for the Use of the otherwise Prohibited Substance or Prohibited Method cannot be a consequence, wholly or in part, of prior non-therapeutic use of any substance from the Prohibited List.

3 TUE PROCEDURE

A TUE is required for all medical treatments involving the use of a Prohibited Substance or Prohibited Method detailed in the Prohibited List. Athletes in the IF RTP shall abide by their respective IF's TUE rules and procedures.

3.1 Submission Deadline

For athletes in the ADS RTP and ADS DTP and those carded under Sport Singapore's spexCarding programme,

- (a) To ensure that the TUE is granted to the athlete prior to participation in a competition, all athletes who require the use of substances or methods prohibited *In-Competition* are to submit their applications **at least thirty (30) days** prior to participating in an event.
- (b) For substances prohibited *at all times*, the TUE application must be submitted as soon as the medical condition requiring the use of prohibited substances or methods is diagnosed.

3.2 Forms and Documents

- (a) TUE applications must be submitted to ADS using the ADS TUE Application Form. The application form can be obtained from the ADS website at www.antidoping.org.sg or the respective NSA. IF RTP athletes can obtain the forms from their respective IF.
- (b) The TUE application shall be signed by the appropriate medical practitioner(s) and accompanied with all relevant documents, such as evidence of the diagnosis, a comprehensive medical history and the results of all examinations, laboratory investigations and imaging studies relevant to the application.
- (c) The application shall also include a statement by an appropriately qualified physician attesting to the necessity of the otherwise Prohibited Substance or Prohibited Method in the treatment of the Athlete and describing why an alternative, permitted medication cannot, or could not, be used in the treatment of this condition.
- (d) The substance in question must be given its generic name. Brand names will not be accepted and will lead to the application being returned. The dose, frequency, route and duration of administration of the prohibited substance or method in question must be specified. If any of these changes, a new application should be submitted.
- (e) Any additional relevant investigations, examinations or imaging studies may be requested for consideration to grant a TUE. For conditions that cannot be demonstrated, independent medical justification must be attached to the application. All expenses incurred for these tests and reports shall be borne by the Athlete or the NSA.

3.3 Approval Procedure

- (a) According to Articles 5.1 to 5.3 of the International Standard for TUE, the relevant Anti-Doping Organisation shall appoint an independent Therapeutic Use Exemption Committee (TUEC) to review and grant TUEs to athletes. ADS shall appoint an independent TUEC to review and grant TUEs to athletes.
- (b) In normal circumstances, decisions of the TUEC shall be completed within thirty (30) days of receipt of the application form and all relevant documentation and will be conveyed in writing to the Athlete by ADS.
- (c) If a TUE application to an event is made outside of the stipulated submission timeline, the TUEC shall use its best endeavors to complete the TUE process before the start of the Event and cannot guarantee the process of the application before the start of the Event.
- (d) Should the Athlete wish to revoke the right of the TUEC to obtain any health information on his/her behalf, the Athlete shall notify his/her medical practitioner in writing of the fact. As a

consequence of such a decision, the Athlete will not receive approval for a TUE or renewal of an existing TUE.

- (e) ADS will notify the relevant IF and WADA of the TUEs granted to Athletes.
- (f) Any TUE that an Athlete has obtained from ADS shall not be valid if the Athlete becomes an International-Level Athlete or competes in an International Event unless and until the relevant IF recognizes that TUE in accordance with Article 7.0 of the International Standard for TUE. Any TUE that an Athlete has obtained from an IF shall not be valid if the Athlete competes in an International Event organized by a Major Event Organization, unless and until the relevant Major Event Organization recognizes that TUE in accordance with Article 7.0 of the International Standard for TUE. As a result, if the IF 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 IF or Major Event Organization.

3.4 Commencement of Medical Treatment

The athlete may commence treatment and/or sporting practice only upon receipt of official notification of the approved TUE. Otherwise, they would be using a Prohibited Substance or Prohibited Method without authorisation. This would constitute an anti-doping rule violation in the event of denial of the TUE by the TUEC.

4 RETROACTIVE TUE

4.1 There are situations for which TUEs may be granted retroactively. Nevertheless, even if a potential retroactive TUE case is examined, under no circumstances does this provide any guarantee that the TUE will be granted. The evaluation procedure is the same as that for the standard TUE application. The application will be considered by the relevant TUEC, which will issue its decision.

4.2 An application for a TUE will not be considered for retroactive approval except in the following situations:

(a) **Emergency treatment or treatment of an acute medical condition**

An emergency situation occurs when the life of an athlete could be at risk if he/she is unable to use the prohibited substance or method; in other words, if the medical condition justifies the treatment and warrants immediate administration.

(b) **If, due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit or a TUEC to consider an application prior to doping control**

Circumstances are considered to be exceptional when, for example, a TUE cannot be granted in time through no fault of the athlete. Thus, an athlete with a chronic illness must request a TUE thirty (30) days prior to an event. Nevertheless, the case of a normally healthy athlete suddenly affected by a significant medical condition some days prior to an event, and unable

to request a TUE within the allotted time to enable the TUEC to grant the TUE, may be considered as an “exceptional circumstance”.

- (c) **All other Singapore athletes who are not in the ADS RTP and ADS DTP, as well as those not carded under Sport Singapore’s spexCarding programme**, will be allowed to submit a TUE retroactively if selected for testing by ADS or a NSA according to the ADS Anti-Doping Rules.

- 4.3 Full and clear documentation of the medical incident is required and the TUE application process must be initiated at the first opportunity.

5 CANCELLATION OF A TUE

The TUE will be cancelled, if:

- 5.1 The Athlete does not promptly comply with any requirements or conditions of the ADS TUE Policy; and/or
- 5.2 The term for which the TUE was granted has expired; and/or
- 5.3 The Athlete is advised that the TUE has been withdrawn by ADS; and/or
- 5.4 A decision granting a TUE has been reversed by WADA or the Court of Arbitration for Sport (CAS).

6 RENEWAL OF TUE

- 6.1 There are no automatic extensions to a TUE. A new application is required when the previous TUE expires. Even for chronic Use of medication, a TUE can be granted only for a limited period.
- 6.2 The athlete must obtain and submit the TUE Application Form and medical documentation in the usual manner, and the TUE will be renewed in accordance with the same procedure. All application forms must be duly completed, signed and dated by the physician and the athlete. The physician should attach a recommendation for the TUEC concerning the duration of validity of the TUE based on the next appointment scheduled with his/her patient in order to monitor the specific medical condition.

7 DURATION OF VALIDITY

- 7.1 A TUE will be granted for a limited period of time, even if use of the substance is chronic. The Use of the substance will be regularly monitored by a physician, and the TUE will be renewed accordingly.
- 7.2 The dose, frequency, route and duration of administration of the otherwise Prohibited Substance or Prohibited Method in question must be specified. In case of change, a new application should be submitted.

8 RECOGNITION OF TUE

8.1 Article 4.4 of the Code requires Anti-Doping Organizations to recognize TUE granted by other Anti-Doping Organizations that satisfy the conditions of Article 4.1 of the International Standard for TUE. Therefore, if an Athlete who becomes subject to the TUE requirements of an IF or Major Event Organization already has a TUE, he/she should not submit an application for a new TUE to the IF or Major Event Organization. Instead:

- (a) The IF or Major Event Organization may publish notice that it will automatically recognize TUE decisions made pursuant to Article 4.4 of the Code (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 5.4 of the International Standard for TUE and therefore are available for review by WADA. 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.
- (b) In the absence of such automatic recognition, the Athlete shall submit a request for recognition of the TUE to the IF or Major Event Organization in question, either via ADAMS or as otherwise specified by that IF or Major Event Organization. The request should be accompanied by a copy of the TUE and the original TUE application form and all required supporting medical reports and records (unless the Anti-Doping Organization that granted the TUE has already made the TUE and supporting medical reports and records available via ADAMS or other system approved by WADA).

8.2 Accordingly, ADS shall recognise TUEs granted by the TUECs of other IFs or NADOs that satisfy the conditions of Article 4.1 of the International Standard for TUE.

9 LANGUAGES USED

All copies of applications and appropriate medical information necessary for the decision must be submitted in English or translated to English prior to submission to ADS.

10 DATA PROTECTION

10.1 Athlete Consent

Athletes applying for a TUE shall provide written consent for the transmission of all information pertaining to the application to members of all TUECs with authority under the Code to review the file and, if necessary, to other independent medical or scientific experts, as well as all other staff involved in the management, review or appeal of TUEs and WADA. The athlete should also provide written consent for TUEC decisions to be distributed to ADS and the NSAs in accordance with the provisions of the Code, and for the storage of such data and its transfer to the WADA Anti-Doping Administration and Management System (ADAMS).

10.2 Confidentiality of Information

Members of the TUEC and any other independent experts involved will manage TUE applications in the strictest of confidence and will sign confidentiality agreements. In particular, they will keep the following information confidential:

- (a) All medical information and data provided by the Athlete and physician(s) involved in the Athlete's care.
 - (b) All details of the application including the name of the physician(s) involved in the process.
- 10.3 Personal Information obtained in the TUE process will be retained in ADS for a period of eight (8) years, and thereafter only for as long as necessary to fulfill any obligations under the Code, as required by applicable law, regulation or compulsory legal process.
- 10.4 Information may be modified only by the persons appointed by ADS to grant the TUE and they are also the only people allowed to access the file.

11 RESULTS MANAGEMENT

In the event of an Adverse Analytical Finding, the following procedure applies:

11.1 Review by ADS

ADS shall conduct a review to determine if:

- (a) Any TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or
- (b) There is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Adverse Analytical Findings.

11.2 Existing TUEs and corresponding level of prohibited substance

Where a TUE is granted, no action is required as long as the reported level corresponds to the prescribed treatment plan and authorized dose.

11.3 Existing TUEs whereby the level of the prohibited substance does not correspond to the TUE

ADS will continue to follow the results management procedure for Adverse Analytical Findings if the level of the prohibited substance in the sample reported by the laboratory does not correspond to the authorised dose for the granted TUE.

11.4 Absence of a TUE

If the athlete does not have a TUE or if the TUE is not valid, ADS shall follow its rules regarding results management applicable to adverse analytical findings based on Article 7.2 of the Code.

12 WADA TUEC REVIEWS AND APPEALS

The WADA TUEC is established to review, on its own initiative, TUE decisions granted by Anti-Doping Organisations. The WADA TUEC, upon request by Athletes who have been denied TUEs by an Anti-Doping Organisation, will review such decisions with the power to reverse them.

Appendix 1: TERMS AND DEFINITIONS

Defined Terms from the Code

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.

Adverse Analytical Finding: A report from a laboratory or other WADA-approved entity that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

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

Athlete: Any Person who participates in sport at the international level (as defined by each International Federation), the national level (as defined by each National Anti-Doping Organization, including but not limited to those Persons in its Registered Testing Pool), and any other competitor in sport who is otherwise subject to the jurisdiction of any Signatory or other sports organization accepting the Code. All provisions of the Code, including, for example, Testing and therapeutic use exemptions, shall be applied to international- and national-level competitors. Some National Anti-Doping Organizations may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. National Anti-Doping Organizations are not required, however, to apply all aspects of the Code to such Persons. Specific national rules may be established for Doping Control for non-international-level or non-national-level competitors without being in conflict with the Code. Thus, a country could elect to test recreational-level competitors but not require therapeutic use exemptions or whereabouts information. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not require advance therapeutic use exemptions or whereabouts information. For purposes of Article 2.8 (Administration or Attempted Administration) 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.

Code: The World Anti-Doping Code.

Competition: A single race, match, game or singular athletic contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other athletic 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.

Domestic Testing Pool: The pool of National-level Athletes, other than an International-Level or National-Level Athlete in ADS' Registered Testing Pool, established by ADS who are subject to both In-Competition and Out-of-Competition Testing as part of ADS' test distribution plan.

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, therapeutic use exemptions, results management and hearings.

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

Event Period: The time between the beginning and end of an Event, as established by the ruling body of the Event.

In-Competition: Unless provided otherwise in the rules of an International Federation or other relevant Anti-Doping Organization, "In-Competition" means the period commencing twelve hours 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.

International Event: An Event 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 designated by one or more International Federations as being within the Registered Testing Pool for an International Federation.

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.

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, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional Anti-Doping Organization for such countries. 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 Event: A sport Event involving international- or national-level Athletes that is not an International Event.

National-Level Athlete: An Athlete, other than an International-Level Athlete, who is designated by ADS as being within the ADS Registered Testing Pool.

National Sports Association: Any national, provincial or territorial Person governing sport in Singapore or part thereof and its affiliated members, clubs, teams, associations and leagues.

Out-of-Competition: Any Doping Control 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 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.

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 so described on the Prohibited List.

Registered Testing Pool: The pool of top-level Athletes established separately by each International Federation and National Anti-Doping Organization who are subject to both In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organization's test distribution plan. Each

International Federation shall publish a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria.

Signatories: Those entities signing the Code and agreeing to comply with the Code, including the International Olympic Committee, International Federations, International Paralympic Committee, National Olympic Committees, National Paralympic Committees, Major Event Organizations, National Anti-Doping Organizations, and WADA.

Testing: The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.

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.

Defined Terms from the International Standard for TUE

Personal Information: As defined in the International Standard for the Protection of Privacy and Personal Information, information, including without limitation sensitive Personal Information, relating to an identified or identifiable Participant or relating to other Persons whose information is processed solely in the context of an Anti-Doping Organization's anti-doping activities.

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

TUE: Therapeutic Use exemption approved by a Therapeutic Use Exemption Committee based on a documented medical file and obtained before Use or Possession of, a substance or method that would otherwise be prohibited by the Code.

TUEC: Therapeutic Use Exemption Committee is the panel established by the relevant Anti-Doping Organization.

WADA TUEC: WADA Therapeutic Use Exemption Committee is the panel established by WADA.