

**NOR Attachment 4 Volvo Ocean Race Anti-Doping
Rules**

VOLVO OCEAN RACE

ROUND THE WORLD 2008 - 2009

Anti-Doping Rules

applicable to the Volvo Ocean Race

– 2008 - 2009 –

Final: 29 September 2008

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PREAMBLE

In the context of the Volvo Ocean Race 2008-2009 (the *Race*), as one of the premier sporting *Races* in the world, it is of paramount importance that emphasis be placed on the fight against doping in sport and in this respect to recognize the importance of the World Anti-Doping Code (the Code) which was accepted by the International Sailing Federation (ISAF) and incorporated under its own regulations.

These Anti-Doping *Rules* (the *Rules*) have been established as part of the Notice of Race to be applied specifically in connection with the *Race* based on the ISAF Anti-Doping *Rules*.

The *Rules* are complemented by other documents in particular, *International Standards* issued by WADA which complement the Code and are referred to throughout the *Rules*. Such documents shall be deemed as forming an integral part of the *Rules*.

In the implementation of the *Rules*, a close co-operation has been established with the ISAF and WADA which are providing support, assistance and services through their existing bodies.

Compliance with the *Rules* forms an essential condition of each *Participant's* participation in any part of the *Race* and *Participants* shall co-operate and shall procure that all their staff, in particular their *Crew Members*, will co-operate in and submit to the conduct of the anti-doping procedures including in- and out-of-*Competition testing*, as may be applicable.

The meanings of the capitalized terms contained in these *Rules* are defined in Appendix 1 hereto.

ARTICLE 1 DEFINITION OF DOPING / INDIVIDUALS TO BE TESTED

- 1.1 Doping is defined as the occurrence of one or more of the Rule violations set forth in Article 2.1 through Article 2.8 of these *Rules*.
- 1.2 Each *Participant's Crew Member* is subject to Anti-Doping *testing* and sanctions under these *Rules*. To define the *Registered Testing Pool*, it is specified each *Participant* will be required, and shall be obliged to provide the *Race Director* with a list of all its *Crew Members* who are potentially going to compete in the *Race* at specific time(s) chosen by the *Race Director* during the *Period of the Race*. This list shall be provided to ISAF. In addition, all *Participants* shall procure, as a condition precedent to such *Participant's Crew Members* taking part in any *Race*, that each *Participant's Crew Member* shall have read, understood, and signed personally for acceptance a copy of Appendix 3 to these *Rules*. The original copy shall be kept in a file by the *Participants* and a copy shall be delivered to the *Race Director*. In the event of change, each *Participant* shall notify the *Race Director* of any change as soon as practicable and deliver copies of the corresponding acceptance forms of new *Participant's Crew Members*.
- 1.3 Anti-Doping *Testing* may be conducted at any time during the *Period of the Race*.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Participant's Crew Members and 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*

The following constitute Rule violations:

- 2.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Participant's Crew Members* bodily Specimen.
 - 2.1.1 It is each *Participant's Crew Members* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Participant's Crew Members* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their urine samples.

Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the *Participant's Crew Members* part be demonstrated in order to establish an anti-doping violation under Article 2.1.

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Participant's Crew Member A Sample* where the *Participant's Crew Member* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Participant's Crew Member B Sample* is analyzed and the analysis of the *Participant's Crew Member B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Participant's Crew Member A Sample*.

2.1.3 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Participant's Crew Members Sample* shall constitute a Rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

2.2 Use or Attempted Use by a *Participant's Crew Member* of a *Prohibited Substance* or a *Prohibited Method*

It is each *Participant's Crew Member* personal duty to ensure that no *Prohibited Substance* enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the *Participant's Crew Member* part be demonstrated in order to establish an anti-doping rule violation for Use of a *Prohibited Substance* or a *Prohibited Method*.

2.2.1 The success or failure of the Use of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was used or *attempted* to be used for a Rule violation to be committed.

2.3 Refusing or failing without compelling justification to submit to *Sample* collection after notification as authorized in these *Rules* or otherwise evading *Sample* collection.

2.4 Violation of the requirements regarding *Participant's Crew Member* availability for *Testing* set out in the *International Standard* for Testing including failure to file whereabouts information in accordance with Article 11.3 of the *International Standard* for Testing (a "Filing Failure") and failure to be available for *Testing* at the declared whereabouts in accordance with Article 11.4 of the *International Standard* for *Testing* (a "Missed Test"). Any combination of three Missed Tests and/or Filing Failures committed within an eighteen-month period, as declared by ISAF or any other *Anti-Doping Organization* with jurisdiction over the *Participant's Crew Member*, shall constitute an anti-doping rule violation. Missed Tests and Filing Failures can be combined between organisations.

2.5 Tampering, or attempted tampering, with any part of *Doping Control*.

2.6 Possession of *Prohibited Substances* and Methods

2.6.1 *Possession* by a *Participant's Crew Member In-Competition* of any *Prohibited Method* or any *Prohibited substance*, or *possession* by a *Participant's Crew Member Out-Of-Competition* of any *Prohibited Method* or any *Prohibited Substance* which is prohibited in *Out-of-Competition Testing* unless the *Participant's Crew Member* establishes that the *Possession* is pursuant to a Therapeutic Use exemption (*TUE*) granted in accordance with Article 4.3 (Therapeutic Use) or other acceptable justification.

2.6.2 *Possession* by *Participant's Crew Member* support personnel in Competition of any *prohibited method*, or any *Prohibited Substance*, or *Possession* by *Participant's Crew Member* Support Personnel *Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* which is prohibited *Out-of-Competition* in connection with a *Participant's Crew Member*, competition or training, unless the *Participant's Crew Member*

Support Personnel establishes that the *Possession* is pursuant to a *TUE* granted to a *Participant's Crew Member* in accordance with Article 4.3 (Therapeutic Use) or other acceptable justification.

- 2.7 *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.***
- 2.8 *Administration or Attempted administration to any Participant's Crew Member In-Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Participant's Crew Member Out-of-Competition, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving a Rule violation or any Attempted anti-doping rule violation.***

ARTICLE 3 PROOF OF DOPING

31 Burdens and Standards of Proof

The hearing body shall have the burden of establishing that a Rule violation has occurred. The standard of proof shall be whether a Rule violation has been established to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these *Rules* place the burden of proof upon the *Participant's Crew Member* or other *Person* alleged to have committed a Rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability except as provided in ISAF Regulation 21.10.3 (Elimination or Reduction of the Period of *Ineligibility* for *Specified Substances* under Specific Circumstances) and ISAF Regulation 21.10.5 (Aggravating Circumstances Which May Increase the Period of *Ineligibility*) where the *Participant's Crew Member* must satisfy a higher burden of proof.

32 Methods of Establishing Facts and Presumptions

Facts related to Rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

- 3.2.1** WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Participant's Crew Member* or other *Person* may rebut this presumption by establishing that a departure from the *International Standard* occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the *Participant's Crew Member* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *Jury* shall have the burden to establish that such departure caused the *Adverse Analytical Finding*.

- 3.2.2** Departures from any other *International Standard* or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other anti-doping Rule violation shall not invalidate such results. If the *Participant's Crew Member* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation occurred, then the hearing body shall have the burden to establish that such a departure did not cause or affect the *Adverse Analytical Finding* or the factual basis for the Rule violation.

- 3.2.3** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction (this would not include any findings or facts established by the *Jury* under article 7) which is not the subject of a pending appeal shall be irrebuttable evidence against the *Participant's Crew Member* or other *Person* to whom the decision pertained of those facts unless the *Participant's Crew Member* or other *Person* establishes that the decision violated principles of natural justice.

- 3.2.4** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Participant's Crew Member* or other *Person* who is asserted to have committed an

anti-doping rule violation based on the *Participant's Crew Member* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the tribunal) and to answer questions either from the hearing panel or from the *Anti-Doping Organization* asserting the anti-doping rule violation.

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation, Publication and Revision of the *Prohibited List*

The *Prohibited List* is the list published and revised by WADA. The *Participants* shall be responsible for ensuring that their staff members, including in particular their *Participant's Crew Members*, are made aware of such *Prohibited List* and any amendments thereto.

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these *Rules* after publication of the *Prohibited List* by WADA without requiring any further action by the *Race Authority*.

4.2 *Prohibited Substances* and *Prohibited Methods* Identified on the *Prohibited List*

The *Prohibited Substances* and *Prohibited Methods* included in the *Prohibited List* shall be final and shall not be subject to challenge by a *Participant's Crew Member* or other *Person*.

4.2.2 Specified Substances

For purposes of the application of ISAF Regulation 21.10 (Sanctions on Individuals), all *Prohibited Substances* shall be "Specified Substances" except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.

4.2.3 New Classes of *Prohibited Substances*

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1 of the *Code*, WADA's Executive Committee shall determine whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered Specified Substances under Article 4.2.2.

4.3 Therapeutic Use Exemptions

4.3.1 *Participant's Crew Members* with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must have or obtain, prior to any participation to the *Race* a Therapeutic Use Exemption *TUE* from the ISAF Therapeutic Use Exemption Committee TUEC in charge of issuing *TUEs* under ISAF Rules and which shall also be the competent body to consider *TUEs* and monitor requests for *TUEs* in specific connection with the *Race*, including for *Participant's Crew Members* who are not otherwise subject to ISAF jurisdiction. The ISAF TUEC shall promptly evaluate requests in accordance with the *International Standard* for Therapeutic Use Exemptions and render a decision on such request. ISAF will establish appropriate procedures to evaluate requests within short dead-lines, in particular before and during *In-Competition* periods. For the avoidance of doubt, the *TUE* shall be effective as of the date of application. The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), *Possession of Prohibited Substances* or *Prohibited Methods* (Article 2.6) or administration of a *Prohibited Substance* or *Prohibited Method* (Article 2.8) consistent with the provisions of an applicable *TUE* issued pursuant to the *International Standard* for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.

4.3.2 If a decision with respect to a *TUE* has to be rendered specifically and solely for the purpose of the *Race* with respect to a *Participant's Crew Member* who is not otherwise

submitted to ISAF Rules, such decision shall only be valid for the purpose of the *Race*.

4.3.3 It is expected that most *Participant's Crew Members* entered to compete in any part of the *Race* who require a *TUE* would have already received the *TUEs* or can obtain such under ISAF Rules. Any final decision in connection with *TUEs* issued under the ISAF Rules will be recognized as valid for the purpose of the *Race*.

4.3.4 In a situation of emergency (acute situation), a decision regarding therapeutic use of a *Prohibited Substance* or application of a *Prohibited Method* can be validly made by a medical officer. Such use or application shall not constitute an Anti-Doping Rule violation. A *TUE* shall however be requested as soon as practicable and further use of the *Prohibited Substance* or application of the *Prohibited Method* shall be subject to obtaining a *TUE*.

4.3.5 In offshore races of more than 50 nautical miles, the use of any *prohibited substance* or *prohibited methods* for emergency medical treatment shall be recorded. The ISAF Medical Commission may retroactively approve such *use* and *possession* of such medications as might be reasonably required if the acute situation or exceptional circumstances are confirmed to the satisfaction of the Medical Commission.

4.3.6 If any *prohibited substances* carried on board are used, an explanation will need to be provided and the process for *retroactive TUE* will take place.

4.3.7 With the approval of the ISAF TUEC, a Team Doctor or a Doctor who is responsible for sailing competitors, officials and others in the care of that Doctor, may carry and employ such medications as the circumstances may require and as might be properly used in the undertaking of the Hippocratic oath. The ISAF TUEC may retroactively approve such *use*.

ARTICLE 5 *DOPING CONTROL*

51 *Right to Conduct Doping Controls*

ISAF being the governing body of the Sport of Sailing shall have the right to conduct *Doping Controls* (both *In-* and *Out-Of-Competition*) during the Period of the *Race*, and is responsible for the subsequent management of cases that arise during this time.

All *Participant's Crew Members* participating in the *Race* shall be subject to *Doping Control*, during the Period of the *Race*, at any time or place, with *No Advance Notice*.

The implementation of the *Doping Control* may be delegated as provided for in clause 5.2 below

5.2 *Delegation of Doping Controls*

ISAF shall entrust the actual conduct of *Testing* to recognized *Anti-Doping Organization(s)* (ADO) acceptable to the *Race Authority* and *WADA*. In this case the management of the *Doping Controls* will be conducted by Anti Doping Norway.

53 *Doping Control Standards*

Doping Control shall be in conformity with the *International Standard* for Testing in force at the time of *Doping Control*.

In accordance with the *International Standard* for Testing there are a number of criteria that the *Race Authority* is responsible for outlining. These criteria and other *Doping Control* requirements are outlined in Appendix 2.

5.4 *Coordination of Doping Control*

In order to deliver an effective anti-doping program for the *Race* and to avoid unnecessary duplication in *Doping Control*, the *Race Authority* will work with ISAF, WADA and other *Anti-Doping Organizations*, notably authorities which may have jurisdiction to ensure the best possible coordination of the *Doping Control* during the Period of the *Race*.

5.5 Participant's Crew Member Whereabouts Requirements

5.5.1 Each *Participant's Crew Member* identified in the *Registered Testing Pool* shall comply with the whereabouts requirements of the *International Standard for Testing*, and (a) in accordance with Article 11 .4.2 of the *International Standard for Testing* so that it remains accurate and complete at all times; and (b) shall make him/herself available for *Testing* at such whereabouts, in accordance with Article 11 .4 of the *International Standard for Testing*. This whereabouts information shall be provided to ISAF which will manage it as part of its own whereabouts data base.

For the avoidance of doubt it is clarified that the ultimate responsibility for providing whereabouts information rests with each *Participant's Crew Member*. However, the *Participants* are expected to assist their *Crew Members* in monitoring and managing the whereabouts information.

5.5.2 Any *Participant's Crew Member's* failure to advise ISAF of his/her whereabouts shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of Article 11 .3.5 of the *International Standard for Testing* are met. For each attempt to locate the *Participant's Crew Member* at the location specified in the 60-minute time slot specified in his/her whereabouts filing, the *Doping Control* officer shall remain at that location for whatever time is left of the 60-minute time slot and during that remaining time he/she should do what is reasonable in the circumstances to try to locate the *Participant's Crew Member*. Each case of failed attempt shall be notified in writing to the concerned *Participant* and to the *Participant's Crew Member*. The notice shall include a description of the circumstances of the failed attempt. The *Participant's Crew Member* may bring forward circumstances which may constitute a reasonable excuse and submit such to the *Jury* in writing within five days of receipt of the above notification. Based on such submission, and a report of the concerned *Doping Control* officer, the *Jury* shall evaluate the situation, taking into account the circumstances, and notify such evaluation to the concerned *Participant* and to the *Participant's Crew Member*. If the *Jury* finds that the *Participant's Crew Members* excuse is reasonable, the failed attempt shall not be considered as a missed test. If, to the contrary the *Jury* finds that there is no reasonable excuse, the failed attempt shall be considered as a missed test. For the avoidance of doubt, negligence on the part of the *Participant's Crew Member* in updating the whereabouts information shall not constitute a reasonable excuse.

5.5.3 Whereabouts information pursuant to Article 5.5.1 shall be provided to ISAF on the strict condition that it be kept confidential and be used only for *Doping Control* purposes.

5.6 Selection of Participant's Crew Members to be tested

5.6.1 Based on the budget agreed with the *Race Authority*, the *Race Director*, in consultation with ISAF and WADA, shall determine the number of tests to be performed in connection with the *Race* and the general selection criteria. The test distribution planning will be effected by ISAF, WADA in consultation with the independent *Anti-Doping Organization(s)* contracted by ISAF as per article 5.2 above.

Actual *Testing* will be effected by such independent *Anti-Doping Organization(s)*

5.6.2 *Participant's Crew Members* may also be selected for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes. In particular, if more than one *Crew Member* of a *Participant* has been found in a possible Rule violation, this *Participant* will be subject to *Target Testing*.

ARTICLE 6 ANALYSIS OF SAMPLES

Doping Control *Samples* shall be analyzed in accordance with the following principles:

6.1 Use of Approved Laboratories

Doping Control *Samples* shall be analyzed only in WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory used for the *Sample* analysis shall be determined by the ADO in consultation with ISAF, WADA, and the Race Authority.

6.2 Purpose of Collection and Analysis of Samples

Samples shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List*.

Blood (or other non-urine) *Samples* may be used either to detect *Prohibited Substances* or *Prohibited Methods* or for screening procedure purposes only. If the blood is collected for screening only, it will have no other consequences for the *Participant's Crew Member* other than to identify him for a urine test under these *Rules*. In these circumstances, the *Anti-Doping Organization* appointed by ISAF shall follow WADA guidelines which indicate which blood parameters are to be measured in the screening *Sample* and what levels of those parameters will be used to indicate that a *Participant's Crew Member* should be selected for a urine test.

6.3 Research on Samples

No *Sample* may be used for any purpose other than as described in Article 6.2 without the *Participant's Crew Members* written consent. *Samples* used (with the *Participant's Crew Member's* consent) for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Participant's Crew Member*.

6.4 Standards for Sample Analysis and Reporting

Laboratories shall analyze *Doping Control Samples* and report results in conformity with the *International Standard* for Laboratories.

6.5 Retesting Samples

A *Sample* may be reanalyzed for the purposes described in Article 6.2 at any time exclusively at the direction of ISAF or WADA. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

ARTICLE 7 MANAGEMENT OF ANTI-DOPING RULE VIOLATIONS

7.1 Procedures and general provisions with respect to Rule violations

The *Jury* shall have jurisdiction to hear the *Participant's Crew Members* and other *persons* concerned in relation to all Rule violations (including but not limited to the handling of *Adverse Analytical Findings*) arising in connection with the *Race*. The right of any *Person* who may be subject to a measure or sanction to be heard will be exercised before the *Jury*.

7.2 Procedures

7.2.1 Identification of Adverse Analytical Finding, informing ISAF:

The laboratory which identifies an *Adverse Analytical Finding* (-e.g. with respect to the *A Sample*), or the *Person* who believes that any other Rule violation has been committed, shall immediately inform ISAF and provide it, in a confidential letter, with a detailed report containing the results of the *Adverse Analytical Finding* and the documentation relating to

the analyses performed or the relevant information relating to such other apparent Rule violation.

7.2.2 Verification of Rule violation:

ISAF shall identify the *Participant's Crew Member*, or other *Person*, being charged with a Rule violation and verify whether it is in fact an *Adverse Analytical Finding* (- i.e. in particular verify the existence of an applicable TUE).

7.2.3 Informing the Jury Chairman:

If the initial review under Article 7.2.2 above does not reveal an applicable TUE, ISAF shall without delay inform the *Jury* Chairman of the existence of the *Adverse Analytical Finding*, or other apparent Rule violation, and the essential details available to him concerning the case.

7.2.4 Setting up a Hearing:

The *Jury* Chairman shall as soon as possible set up a hearing in front of the *Jury*. The procedural rules of the *Jury* shall apply.

7.2.5 Notifying *Participant's Crew Member* or other persons concerned of the Rule violation

The *Jury* Chairman shall, in confidence, promptly notify the *Participant's Crew Member* or other *person* concerned, and the relevant *Participant* of:

- a) any *Adverse Analytical Finding*, if the case involves such;
- b) the facts constituting a potential Rule violation or the additional investigation that will be conducted as to whether there are such facts;
- c) in the event the case involves an *Adverse Analytical Finding*, the *Participant's Crew Members* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived;
- d) the scheduled date, time and place for the B *Sample* analysis (which shall be within the time period specified in the *International Standard* for Laboratories) if the *Participant's Crew Member* or ISAF chooses to request an analysis of the B *Sample*;
- e) the opportunity for the *Participant's Crew Member* and/or the *Participant's Crew Member's* representative to attend the B *Sample* opening and analysis at the scheduled date, time and place if such analysis is requested;
- f) the *Participant's Crew Members* right to request copies of the A and B *Sample* laboratory package, which includes information as required by the *International Standards* for Laboratories;

7.2.6 Attendance at the Hearing:

Included in the notification referred to in Article 7.2.5 above, the *Jury* shall summon the *Participant's Crew Member*, and/or other *Person*, and the relevant *Participant* to attend a hearing of the *Jury*. The *Participant's Crew Member*, and/or other *Person*, and/or the concerned *Participant* may be accompanied or represented at the hearing by *Persons* of their choice (- e.g. lawyer, doctor, etc.), with a maximum of two for each of the *Participant's Crew Member* or other *Person* and/or the *Participant*.

If the *Participant's Crew Member* and/or other *Person* concerned have already left the competition site, the *Jury* shall take all measures reasonably possible in the circumstances to ensure that the rights of the *Participant's Crew Member* or other *Person* and/or the *Participant* concerned are respected, whilst the procedure normally follows its course so that a decision can be made as quickly as possible.

7.2.7 Provisional Suspension:

The *Jury* may provisionally suspend the *Participant's Crew Member* and/or other *Person* concerned until the *Jury* has pronounced its decision. For the purpose of this clause, suspension means temporarily preventing the concerned *Participant's Crew Member* to take part in competition and/or temporarily withdrawing his/her accreditation and/or the accreditation of the concerned other *Person*. Such temporarily suspension may be issued from the moment an *Adverse Analytical Finding* based on an *A Sample* is confirmed. In such case, the *B sample* analysis shall be effected as soon as possible. In case that the *B Sample* analysis does not confirm a *provisional suspension* based on an *A Sample* or the *Jury* otherwise finds no sanction of *ineligibility* is warranted, the *provisional suspension* shall automatically cease.

7.2.8 Existence of Violation, nature and circumstances thereof; adducing evidence:

The *Jury* shall determine whether a Rule violation has occurred and, if so, the nature and circumstances thereof. It shall allow the *Participant's Crew Member* or other *person* and/or *Participant* concerned an opportunity to adduce any evidence, which does not require the use of disproportionate means (as decided by the *Jury*), which he deems helpful to the defence of his case in relation to the result of the test, or other Rule violation, either orally, before the *Jury*, or in writing, as the *Participant's Crew Member* or other *person* and/or *Participant* concerned so require.

7.2.9 Opinion of experts, adducing other evidence:

The *Jury* may seek the opinion of experts or adduce other evidence of its own motion.

7.2.10 Decision:

Based upon the contents of the hearing and concerned parties' arguments, the *Jury* shall decide upon the case. Such decision shall be final and binding upon all interested parties and cannot be appealed.

7.2.11. Notifying the *Participant's Crew Member* and other parties concerned of the decision:

The *Jury* Chairman, or a person designated by him, shall promptly notify the *Participant's Crew Member* or other *Person* concerned, as well as the relevant *Participant*, the ISAF, the *Race Director*, and the *Race Authority* of the case pursuant to Article 7.2.5 above and of the decision of the *Jury*.

7.2.12 Timeframe

The disciplinary procedure shall be conducted speedily and, to the extent possible should be concluded within 48 hours from (i) in the case of an *Adverse Analytical Finding*, the conclusion of the *Sample* analysis (i.e. on the *A Sample* and, if requested, the *B Sample*) or (ii) in the case of another Rule violation, the time the *Participant's Crew Member* or other *person* concerned and the *Participant* are informed of such Rule violation.

However, the *Jury* may decide not to apply this timeframe with regard to Rule violations which become apparent outside active competition periods.

7.3 General Provisions

7.3.1 Confidentiality:

Notwithstanding any other rules governing proceedings before the *Jury*, proceedings of the *Jury* under these *rules* shall be confidential to the parties directly involved (such parties including the *Participant* to which the concerned *Crew Member* or other *Person* belongs, but, for the avoidance of doubt, specifically excluding any other *Participant*). Any person who has access to the file or who takes part in any stage of the proceedings

shall be bound by a duty of confidentiality.

7.3.2. Deviation from procedures and general provisions:

Deviations of the above-noted procedures and general provisions shall have no effect if the parties involved are not being prejudiced by such deviation.

ARTICLE 8 INELIGIBILITY, CONSEQUENCES ON PARTICIPANTS

8.1 Ineligibility:

If the *Jury* finds that a *Participant's Crew Member* has committed a Rule violation, the *Jury* may declare the *Participant's Crew Member* ineligible for part or all of the events of the *Race* still to be held, along with other sanctions which may follow, such as exclusion of the *Participant's Crew Member* and other *Persons* concerned from the *Race* (in particular loss of accreditation). For the avoidance of doubt, *ineligibility* of a *Participant's Crew Member* shall not lead to *disqualification* of the *Participant* unless based on the application of clause 8.2 below.

When issuing its decision, the *Jury* will in particular take into account the substance and whether the concerned *Participant's Crew Member* could establish that he bears *no fault or negligence* or *no significant fault or negligence*. The *Jury* will further refer to the sanction system provided for in Article 10 of the Code,

As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the *Participant's Crew Member* must first repay all prize money [Financial Penalty] forfeited under Article 10 of the Code.

8.1.1. Allocation of Forfeited Prize Money (Financial Penalty)

Forfeited prize money [The financial penalty] shall be allocated first to reimburse the collection expenses incurred by the Race Authority and ISAF in order to perform the necessary steps to collect the prize money [financial penalty] back, then to reimburse the expenses incurred by ISAF in order to conduct results management in the case.

8.2 CONSEQUENCES ON PARTICIPANTS

In the event of a Rule violation by a *Participant's Crew Member*, the *Jury* shall act in accordance with Article 8.1; ISAF shall conduct appropriate *Target Testing* of the crew of the *Participants* during the *Race*. If more than 2 *Participant's Crew Members* of the *Participant* are found to have committed an Anti-Doping Rule violation during the *Race*, the *Jury* shall impose an appropriate sanction on the boat (*eg disqualification* from the *Race*) in addition to *any* consequences imposed upon the *individual Participant's Crew Member(s)* committing the Anti-Doping Rule violation. However, the *Participant* shall not be disqualified from or declared ineligible for any part or the whole of the *Race*, unless the *Jury* finds there has been organized doping at team level which violates Fundamental Rule 2 (Fair Sailing) of the Racing Rules of Sailing.

8.3 Withdrawal of accreditation

In the event the case concerns a *person* who is not a *Participant's Crew Member*, the sanction to be considered for application by the *Jury* against that *person* shall be the withdrawal of accreditation in any capacity in connection with part or all of the events, respectively of the *Race*.

ARTICLE 9: CONFIDENTIALITY AND REPORTING

All parties and bodies involved shall maintain confidentiality of the results of all *Doping Control* and the identities involved in proceedings under these *Rules* until it has been determined by the *Jury* that a Rule violation has occurred.

ARTICLE 10: MUTUAL RECOGNITION OF DECISIONS / EXCHANGE OF INFORMATION

10.1 Recognition by other organizations of Decisions made by the Jury

The effects of decisions issued by the *Jury* in application of these *Rules* are limited to the *Race*.

The recognition by ISAF of the results of the *Doping Controls* and of the *Jury* decisions made as a consequence thereof within ISAF's own jurisdiction are governed by ISAF Rules. In no way the facts and findings established by the *Jury* shall bind ISAF in relation to any proceedings related to a anti-doping rule violation.

10.2 Recognition of Decisions made by ISAF and other organizations

The TUEs and hearing results or other final decisions of any signatory to the Code which are consistent with the Code and are within the signatory's authority, may be recognized and enforced in connection with the *Race*. In particular, *Persons* which are subject to a decision declaring them ineligible may not be accepted as *Participant's Crew Members* or accredited in any other capacity in connection with the *Race* during the period of *ineligibility*.

ISAF's decisions (including *provisional suspensions*) or CAS decisions confirming ISAF's decisions will automatically be recognized and enforced in connection with the *Race*, this without prejudice to decisions of the *Jury* which are specific to the *Race*. In the unlikely event that an ISAF decision or a CAS decision based on the same facts is in contradiction with a prior *Jury* decision in respect specifically with the principle of the existence or not of a doping violation, the *Jury* will, to the extent this has still practical relevance in connection with the *Race*, on its own initiative or upon request of the concerned *Participant's Crew Member* or other *Person* concerned, reopen the case based on the new situation created by such decision and render a new decision drawing the adequate consequences in connection with the *Race*. In no *Race* shall such new decision have any retroactive effect on the prior *Jury* decision. Decisions of other bodies which have not accepted the Code may also be recognized if the rules of such other bodies are otherwise consistent with the Code.

When the issue of recognition of a decision by ISAF or another organization arises, the *Jury* shall determine the effects of such recognition in connection with the *Race* including whether *Race* specific sanctions have to be issued or any other consequences. Prior to issuing such a decision, the *Jury* shall give the concerned *Participant's Crew Member* or other *Person* concerned the opportunity to submit observations. As a rule and unless the *Jury* decides to organize a hearing, the observations shall be submitted in writing.

ARTICLE 11 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

11.1 These *Rules* may be amended from time to time by the *Organizing Authority*.

11.2 The PREAMBLE and the APPENDIXES shall be considered integral parts of these *Rules*.

11.3 These *Rules* have been based on the Code. The comments annotating various provisions of the Code may, where applicable, assist in the understanding and interpretation of these *Rules*.

APPENDIX 1 – DEFINITIONS

Adverse Analytical Finding. A report from a laboratory or other approved *Testing* entity that identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use of a Prohibited Method*.

Anti-Doping Organization. A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, *WADA*, anti-doping agencies, other *anti-doping organizations* and *State anti-doping organizations*.

Attempt. Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of a Rule violation. Provided, however, there shall be no Rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *attempt* on his/her own volition prior to it being discovered by a third party not involved in the *Attempt*.

Atypical Finding. A report from a laboratory or other *WADA* approved entity which requires further investigation as provided by the *International Standard* for Laboratories or related Technical Documents prior to the determination of an *Adverse Analytical Finding*.

CAS. The Court of Arbitration for Sport

Code. The World Anti-Doping Code.

Consequences of Anti-Doping Rules Violations. A *Participant's Crew Members* or other *Person's* violation of a Rule may result in a sanction to be decided by the *Jury* in accordance with the *Rules* and such decision will be final and binding. With respect to a *Crew Member*, the sanction may include exclusion from further participation in any future Race, respectively Regatta and *ineligibility* to take part in any further part of the *Race*. *Ineligibility* means the *Participant's Crew Member* is barred for a specified period of time which may include the entire Period of the *Race* from participating in any Race, respectively Regatta. *Ineligibility* can be applied to a *Participant* only in the circumstances outlined in Article 8.2. *Provisional Suspension* means the *Participant's Crew Member* is barred temporarily from participating in any Race, respectively Regatta prior to the final decision at a hearing conducted under Article 7. *Disqualification* may be imposed on a *Participant* only in the circumstances outlined in Article 8.2 which means that such *Participant's* results in a particular Race, respectively a particular Regatta or Regatta(s) are invalidated, with all resulting consequences including conversion of results from victories into defeats, and forfeiture of any trophies or prizes.

Disqualification. See Consequences of the *Rules* violations above.

Doping Control. All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, *sample* collection and handling, laboratory Analysis, *TUE's*, results management and hearings.

In-Competition. Controls are deemed *In-Competition* when the *Sample* collection occurs in connection with any Regatta part of the *Race* from and including the first scheduled day of racing of a Regatta until the end of Protest Time for the last Leg in St Petersburg, 27th June 2009..

Ineligibility. See Consequences of the *Rules* violations above.

International Standard. A standard adopted by *WADA* in support of the Code. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any Technical Documents issued pursuant to the *International Standard*. The current *International Standards* can be seen on the *WADA* website www.wada-ama.org. To the extent they are applicable, the *International Standards* issued by *WADA* shall be deemed as incorporated in these *Rules*.

Jury. The *Jury* in accordance with Notice of Race 3.5 and which is the hearing body under these *Rules*.

Marker. A compound, group of compounds or biological parameter(s) that indicates the Use of a *Prohibited Substance* or *Prohibited Method*.

Metabolite. Any substance produced by a biotransformation process.

No Advance Notice. A *Doping Control* which takes place with no advance warning to the *Participant's Crew Member* and where the *Participant's Crew Member* is continuously chaperoned from the moment of notification through *Sample* provision.

No Fault or Negligence. The *Participant's Crew Members* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

No Significant Fault or Negligence. The *Participant's Crew Members* establishing that his or her 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 Rule violation.

Organizing Authority. The *Race Organizing Authority* as mentioned in the Notice of Race.

Out-of-Competition. Controls are deemed *Out-of-Competition* when they are not *In-Competition* as defined above.

Participant. The syndicate company, the owner(s) of the *Boat*, the entity(s) that run(s), sponsor(s) or fund(s) the *Boat* and the entity/entities that enter(s) into the *Commercial Participation Agreement* relating to the *Boat*.

Participant's Crew Members. *Crew Members* who are potentially going to compete in the *Race* or any part of it. For the avoidance of doubt invited guests for the *In Port Races* and the *Pro Am Races* or *Leg* starts shall not be considered as one of the *Participant's Crew Member*.

Participant's Crew Member Support Personnel. Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating *Participant's Crew Members* participating in or preparing for the *Race*.

Period of the Race. The period covering the full ongoing duration of the *Race* ending after end of protest time for the last *Leg* in St Petersburg

Person. A natural Person or an organization or other entity.

Possession. The actual, physical *possession*, or the constructive *possession* (which shall be found only if the person has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the Person does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive *possession* shall only be found if the person knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no Rule violation based solely on *possession* if, prior to receiving notification of any kind that the *Person* has committed a Rule violation, the *Person* has taken concrete action demonstrating that the Person never intended to have *possession* and has renounced *possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *possession* by the *Person* who makes the purchase.

Prohibited List. The List identifying the *Prohibited Substances* and *Prohibited Methods*.

Prohibited Method. Any method so described on the *Prohibited List*.

Prohibited Substance. Any substance so described on the *Prohibited List*.

Provisional Suspension. See Consequences above.

Race. As mentioned in Notice of Race PART 1, 1.1 DEFINITIONS (xiv)

Registered Testing Pool. The *Participant's Crew Members* identified by each *Participant* as per clause 1.2 of these *Rules*, whenever so requested by the *Race Authority*, as potentially competing at the *Race* who are subject to *Doping Control*.

Race Director. The person appointed as the *Race Director* for the Volvo Ocean Race Around the World 2008-2009.

Rules: The present Anti-Doping Rules.

Sample. Any biological material collected for the purposes of *Doping Control*.

Specified Substances; As defined in Article 4.2.2

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to an *Anti-Doping Organization*.

Target Testing. Selection of *Participant's Crew Members* for *Doping Control* where specific *Participant's Crew Members* or groups of *Participant's Crew Members* are selected on a non-random basis for *Doping Control* at a specified time.

Testing. The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

Therapeutic Use Exemption (TUE). The exemption which must be obtained from the appropriate body to obtain permission to use otherwise *Prohibited Substances* or Methods for legitimate therapeutic purposes.

Therapeutic Use Exemption Committee (TUEC). The Panel established by ISAF.

Trafficking. Selling, giving, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by a *Participant's Crew Member*, *Participant's Crew Member Support Personnel* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* used genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes.

Use. The utilization application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

WADA. The World Anti-Doping Agency.

APPENDIX 2 – CRITERIA RELATING TO THE *INTERNATIONAL STANDARD FOR TESTING*.

The meaning of the capitalized terms (appearing in italics) contained in this Appendix are defined in the relevant *International Standard*.

The *International Standard* for Testing includes standards for test distribution planning, notification of *Participant's Crew Members*, preparing for and conducting *Sample* collection, security/post test administration and transport of *Samples*.

The *Organizing Authority* requires the *Anti-Doping Organization* performing tests to plan and conduct the *Doping Control* in conformity with the *International Standards*.

There are a number of standards for which the *Organizing Authority* is required to establish criteria. The following table outlines the requirements of the *Organizing Authority*. Each item is referenced from the *International Standard* for Testing:

Ref.	Item	Criteria
5.3.4	The ADO shall establish criteria to validate the identity of a <i>Participant's Crew Member</i> selected to provide a <i>Sample</i> . This ensures the selected <i>Participant's Crew Member</i> is the <i>Participant's Crew Member</i> who is notified.	The <i>Participant's Crew Member</i> is required to present his/her Passport/Accreditation. If the <i>Participant's Crew Member</i> does not have his/her Passport/Accreditation then a form of photo identification is required.
5.3.6	For <i>Sample</i> Collection, the ADO shall Establish criteria to ensure that reasonable attempts are made to notify <i>Participant's Crew Members</i> of their selection for <i>Sample</i> collection	<i>Participants</i> are required to provide accurate <i>Participant's Crew Member</i> Whereabouts information to ISAF. This information will be used to locate and notify selected <i>Participant's Crew Members</i> . DCOs will be provided with this information and will make all reasonable attempts to locate and notify the <i>Participant's Crew Members</i> .
6.2b) 6.3.3	The ADO shall establish criteria for who may be authorized to be present during a <i>Sample</i> Collection Session in addition to the <i>Sample</i> Collection Personnel (and the <i>Participant's Crew Member</i>)	In addition to the <i>Participant's Crew Member</i> and the <i>Sample</i> Collection Personnel, the following people may be present (see Standard for conditions) during a <i>Sample</i> Collection Session: <ul style="list-style-type: none"> • <i>Participant's Crew Member</i> representative • Interpreter

Ref.	Item	Criteria
6.2c) 6.3.2	<p>The ADO shall ensure that the Doping Control Station meets the minimum criteria prescribed in 6.3.2.</p> <p>The DCO shall use a Doping Control Station which, as a minimum, ensures the <i>Participant's Crew Member's</i> privacy and is used solely as a Doping Control Station for the duration of the <i>Sample</i> Collection Session.</p>	<p>Subject to local circumstances, the following should be provided as a minimum for the Volvo Ocean Race 2008-2009 Competition Venue Doping Control Station:</p> <p>The Doping Control Station should consist of a Waiting Area, one or more Processing Rooms and one or more toilets. All spaces should be contained in the one enclosed lockable Station.</p> <p>The "Waiting Room" should contain a check-in desk at the entrance, a refrigerator or other form of cooling for sealed drinks, enough chairs for the peak time load of the Station, and a television.</p> <p>The "Processing Room/s" (the number required will depend on the number of <i>Participant's Crew Members</i> at the peak-time) should each contain a table, 5 chairs, a lockable refrigerator and a hazard waste bin.</p> <p>The Toilet should be large enough for 2 people and enable the witness to directly observe the passing of the urine <i>Sample</i>.</p>
7.4.5	Re minimum information on the Doping Control forms	Note that it is not a requirement to record the <i>Participant's Crew Members</i> home address and telephone number.
8.3.1	The ADO shall define criteria ensuring that any sealed <i>Sample</i> will be stored in a manner that protects its integrity, identity and security prior to transport from the Doping Control Station.	The <i>Samples</i> collected at Volvo Ocean Race Villages shall be kept in a secured location, if possible in a lockable refrigerator prior to transport from the Doping Control Station.
Annex F F.3 F.4.1	<p><i>Samples</i> that do not meet the laboratory pH or Specific Gravity guidelines.</p> <p>The ADO is responsible for establishing criteria for the number of additional <i>Samples</i> to be collected at the <i>Participant's Crew Members Sample</i> Collection Session. If the additional <i>Sample/s</i> collected do not meet the relevant laboratory's guidelines for analysis, the ADO is responsible for scheduling a new <i>Sample</i> Collection Session for the <i>Participant's Crew Member</i> and, if required, taking subsequent appropriate action.</p>	<p>The ADO will determine with the contracted laboratory whether pH and specific gravity readings will be required to be taken at the time of <i>Sample</i> collection.</p> <p>One (1) additional <i>Sample</i> to be collected from a <i>Participant's Crew Member</i> in the <i>event</i> of an initial <i>Sample</i> being outside the laboratory requirements.</p> <p>In the <i>event</i> that additional laboratories are required to be used for the 32nd America's Cup <i>Doping Control</i> Program they will be required to use the same agreed guidelines.</p>
Annex G	<i>Sample</i> Collection Personnel Requirements	

The ADO shall determine the necessary competence and qualification requirements for the positions of Doping Control Officer, Chaperone and Blood Collection Official. The ADO shall develop duty statements for all *Sample* Collection Personnel that outline their respective responsibilities.

NB: The above applies primarily to *In-Competition Testing*. Requirements in connection to *Out-of-Competition Testing* shall be adapted to the particular circumstances of such specific process.

APPENDIX 3 – PARTICIPANT’S CREW MEMBER DECLARATION.

ACKNOWLEDGEMENT and AGREEMENT

I, as a *Participating Crew Member* in the Volvo Ocean Race 2008-2009 (the *Race*) hereby acknowledge and agree as follows:

1. I have received and had an opportunity to review the International Sailing Federation Anti-Doping Rules and the specific Anti-Doping Rules issued by the *Race Director*.
2. I consent and agree to comply with and be bound by all of the provisions of the International Sailing Federation Anti-Doping Rules and the specific Anti-Doping Rules issued by the *Race Director*.
3. I undertake to duly provide my whereabouts information in accordance with clause 5.5 of the Anti-Doping Rules issued by the *Race Director*.
4. I understand that if I need to use a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons, this is subject to obtaining a *TUE* in accordance with the provisions of the Anti-Doping Rules.
5. I acknowledge and agree that the International Sailing Federation has jurisdiction to impose sanctions as provided in the International Sailing Federation Anti-Doping Rules.
6. I acknowledge and agree that the *Race Authority* has specific jurisdiction to impose sanctions in connection with the Regattas and all other parts of the *Race* as provided in the specific Anti-Doping Rules issued by the *Race Director*.
7. I also acknowledge and agree that any decision to be made in application of the specific Anti-Doping Rules issued by the *Race Director* in specific respect to the *Race* will be issued by the *Jury* appointed pursuant to Article 21 of the Protocol and will be final and binding. I understand and agree that such decision may include an exclusion of any further participation in the *Race*.
8. I acknowledge and agree that I agree to be bound by any such *Jury* decision and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal in connection with such decision.
9. I have read and understood this Acknowledgement and Agreement.

Date

Print Name (Last Name, First Name)

Date of Birth
(Day/Month/Year)

Signature (or, if a minor, signature of
legal guardian)