Republic of Latvia

Cabinet

Regulation No. 448

Adopted 24 September 2019

**National Anti-Doping Regulations**

*Issued pursuant to*

*Section 11.1, Paragraph one, Section 11.3, Paragraph six, and Section 11.4, Paragraph six of the Sports Law*

**I. General Provisions**

1. This Regulation prescribes:

1.1. the definition of doping, anti-doping rule violations, the procedures and time periods for proving them, the disqualification of the results and sanctions, the procedures and time periods for submitting and examining appeals of the decisions taken by the authorities involved in the field of anti-doping, the procedures and time periods for the recognition of the decisions of the authorities involved in the field of anti-doping, the statute of limitations for the application of sanctions, as well as other provisions in conformity with the International Convention against Doping in Sport of 19 October 2005 and the Council of Europe Anti-Doping Convention No. 135 of 16 November 1989;

1.2. the procedures and time periods in which the Anti-doping Bureau of Latvia (hereinafter – the Bureau) shall address the Disciplinary Anti-Doping Commission, and the procedures by which and time periods within which the Disciplinary Anti-Doping Commission shall examine the potential anti-doping rule violations and decide thereon;

1.3. the procedures by which and time periods within which an athlete shall submit the therapeutic use exemption application form, as well as the procedures by which and time periods within which the Therapeutic Use Exemptions Commission shall decide on the therapeutic use exemptions.

2. The national anti-doping regulation is governed by this Regulation and the World Anti-Doping Code adopted by the World Anti-Doping Agency (hereinafter – the Code).

3. The definition of doping is laid down in Article 1 of the Code and anti-doping rule violations are laid down in Article 2 of the Code.

4. The procedures for the recognition of the decisions of the authorities involved in the field of anti-doping shall be determined in accordance with Article 15 of the Code and provisions of this Regulation.

5. If an athlete is a minor, the right to appeal and also other rights and obligations laid down in this Regulation, except for the provision of the doping control sample, shall be exercised by him or her through the lawful representative or through another person authorised by the lawful representative.

**II. Anti-Doping Rule Violations and Proving Thereof**

6. Anti-doping rule violations shall be proved in accordance with Article 3 of the Code, ensuring the conduct of anti-doping tests in accordance with Article 5.5 of the Code and this Regulation.

7. Doping control samples, including from the athletes who have participated in the respective sports competition, but have not been included in the registered testing pool, may be collected by:

7.1. an employee of the Bureau – a doping control officer – on the basis of a written authorisation of the Bureau;

7.2. other persons – assistants to doping control officers, anti-doping organisations of other countries, international federations, major event organisations, the World Anti-Doping Agency or independent international doping control authorities according to the contract concluded with the Bureau.

8. A doping control officer shall present an authorisation issued by the Bureau and shall hand over to an athlete a written invitation to sample collection. The athlete shall present a personal identification document and shall attest to the receipt of invitation with his or her signature.

9. If an athlete evades the sample collection, the doping control officer shall immediately inform the Bureau thereof, and also the organiser of the competition if the doping control is conducted during the competition.

10. Upon receipt of adverse analytical findings, the Bureau shall take measures in conformity with Articles 7.2 and 7.9 of the Code.

11. The Bureau shall, within three working days after receipt of the respective information, concurrently notify the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency of the adverse analytical findings.

12. Upon receipt of the notification on atypical findings, the Bureau shall take the measures referred to in Article 7.4 of the Code, including the review.

13. The Bureau shall, within three working days after completion of the review, concurrently notify the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency of the results of the measures taken, including the review, in relation to atypical findings.

14. In order to evaluate the parameters of the biological passport, the Bureau shall carry out a long-term collection and comparison of the data of the analysis results, observing the doping markers for the potential establishment of the use of prohibited substances or prohibited methods, and shall, within three working days after receipt of information on adverse passport findings, notify the athlete thereof.

15. An athlete has the right to provide explanations on the data provided in the adverse passport findings within 20 working days after receipt of the notification referred to in Paragraph 14 of this Regulation.

16. The Bureau shall, within three working days after receipt of the explanations of an athlete, send them for review to the expert panel of the Athlete Passport Management Unit accredited by the World Anti-Doping Agency.

17. If, upon review of the explanations of an athlete, the opinion of the expert panel referred to in Paragraph 16 of this Regulation unanimously confirms a potential anti-doping rule violation, the Bureau shall, within three working days after receipt of the opinion, concurrently notify the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency thereof. If, upon review of the explanations of an athlete, the opinion of the expert panel referred to in Paragraph 16 of this Regulation does not unanimously confirm a potential anti-doping rule violation, the Bureau shall, within three working days after receipt of the opinion, concurrently notify the athlete and the World Anti-Doping Agency thereof.

18. In case of other potential anti-doping rule violations, the Bureau shall, within three working days after the establishment of violation, concurrently notify the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency thereof.

**III. Procedures for the Review of the Anti-doping Rule Violations**

19. Upon initiation of the review of an anti-doping rule violation, the Bureau shall compile the opinion of a laboratory accredited or the Athlete Passport Management Unit both accredited by the World Anti-Doping Agency, the doping control form, and other evidence confirming the potential anti-doping rule violation.

20. An athlete or sports employee, upon receipt of the notification on a potential anti-doping rule violation, is entitled, within five working days, to:

20.1. submit written explanations or respective documents to the Bureau;

20.2. address the Bureau, requesting to conduct the analysis of a doping control B sample in a laboratory accredited by the World Anti-Doping Agency at his or her own expense.

21. The Bureau shall, within 15 working days after receipt of the explanations of an athlete or sports employee, assess the submitted information and decide on the establishment of a potential anti-doping rule violation for the athlete or sports employee. If the athlete wishes to conduct the analysis of a B sample, the review of the potential anti-doping rule violation shall be suspended until receipt of the results of the B sample analysis.

22. The Bureau may extend the time period for taking the decision in relation to the establishment of a potential anti-doping rule violation for an athlete or sports employee by 20 working days where it is necessary to obtain additional evidence for taking the decision.

23. The Bureau shall address the Disciplinary Anti-Doping Commission within one working day following the establishment of a potential anti-doping rule violation. The Disciplinary Anti-Doping Commission shall, within 10 working days after the Bureau addressed the Commission, convene a Commission hearing.

24. The Bureau shall, within five working days following the establishment of a potential anti-doping rule violation, concurrently notify the athlete or sports employee and the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency thereof, and also inform of the manner in which the case shall be examined and time of the hearing of the Disciplinary Anti-Doping Commission.

25. The Bureau shall terminate the review of the case on anti-doping rule violation if the analysis of the doping control B sample does not confirm adverse analytical findings and the doping control analysis is considered negative. Within five working days after receipt of analysis results, the Bureau shall concurrently notify the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency of the abovementioned fact.

26. If the Bureau establishes that an athlete included in the registered testing pool has filed to submit a whereabouts filing within the specified time period (once a quarter), the Bureau shall, within 10 working days, concurrently send a notification to the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency, and shall specify a time period for the provision of information on the whereabouts of the athlete.

27. If an athlete fails to submit the whereabouts filing within the time period specified in the notification, the Bureau shall, on the subsequent working day, issue a warning to the athlete and concurrently send such information to the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency.

28. If the Bureau establishes that an athlete included in the registered testing pool has missed a test within the specified time period, the Bureau shall, within 10 working days following the missing of a test by the athlete, concurrently inform the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency thereof and shall request the athlete to provide explanations for the missed test within five working days.

29. The Bureau shall, within 10 working days following receipt of the explanations for the test missed by an athlete, evaluate the received information and documents and shall decide on the issuing of a warning. The Bureau shall concurrently inform the athlete, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency of the taken decision.

30. The athlete has the right to address a written submission to the Bureau for the administrative review of the issued warning within five working days after receipt of the warning.

31. The submission of an athlete included in the registered testing pool on retiring which has been received at the Bureau shall not suspend an already initiated review of a potential anti-doping rule violation. In such case, the Bureau has the right to initiate a new review of a potential anti-doping rule violation.

**IV. Operation and Decision-taking of the Disciplinary Anti-Doping Commission**

32. The functions of the secretariat of the Disciplinary Anti-Doping Commission shall be fulfilled by the Bureau.

33. The Disciplinary Anti-Doping Commission shall, in a closed hearing, examine the information prepared by the Bureau on a potential anti-doping rule violation by an athlete or sports employee.

34. A case of the anti-doping rule violation shall be examined at a hearing of the Disciplinary Anti-Doping Commission orally. If an athlete or sports employee has failed to submit the explanation referred to in Sub-paragraph 20.1 of this Regulation, the case of the anti-doping rule violation may be examined in the written procedure.

35. The Disciplinary Anti-Doping Commission shall have a quorum if at least two-thirds of the Commission members participate in the hearing. The decision shall be taken by a simple majority of the members of the Commission present, by open vote. In the event of a tied vote, the vote of the chairperson of the Commission shall be the casting vote.

36. The Disciplinary Anti-Doping Commission shall decide on the anti-doping rule violation and granting of the period of ineligibility within 15 working days after the Commission hearing. If an agreement with the World Anti-Doping Agency and the athlete or sports employee is required for taking a decision in accordance with Article 10.6.3 of the Code, the Commission shall decide within 15 working days following the receipt of a reply from the World Anti-Doping Agency and the athlete or sports employee. The decision shall include justification for the granted period of ineligibility and other sanctions imposed in accordance with the Code.

37. If the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency have received the decision on the establishment of a potential anti-doping rule violation, they shall have the right to participate in the hearing of the Disciplinary Anti-Doping Commission.

38. The Bureau shall, within three working days after the Disciplinary Anti-Doping Commission has taken the decision, concurrently send it to the athlete or sports employee, the respective sport organisation, the national anti-doping organisation, and the World Anti-Doping Agency.

39. Sanctions on individuals and sanctions on team sports for the anti-doping rule violation, and also the status of an athlete during ineligibility shall be determined according to Articles 10, 11, and 12 of the Code, the procedures for the disqualification of results – according to Articles 9 and 10 of the Code, whereas the statute of limitations for the application of sanctions – according to Article 17 of the Code.

**V. Operation and Decision-taking of the Therapeutic Use Exemption Commission**

40. The functions of the secretariat of the Therapeutic Use Exemption Commission shall be fulfilled by the Bureau.

41. The athlete who requires a therapeutic use exemption shall, as soon as the necessity to use a prohibited substance or prohibited method has become known, but not later than 20 working days before the sports competition, submit to the Bureau the therapeutic use exemption application form (available on the website) (hereinafter – the application form) and the medical documentation attesting to the necessity to use the prohibited substance or prohibited method.

42. The Bureau shall, within three working days after receipt of the application form and medical documentation, review the adequacy of the application form and medical documentation.

43. If the application form is incomplete or the submitted medical documentation is inadequate, the Bureau shall, within three working days, return it to the athlete, and the athlete shall submit an updated application for or adequate medical documentation within 10 working days.

44. The Bureau shall, within three working days after receipt of a complete application form and medical documentation, send it to the Therapeutic Use Exemption Commission for evaluation.

45. The Therapeutic Use Exemption Commission shall, within 15 working days after receipt of the application form and medical documentation, decide in a closed hearing on granting the therapeutic use exemption.

46. The Therapeutic Use Exemption Commission shall have a quorum if at least two-thirds of the Commission members participate in the hearing. The decision shall be taken by a simple majority of the members of the Commission present, by open vote. In the event of a tied vote, the vote of the chairperson of the Therapeutic Use Exemption Commission shall be the casting vote.

47. If additional medical documentation or other information is required to take a decision on granting the therapeutic use exemption, the time period for taking the decision may be extended by 20 working days, giving a prior notice thereof to the athlete.

48. The Bureau shall, within three working days after the Therapeutic Use Exemption Commission has taken the decision, notify the athlete thereof.

**VI. Procedures for the Appeal of the Decisions of Authorities Involved in the Field of Anti-Doping**

49. The functions of the secretary of the Appeals Commission shall be fulfilled by a member of the Appeals Commission elected by the Appeals Commission.

50. The Appeals Commission shall examine the decisions taken by the Bureau, the Disciplinary Anti-Doping Commission and the Therapeutic Use Exemption Commission, taking into account the sanctions laid down in the Code.

51. The submission of the person referred to in Section 11.5, Paragraph one, Clause 3 of the Sports Law for the examination of a case in the Appeals Commission may be submitted within 20 working days from the day of taking the decision.

52. The Appeals Commission shall examine the submission orally in a closed hearing (except where the athlete has indicated that he or she wishes the case to be examined in the written procedure) within 40 working days after receipt thereof.

53. The Appeals Commission shall have a quorum if at least two-thirds of the Commission members participate in the hearing. The decision shall be taken by a simple majority of the members of the Commission present, by open vote. In the event of a tied vote, the vote of the chairperson of the Appeals Commission shall be the casting vote.

54. The secretary of the Appeals Commission shall, not later than five working days before the hearing of the Appeals Commission, notify the athlete, the sports employee, and also the respective sport organisations that have received the decision of the Disciplinary Anti-Doping Commission of the place and time of the hearing.

55. Organisations that have received the decision of the Disciplinary Anti-Doping Commission shall have the right to participate in the hearing of the Appeals Commission as observers.

56. The Appeals Commission shall take a decision within 15 working days after the hearing.

57. The secretary of the Appeals Commission shall, within three working days after taking the decision, inform the athlete, sports employee or the respective sport organisations that have received the decision of the Disciplinary Anti-Doping Commission thereof.

**VII. Closing Provision**

58. This Regulation shall come into force on 1 October 2019.

Prime Minister A. K. Kariņš

Acting for the Minister for Health –

Deputy Prime Minister, Minister for Defence A. Pabriks