

THE SAFETY OF ATHLETES IN THE ADMINISTRATION OF MEDICINAL SUBSTANCES

Summary

Aiming at the artificial improvement of sports performance, doping opposes the sport principle of encouraging a fair and equitable competition. The use by athletes of different substances and methods for performance improvement represents a flagrant violation of sports ethics rules and Olympic principles. In order to avoid the abusive administration of such medicines and to encourage the true play, World Anti-Doping Agency created and annually updated the list identifying the prohibited substances and prohibited methods in sports (The Prohibited List) as a mandatory International Standard and part of the World Anti-Doping Program. Because many commonly used medicines contain substances included in the World Anti-Doping Code Prohibited List, an athlete who needs to use a prohibited substance or prohibited method for therapeutic reasons must apply for and obtain a Therapeutic Use Exemption.

Keywords: doping, Prohibited List, Therapeutic Use Exemption, WADA, World Anti-doping Code, International Standard

Rezumat

Securitatea sportivilor în administrarea de substanțe medicamentoase

Folosit pentru a crește în mod artificial performanțele sportive, dopajul contravine principiului sportiv de a încuraja o competiție corectă și echitabilă. Utilizarea unor substanțe și metode interzise pentru îmbunătățirea rezultatelor reprezintă o încălcare gravă a regulilor de etică sportivă și a principiilor olimpice. Pentru a preveni administrarea abuzivă a unor astfel de medicamente și pentru a încuraja jocul curat, Agenția Mondială Antidoping a stabilit și actualizează anual o listă a substanțelor și practicilor interzise în sport (Lista interzisă) ca standard internațional obligatoriu și parte a Programului Mondial Antidoping. Deoarece multe medicamente utilizate în mod obișnuit conțin substanțe care au fost incluse în lista interzisă a Codului Mondial Antidoping, un sportiv care necesită utilizarea unei substanțe sau metode interzise, trebuie să solicite și să obțină o scutire de uz terapeutic.

Cuvinte-cheie: dopaj, lista interzisă, scutirea pentru uz terapeutic, WADA, Codul Mondial Antidoping, standard internațional

Резюме

Безопасность спортсменов при приеме лекарственных веществ

Стремясь к искусственному улучшению спортивных результатов, допинг противоречит спортивному прин-

ципу поощрения честной и равноправной конкуренции. Использование спортсменами различных веществ и методов для улучшения результатов является грубым нарушением правил спортивной этики и олимпийских принципов. Во избежание злоупотребления такими лекарствами и для поощрения честной игры, Всемирное антидопинговое агентство создало и ежегодно обновляет список запрещенных веществ и запрещенных методов в спорте (Запрещенный список) в качестве обязательного международного стандарта и части Всемирной антидопинговой программы. Поскольку многие широко используемые лекарства содержат вещества, включенные в Запрещенный список Всемирного антидопингового кодекса, спортсмен, которому необходимо использовать запрещенное вещество или запрещенный метод в терапевтических целях, должен подать заявку и получить разрешение на терапевтическое использование.

Ключевые слова: допинг, запрещенный список, разрешение на терапевтическое использование, ВАДА, Всемирный антидопинговый кодекс, международный стандарт

Introduction

The first official definition of doping, dating from 1963 and issued by the European Committee Council, stated that “*doping represents the use of substances or physiological mediators, which are not normally present in the human body, introduced as an external aid to increase the athletes’ performance during a competition*” [6]. According to the Anti-doping Convention of the European Council “*doping in sports*” means the administration or use of doping agents or doping methods by athletes [1].

The *spirit of sport* is the celebration of the human spirit, body and mind. It is the essence of Olympism and is reflected in the values we find in and through sport, including health; ethics, fair play and honesty; athletes’ rights as set forth in the *Code*; excellence in performance; character and education; fun and joy; teamwork; dedication and commitment; respect for rules and laws; respect for self and other participants; courage; community and solidarity. The spirit of sport is expressed in how we play true [11].

In 1972 at the Olympic Games in Munich, the first official controls for conventional substances took place. The first substances controlled at the 1976

Olympics in Montreal were anabolic steroids. The International Olympic Committee (IOC) decided that the results of doping tests within the competition should be made public [3]. Nowadays the doping phenomenon in sports is increasing and diversifying, as are the drugs used for doping [2].

The objective of the research was to analyze the ethical, medical and legislative aspects of Therapeutic Use Exemption in the prevention and eradication of the doping phenomenon.

Material and methods

By applying the mixed research methods, a systematic review of the World Anti-Doping Agency (WADA) official reports (World Anti-Doping Code 2021, International Standards 2023, and Prohibited List 2023) was made for studying the spread of doping practices among athletes and to elucidate the role of Therapeutic Use Exemption as a tool for prevention and eradication of the doping phenomenon.

Doping phenomenon in sports world

Nowadays, sports are no longer just sports; as sport become an industry, a business, a reason for political or national pride, and these facts can only lead to breaking any rules to win [5]. Aiming at the artificial improvement of sports performance, doping opposes one of the essential principles of competitive sport that of encouraging a fair and equitable competition, at the end of which the best wins [11].

Doping has become a key and complex issue in the sports world, which deserves serious consideration. Cases of doping compromise the credibility of performance in sport and represents a flagrant violation of the rules of sports ethics and Olympic principles. The doping phenomenon partially can be explained by *the financial interests, *the pressure to obtain better results, *the media coverage of sports competitions, and *the human nature [4].

According to the World Anti-Doping Code the following constitute **anti-doping rule violations**:

- presence of a prohibited substance or its metabolites or markers in an athlete's sample;
- use or attempted use of a prohibited substance/ method;
- evading, refusing or failing to sampling;
- whereabouts failures;
- falsification or attempt to falsify any part of the doping control;
- possession of a prohibited substance or method;
- trafficking or attempted trafficking in any prohibited substance or method;
- complicity or attempted complicity;

- prohibited association;
- acts to discourage or retaliate against reporting to Authority, etc. [11].

Depending on the country's legislation, doping substances can be bought from pharmacies/ supplement stores or from the black market. The substance is considered doping if it meets two of the following three criteria:

1. improves the performance;
2. presents a hazard to the athlete's health and
3. violates the spirit of sport [6].

In order to avoid the abusive administration of such medicines and to encourage the true play, WADA created and since 2004 updated annually the list identifying the prohibited substances and methods (*The Prohibited List*) as a mandatory *International Standard* and part of the *World Anti-Doping Program* [8].

A classification from **S0** to **S9** for prohibited substances and from **M1** to **M3** for prohibited methods has been developed [7]:

- S0** Substances that have not been placed on the market
- S1** Anabolic agents
- S2** Peptide hormones and growth factors
- S3** Beta 2 agonists
- S4** Hormones and metabolic modulators
- S5** Diuretics and other masking agents
- S6** CNS stimulants
- S7** Narcotics
- S8** Cannabis extracts
- S9** Corticosteroids

The World Anti-Doping Code mentions that the athlete is 100% responsible for the substances that enter his body. Thus, if a forbidden substance is ingested accidentally, the athlete is still responsible for it [11].

Physicians should pay attention when prescribing different substances, as well as pharmacists who release the medication. Because many medicines contain substances included in the World Anti-Doping Code *Prohibited List*, an athlete who needs to use a prohibited substance or prohibited method for therapeutic reasons must apply for and obtain a *Therapeutic Use Exemption*.

What is the Therapeutic Use Exemption?

The World Anti-Doping Code *International Standard for Therapeutic Use Exemptions (ISTUE)* is a mandatory International Standard developed as part of the World Anti-Doping Program that was first adopted in 2004 and came into effect on 1 January 2005, subsequently being amended seven times (2009, 2010, 2011, 2015, 2016, 2019, and 2021). The WADA Executive Committee approved the last re-

vised version on September 2022, and it is effective as of 1 January 2023 [9].

According to the ISTUE, the granted *Therapeutic Use Exemption (TUE)* allows an athlete to use a Prohibited Substance for therapeutic reasons in order to restore health. The athlete must apply for and obtain TUE prior to Using or Possessing the substance or method in question, but in situations of a true medical emergency they can apply for a retroactive TUE [10].

An athlete applying for a TUE must have a diagnosed medical condition, confirmed by relevant medical data that meet the ISTUE criteria for granting it:

- a) prohibited substance or method is needed to treat a diagnosed (acute or chronic) medical condition;
- b) the therapeutic use of the prohibited substance will not enhance the sports performance, but will only ensure the return to the initial state of health;
- c) there is no reasonable therapeutic alternative [9].

The TUE application form must be accompanied by relevant diagnosis and medication details (prohibited substance/method name, dosage, route and frequency of administration, expiry date/duration of treatment); a comprehensive medical history, including documentation from the original diagnosing physician and the results of all relevant examinations, laboratory investigations and imaging studies, as well as original medical reports or letters. The application must include the physician's declaration (including name, contact information, specialty and signature) [9, 10].

Athletes will keep mandatorily a complete copy of the TUE application form, and all materials and information submitted in support of that application [10].

Therapeutic Use Exemption Committee (TUEC), established by National Anti-Doping Organization (NADO), International Federation (IF) and Major Event Organization (MEO), would consider if the application for granting the TUE meets the required criteria [9]. According to the ISTUE, TUEC should include at least three physicians with experience in clinical, sports and exercise medicine. In order to ensure the impartiality of decisions, all members must sign the declarations of conflict of interest and confidentiality. The TUEC decision to grant or deny a TUE must be communicated in writing to the athlete, and must be promptly reported (21 days) to WADA and to other Anti-Doping Organizations (ADO) through ADAMS [9, 10].

A TUE is required for all treatments involving the use of a prohibited substance or method included on the Prohibited List. It enables the athlete to take the necessary medication while competing in sport events, without resulting in a doping offence. The athlete who needs a TUE would apply as soon as possible; for substances prohibited *In-Competition* only the application for granting a TUE should be at least thirty (30) days before the next Competition, as exception is an emergency situation [10].

The athlete would apply to only one Anti-Doping Organization for a TUE for the use of the prohibited substance/ method for the same medical condition.

The TUEC grants TUE under well-defined conditions for a specific dosage, frequency, route of administration and duration, at the end of which the TUE will expire automatically. The TUE can be withdrawn prior to expiry date if the athlete does not promptly comply with any requirements or conditions imposed by the ADO granting the TUE [9, 10].

Athletes using the prohibited substance or prohibited method prior to receiving notification of TUE authorization do so at their own risk. This constitutes an anti-doping rule violation in the event of denial of the TUE by the Therapeutic Use Exemptions Committee.

It is important to remember that a TUE certificate does not grant the permission to possess and carry illegal and/or controlled substances across jurisdictional or international borders; it only enables the athlete to compete in sport while using a prohibited substance or method.

Conclusion

Nowadays establishing the right relationship between health and sport is crucial for awareness of clean sport. Doping phenomenon remains a complex issue of sports world which deserves serious consideration because it compromises the credibility of sport performance and represents a flagrant violation of the rules of sports ethics.

A diversity of substances is used for doping, so in order to avoid the abusive administration of such medicines WADA created The Prohibited List. Because many commonly used medicines contain substances on the Prohibited List, an athlete who needs to use a prohibited substance or method for therapeutic reasons must apply for and obtain a Therapeutic Use Exemption that enables the athlete to take the necessary medication while competing in sport events, without resulting in a doping offence.

The TUEC decisions are administrative in nature authenticating the use of substances and/or methods prohibited in sport and do not represent a medi-

cal prescription or permission to possess and carry illegal and/or controlled substances across borders.

The reasoned granting of TUE represents a tool able to combat and prevent the phenomenon of doping among athletes.

List of abbreviations

ADO – Anti-Doping Organization

ADAMS – Anti-Doping Administration and Management System

IF – International Federation

IOC – International Olympic Committee

ISTUE – International Standard for Therapeutic

Use Exemptions

MEO – Major Event Organization

NADO – National Anti-Doping Organization

TUE – Therapeutic Use Exemption

TUEC – Therapeutic Use Exemption Committee

WADA – World Anti-Doping Agency

Declaration of conflict of interest.

No conflict of interest.

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