

Doping

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Grégory Ernes & Niels Verborgh

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Grégory Ernes

Founder

Grégory is a partner at ALTIUS and his practice spans the complete range of areas within European and international sports law, with a particular focus on fundamental rights. He assists athletes, investors, sponsors, clubs and (inter)national sports governing bodies.

Recent work highlights include the *Selemani* case concerning high-profile litigation before the Brussels Court of Appeal defending an international sports governing body and safeguarding the rights of several international footballers in litigation against their former agents.

Grégory lectures at the University of Aix-Marseille and at the University of Lille.

Furthermore, Gregory is a member of the international lawyers' association in football law (A.I.A.F.). He is also an arbitrator at the CIDDD (Commission Interfédérale Disciplinaire en matière de Dopage) and the Disciplinary Committee of the International Judo Federation (F.I.J.), which is located in Paris.

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Niels Verborgh

Associate

Niels is a lawyer at ALTIUS and advises a wide range of Belgian and international clients on all aspects of sports law, including regulatory matters, disciplinary proceedings and employment-related disputes.

His experience includes acting for athletes, clubs and sports federations.

Niels obtained a Master of Laws from the Vrije Universiteit Brussel, studied Sports Management at the Catholic University College of Bruges-Ostend and has a certificate of advanced studies in European Sports Law and Policy from the Catholic University of Leuven.

Niels is a scientific co-worker and lecturer in the field of International and European Law at the Vrije Universiteit Brussel, where he is doing a PhD on European sports law. He has also featured as a guest lecturer at, among others, Ghent University, Vives University College and Erasmus University Rotterdam (the Netherlands).

He won the “Vlaamse Scriptieprijs”-competition (2017) with his Master’s thesis on FIFA’s transfer system and has gained experience in international football via internships at Manchester City FC (UK) and Lille LOSC (France).

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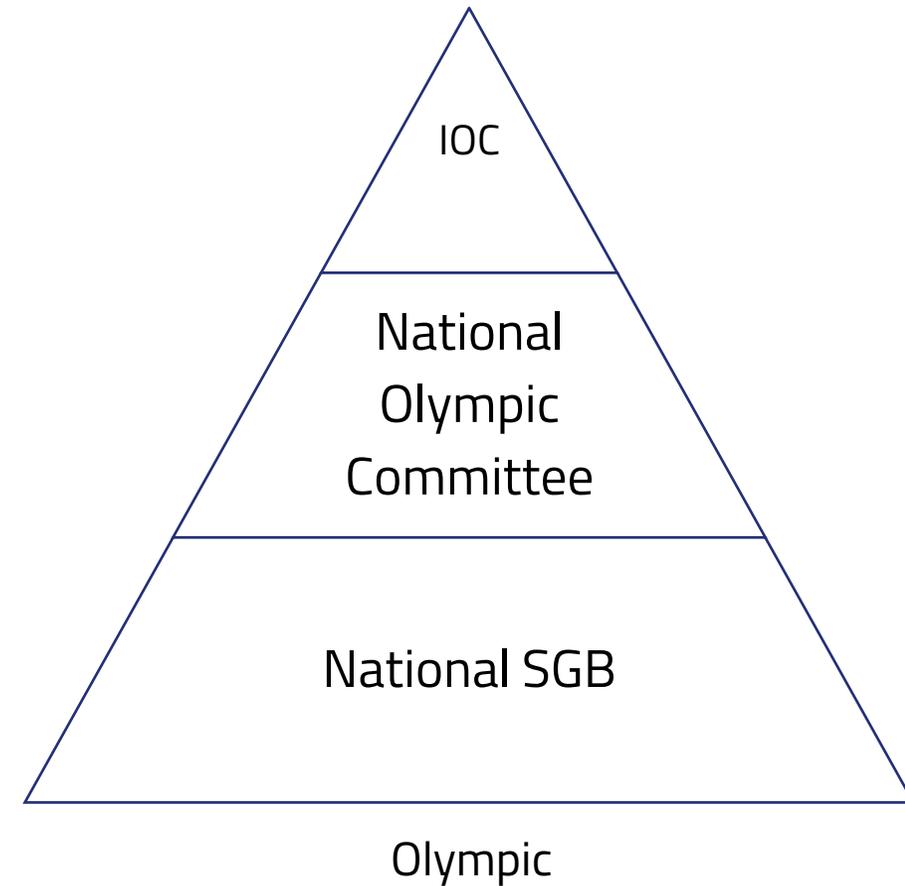
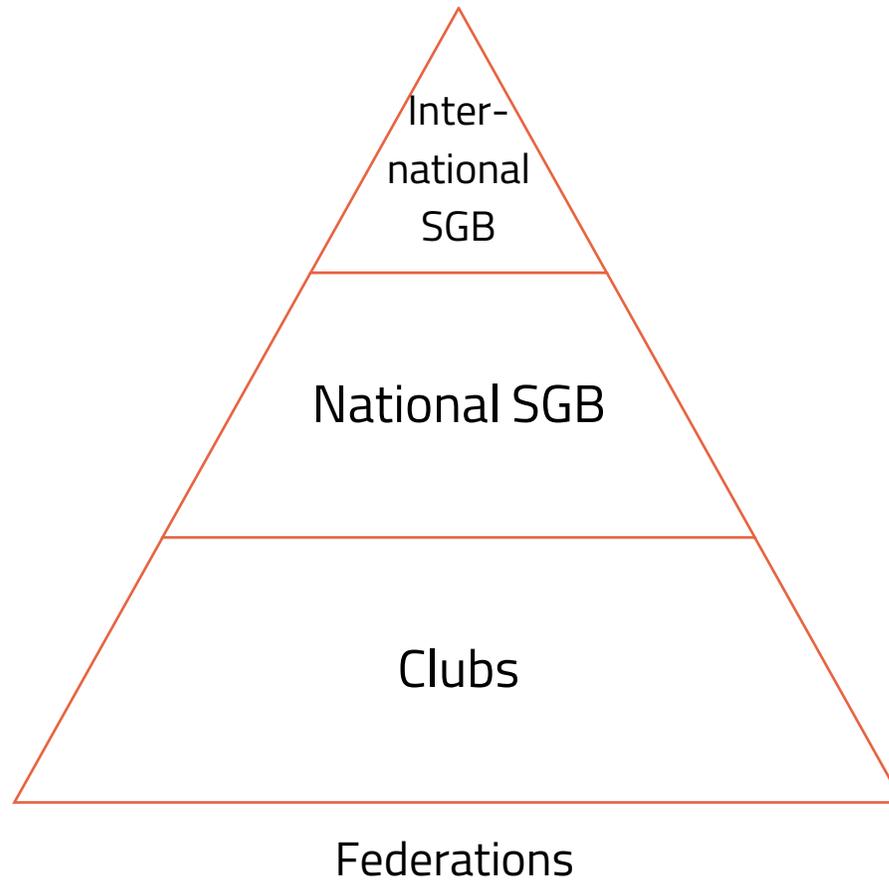
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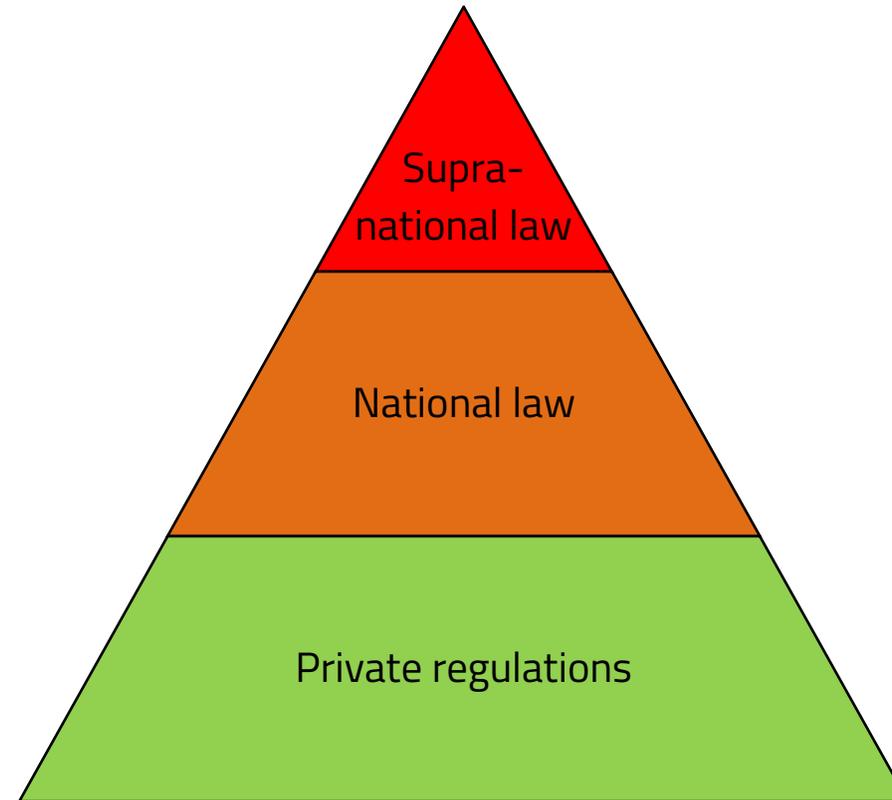
1. Introduction

ATFiELD

Organisation of sports



Hierarchy of norms



2.

**WADA, THE UNESCO CONVENTION
AND THE WORLD ANTI-DOPING CODE.**



World Anti-Doping Agency (WADA)

- Global regulator for anti-doping.
- An international independent agency composed and funded equally by the sports movement ('Olympic Movement') and governments of the world.
- Created in 1999, following the Lausanne Declaration on Doping in Sports of 4 February 1999.
- Seat: Montreal (Canada).
- **Core roles:**
 1. To regulate anti-doping organisations and the anti-doping system;
 2. To enable the development of the anti-doping system and programs;
 3. To coordinate the development of **the World Anti-Doping Code** and to monitor the Code.



UNESCO'S INTERNATIONAL CONVENTION AGAINST DOPING IN SPORTS

- Multilateral UNESCO treaty in which states agree to adopt national measures to prevent and eliminate doping in sports.
- Helps to ensure effectiveness of the **World Anti-Doping Code**: States and Parties agree to align their national rules with the World Anti-Doping Code.
- Adopted in Paris on 19 October 2005, entered into force on 1 February 2007.
- Ratified by 191 States Parties.



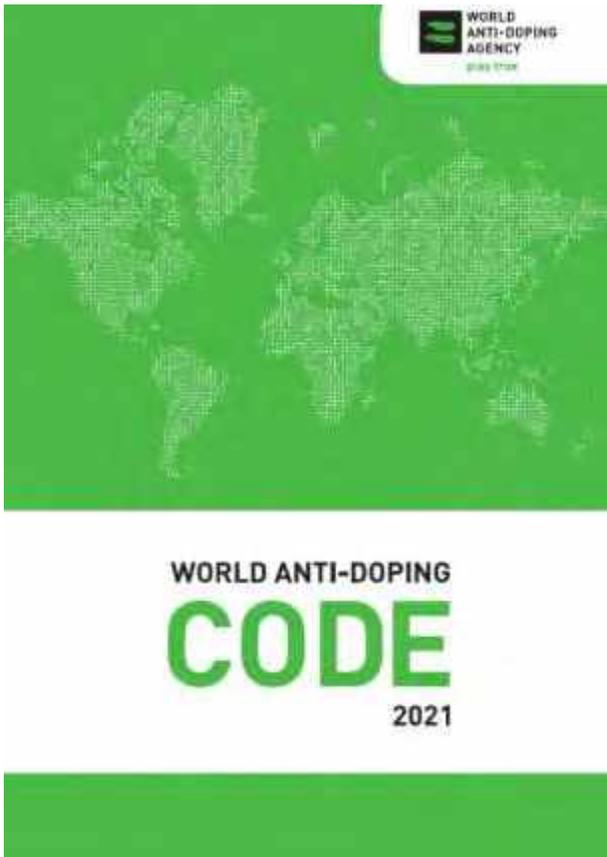
World Anti-Doping Code (“the Code”)



WORLD ANTI-DOPING
CODE
2021

- The core document harmonising anti-doping policies, rules and regulations in all sports and all countries.
- The Code’s purposes are:
 1. To protect the Athletes’ fundamental right to participate in doping-free sport and thus to promote health, fairness and equality for Athletes worldwide;
 2. To ensure harmonised, coordinated and effective anti-doping programs at the international and national level to prevent doping.
- Code signatories:
 1. The Olympic Movement (e.g., IOC and Comité National Olympique et Sportif Français);
 2. National Anti-Doping Organisations (NADO’s) across the world (e.g., Agence française de lutte contre le dopage);
 3. Sports organisations outside the Olympic Movement (e.g., International e-Sports Federation).

World Anti-Doping Code (“the Code”)



- The Code works in conjunction with 8 international standards to foster consistency among anti-doping organisations in various areas.
- **The 8 international standards are standards for:**
 1. Testing and Investigations (ISTI)
 2. Laboratories (ISL)
 3. Therapeutic Use Exemptions (ISTUE)
 4. The Prohibited List (The List)
 5. The Protection of Privacy and Personal Information (ISPPPI)
 6. Code Compliance by Signatories (ISCCS)
 7. Education (ISE)
 8. Results Management (ISRM)



History of the Code

- **2003:** first version (effective as from 2004).
- **2009:** first amendment took effect.
- **2015:** second amendment took effect.
- **2018:** third amendment took effect.
- **2019:** fourth amendment took effect.
- **2021:** revised version (effective as from 2021).

Code compliance (article 23 of the Code)

Acceptance

A signatory agrees to the principles of the Code & agrees to implement and comply with the Code.

Implementation

The process that a Signatory goes through to amend its rules and policies so that all mandatory articles and principles of the Code are included.

Enforcement

The signatory enforces its amended rules and policies in accordance with the Code.

Tribunal Arbitral du Sport



Court of Arbitration for Sport

ANTI-DOPING

CAS DECISION IN THE ARBITRATION WADA V. RUSADA

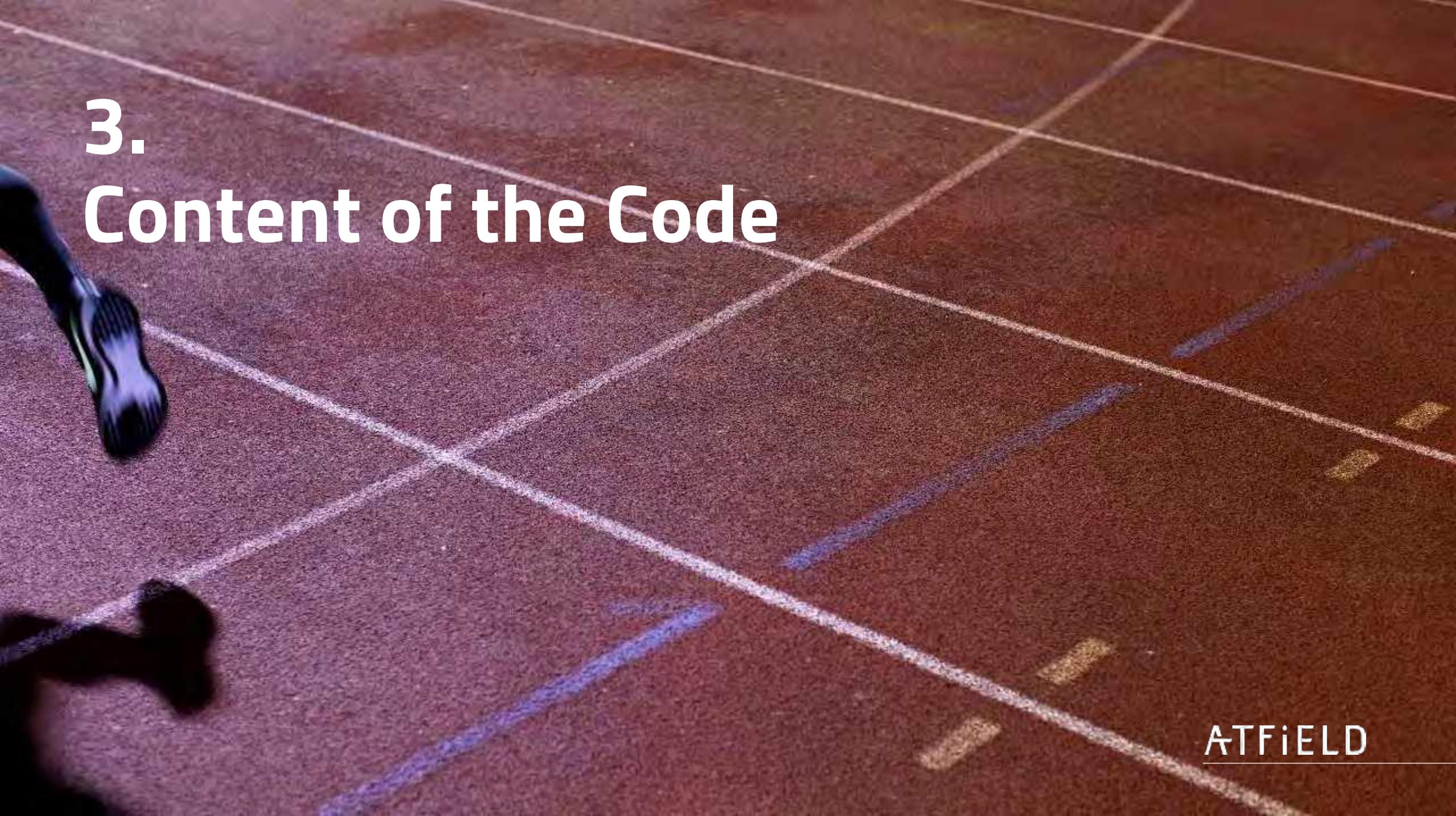
Lausanne, 17 December 2020 – The Court of Arbitration for Sport (CAS) has issued its decision in the arbitration procedure between the World Anti-Doping Agency (WADA) and the Russian Anti-Doping Agency (RUSADA), with 50 intervening parties, including the International Olympic Committee (IOC), the International Paralympic Committee (IPC) and the International Ice Hockey Federation (IIHF).

The CAS Panel unanimously determined RUSADA to be non-compliant with the World Anti-Doping Code (WADC) in connection with its failure to procure the delivery of the authentic LIMS data (Laboratory Information Management System) and underlying analytical data of the former Moscow Laboratory to WADA. As a consequence, the Panel issued a number of orders which come into effect on 17 December 2020 for a period of two years, i.e. until 16 December 2022.

The orders are reproduced in full in attachment to this media release.

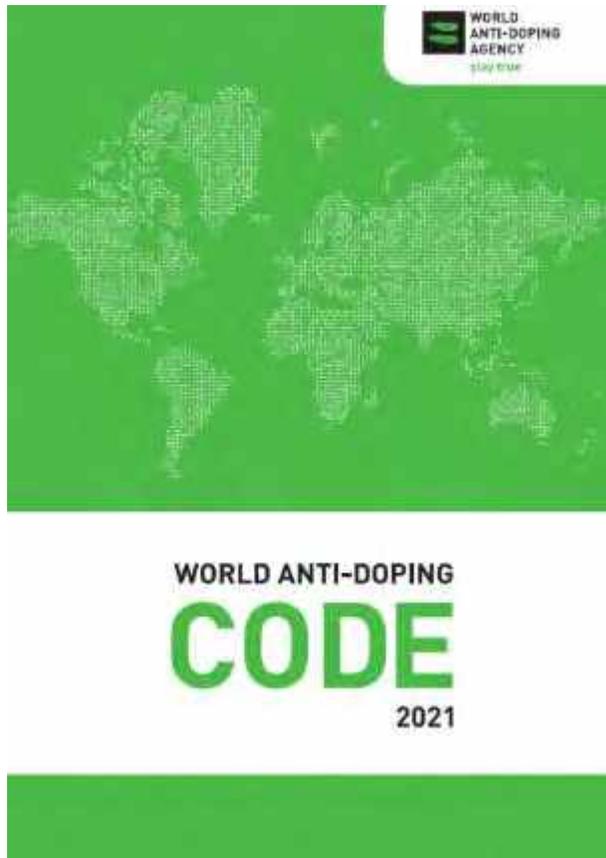
The Panel's orders include, *inter alia*, the possibility during the two-year period for any athlete or athlete support personnel from Russia to participate in or attend the Olympic and Paralympic Games (winter or summer) and any world championships organised or sanctioned by a WADA signatory, on the condition that they are not subject to a suspension imposed by a competent authority, that the uniform worn does not contain the flag of the Russian Federation and contains the words "neutral athlete", and that the Russian national anthem is not played or sung at any official event venue.

For RUSADA to be reinstated as a compliant signatory, all consequences imposed for RUSADA's non-compliance must have been respected and observed in full by RUSADA through the two-year period with all monetary fines and contributions paid.



3.

Content of the Code



- **i. What is doping?**
- **ii. Proof of doping**
- **iii. Testing and investigations**
- **iv. Analysis of samples**
- **v. What are the consequences of Anti-Doping Rule Violations?**

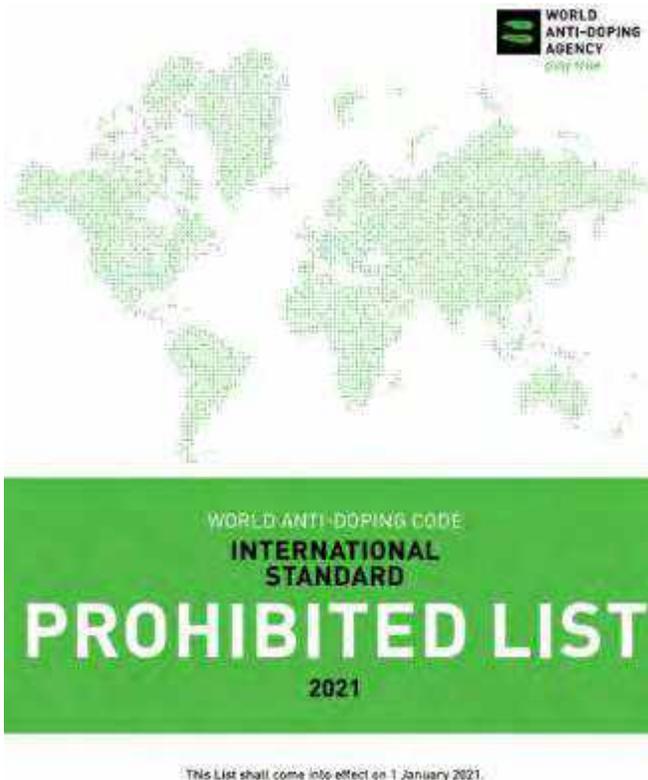


What is doping?

- Article 1 defines doping as the occurrence of (one or more of) the 11 anti-doping rule violations set out in Article 2, which are:
 1. The presence of a prohibited substance, its metabolites or markers in an athlete's sample.
 2. The use or attempted use of a prohibited substance or method by an athlete.
 3. Refusing, evading or failing to submit to sample collection by an athlete.
 4. Failure to file whereabouts information and/or missed tests by an athlete.
 5. Tampering or attempted tampering with the doping control process by an athlete or other person.
 6. Possession of a prohibited substance or method by an athlete or Athlete Support Personnel (ASP).
 7. Trafficking or attempted trafficking of a prohibited substance or method by an athlete or other person.
 8. Administering or attempting to administer a prohibited substance or method to an athlete.
 9. Complicity or attempted complicity in an ADRV by an athlete or other person.
 10. Prohibited Association by an athlete or other person with a sanctioned ASP.
 11. Acts to discourage or retaliate against reporting to authorities.
- *"Hearings [Fr: audiences] in doping cases will proceed based on the assertion that one or more of these specific rules have been violated."*
- *"Athletes or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List."*

What is the List of Prohibited Substances and Methods? (n° 1 and n° 2)

- The List indicates what substances or methods are prohibited.
- Annually updated: publication on WADA's website in October and applying from 1 January (see Article 4.1 – 4.3 of the Code).
- **Distinction:**
 1. Substances and methods that are always prohibited (e.g. epo)
 2. Substances and methods that are only prohibited "in-competition". (e.g. cocaine; e.g., morphine)
 3. Substances prohibited in particular sports (e.g. beta-blockers in golf or darts: prohibited in-competition, but not out-of-competition).





Therapeutic Use Exemptions (TUEs) (n° 1 and n° 2)

- **What?** TUEs give athletes an exemption to take particular medication if they suffer from an illness or medical condition that requires medication that contains a banned substance.
(see Article 4.4 of the Code)
- **Why?** TUEs enable athletes to obtain treatment (even via prohibited substances) for a legitimate medical condition.
- **Who?** Any athlete subject to doping control must obtain a TUE when taking prohibited substances or using prohibited methods.
- **When to apply?** ASAP.
Substances banned-in competition only: 30 days before next competition (unless: emergency or exceptional situation → apply retroactively).
- **Consequences?** No penalty if the TUE process has been followed.

FYI: the TUE process (n° 1 and n° 2)

1 The athlete should check the website of the relevant Anti-Doping Organization (ADO) to get a TUE application form.

Not sure which organization the athlete should go to for a TUE form?

- **National-level athletes:** contact the National Anti-Doping Organization (NADO)
- **International-level athletes:** contact the International Federation (IF)
- **At a Major Games:** contact the Major Event Organizer (MEO)

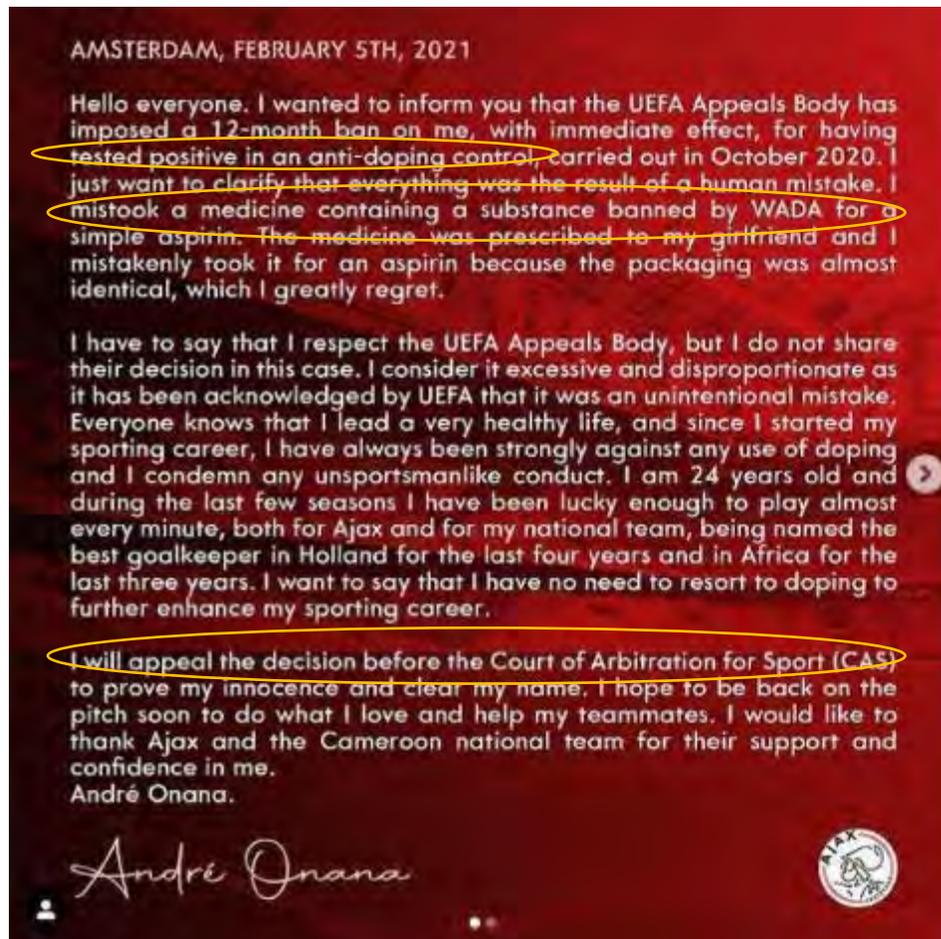
2 The athlete's physician fills out the TUE application form. Then the athlete sends it to their ADO.

3 Once a TUE is requested, a panel of experts (a TUE Committee) selected by the ADO reviews the TUE application and will grant a TUE if it meets the following criteria:

- a. The prohibited substance or method is needed to treat a diagnosed medical condition.
- b. The substance does not enhance performance, it just brings the athlete back to normal health.
- c. There are no reasonable, permitted, alternative treatments available.
- d. The need to use the substance or method is not due to the prior use of the substance or method without a valid TUE.

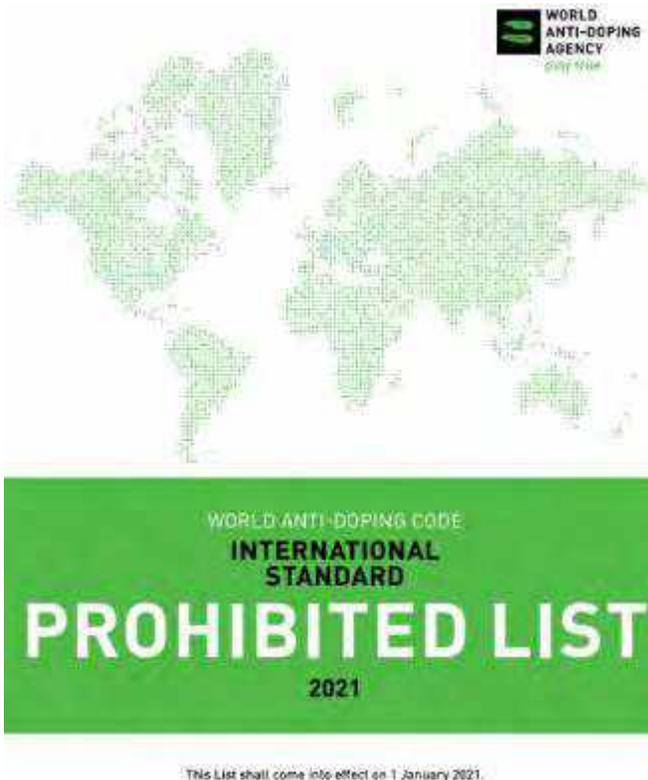
4 The ADO advises if a TUE has been approved - so the athlete has an exemption to use the requested medication, while continuing to participate in sport. If a TUE is denied (the TUE has not been approved) the athlete will be informed of the reasons. Athletes have the right to appeal the decision. Contact the ADO to find out how to do so.

CASE: ANDRÉ ONANA (n° 1 and n° 2)



Advice for athletes regarding the list (n° 1 and n° 2)

- Inform doctors that you cannot use certain substances.
- Always check the list before using medication.
- If needed, apply for a TUE (and declare the TUE on the doping control form).
- Be careful with supplements (contamination is possible).
- Before using supplements, check with doctors and/or the National Anti-Doping Organisation (NADO) or the International Federation.





CASE: SUN YANG (n° 3)

OLYMPICS

Sun Yang, China's most successful swimmer, gets 8-year ban after refusing doping test

FEB. 28, 2020 10:33 AM PT

China's greatest swimmer ever was given an eight-year ban by anti-doping authorities Friday, ending his hopes of further gold at the 2020 Tokyo Olympics.

Sun Yang, a three-time Olympian, was found guilty of refusing to cooperate with testers in a unanimous decision handed down by the Court of Arbitration for Sport.

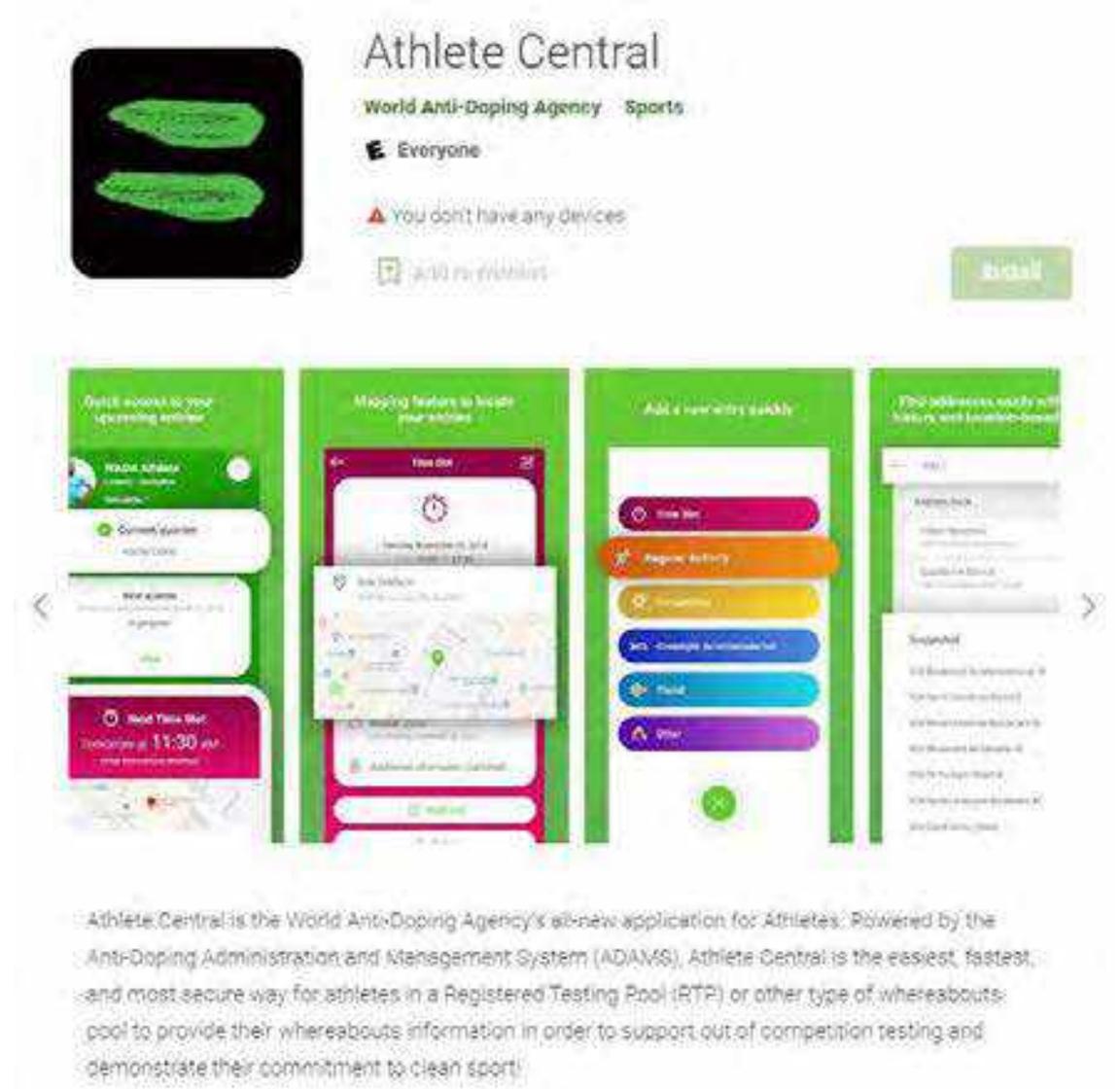
At issue was a September 2018 incident when testers arrived at Sun's home. A confrontation ensued, with Sun claiming that authorities did not possess proper credentials. His security guard ultimately smashed a vial of blood so it could not be analyzed.

"The athlete failed to establish that he had a compelling justification to destroy his sample collection containers and forego doping control when, in his opinion, the collection protocol was not in compliance," the CAS panel stated.

- However: CAS-award was annulled by Swiss Supreme Court

Wherabouts (n°4)

- **What?** Some athletes (athletes in a Registered Testing Pool) have to specify a location and a one hour time slot each day where they can be located for testing.
- **How?** Via a digital system (ADAMS) or via an app (Athlete Central).
- **What might constitute a violation?** 3 failing failures and/or missed tests in a 12-month period.





CASE: CHRISTIAN COLEMAN (n°4)

Christian Coleman: World 100m champion appeals ban for breaching anti-doping 'whereabouts' rules

World 100m champion Christian Coleman was handed a two-year ban last month for 'whereabouts failures'; US sprinter had been provisionally suspended in June; CAS also says it has registered an appeal relating to world 400 metres champion Salwa Eid Naser

World 100 metres champion Christian Coleman has filed an appeal with the Court of Arbitration for Sport (CAS) against his ban from competition until May 2022 for breaching anti-doping "whereabouts" rules.

The 24-year-old Coleman was handed the sanction last month after being found guilty of two missed tests and one 'finding failure' in 2019. The two-year ban means he would miss next year's Tokyo Olympics.

Three failures to properly file whereabouts information or being absent during the hour stated in a 12-month period can result in a one or two-year suspension.

"In his appeal to the Court of Arbitration for Sport, Christian Coleman requests that the decision of the AIU Disciplinary Tribunal... be set aside and that the sanction be eliminated, or in the alternative, reduced," it said in a statement.

The American sprinter said at the time of his provisional suspension that anti-doping officials had not followed procedure when he missed them after going Christmas shopping last year at a time when he had said he would be at home.

Doping control officers testified before a disciplinary tribunal that they were present during the whole of the allotted hour in front of his house.

Coleman, also a silver medallist in the 100m and 4x100m relay at the 2017 World Championships, escaped suspension in 2019 when the US Anti-Doping Agency (USADA), after receiving guidance from the World Anti-Doping Agency (WADA) on how to calculate the 12-month window for three missed tests, withdrew the charge.



CASE: DR. RICHARD FREEMAN (n° 5 and 6)

Cycling: British pro cycling doctor found guilty of ordering testosterone for unnamed cyclist

12 Nov 2021 10:07 AM

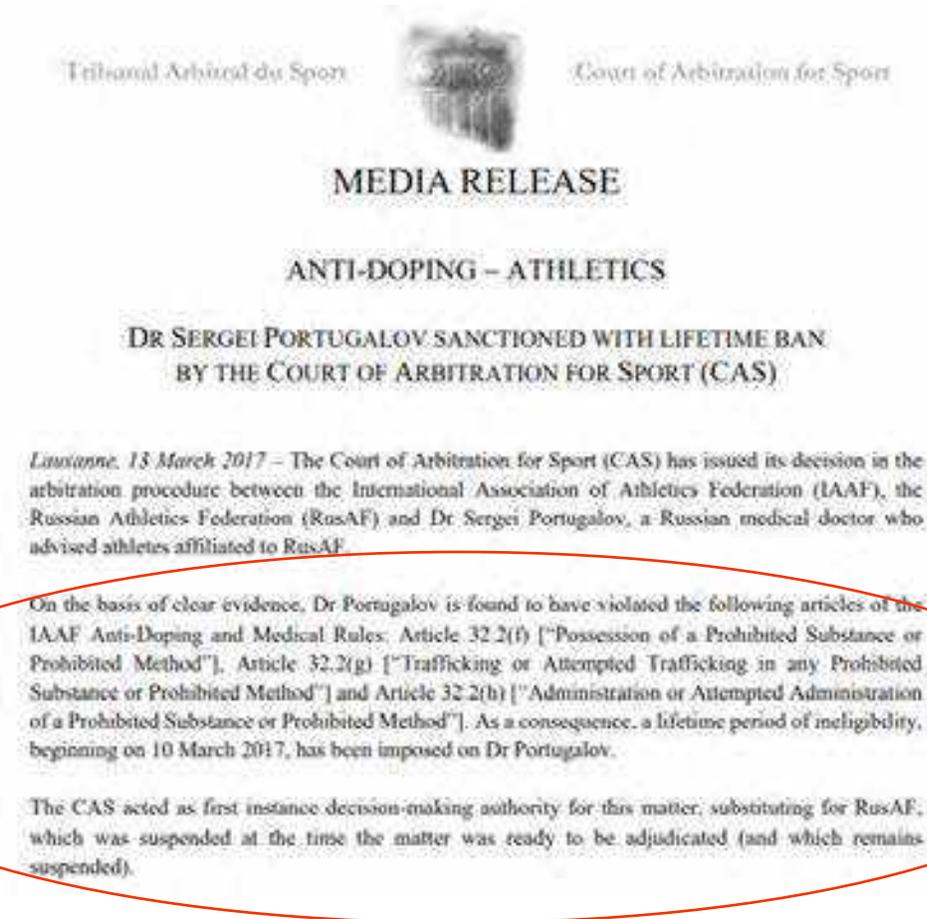
By Andrew Burt

The reputation of British cycling has been dealt a severe blow after a doctor involved in the country's transformation into an Olympic superpower and the Tour de France-winning Team Sky was found to have covered up the order of a "drug of choice" intended to boost a rider's performance.

Dr. Richard Freeman received the guilty verdict from Britain's Medical Practitioners Tribunal Service following a lengthy investigation and hearings lasting two years into the discovery of the 2011 order of 30 sachets of testosterone gel to the Manchester Velodrome.

No athlete was identified by the tribunal, which is set to determine next week whether Freeman can continue to work as a doctor as it considers sanctions. But Freeman has been suspended from working in sports after being charged by the U.K. Anti-Doping Agency with "possession of prohibited substances and/or prohibited methods and tampering or attempted tampering with any part of doping control."

CASE: DR. SERGEI PORTUGALOV (n° 6, n° 7 and n° 8)





CASE: KAY (n°9)

Two grassroots players from same English club banned for anti-doping violations

Kay has been banned from all sport for two years, from July 16, 2019, until July 15, 2021. The written judgment into his hearing stated: “Joseph Stafford asked Kay to help him leave the training ground in order to avoid his sample being collected.

“Kay agreed to help Stafford by driving him away from the training ground and thereby assisted Stafford in evading his sample collection.”

RFU anti-doping and illicit drugs programme manager Stephen Watkins commented: “All rugby players are subject to the anti-doping rules which are in place to protect players and the integrity of our sport.”



CASE: ALBERTO SALAZAR (n° 10)

Exclusive: Salazar athletes in Doha told to stay away from US coach after four-year doping ban

By Mike Rowbottom at the JW Marriott Hotel in Doha

4 comments  19

© Tuesday, 1 October 2019

Athletes here coached by Alberto Salazar, banned for four years by the United States Anti-Doping Agency (USADA), are today receiving notice from the Athletics Integrity Unit (AIU) prohibiting them from future association.

They include Sifan Hassan, the Ethiopian-born athlete now representing The Netherlands who won the women's 10,000 metres title here on Saturday (September 28) in only her second race at the distance and is eyeing gold in either the 1,500m or 5,000m.

David Howman, chairman of the AIU, exclusively told *insidethegames*: "Salazar has been stripped of his accreditation for this event, and that means that notices have to be given to the athletes under his coaching so that they don't associate with him now that he has been banned."

"No athlete can be charged with prohibited association unless they have been notified about the coach or person they shouldn't be associated with."

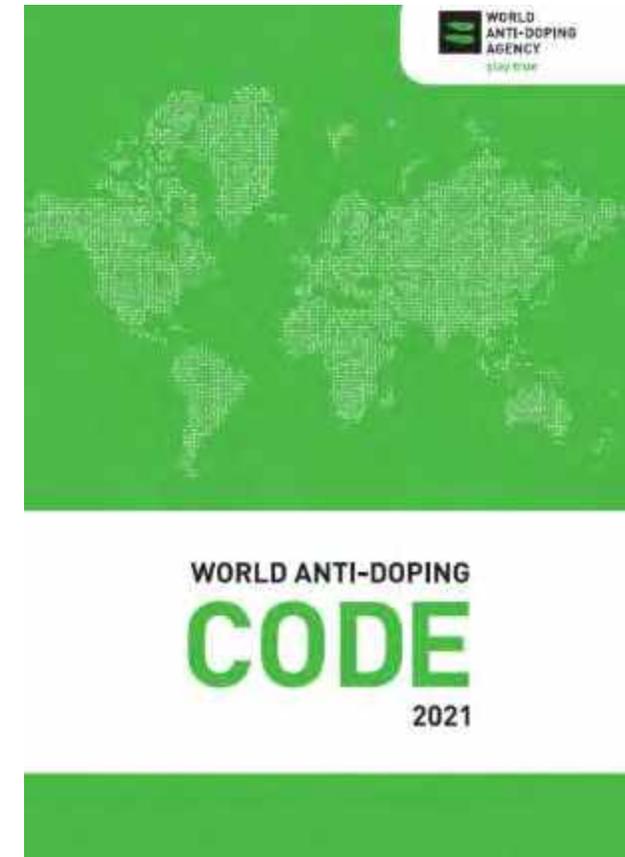
"So we have to give them written, formal notices to say 'you cannot associate with your coach'."

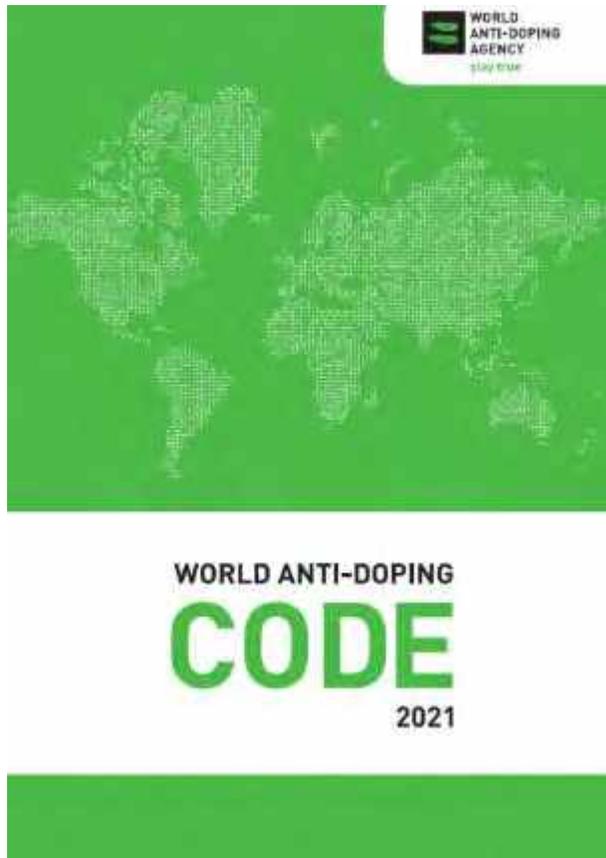
"We are doing that today."



Acts to discourage or retaliate against reporting to authorities (n° 11)

- New doping offence as from 1 January 2021.
- Actions that frighten someone from reporting suspected doping or acts of revenge against those who have reported.



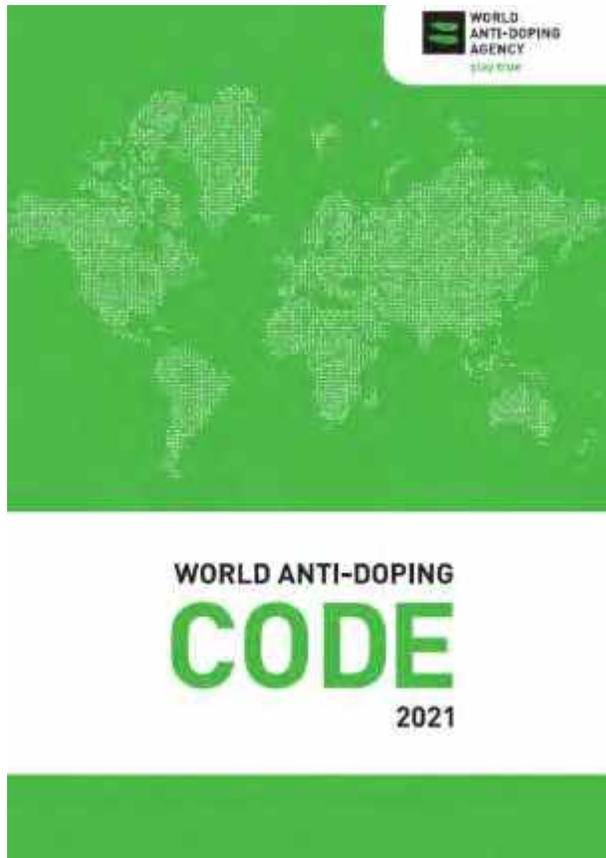


- i. What is doping?
- **ii. Proof of doping**
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Proof of doping (article 3)

- General:
 - Anti-doping organisation bears the burden of proof.
 - Standard: “comfortable satisfaction”, bearing in mind the seriousness of the allegation that is made (between “balance of probability” and “beyond reasonable doubt”).
- Exception:
 - The Code sometimes places the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption.
 - Standard: “balance of probability” (exceptions: articles 3.2.2 – 3.2.3).

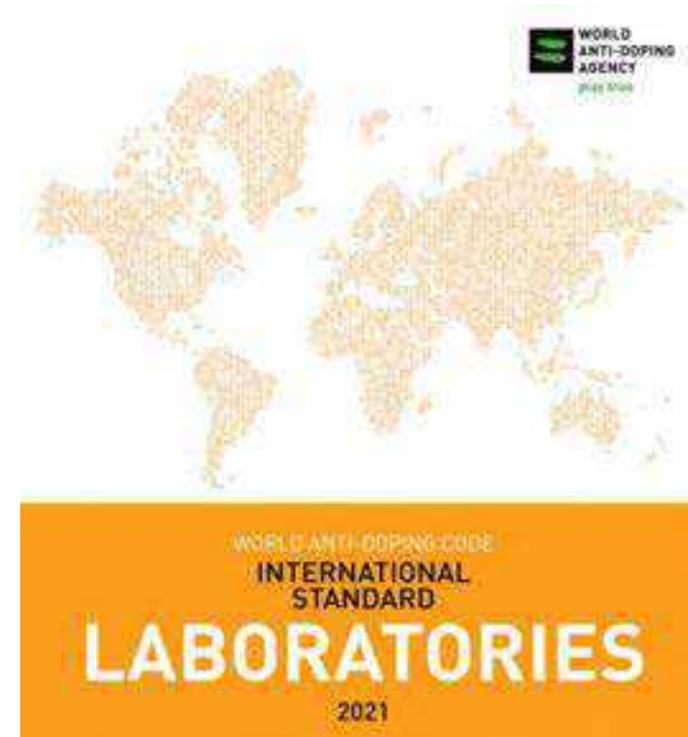


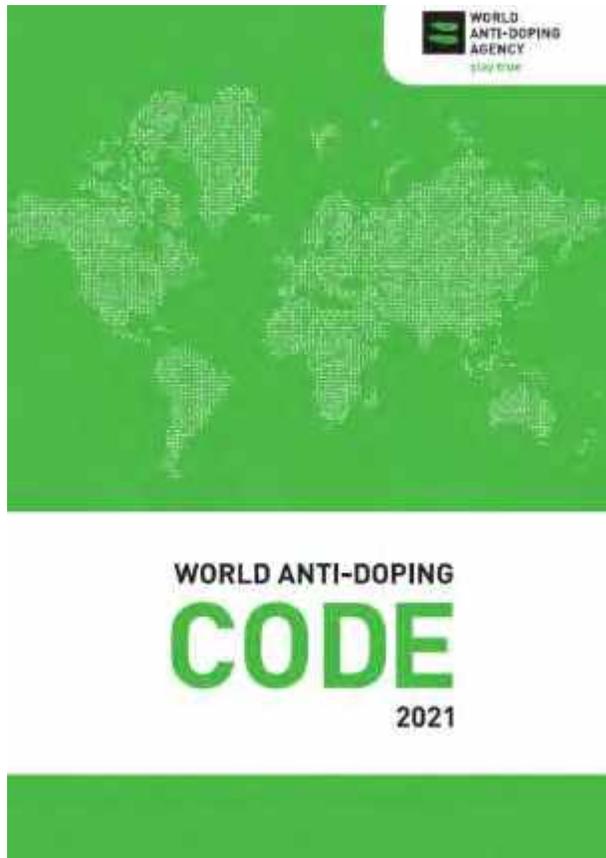
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Analysis of the samples

- Samples are analysed in WADA-accredited or -approved laboratories, in accordance with the International Standard for Laboratories (article 6).
- Facts may be established by any reliable means. (e.g., “reliable laboratory testing conducted outside of WADA-accredited- or approved laboratories”).
- Negative samples may be stored and subject to further (future) analysis.





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Results management

- *“A process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.”* (article 7 of the Code)
- Minimum requirements set out in the International Standard for Results Management. (e.g., notifications to athletes, e.g., provisional suspensions)



Consequences of Anti-Doping Rule Violations (ADRV)

- **A. Provisional Suspension:** the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8.
- **B. Disqualification:** results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes.
- **C. Ineligibility:** the Athlete or other Person is barred due to an ADRV for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.14.
- **D. Financial Consequences:** a financial penalty imposed for an ADRV or to recover the costs associated with an ADRV.
- **E. Public Disclosure:** the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14.
- **F. Teams in Team Sports:** may also be subject to Consequences as provided in Article 11.

A. Provisional suspensions

- **Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding (article 7.4.1)**
 - After review and notification (article 7.2).
 - Adverse Analytical Finding: a report from a WADA-accredited or –approved laboratory that establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.
 - Adverse Passport Finding: a report identified as an Adverse Passport Finding as described in the applicable International Standards.
 - May be eliminated if: (i) the Athlete demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product, or (ii) the violation involves a Substance of Abuse (e.g. cocaine) and the Athlete establishes entitlement to a reduced period of Ineligibility under Article 10.2.4.1.
 - A hearing body’s decision not to eliminate a mandatory Provisional Suspension on account of the Athlete’s assertion regarding a Contaminated Product shall not be appealable.
- **Optional Provisional Suspension Based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations (article 7.4.2)**
- **Voluntary Acceptance of Provisional Suspension by athletes (article 7.4.4)**

B. Disqualification

- **Automatic disqualification of individual results (article 9):**

Anti-Doping Rules Violation (= ADRV) in individual sports in connection with an In-Competition test: automatic disqualification of the result obtained in the Competition, with all resulting Consequences (including forfeiture of any medals, points and prizes).

- **Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs (article 10.1):**

- ADRV occurring during or in connection with an Event: may lead to a decision of the Event's ruling body to **a** disqualification of all of the Athlete's individual results obtained in that event.
- Exception: no disqualification if there is No Fault or Negligence (unless: results in Competitions other than the Competition in which the ADRV occurred were likely to have been affected by the ADRV).
- Factors taken into account: seriousness of the ADRV and potential negative test in other competition(s).

- **Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation (article 10.10):**

All other competitive results of the Athlete obtained from the date a positive Sample was collected, or other ADRV occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, *unless fairness requires otherwise*, be Disqualified with all of the resulting Consequences.

FYI: athletes stripped of medals at the London 2012 Summer Olympics

Hripsime Khurshudyan	Armenia	3	Weightlifting, Women's +75 kg
Valentin Hristov	Azerbaijan	3	Weightlifting, Men's 56 kg
Nadzeya Ostapchuk	Belarus	1	Athletics, Women's shot put
Iryna Kulesha		3	Weightlifting, Women's 75 kg
Maryna Shkermankova		3	Weightlifting, Women's 69 kg
Davit Modzmanashvili	Georgia	2	Wrestling, Men's freestyle 120 kg
Zulfiya Chinshanlo	Kazakhstan	1	Weightlifting, Women's 53 kg
Ilya Ilyin		1	Weightlifting, Men's 94 kg
Maiya Maneza		1	Weightlifting, Women's 63 kg
Svetlana Podobedova		1	Weightlifting, Women's 75 kg
Jevgenij Shuklin	Lithuania	2	Canoeing, Men's C-1 200 m
Anatolie Ciřicu	Moldova	3	Weightlifting, Men's 94 kg
Cristina Iovu		3	Weightlifting, Women's 53 kg
Razvan Martin	Romania	3	Weightlifting, Men's 69 kg
Roxana Cocoș		2	Weightlifting, Women's 69 kg
Asli Cakir Alptekin	Turkey	1	Athletics, Women's 1500 m
Gamze Bulut		2	Athletics, Women's 1500 m
Relay team (Tyson Gay)	United States	2	Athletics, Men's 4 × 100 m relay
Oleksiy Torokhtiy	Ukraine	1	Weightlifting, Men's 105 kg
Oleksandr Pyatnytsya		2	Athletics, Men's javelin throw
Yuliya Kalina		3	Weightlifting, Women's 58 kg
Artur Taymazov		Uzbekistan	1
Soslan Tigiev	3		Wrestling, Men's freestyle 74 kg

Sergey Kirdyapkin	Russia	1	Athletics, Men's 50 km walk
Ivan Ukhov		1	Athletics, Men's high jump (Y)
Tatyana Lysenko		1	Athletics, Women's hammer throw
Mariya Savinova		1	Athletics, Women's 800 m
Yuliya Zaripova		1	Athletics, Women's 3000 m steeplechase
Apti Aukhadov		2	Weightlifting, Men's 85 kg
Aleksandr Ivanov		2	Weightlifting, Men's 94 kg
Olga Kaniskina		2	Athletics, Women's 20 km walk
Yevgeniya Kolodko		2	Athletics, Women's shot put
Darya Pishchalnikova		2	Athletics, Women's discus throw
Relay team (Antonina Krivoshapka, Yulia Gushchina, Tatyana Firova)		2	Athletics, Women's 4 × 400 m relay
Svetlana Tsarukaeva		2	Weightlifting, Women's 63 kg
Natalya Zabolotnaya		2	Weightlifting, Women's 75 kg
Tatyana Chernova		3	Athletics, Women's heptathlon
Svetlana Shkolina		3	Athletics, Women's high jump (Y)

C. Ineligibility

- **Ineligibility for Presence (2.1), Use or Attempted Use (2.2) or Possession of a Prohibited Substance or Prohibited Method (2.6.) (article 10.2)**
 - Can be subject to potential aggravation, elimination, reduction or suspension (articles 10.4 to 10.7).
 - 4 years if (i) the ADRV does not involve a Specified Substance/Method, unless there was no intent; (ii) or the ADRV involves intentional use of a Specified Substance/Method (10.2.1).
 - 2 years in other scenarios (except if article 10.2.4.1 does not apply).
 - 10.2.4.1: Substance of Abuse (e.g. Cocaine, MDMA, ecstasy, heroin, cannabis, etc.) out-of-competition and unrelated to sports performance: 3 months' ineligibility (reduction possible to 1 month if substance of abuse treatment program is followed) (article 10.6 does not apply).
 - Substance of Abuse in-competition and unrelated to sports performance (10.2.4.2): not considered intentional (within the meaning of article 10.2.1) or aggravating circumstance (10.4).

C. Ineligibility

- **Ineligibility for other ADRV (2.3 to 2.5, 2.7 to 2.11) (article 10.3)**
 - Might be subject to potential aggravation, elimination, reduction or suspension (articles 10.4 to 10.7).
 - **2.3** (Refusing, evading or failing to submit to sample collection) **or 2.5** (tampering or attempted tampering with the doping control process).
 - 4 years except (i) 2 years if there was no intent in a case of failing to submit sample collection; or (ii) in all other cases, a range from 2 to 4 years depending on the 'degree of fault'; and (iii) exception for recreational athletes and Protected Persons.
 - **2.4** (Failure to file whereabouts information and/or missed tests)
 - 2 years (subject to reduction down to minimum 1 year depending on the degree of fault, unless serious suspicion that the Athlete was trying to avoid being available for testing).

C. Ineligibility

- **Ineligibility for other ADRV (2.3 to 2.5, 2.7 to 2.11) (article 10.3)**
 - **2.7** (Trafficking or attempted trafficking of a prohibited substance or method by an athlete) **and 2.8** (Administering or attempting to administer a prohibited substance or method to an athlete).
 - Minimum of 4 years up to lifetime ineligibility (depending on the seriousness of the violation).
 - Protected person: considered a serious violation.
 - Athlete Support Personnel: lifetime ineligibility (for other violations than for Specified Substances).
 - **2.9** (Complicity or attempted complicity in an ADRV) **and 2.11** (Acts to discourage or retaliate against reporting to authorities).
 - Minimum of 2 years up to lifetime ineligibility (depending on the seriousness of the violation).
 - **2.10** (Prohibited Association with a penalised ASP).
 - 2 years (subject to reduction down to a minimum 1 year, depending on the degree of fault and other circumstances of the case).

C. Ineligibility

- **Aggravating circumstances which may increase the period of ineligibility (article 10.4)**
 - If aggravating circumstances are present which justify a period of Ineligibility greater than the standard penalty: increase by an additional period of Ineligibility of up to 2 years.
 - Not applicable if the ADRV was “not knowingly committed”.
 - Not applicable to the following violations (*“because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any aggravating circumstance”*):
 - Article **2.7** (Trafficking or Attempted Trafficking)
 - Article **2.8** (Administration or Attempted Administration)
 - Article **2.9** (Complicity or Attempted Complicity)
 - Article **2.11** (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting)

C. Ineligibility

- **Elimination of the Period of Ineligibility where there is No Fault or Negligence (article 10.5)**

- The otherwise applicable period of Ineligibility is eliminated if there is No Fault or Negligence.
- No Fault or Negligence =

The Athlete or other Person's establishing that (s)he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that (s)he had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule.

Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.

C. Ineligibility

- **Reduction of the Period of Ineligibility based on No Significant Fault or Negligence (article 10.6)**

- No Significant Fault or Negligence =

The Athlete or other Person establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation.

Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.

- Difference between articles 10.6.1 and 10.6.2

C. Ineligibility

- **Reduction of the Period of Ineligibility based on No Significant Fault or Negligence (article 10.6)**
 - Difference between articles 10.6.1 and 10.6.2
 - 10.6.1: Reduction of Sanctions in Particular Circumstances for Violations under **article 2.1, 2.2 or 2.6**.
 - Non cumulative reductions.
 - (i) Specified Substances or Specified Methods, (ii) Contaminated Products and (iii) Protected Persons or Recreational Athletes: depending on the degree of Fault, a reprimand and no period of Ineligibility (at a minimum) to 2 years of Ineligibility (at a maximum).
 - 10.6.2: Application of No Significant Fault or Negligence where article 10.6.1 does not apply:
 - Subject to further reduction or elimination as provided in article 10.7, the otherwise applicable period of Ineligibility may be reduced based on the degree of Fault.
 - However, the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable.
 - If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years.

C. Ineligibility

- **Elimination, Reduction, or Suspension of Period of Ineligibility or Other Consequences for Reasons Other than Fault (article 10.7) and Results Management Agreements (article 10.8).**
 - Subject to the specific conditions as set out in the relevant article:
 - Substantial Assistance in Discovering or Establishing Code Violations (article 10.7.1).
 - Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence, within 20 days following the notification of an ADRV (article 10.7.2).
 - Application of Multiple Grounds for Reduction of a Sanction (article 10.7.3).
 - One-year reduction for Certain Anti-Doping Rule Violations based on Early Admission and Acceptance of Sanction (article 10.8.1).
 - Case Resolution Agreement (article 10.8.2).

C. Ineligibility

- **Multiple violations (article 10.9).**

- Second ADRV: the Period of Ineligibility shall be the greater of:

- (a) A six-month period of Ineligibility; or

- (b) A period of Ineligibility in the range between:

- (i) the sum of the period of Ineligibility imposed for the first ADRV plus the period of Ineligibility otherwise applicable to the second antidoping rule violation treated as if it were a first violation, and

- (ii) twice the period of Ineligibility otherwise applicable to the second antidoping rule violation treated as if it were a first violation.

The period of Ineligibility within this range shall be determined based on the entirety of the circumstances and the Athlete or other Person's degree of Fault with respect to the second violation.

- Third ADRV: lifetime ban (except if the third ADRV fulfills the condition for elimination or reduction of the period of Ineligibility under article 10.5 or 10.6, or involves a violation of **article 2.4**.

In these particular cases, the period of Ineligibility shall be from 8 years to a lifetime ban).

- To be read in line with the specific conditions, clarifications and additions mentioned in article 10.9.

D. Financial consequences and e) Public Disclosure

- **Forfeit of Prize Money (article 10.11) and (other) Financial Consequences (article 10.12).**

E. Public Disclosure

- **Automatic Publication of Sanction (article 10.15) in line with article 14.3.**

F. Sanctions on teams

- **Testing of teams (article 11.1)**
 - If a member of a team has received an Anti-doping rule violation (ADRV) in connection with an Event: target testing of the team during the Event Period.
- **Consequences for team sports (article 11.2)**
 - If more than two members of a team in a Team Sport committed an ADRV during an Event Period: the Event's ruling body imposes an appropriate penalty (e.g. loss of points or disqualification or other penalty).
- **Stricter sanctions may be imposed (article 11.3)**
 - The Event's ruling body or the International Federation may establish rules to impose stricter penalties.

Questions?

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