

## ANNEXURE A: WHO NEEDS TO APPLY FOR A THERAPEUTIC USE EXEMPTION (TUE) IN ADVANCE?<sup>1</sup>

The International Standard for Therapeutic use Exemptions (ISTUE) is the reference standard for the South African Institute for Drug-Free Sport's (SAIDS) TUE application process. The information outlined below complies with the ISTUE.

### What Level Athlete am I?

The athlete's level i.e., whether he/she is a "**National Level**", or "**International Level**" Athlete, is important in determining **when\*** they need to apply for a Therapeutic Use Exemption (TUE) – \*in advance (before taking part in an event) or retroactively (post-event, should they get tested and the drug-test returns an adverse analytical finding or positive test).

Athletes who meet the SAIDS criteria for **National Level Athletes** (or the **International Level Athlete** criteria set by their sport's International Federation) need to apply for a TUE **before** they take a medication or use a method which is prohibited in sport (unless it is a medical emergency, in which case a retroactive application will apply).

Athletes should use the SAIDS's Online Medication Check Tool to check whether the substances or methods that they are using are included in the World Anti-Doping Code International Standard Prohibited List at the link: <http://www.drugfreesport.org.za/online-medication-check/>. If you are elevated to the status of a **National Level Athlete**, you need to check the status of any medication you are using to determine whether the medication and/or method is permitted in sport as you may need to apply for a TUE before you use a prohibited medication and/or a prohibited method for therapeutic purposes.

It is therefore important for athletes to understand whether they are classified as a **National, International Level Athlete** or **Other Athlete**.

<sup>1</sup> Applicable as of 1<sup>st</sup> October 2023

## National Level Athletes

SAIDS determines the criteria for a **National Level Athlete** (in accordance with the World Anti-Doping Code and the SAIDS Anti-Doping Rules). If you meet any of the below mentioned criteria, you shall be deemed a **National Level Athlete** and you need to apply for a TUE in advance:

- a. Athletes who hold a professional South African license to compete.
- b. Athletes in the SAIDS Registered Testing Pool, Testing Pool or other pool, if any.
- c. Athletes that participate in National Competitions or Events or in selection events for National Competitions or Events in the sports identified in the table below.
- d. Athletes who represent South Africa internationally but are not in an International Federation's Registered Testing Pool.

However, if any Athlete listed under "**National Level Athletes**" is classified by their respective International Federations as an **International-Level Athlete** then he/she shall be considered International-Level Athlete (and not National-Level Athlete).

With reference to **point c** above, athletes who compete in the competitions, events and/or are selected for the senior national teams as specified in the sport codes and disciplines below need to apply for a TUE in advance.

<b>Sport Code</b>	<b>Competition</b>	<b>Other Criteria</b>
Athletics	Athletes who compete at the senior national track and field, race walking, cross country and road running championships and who are entered in the elite category at the following or any other AIMS identified marathons on the Athletics South Africa events calendar e.g., Two Oceans Marathon, Comrades Marathon and Cape Town Marathon.	Athletes selected to represent the senior national team at a continental or world championships, African Games, Commonwealth Games and Olympic Games.
Aquatics	Athletes who compete in the open age category at the senior national swimming championship events (includes short course, long course and open water).	Athletes selected to represent the senior national men's and women's swimming teams at a continental or world championships, African

		Games, Commonwealth Games and Olympic Games. (Includes short course, long course, and open water).
Basketball	Athletes who compete in the men's Professional Basketball League.	Athletes selected to represent the senior men's national team at a continental or world championships.
Boxing	Athletes who compete at the senior national men's Amateur Boxing Championships.  Athletes who are national champions and are ranked in the top 10 of their various categories in Professional Boxing.	Athletes (SANABO) selected to represent the senior men's national team at an Amateur Boxing (AIBA) continental or world championships, African Games, Commonwealth Games and Olympic Games.
Canoe/Kayak	Athletes who compete in the elite category at the senior national sprint and marathon championships and the elite category at the Dusi and Berg River Marathons.	Athletes selected to represent the senior national sprint and marathon teams at continental or world championships, African Games, Commonwealth Games and Olympic Games.
Cricket	Athletes who compete in the national four-day, one day and T20 men's and women's competition.	Athletes selected for the under 19 national men's and women's team and senior national men's and women's team in the following formats: tests, one day and T20.
Cycling	Athletes who compete in the elite category at the senior national championship events (includes road, track, mountain bike and BMX championships). Additional events include athletes entered in the elite category of the Cape Epic, Cape Pioneer	Athletes selected to represent the senior national team to compete at a continental or world championship event, African Games, Commonwealth Games and Olympic Games (includes road, track, mountain bike and BMX).

	Joberg2C, Tankwa Trek, Sani2C and National Mountain Bike series.	
Football	Athletes who compete in the Premier Soccer League.	Athletes selected to represent the senior, under 20 and under 23 national men's and women's team to compete at a continental or world championships, African Games, and Olympic Games.
Golf	Athletes who compete in the senior men's and women's amateur and interprovincial championships.	Athletes selected to represent the senior national men's and women's team at a continental or world championships, Commonwealth Games and Olympic Games.
Gymnastics	Athletes who compete in the elite men's and women's category at the senior national championships (Artistic Men and Women Categories).	Athletes selected to represent the senior national men's and women's team at a continental or world championships, African Games, Commonwealth Games and Olympic Games.
Hockey (Field)	Athletes who compete in the senior men's and women's national interprovincial championships and the Premier Hockey League.	Athletes selected to represent the senior national men's and women's team at a continental or world championships, African Games, Commonwealth Games and Olympic Games.
Judo	Athletes who compete in the elite men's and women's senior national championships (all weight categories).	Athletes selected to represent the senior national men's and women's team at a continental or world championships, African Games, Commonwealth Games and Olympic Games.
Mixed Martial Arts (MMA)	Athletes who compete in the EFC competitions.	Not Applicable.

Netball	Athletes who compete in the National Netball League.	Athletes selected for the senior women's national teams, as well as teams selected for a Continental and/or World Championships and Commonwealth Games.
Powerlifting	Athletes who compete in the elite men's and women's senior national championships (all weight categories and disciplines e.g., bench press, squat).	Athletes selected to represent the senior national men's and women's team at a continental or world championships.
ParaSport	Not Applicable.	Athletes selected to represent South Africa at the Paralympic Games, Commonwealth Games and the World Championships in track and field, cycling and aquatics.
Rowing	Athletes who compete in the elite men's and women's senior national championships.	Athletes selected to represent the senior national men's and women's team at a continental or world championships, African Games, Commonwealth Games and Olympic Games.
Rugby Union	Athletes who compete in the senior Currie Cup and any senior cross border/international provincial competitions.	Athletes selected for the national under 20 men's team and senior male and female national teams (sevens and fifteens), as well as sevens teams for the Commonwealth Games and Olympic Games.
Shooting	Athletes who compete in shooting disciplines for selection to the Commonwealth and Olympic Games.	Athletes selected in national teams for shooting disciplines that form part of an upcoming Commonwealth and Olympic Games.

Triathlon/Duathlon	Athletes who compete in the elite (standard, long and ultra-distance) category at the senior national championships and at the Ironman events.	Athletes selected to represent the senior national men's and women's team at a continental or world championships, African Games, Commonwealth Games and Olympic Games. Athletes who are licensed to compete in international triathlon events or professional ironman triathlon events.
Weightlifting	Athletes who compete in the elite men's and women's category at the senior national championships (all weight categories).	Athletes selected to represent the senior national men's and women's team at a continental or world championships, African Games, Commonwealth Games and Olympic Games.
Wrestling	Athletes who compete in the elite men's and women's category at the senior national championships (all weight categories).	Athletes selected to represent the senior national men's and women's team at a continental or world championships, African Games, Commonwealth Games and Olympic Games.

**Please note the following:**

- a. If you are competing in an **event that qualifies you as a National Level Athlete**, you are required have a **TUE in place** seven (7) days prior to the event start date and it be valid for the duration of the event.
- b. If you are **selected in a national team** as stipulated under the criteria section of the specific sport code in the above table, and you need to use a prohibited medication or prohibited method for therapeutic reasons, then you should apply for a TUE **as soon as you are selected**. If you lose your place in the team due to injury or performance, you still qualify as a National Level Athlete for this period i.e., for the calendar year in which you were part of the team and you must have a TUE in place as you could still be tested during this time.

### **International Level Athletes**

- a. The criteria for an International Level Athlete is determined by a sport's International Federation (IF).
- b. One of the potential criteria is your inclusion in your International Federation's RTP. Your IF will inform you of your inclusion in their RTP.
- c. Another potential criterion is your participation at your IF's highest-level International Events. You should check with your IF, either directly or via your National Federation whether you are an International Level Athlete.
- d. If you are competing at an IF's International Event, and you need to use a prohibited medication or method for therapeutic reasons, and you already have a TUE granted by SAIDS, you should check with your IF and/or Event Organiser whether the TUE will be recognised automatically, or whether you will need to apply for its recognition. If you don't have a TUE granted by SAIDS, you should check with your IF whether you are considered to be an International Level Athlete for the purposes of that International Event and, therefore, you have to apply for a TUE from your IF rather than SAIDS. If International Level Athletes need a TUE, it is granted by their IF, not SAIDS.

### **Other Athletes**

All other athletes (including Recreational Athletes) qualify for a **Retroactive TUE**, which means that you are only required to apply if you are using a prohibited medication or method for therapeutic reasons. This will be applicable if you are undergoing a drug-test and your sample analysis result returns an Adverse Analytical Finding (Positive Test) for the substance that you used.

A retroactive application only allows you the opportunity to apply for a TUE. In order to be granted a Retroactive TUE, the SAIDS TUE Commission must be satisfied that all the criteria set out in the ISTUE are met. SAIDS recommends that you gather the relevant medical information in advance, to be prepared, in case you need to apply for a Retroactive TUE.

**If you are unsure of your status in terms of the level of athlete you are, or have other questions please contact SAIDS at 021 686 1634 or e-mail the TUE Administrator – Sakumzi Qotsini at [sakumzi@saidso.org.za](mailto:sakumzi@saidso.org.za).**