

Statute of the Commission for Doping Proceedings at First Instance and of the Commission for Doping Proceedings at Second Instance

The Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter referred to as "the Ministry") issues the following statute pursuant to Section 92(13) of Act 440/2015 on Sport and on amendments and supplements to certain acts, as amended (hereinafter referred to as "the Act on Sport"):

Article 1 Introductory Provisions

This statute regulates the details of the organisation and activities of the Commission for Doping Proceedings at First Instance and at Second Instance.

Article 2 Tasks of the Commissions

- (1) The Commission for Doping Proceedings at First Instance shall, on the basis of a complaint by a natural or legal person or on its own initiative, discuss doping in accordance with the Agency's rules adopted pursuant to Article 87(1) of the Act on Sport, respecting the principles of fair process.
- (2) The Commission for Doping Proceedings at Second Instance shall review the decisions of the Doping Commission at first instance within proceedings initiated on the basis of an submission lodged pursuant to Section 93(12) of the Act on Sport.
- (3) The Commission for Doping Proceedings at Second Instance shall also act in the case of a review of
 - a) Failure to test or to provide information on the whereabouts of an athlete,
 - b) Refusal of a request for a therapeutic exemption,
 - c) Provisional suspension of activity, or
 - d) Costs of the doping proceedings at first instance.
- (4) The provisions of Articles 3 to 14 shall apply to the proceedings of the Commission for Doping Proceedings at First Instance and of the Commission for Doping Proceedings at Second Instance, unless the proceedings of the respective Commission are specifically provided for.

Article 3 Secretary of the Commission

- (1) The Commission shall have a Secretary, who shall be an employee of the Ministry.
- (2) The Secretary of the Commission shall be appointed and dismissed by the Chairperson of the Commission on a proposal from the Director-General of the section of the Ministry in whose jurisdiction sport falls.
- (3) The Secretary of the Commission shall not be a member of the Commission.
- (4) The Secretary of the Commission for Doping Proceedings at First Instance and the Secretary of the Commission for Doping Proceedings at Second Instance may be the same person.
- (5) The Secretary of the Commission shall be responsible for the administrative and organisational activities of the Commission and shall participate in the deliberations of the Commission.

Article 4
Participation in Doping Proceedings

- (1) The Commission shall notify the Anti-Doping Agency of the Slovak Republic (hereinafter referred to as “the Agency”) in writing of the doping proceeding well in advance, but no later than 14 days before the Commission's deliberation, and invite the Agency to nominate its representative pursuant to Article 93(4) of the Act on Sport. If the end of the period falls on a Saturday or a public holiday, the last day of the period shall be the next following working day.
- (2) The Commission shall be entitled to invite observers other than the representative of the Agency, in particular
 - a) a representative of the World Anti-Doping Organisation,
 - b) a representative of an international sports organisation,
 - c) a representative of a national sports federation, if it is involved in the doping proceedings, in particular because of the affiliation of a Party to the proceedings or because it is the organiser of the competition concerned,
 - d) a representative of the Slovak Olympic and Sports Committee, the Slovak Paralympic Committee, the Deaflympic Committee of Slovakia, the International Olympic Committee or the International Paralympic Committee, if it is the organiser of the competition.
- (3) The representative of the Agency and the persons under Paragraph 2(a) and (b) shall be entitled to act in doping proceedings to the extent provided for in the Agency's rules adopted pursuant to Section 87(1) of the Act on Sport or the rules of the World Anti-Doping Programme. The representative of the Agency and the representative of the World Anti-Doping Agency shall have the right to be informed of all doping proceedings. The representative of an international sports organisation shall have the right to be informed of doping proceedings relating to sport under its jurisdiction.
- (4) The Commission shall allow the persons referred to in paragraph 2 to consult the files and to make copies and extracts thereof at their own expense.
- (5) The legal persons referred to in paragraph 2(c) and (d) shall be entitled to propose to the Commission their representative as an observer within five days from the date of the initiation of the doping proceedings. That legal person shall state in the request the reason for which its representative is to be an observer in the case in question. The Commission shall evaluate the request and decide whether to grant or refuse it; no appeal shall be admissible against this decision.
- (6) The observer shall be obliged to identify himself/herself before the start of the Commission's deliberations.
- (7) Where the Commission's decision depends on the examination of facts which, because of their complexity, require the invitation of other persons, in particular an expert, an interpreter or a translator, the Commission shall invite them by order at its own expense.

Article 5
Rights and Obligations of the Party to the Proceedings

- (1) A Party to proceedings shall have the right to be represented in doping proceedings. Its representative shall be presented by a written authorisation signed by the Party. If the Party does not sign the power of attorney in the presence of a member of the Commission, official verification of the signature shall be required.

- (2) The Party shall be entitled to waive, in writing, the hearing of the matter at the Commission deliberation.
- (3) The Commission shall allow the Party a reasonable period of time to prepare for the doping hearing and to submit a written statement of case, which shall not be less than five working days from the date of receipt of the order initiating the doping hearing.
- (4) The Party and its representative shall have the right to be fully informed of the status of the doping proceedings. The Party and its representative may consult the file throughout the doping proceedings. The Party shall be entitled to make copies or extracts from the file at its own expense.
- (5) The Party shall have the right to propose evidence in relation to the matter under consideration, irrespective of its content or form. If a Party proposes to examine a witness, it shall arrange for the attendance of the witness at the doping proceedings or produce a written copy of the witness statement with the witness's signature certified by a court.
- (6) The Party shall bear all costs of its representation, including the costs of any expert, interpreter, translator, witness and other persons called or otherwise used at the request of the Party, unless the person is a person appointed pursuant to Article 4(7).
- (7) Where a Party has a representative, documents shall be delivered only to the representative. If the Party to the proceedings does not have a representative and has not given an address for documents delivery, document shall be deemed delivered in accordance with the rules of civil law.

Article 6 Evidence

- (1) The evidence may consist of anything which may contribute to the proper clarification of the case and which has been lawfully obtained by means of evidence.
- (2) The Commission may decide that doping shall be deemed to have been proved even if a Party
 - a) refuses to appear before the Commission; or
 - b) fails to submit a written statement pursuant to Article 5(3) stating reasoned disagreement with the allegation of an anti-doping rule violation.
- (3) The Commission shall decide which of the proposed evidence to take. The Commission may take evidence without a proposal, in particular where the Commission's action, public records or public lists indicate that the factual allegations of the Parties are inconsistent with the facts.
- (4) The Commission may also take evidence without a motion to determine whether procedural requirements are met, whether the proposed decision will be enforceable, and to determine foreign law.
- (5) The Commission shall, as a general rule, take evidence at a Commission deliberation. The Commission shall take evidence outside the Commission's deliberation if it is possible and effective to do so. A Party to the proceedings and an observer shall have the right to be present at the taking of evidence. The Commission shall give at least five days' notice to such persons of the taking of evidence outside the Commission deliberation. The Commission shall inform the persons referred to in this paragraph in writing of the results of the evidence, unless a deliberation of the Commission has been ordered, otherwise at the next deliberation of the Commission.

Article 7
Conflict of Interest

- (1) In the performance of their duties, all members of the Commission shall be bound to exercise their functions impartially and to the best of their knowledge and conscience. The members of the Commission shall be bound by the obligation of professional secrecy with regard to all facts which come to their notice in the performance of their duties.
- (2) In matters of conflict of interest of the Commission members, the Commission shall take a decision within 14 days of the date on which it became aware of the reasons for the potential conflict of interest.
- (3) Conflicts of interest of the Commission member pursuant to paragraphs 4 and 5 may be challenged within seven days after the initiation of the doping proceeding has been notified. Where a doping proceeding has already been initiated, a conflict of interest of the Commission member may be raised within seven days after the person has become aware of the possible conflict of interest; the person raising the conflict of interest of a member of the Commission shall state the reason why he or she became aware of the possible conflict of interest after the initiation of the doping proceeding.
- (4) A conflict of interest of the Commission member shall arise where, having regard to the member's relationship to the case or to the Party, there may be reasonable doubt as to the impartiality and objectivity of the assessment of the matter under consideration.
- (5) A conflict of interest of the Commission member exists whenever a member of the Commission
 - a) is acting or active in the same sport as the Party to the proceedings,
 - b) is a close person of a Party to the proceedings; or
 - c) is in a legal relationship with the Party to the proceedings.
- (6) No appeal shall be admissible against a decision of the Commission in matters of conflict of interest of its members.

Article 8
Initiation of Doping Proceedings

- (1) Doping proceedings shall be initiated by a decision to initiate doping proceedings issued on the basis of a complete submission. Each submission shall be considered on its merits.
- (2) The submission shall be delivered to the Ministry in the manner provided for in Section 99(3) of the Act on Sport.
- (3) The submission shall be substantiated. In particular, the submission shall contain information on who is making it, against whom it is directed at and the signature of the person making the submission. The submission shall include details of the person against whom the submission is made and information about the anti-doping rule violation to the extent of
 - a) name and surname,
 - b) date of birth,
 - c) contact details (permanent address, address of other residence, e-mail address, telephone number, etc.),
 - d) the designation of the sport,
 - e) the designation of the relevant national sports federation if the person suspected of an anti-doping rule

- violation has an affiliation with a national sports federation; and
- f) a true and complete description of the material facts giving rise to the allegation of an anti-doping rule violation, including all available information, data and evidence relating to the alleged anti-doping rule violation; the description of the material facts may be replaced by a reference to the identified evidence.
- (4) If the submission is incomplete, the Commission shall return it to the person who made the submission and shall indicate the deficiencies, the instructions for their correction and the time limit for their correction, which shall not be less than 15 days. If the submission has been made by an Agency, the Commission shall instruct the Agency that if it fails to remedy the deficiencies within the time limit set, the submission will not be taken into account. If the submission has not been made by the Agency, the Agency shall initiate an examination of the submission to the extent of the information contained in the submission and the information known from the Commission's own activities.
- (5) If the submission is complete, the Commission shall initiate doping proceedings within seven days of its determination that the submission is complete.
- (6) If the Commission finds out that it is not competent to hear the case, it shall immediately refer the submission to the competent authority without a decision and shall inform the person who made the submission accordingly.
- (7) The Commission shall deliver the decision to initiate doping proceedings to the Party, the relevant national sports federation and the Agency. The Commission shall inform of the initiation of doping proceedings the legal entities referred to in Article 4(2)(a), (b) and (d) and other persons who may be affected by the decision.
- (8) In the order to initiate the doping proceeding, the Commission shall set a time limit within which the Party to the proceeding shall make written observations on the initiation of the doping proceeding and on the grounds on which the doping proceeding is initiated. In particular, the Party shall state whether it insists on attending the Commission's deliberation in person or waives this right. If the Party waives or does not wish to participate in person in the Commission's deliberations, the Commission's deliberations shall take place without his participation and, if the conditions under Article 9(1) are met, the doping proceedings shall be conducted in writing.
- (9) The Commission may, by resolution, decide to consolidate separate doping proceedings into a single proceeding if they were initiated on the basis of a single submission or if it is otherwise expedient to consolidate them. The Commission may separate a part of an existing doping proceeding into separate proceedings if it is justified and advisable to do so.

Article 9

Written Doping Proceedings

- (1) If the Commission has all material information in written form or can be obtained in written form and a Party to the proceeding waives in writing its right to appear in person at a deliberation of the Commission, the Commission may, by resolution, decide to conduct the doping proceeding exclusively or partially in writing and to reach a decision on the merits of the case without hearing the Parties in person. The provisions governing the conduct of proceedings under these Statutes shall apply mutatis mutandis to written proceedings.
- (2) A written form of doping proceeding may also be conducted in relation to a part of a doping proceeding where the personal appearance of a Party or of another person who is not a member of the Commission is not

necessary, in particular where the decision-making action of the Commission is by way of an order.

- (3) During the written procedure on the case itself, the Party and the Agency shall have the right to request a statement of case until the decision on the case itself has been given, even without giving any reason.
- (4) The order on the written form of the doping proceeding or part thereof shall be delivered to all persons to whom the decision on the case itself is delivered.

Article 10 Temporary Suspension

- (1) An order of interim suspension shall normally be delivered to the Party together with the order instituting the doping proceedings.
- (2) Within seven days of the date of the provisional suspension, the Party shall have the right to request in writing to the Commission a preliminary deliberation or to submit a written statement, which shall be considered as a statement of the Party in the preliminary deliberation.
- (3) A written statement by a Party pursuant to paragraph 2 shall be possible only if the Party is threatened with non-participation in the competition as a result of the temporary suspension or is prevented from participating in the preliminary deliberation for a reason to be assessed by the Commission as being justified.
- (4) The Commission deliberation shall begin no later than the day on which the period of suspension expires, unless the expiry of the period of suspension is due to a request by a Party to change the date of the Commission deliberation.

Article 11 Summoning to a Commission Deliberation

- (1) The Chairperson of the Commission shall fix a date for the Commission deliberation for each doping proceeding and that date shall be notified to all persons to whom the order initiating the doping proceeding is delivered. The Party to the proceedings and the Agency shall have the right to make a reasoned request for a change of the date of the Commission deliberation; the Commission shall, by resolution, grant the request if it considers the reasons to be justified.
- (2) In the summons to the deliberation, the Commission shall at the same time inform the Party to the proceedings of its obligation to bear the costs of the doping proceedings incurred in connection with the examination of the persons proposed by it, except for persons proposed to be examined by a person other than the Party to the proceedings, in particular the Agency.
- (3) The summons shall be delivered at least 14 days before the Commission deliberation. Otherwise, the Commission deliberation may be held on the date fixed only with the consent of the Party to the proceedings. If the Party to the proceedings does not agree to the Commission deliberation on the date fixed, the Commission shall deliver the summons again so that the time limit is maintained.

Article 12 Conduct of the Commission Deliberations

- (1) The Commission deliberation shall be chaired by the Chairperson of the Commission or a person designated

by him. At the beginning of the Commission's deliberations, it shall be verified that a quorum is present.

- (2) The Chairperson of the Commission shall be responsible for the conduct of the Commission's deliberations. A person who repeatedly disrupts the smooth running of the Commission's deliberations, despite a previous warning from the Chairperson of the Commission, may be expelled by the Chairperson of the Commission.
- (3) After the Commission has begun its deliberations, the Chairperson of the Commission or his or her delegate shall state the facts for which the doping proceedings are being conducted. If the Commission finds that a Party has failed to attend the Commission deliberation without reasonable excuse, the Commission shall decide the merits of the case without continuing the deliberation.
- (4) After the facts have been stated, the Party to the proceedings shall have the right to be heard. After the Party has made its statement or if the Party waives its initial statement, the Commission shall question the Party.
- (5) The examination of the Party concerned shall be followed by the taking of any other evidence proposed, in particular the examination of other persons, and the Party concerned shall be entitled to put questions to those persons.
- (6) The Party to the proceedings may comment during the Commission deliberation or at any time thereafter until the decision on the merits has been given on all the facts and evidence adduced.
- (7) The Commission may, in reasonable cases, at the request of a Party to the proceedings or of a person entitled to participate in the Commission deliberation, decide that the Commission hearing shall be adjourned and resumed on another date. In particular, the Commission deliberation shall be adjourned where it is apparent that the evidence taken, the facts established or other circumstances make it impossible to continue the Commission deliberation on the day in question.
- (8) After all the proposed evidence which the Commission has decided is essential for a decision on the substance of the case has been taken, the Chairperson of the Commission shall, by order, declare the taking of evidence to be at an end. If a Party to the proceedings or a person entitled to take part in the Commission deliberation considers that further evidence is necessary to clarify satisfactorily all the facts relevant to the decision on the substance of the case, it shall, without undue delay after the evidence has been declared closed, notify the Commission thereof, stating at the same time the evidence which it proposes to take and the purpose of taking it.
- (9) The Commission shall decide on the continuation of the evidence and the admission of the evidence proposed under paragraph 8 by order.
- (10) After the Commission has declared the evidence closed, the closing speech shall be made by the representative of the Agency and then by the Party to the proceedings.
- (11) The Commission's deliberations may be conducted by videoconference or by other means of information and communication technology without physical presence, including voting, if the technical conditions permit so. The Commission's deliberations shall also be deemed to be public if the Commission ensures that they are broadcast live to the public. Where doping proceedings are conducted in writing, publicity shall be preserved by making the records and minutes of the Commission's deliberations, the Commission's resolutions and decisions and other outputs of the Commission's deliberations publicly available on the Commission's website.

Article 13
Minutes and Recordings of the Commission Deliberation

- (1) Minutes of each Commission deliberation shall be drawn up, indicating the names of the members of the Commission present, the participant and his representative, the representative of the Agency and the observers.
- (2) The minutes of the Commission deliberations shall be drawn up by the Secretary of the Commission within three days of the date of the Commission deliberations and, after approval by the Chairperson of the Commission, shall be delivered to the persons referred to in paragraph 1 and published on the Commission's website.
- (3) Audio recording equipment may be used at the Commission's deliberations. Prior to the use of such equipment, the Commission shall inform the persons present of its use and the transcript of the voice recording shall be submitted by the Commission to the persons referred to in paragraph 1 present at the deliberations of the Commission for signature, together with the relevant consent to the use of the voice recording.
- (4) If the person whose voice is to be recorded by means of a voice recording device during the Commission's deliberations does not consent to such recording, the Commission shall take steps to ensure that the device is switched off during the person's speech and shall otherwise make a record of the person's statement.

Article 14
Decision of the Commission

- (1) The Commission shall take its decisions in the form of
 - a) a decision where it decides on the substance of the case; and
 - b) by order, where it does not rule on the substance of the case.
- (2) Following the close of evidence and closing statements, the Commission will hold a closed closing session to evaluate the previous doping proceedings, the findings, the evidence adduced and other outcomes.
- (3) If the doping proceeding is particularly complex or for other compelling reasons, the Chairperson of the Commission shall be entitled to adjourn the Commission deliberation and to set a new date for the Commission to deliberate on the merits of the case.

- (4) A quorum of the Commission shall be constituted if all members are present.
- (5) In duly justified cases, voting may be carried out electronically at the discretion of the Chairperson of the Commission. In the case of electronic voting, the Chairperson of the Commission or a member of the Commission designated by him or her shall send the necessary supporting documents electronically to the members of the Commission. The members of the Commission shall send their comments to the e-mail address and within the time limit set by the Chairperson of the Commission. If a member of the Commission does not make a statement within the time limit set, it shall be deemed to be his or her agreement to the proposal.
- (6) The decision of the Commission shall be signed by the Chairperson of the Commission or by a member of the Commission designated by him. A Member of the Commission who disagrees with all or part of the Commission decision may submit his or her dissenting opinion to the Commission, which shall then append it to the decision.
- (7) A written copy of the decision shall be drawn up by the Secretary of the Commission and shall be issued by the Commission within 14 days of notification of the decision and shall be delivered to the Party to the proceedings and to the persons having a right of appeal. The decision of the Commission, which is being delivered to foreign persons entitled to submit an appeal who do not have a command of the Slovak language, shall be drawn up in the English language.
- (8) The doping proceedings shall be concluded within six months of the order initiating the doping proceedings. If the delay in the time limit is caused by a Party to the proceedings, the time limit referred to in the preceding sentence may be extended, also repeatedly, by the Commission by order. In the event of an extension of the time limit, the time limits shall start anew.
- (9) The Commission shall provide a decision on the merits of the deliberation even without a hearing if the Party to the proceedings does not contest the facts giving rise to the doping proceedings or if the Party to the proceedings waives the hearing of the case at the Commission deliberation pursuant to Article 5(2).

Article 15
Effectiveness

This Statute shall enter into force on 20 April
2021