

# UCI ANTI-DOPING TRIBUNAL PROCEDURAL RULES

## PREAMBLE

In accordance with Article 8.1 para. 2 of the Anti-Doping Regulations, the UCI Management Committee has adopted the following Anti-Doping Tribunal Procedural Rules:

## TITLE I – INTRODUCTORY PROVISIONS

### Article 1 Definitions

1. For the purposes of these Rules:
  - a) “ADR”: The UCI Anti-Doping Regulations.
  - b) “Defendant”: Any Licence-holder or Person as specified by Section C of the Introduction and Scope of the ADR, against whom an anti-doping rule violation has been asserted.
  - c) “Judgment”: Final decision rendered by the Tribunal.
  - d) “Parties”: The UCI on one side and the Defendant on the other side.
  - e) “Rules”: The Tribunal Procedural Rules.
  - f) “Single Judge”: The member of the Tribunal appointed by the Secretariat to adjudicate a case.
  - g) “Tribunal”: The Anti-Doping Tribunal established in accordance with Article 8.1 ADR.
2. Terms referring to natural persons are applicable to both genders.
3. Terms not defined under these Rules shall be given the meaning provided by the ADR.

### Article 2 Settlement of Disputes

Before referring a case to the Tribunal, the UCI shall offer the Defendant an acceptance of Consequences in accordance with Article 8.4 ADR.

### Article 3 Jurisdiction of the Tribunal

1. Pursuant to Article 8.2 ADR, the Tribunal shall have jurisdiction over all matters in which:
  - a) An anti-doping rule violation is asserted by the UCI based on a results management or investigation process under Article 7 ADR; or
  - b) An anti-doping rule violation is asserted by another Anti-Doping Organisation under its rules, but all parties (in particular the Anti-Doping Organisation and the Rider or

other Person concerned) agree to submit the matter to the Tribunal, with the agreement of the UCI; or

- c) The UCI decides to assert an anti-doping rule violation against a Rider or other Person subject to the ADR, based on a failure by another organisation to initiate or diligently pursue a hearing process or where the UCI otherwise finds it appropriate for a fair hearing process to be granted.
2. Any objection to the jurisdiction of the Tribunal shall be brought to the Tribunal's attention within 7 days upon notification of the initiation of the proceedings. If no objection is filed within this time limit, the Parties are deemed to have accepted the Tribunal's jurisdiction.
  3. The Tribunal shall rule on its own jurisdiction in its Judgment.

## **TITLE II – ORGANISATION OF THE TRIBUNAL**

### **Article 4 Composition of the Tribunal**

1. The Tribunal is composed of at least 4 members, appointed by the UCI Management Committee.
2. Members of the Tribunal shall have recognised legal qualifications and expertise in dispute resolution and anti-doping.
3. The members of the Tribunal shall not be employees, exercise a function or belong to any non-independent committee or commission within the UCI or within a National Federation member of the UCI.
4. The list of members of the Tribunal is published on the UCI website.

### **Article 5 Independence and impartiality**

The members of the Tribunal shall be and remain impartial and independent of the Parties.

### **Article 6 Secretariat**

1. The UCI Management Committee shall provide the Tribunal with a Secretariat who will be in charge of all administrative tasks, communications and notifications on behalf of the Tribunal.
2. Any correspondence to the Tribunal shall be sent to the Secretariat at the following address:

UCI Anti-Doping Tribunal  
c/o Union Cycliste Internationale  
CH-1860 Aigle  
[Anti-Doping.Tribunal@uci.ch](mailto:Anti-Doping.Tribunal@uci.ch)

3. All notifications and communications from the Tribunal to the Parties shall be made through the Secretariat. The notifications and communications shall be sent to the email address indicated by the Parties.

**Article 7 Confidentiality**

1. The Tribunal shall ensure that any information disclosed to it in connection with the proceedings and not otherwise in the public domain shall be kept confidential and shall be used only in connection with the disciplinary proceedings at hand.
2. Likewise, all Parties as well as the Secretariat, witnesses, experts, interpreters or any other individual involved in proceedings shall keep confidential any information disclosed in connection with the proceedings.
3. Para. 2 above does not restrict UCI's right to make public announcements regarding the existence and status of any pending matter.

**Article 8 Language of the proceedings**

1. The language used in the proceedings shall be one of the two official languages of UCI, i.e. English and French.
2. Upon receipt of a petition, the Secretariat will determine the language of the proceedings. Thereafter, the proceedings are conducted exclusively in the language determined by the Secretariat, i.e. the Language of the proceedings.
3. Any document in a language other than the Language of the proceedings shall be accompanied by a translation in the Language of the proceedings. The Tribunal may request a certified translation of any document to be provided.
4. Any and all costs related to the translation of a document shall be borne by the Party that submitted the document in question.
5. The Tribunal may accept or disregard any document not provided in the Language of the proceedings.

**Article 9 Time limits**

1. The Tribunal fixes the time limits, unless otherwise provided under these Rules.
2. Time limits fixed under these Rules are deemed to be met if the communications by the Parties are sent by email before midnight (time of the location from which such communication has been sent) on the last day on which the relevant time limit expires.
3. If the last day of the time limit is an official holiday or a non-business day in the country where the party sending the communication is domiciled, then the time limit shall expire on the next business day.
4. Notice shall be deemed to have occurred when sent by email to the addressee. The burden of proof that the addressee was, without his fault, not in a position to have knowledge of such notice shall be on the addressee.

5. Notice to the Defendant may be accomplished by delivery of the notice to the email address of the Defendant's National Federation and/or Team.
6. Upon application on justified grounds, the Tribunal may extend the time limits, provided that the request is made before the expiry of the original time limit fixed by the Tribunal or by these Rules.

### **TITLE III – RIGHTS AND OBLIGATIONS OF THE PARTIES**

#### **Article 10 Procedural Rights of the Parties**

1. The Tribunal shall conduct the proceeding in a way which ensures due process, in particular with respect to the Parties' right to be heard.
2. Any procedural objection shall be raised without delay or shall be deemed to be waived.

#### **Article 11 Representation and assistance**

1. The Defendant may be represented or assisted by the representative(s) of his choice at his own cost and expense.
2. The names, postal and email addresses, and telephone numbers of the person(s) representing or assisting the Defendant shall be communicated to the Secretariat.
3. The UCI shall be represented by the UCI Legal Anti-Doping Services and/or by external counsel.
4. The Tribunal may request the production of a power of attorney.

#### **Article 12 Cooperation by the Parties**

1. The Parties shall cooperate in good faith throughout the proceedings. In particular, they shall comply with requests for information from the Tribunal.
2. The Tribunal is entitled to draw adverse inferences in case of unjustified refusal to cooperate, in particular in case of non attendance to the hearing in accordance with Article 3.2.5 ADR as well as refusal to produce documents or to provide evidence.

## TITLE IV – CONDUCT OF PROCEEDINGS

### Article 13 Initiation of proceedings

1. Proceedings are initiated by the UCI through the filing of a written petition to the Secretariat.
2. The petition shall be in one of the two official UCI languages and contain the following:
  - a) Name and address of the Defendant;
  - b) A summary of the UCI's position;
  - c) All documentation on which UCI intends to rely, including witness statements and/or expert reports if applicable; and
  - d) The relief, including sanctions and consequences, sought by the UCI.

### Article 14 Assignment of cases

1. Upon receipt of the written petition by the UCI, the Secretariat shall assign the case to a Single Judge appointed from amongst the members of the Tribunal.
2. When assigning the case to a Single Judge, the Secretariat shall take into account all the circumstances of the case, including the nationality and availability of the Single Judge. **Such assignment shall ensure a timely, fair and impartial hearing.**
3. Once the case has been referred to the Tribunal, the proceedings are conducted by the Single Judge who has been assigned the case.
4. The Defendant shall be informed of the opening of the proceedings and shall be provided with the petition from the UCI, including all documentation.

*(text modified on 15.10.18)*

### Article 15 Impartiality and Challenge

1. A member of the Tribunal shall not be appointed to adjudicate a case if **circumstances exist that give rise to justifiable doubts as to his aptitude to ensure a timely, fair and impartial hearing.**
2. The Single Judge shall immediately disclose any circumstance which may affect his **aptitude to ensure a timely, fair and impartial hearing.**
3. Any challenge of the Single Judge shall be sent to the Secretariat within 7 days after the ground for challenge has become known or should reasonably have become known to the challenging party. Any such challenge shall indicate the grounds of the challenge and include all relevant facts and supporting **evidence.**

4. Any application to challenge the Single Judge shall be decided by the other members of the Tribunal, after the challenged Single Judge has been invited to submit written comments. A majority of members of the Tribunal is required to reject a challenge. The decision on the challenge is final and is not subject to any appeal.

*(text modified on 15.10.18)*

**Article 16 Answer (Statement of defence)**

1. The Single Judge shall set a time limit of at least 15 days for the Defendant to submit an answer containing:
  - a) a statement of defence;
  - b) any exhibits or specification of other evidence upon which the Defendant intends to rely, including witness statements and/or expert reports;
  - c) the relief or remedy sought by the Defendant.
2. If the Defendant fails to submit its answer within the set deadline, the Single Judge may nevertheless proceed with the case and render his Judgment.

**Article 17 Further submissions and additional evidence**

1. Unless otherwise agreed by the parties or ordered by the Single Judge, the UCI and the Defendant shall not be authorised to supplement or amend their submissions, nor to produce new exhibits or further evidence after the submission of the petition and the answer, respectively.
2. The Single Judge may at any time order one or both Parties to supplement their submission on a specific issue or to produce additional documents or witness statements.

**Article 18 Common provisions applicable to all written submissions**

1. Written submissions shall be filed in electronic form by email with the Secretariat of the Tribunal.
2. The Parties should set out the facts on which they rely as comprehensively as possible. Each factual allegation should be numbered and refer to the relevant evidence (exhibit, witness statement, expert report).
3. Legal arguments should be developed in a substantiated way.
4. Written submissions shall be accompanied by all relevant evidence, including witness statements and expert reports.
5. Written submissions must be signed by the concerned Party or its representative(s), if any.

**Article 19 Evidence**

1. Burdens and standards of proof are as set out under Article 3.1 ADR.
2. Facts shall be established by any reliable means in accordance with Article 3.2 ADR.
3. Documents do not need to be produced in originals, unless the Single Judge orders otherwise.
4. If a Party intends to rely on witness and/or expert evidence, it shall provide a witness statement and/or an expert report together with its written submission.
5. At any time before the proceedings are concluded, the Single Judge may:
  - a. request any party to produce evidence;
  - b. take, or request any party to use its best efforts to take, any step that he considers appropriate to obtain evidence from any person or organisation.
6. Production of documents can be ordered by the Single Judge either on his own initiative or upon a request by a party, provided that such party:
  - a. provides (i) a description of each requested document sufficient to identify it; or (ii) a description in sufficient detail (including subject matter) of a narrow and specific requested category of documents that are reasonably believed to exist;
  - b. shows that (i) it is not in a position to obtain the document(s) on its own; and (ii) the document(s) are in the possession, custody or control of another party;
  - c. shows that the document(s) requested are relevant to the case and material to its outcome.
7. The Single Judge shall at his discretion determine the admissibility, relevance, materiality and weight of the evidence offered.

**Article 20 Expert Reports**

1. The Single Judge may order that an expert report on which a Party intends to rely be produced.
2. It is the responsibility of the Parties to ensure the appearance at the hearing of the experts requested by them and to pay all costs and expenses associated with their appearance.
3. The Single Judge may, after consulting with the parties, appoint an expert of his choice, if he deems it appropriate. Once the expert has produced his report, the Single Judge may order that he be examined at the hearing.

**Article 21 Witnesses**

It is the responsibility of the Parties to ensure the appearance at the hearing of the witnesses requested by them and to pay all costs and expenses associated with their appearance.

**Article 22 Hearing**

1. The Single Judge may, on his own initiative or at the request of one of the Parties, summon the parties to attend a hearing.
2. The dates times, and venue (if any) of the hearing shall be fixed by the Single Judge, who shall give appropriate advance notice to the parties and to WADA.
3. Unless otherwise decided by the Single Judge, hearings take place via video-conference.
4. A Party may request a hearing *in persona* if it advances the costs associated with such hearing.
5. If the hearing is held *in persona*, the Single Judge shall decide the place of the hearing after consultation with the Parties.
6. Hearings shall be held *in camera* i.e. may be attended only by the Parties, as well as their representative(s). WADA can attend as an observer and shall not be allowed to make any submission unless the parties and the Single Judge agree otherwise.
7. Hearing shall be held in the language of the proceedings.
8. Each Party may be assisted by an independent interpreter at its own cost. The identity of interpreters shall be disclosed to the Secretariat at least 5 days prior to the date of the hearing together with a statement of the interpreter's independence.
9. It is the responsibility of the Parties to ensure the appearance at the hearing of the interpreters for the witnesses and experts requested by them and to pay all costs and expenses associated with their appearance.
10. The Single Judge is responsible for the proper conduct of the hearing and shall issue procedural directives before the hearing and/or hold a preparatory telephone conference with the parties.
11. As a general rule, the UCI shall be heard first, followed by the Defendant.
12. The Single Judge will hear the witnesses and experts specified in the parties' written submissions.
13. The Single Judge may limit or disallow the appearance of any witness or expert, or any part of their testimony, on the ground of irrelevance.
14. Before hearing any witness, expert or interpreter, the Single Judge shall invite such person to tell the absolute and whole truth.
15. Irrespective of whether the hearing is held *in persona* or via video-conference, experts and witnesses may also be heard via telephone or video-conference, as deemed appropriate by the Single Judge.



16. The Single Judge may put questions at any time to any person appearing before the Tribunal.
17. The oral submissions made by the Parties shall be as succinct as possible within the limits of what is required for the adequate presentation of the Parties' contentions. Accordingly, they shall not go over the whole ground covered by the written submissions, or merely repeat the facts and arguments these contain.
18. The Single Judge may at any time prior to or during the hearing indicate any points or issues which he would like the Parties to specifically address or on which he considers that there has been sufficient argument.
19. After the Single Judge has given the Defendant a final opportunity to speak, the Single Judge shall declare the hearing closed.
20. Once the hearing is closed, the parties shall not be authorised to produce further evidence or written pleadings, unless ordered otherwise by the Single Judge.
21. If a Party, a witness, an expert or an interpreter fails to appear at the hearing, the Single Judge may nevertheless proceed with the hearing and render his Judgment.
22. The hearing may be reopened on the Single Judge's initiative at any time before the Judgment is rendered.

**Article 23    Scope of review**

The Tribunal shall have full power to review the facts and the law.

**Article 24    Expedited procedure**

Upon a reasoned request of a Party, the Tribunal may decide to proceed in an expedited manner if the circumstances so require. In such case, the Single Judge shall issue appropriate directives accordingly.

**TITLE V – THE JUDGMENT**

**Article 25    Applicable rules**

In rendering his Judgment, the Single Judge shall apply the ADR and the standards referenced therein as well as the UCI Constitution, the UCI Regulations and, subsidiarily, Swiss law.

**Article 26    Sanctions and consequences**

The Single Judge shall determine the type and extent of the sanction(s) and consequences to be imposed according to the circumstances of the case, in accordance with the ADR.

The Single Judge is not bound by the Parties' prayers for relief.

**Article 27 Form and content of the Judgment**

1. The Single Judge shall issue his Judgment in writing.
2. The Judgment shall contain:
  - a) the date and place of the Judgment;
  - b) the name of the Single Judge who decided the case;
  - c) the name of the Parties;
  - d) a summary of the relevant facts;
  - e) an account of the procedure followed;
  - f) the decision on jurisdiction;
  - g) the provisions or a reference to the provisions on which the Judgment is based;
  - h) the reasons of the Judgment;
  - i) the operative part of the Judgment;
  - j) the decision, if any, in regard to costs;
  - k) a notice indicating the possibility to file an appeal in CAS and the relevant time limit.
3. The Judgment shall be signed by the Single Judge.
4. The Single Judge may decide to communicate the operative part of the Judgment prior to the delivery of the full Judgment including the reasons.
5. Only the notification by email of the full Judgment is relevant for the purposes of calculating the time limit to appeal in CAS.

**Article 28 Costs of proceedings**

1. The Tribunal shall determine in its judgment the costs of the proceedings as provided under Article 10.10.2 para. 1 ADR.
2. As a matter of principle the Judgment is rendered without costs.
3. Notwithstanding para. 1 above, the Tribunal may order the Defendant to pay a contribution toward the costs of the Tribunal. Whenever the hearing is held by video-conference, the maximum participation is CHF 7'500.
4. The Tribunal may also order the unsuccessful Party to pay a contribution toward the prevailing Party's costs and expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and experts. If the prevailing Party was represented by a legal representative the contribution shall also cover legal costs.

**Article 29 Notification and publication of the Judgment**

1. The Judgment shall be notified by email to the parties and to any other Anti-Doping Organisation with a right to appeal and will be published by the UCI on its website.
2. On its own initiative or upon receipt of a reasoned request from the Defendant within 7 days after notification of the Judgment, the UCI may decide to redact specific parts of the Judgment before its publication.
3. In accordance with Article 8.3 ADR, if the Judgment rules that no anti-doping violation was committed and no appeal has been brought against such Judgment, the Judgment will only be published with the consent of the Defendant.

*(text modified on 15.10.18)*

**Article 30 Enforceability**

1. Judgments are enforceable as soon as the operative part is communicated to the parties by email.
2. Judgments are subject to appeals lodged with the Court of Arbitration for Sport, in accordance with Article 13 ADR.

**Article 31 Correction**

1. Within 7 days from the notification of the Judgment, a party, with notice to the Secretariat, may request the Tribunal to rectify any error in computation, any clerical or typographical error, or any error or omission of a similar nature contained in a Judgment.
2. The Tribunal will give the other Party an opportunity to comment on the request for correction.
3. The Tribunal may make such a correction also on its own initiative.

**TITLE VI – FINAL PROVISIONS**

**Article 32 Unforeseen procedural matters**

Any procedural matter that is not addressed under these Rules or the UCI Regulations shall be decided by the Tribunal in such manner as it considers appropriate.

**Article 33 Authoritative text**

In the event of a discrepancy between the English and French versions of these Rules, the English version prevails.

**Article 34    Liability**

Neither the members of the Tribunal, the Secretariat nor the UCI shall be liable for any action or omission in connection with proceedings conducted under these Rules, unless the actions or omissions are proven to constitute intentional wrongdoings or gross negligence.

**Article 35    Entry into force**

These Rules come into force on 1 January 2015 and apply to all procedures initiated by the Tribunal on or after such date.

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