



Anti-Doping Regulations of the Union Sportive des Polices d'Europe (USPE)

from 21st October 2006

Article 1

In accordance with the World Anti-Doping Code and for the purpose of protecting the health of the male and female athletes, the European Police Sports Association joins in the fight against doping. These regulations are based on the World Anti-Doping Code. In addition, the rules and regulations of the National Anti-Doping Agency of the country in which the registered office of the USPE is located shall apply.

Any reference made to "athlete" shall imply to both male and female athletes hereinafter.

Article 2

Doping is the occurrence of one or more of the anti-doping rule violations set forth in the World Anti-Doping Code and incorporated in the respective national anti-doping rules and regulations.

PART I : TESTING AND SUPERVISION

Article 3

All member nations, the members of the Executive Committee and the Technical Commission as well as the athletes competing in USPE championships shall be obliged to ensure the implementation of the Anti-Doping Code and to support the rulings passed by the disciplinary bodies.

Should the athlete have been granted a Therapeutic Use Exemption (TUE), the latter shall be submitted to the Secretary General or the responsible of the USPE in due time no later than one day prior to the first competition.

Article 4

Testing may be ordered by the Executive Committee of the USPE, the USPE member nation organising a European Police Championship or by the competent minister of this country.

Article 5

During championships and the respective qualifying rounds, the Executive Committee of the USPE may designate a member of the EC or TC of the USPE, a representative of a member nation, a national coach or a referee as USPE representative for the purpose of supporting the accredited physician if the latter requests so.

Members of the Disciplinary Tribunal or of the Disciplinary Court of Appeal may not be appointed USPE representative.

PART II: BODIES AND DISCIPLINARY PROCEEDINGS

Section 1: Joint provisions applicable to the Disciplinary Tribunal of first instance and the Disciplinary Court of Appeal

Article 6

A Disciplinary Tribunal of first instance and a Disciplinary Court of Appeal shall be established and wield disciplinary power over the members of the USPE that have violated the Anti-Doping Regulations.

Both bodies shall be composed of five members each. The latter shall be selected on the basis of their respective qualifications. At least one member of each group shall come from the field of sports medicine with experience in handling the Anti-Doping Code; at least one member shall be chosen due to his/her legal competences. A further member may be a member of the Executive Committee or the Technical Commission of the USPE.

The President and the Secretary-General of the USPE must not be members of any of the disciplinary bodies.

The members of the disciplinary bodies and their chairs shall be appointed by the Executive Committee of the USPE at the suggestion of the Secretary-General for a period of four years. A second appointment for another four-year term shall be admissible.

In the event of the absence of the chairperson, the oldest member shall chair the respective meeting of the Disciplinary Tribunal.

In the event of a member retiring from the body, a new member shall be appointed for the remaining term of office.

Article 7

Members of the Disciplinary Court of Appeal must not simultaneously be members of the Disciplinary Tribunal.

Article 8

The Disciplinary Tribunal of first instance and the Disciplinary Court of Appeal shall be convened by their respective chairs. Each body shall only have a quorum, when a minimum of three members of the body are present.

The members of the Disciplinary Tribunal shall take turns in being the minute takers.

In the event of a tie, the chair shall have the casting vote.

Article 9

The hearings of the Disciplinary Tribunal shall not be open to the public, unless this is required by the athlete or his counsel prior to the opening of the session.

Article 10

The members of the disciplinary bodies shall be obliged to maintain secrecy regarding the facts, files and information disclosed to them during the exercise of their duties.

Any violation of this provision shall result in the exclusion of the respective member of the Disciplinary Tribunal on the proposal of the Secretary-General.

Section 2: Rules and regulations applicable to the Disciplinary Tribunal of first instance

Article 11

The Secretary-General shall be entrusted with investigating the matter submitted to the Disciplinary Tribunal of first instance. He shall be obliged to maintain secrecy as to the facts, files and information disclosed to him during his enquiries.

The President of the USPE shall authorize him to engage in any correspondence required for examining the matter at hand.

Article 12

In the event of a violation of the provisions set forth in the Anti-Doping Regulations, the President of the USPE shall forward the following documents to the Secretary-General:

1. the control report drawn up by the accredited physician, outlining the conditions under which the testing was conducted;
2. the sample analysis report by the accredited analysis laboratory, outlining the analytical findings.

Article 13

Should an athlete be suspected of having violated one of the Anti-Doping Regulations, the Secretary-General shall notify him/her of this fact and of the institution of proceedings against him/her in writing by registered mail with advice of receipt. The athlete shall be entitled to comment on these accusations in writing within seven working days after receipt of the registered letter.

At the same time, the president of the member nation of the athlete shall be informed of the institution of proceedings.

Article 14

The registered letter outlining the facts of the alleged violation must either contain the analytical findings or the control report indicating the athlete's refusal to undergo this control.

The athlete shall be advised of the fact that within seven working days after this notification, he/she shall have the right to request a second analysis (B-sample) to be conducted in accordance with the conditions set forth in the Anti-Doping Regulations at his/her expense by sending a registered letter with advice of receipt.

The date of the second analysis shall be fixed in consultation with the accredited laboratory and, if necessary, in consultation with the expert called in by the athlete in compliance with the period of time stipulated in the regulations. The athlete shall have the right to be present during the analysis. The analytical findings shall be communicated to the athlete pursuant to the conditions set forth in the Anti-Doping Regulations.

Should the analysis of the B-sample fail to confirm the analytical findings of the A-sample, the proceedings shall be dropped.

Article 15

If the B-sample analysis confirms the result of the A-sample analysis, the Secretary General shall draw up a report within a period of four weeks after receiving the result of the B-sample and send it to the members of the Disciplinary Tribunal.

Article 16

No later than fourteen days prior to the date of the hearing, the Secretary-General shall summon the athlete before the Disciplinary Tribunal by registered mail with advice of receipt.

The athlete shall have the right to be represented by a lawyer at his/her own expense. Should the athlete not speak any of the three official languages of the USPE or have problems making him-/herself understood, he/she may refer to the assistance of an interpreter at his/her own expense.

The President of the athlete's member nation or a representative appointed by the latter shall be notified of the date of the hearing and have the right to attend the session of the Disciplinary Tribunal.

Prior to the hearing, the athlete or his counsel may take a look at the report and the entire file. The athlete or his counsel may demand that persons of their choice who have to be named to the Disciplinary Tribunal no later than eight days before the hearing shall be heard. The chair of the Disciplinary Tribunal may reject requests for a hearing of witnesses if he deems these requests as abusive.

Article 17

During the hearing, the Secretary-General or the representative of the USPE entrusted with the enquiry shall present their report.

The chair of the Disciplinary Tribunal may hear any person whose statement appears to be useful in his eyes. Once such a hearing is decided, the chair shall notify the athlete accordingly prior to this hearing.

The athlete and, if applicable, his counsel have the last word.

Article 18

The discussions of the Disciplinary Tribunal shall take place in camera without the athlete, his counsel, the representative of his/her member nation, the persons heard during the session and the USPE representative in charge of the investigation being present. The Disciplinary Tribunal shall pass a reasoned decision.

This decision shall be signed by all the attending members of the Disciplinary Tribunal.

Article 19

The Disciplinary Tribunal shall pass its decision no later than 14 days after the last oral proceedings.

Thereupon, this decision shall be served on the athlete by registered mail with advice of receipt. The served documents shall contain the remedies for appeal as well as the periods allowed for appeal.

If the decision is not announced within this period, the file shall be taken out of the hands of the Disciplinary Tribunal and sent to the Disciplinary Court of Appeal.

The decision shall also be communicated to the athlete's member nation and the respective national sports organization by registered mail with advice of receipt.

Moreover, it shall be published both on the website and in the magazine of the USPE.

Article 20

Articles 11 through 19 shall also apply to persons who are authorized by a USPE member union and athletes who participate in championships organized by the USPE, who have prescribed, left, offered, administered, used, facilitated or encouraged the use of one or several of the substances or methods named in the Anti-Doping Regulations to female and male athletes.

Article 21

Articles 11 through 19 shall also apply to athletes that have evaded or refused to comply with the control measures pursuant to the Anti-Doping Regulations.

Article 22

The Disciplinary Tribunal may refrain from oral proceedings and take a decision on the basis of a written procedure, when the athlete accused of having violated an Anti-Doping Regulation has given his/her written consent accordingly.

Section 3: Rules and regulations applicable to the Disciplinary Court of Appeal

Article 23

Within a period of 14 days, the athlete, the member nation and the President of the USPE may appeal against the decision taken by the Disciplinary Tribunal.

The right to appeal enjoyed by the athlete and the member nation may only be exercised upon payment of a certain amount of money to the USPE.

The appeal shall not suspend the effect of the decision, unless the Disciplinary Tribunal has decided otherwise.

In the event of the appeal being lodged by a member nation or the President of the USPE, the Disciplinary Court of Appeal shall notify the athlete accordingly and set a time limit within which the athlete may prepare his/her comments.

The Secretary-General or the USPE representative in charge of the enquiry shall send the files to the chair of the Disciplinary Court of Appeal.

Article 24

The Disciplinary Court of Appeal shall decide in the last instance.

The chair shall appoint one of the members of the Disciplinary Court of Appeal as reporter who shall brief the members of this body on the previous course of proceedings. This report shall be given during the hearing. The reporter shall also take the minutes.

The Disciplinary Court of Appeal shall announce its ruling by taking into account the decision taken by the Disciplinary Tribunal and the appeal. The decision shall be signed by the chair and the minutes-secretary.

With the exception of the first paragraph of Article 17 and the last two sentences of Article 18, the provisions stipulated in Articles 16 through 18 and Article 22 shall also apply to the Disciplinary Court of Appeal.

The Disciplinary Court of Appeal shall announce its decision no later than fourteen days after the last hearing.

Article 25

The athlete, the athlete's member nation and the national sports organization shall be notified of the decision of the Disciplinary Court of Appeal by registered mail with advice of receipt.

In addition, the decision shall be published on the website and in the magazine of the USPE.

PART III: DISCIPLINARY SANCTIONS

Article 26

A violation of the Anti-Doping Regulations in connection with an in-competition test shall automatically lead to the disqualification and annulment of the individual result obtained in that competition, with all resulting consequences, including forfeiture of any medals, points and prizes.

If more than one team member in a sport team is subject to disqualification, the team may be disqualified and punished by forfeiture of any medals, points and prizes.

Article 27

The following violations of Anti-Doping Regulations

- presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen (tissue sample and/or body fluid)
- use or attempted use of a prohibited substance or prohibited method
- possession of a prohibited substance or prohibited method;

shall be sanctioned as follows

First violation: two-year's ineligibility from European Police Championships.

Second violation: Lifetime ineligibility from European Police Championships.

Article 28

Where an athlete can establish that the use of such a substance was not intended to enhance sport performance, the sanctions stipulated in Article 27 shall be replaced with the following:

First violation: At a minimum a public warning or reprimand up to a maximum of one-year's ineligibility from all European championships. Periods of ineligibility of less than 6 months may not be imposed outside the championships.

Second violation: two-year's ineligibility from all European Police Championships.

Third violation: Lifetime ineligibility from European Police Championships.

Article 29

The Disciplinary Tribunal or Disciplinary Court of Appeal shall determine the effective date of the sanctions.

Article 30

In the event of a case stipulated in Articles 20 or 21, the sanctions set forth in Article 27 shall apply.

Article 31

The Executive Committee shall decide on the payment of the costs of the proceedings by referring to a scale of charges.

Article 32

The rules and regulations of the national anti-doping agency of the country in which the registered office of the General Secretariat of the USPE is located shall apply analogously to all cases not covered by these regulations.

Adopted by the congress of the USPE Budapest, on 21.10.2006