

Association of Surfing Professionals (ASP)
International Limited

Anti-Doping Policy



Version 2 – 20 February 2012

ASP INTERNATIONAL ANTI-DOPING POLICY

Version 1 – 12 January 2012

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ARTICLE 1 - ASP POSITION ON DOPING

This Anti-Doping Policy is adopted and implemented in accordance with ASP International's efforts to eradicate doping in the sport of professional surfing ("*Policy*"). ASP strives to provide a global stage for its Surfers to showcase their talent in a fair, independent and impartial environment. ASP also strives to have its surfers serve as good role models for young athletes.

This Policy is incorporated into the ASP International Rulebook governing professional surfing worldwide. Surfers accept these rules as a condition of participation at ASP events and on membership to ASP.

Any conflict between any document or process referred to in this Policy will be governed first by this Policy. The ASP Athlete Rules & Disciplinary Committee ("*ARDC*") will determine any remaining conflict by considering the circumstances and context of the situation. The definitions within Appendix 1 will apply to this Policy.

ASP condemns the use of Prohibited Substances in sport. The use of Prohibited Substances is contrary to the ethics and the 'spirit' of surfing as a sport and profession and endangers the health and wellbeing of the surfers.

This Policy is designed to:

- Protect the Surfers' fundamental right to participate in doping free sport and thus promote health, fairness, and equality for Surfers worldwide; and
- Ensure harmonized, coordinated and effective anti- doping programs at the international and national level with regard to detection, deterrence, and prevention of doping.

ASP aims to fulfill the aforementioned commitments by:

- Educating and informing Persons about drugs in surfing as a sport; and
- Imposing effective sanctions on Persons who commit Anti-Doping Rule Violations.

AUTHORITY

The ARDC is charged with enforcement of this Policy per Chapter 11 of the ASP Rulebook.

This Policy Applies to:

- ASP International staff and officials;
- ASP Regional Office staff and officials;
- All ASP Surfers (including any surfer competing in an ASP licensed event);

- Event licensees; and
- Surfer Support Personnel.

ARTICLE 2 - THE PROHIBITED LIST

2.1 Prohibited Substances

This Policy incorporates the Prohibited List, published and revised by the World Anti-Doping Association (“WADA”), which can be found at the following link: www.wada-ama.org.

2.2 Prohibited Substances Identified on the Prohibited List

Unless provided otherwise in the Prohibited List, revisions of the Prohibited List will go into effect under this Policy one month after publication of the Prohibited List by WADA without requiring any further action by ASP International.

2.3 Substances Prohibited at All Times

- (a) Subject to this Policy, all substances on the Prohibited List as referred to in Article 2.1 above are prohibited.
- (b) Recreational Substances

The following substances are considered “*Recreational Substances*” for the purpose of this Policy:

- Alcohol;
- Amphetamines;
- Benzodiazepines;
- Cannaboids;
- Cocaine Hydrochloride;
- Methamphetamines; and
- Narcotics.

ARTICLE 3 - ANTI -DOPING VIOLATIONS

The following constitute anti-doping rule violations under this Policy.

3.1 The presence of a Prohibited Substance or its Metabolites or Markers in a Surfer’s Sample

- (a) It is each Surfer’s personal duty to ensure that no Prohibited Substance enters his or her body. Surfers are responsible for any Prohibited Substance found (a) It is each Surfer’s personal duty to ensure that no Prohibited Substance enters his or her body. Surfers are responsible for any Prohibited Substance found in their systems.

- (b) Except those substances for which a certain amount must be detected (which are identified in the Prohibited List), the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Surfer's Sample will constitute an anti-doping rule violation.
- (c) As an exception to the general rule of this Article 3.1, the Prohibited List may provide assistance in determining Prohibited Substances that can also be produced naturally by the body.

3.2 Use or Attempted Use of a Prohibited Substance

The success or failure of the Use of a Prohibited Substance is irrelevant. It is sufficient that the Prohibited Substance was Used or Attempted to be Used for an anti-doping rule violation to be committed.

3.3 Possession of Prohibited Substances

Possession of a Prohibited Substance by Surfer Support Personnel in connection with a Surfer, Event or training is a violation of this Policy, unless the Surfer Support Personnel establishes that the Possession is pursuant to a Therapeutic Use Exemption granted to a Surfer in accordance with Article 5 (Therapeutic Use Exemption) or other acceptable justification.

3.4 Refusing, or failing without compelling justification, to submit to Sample collection after notification as authorized in this Policy or otherwise evading Sample collection.

3.5 Tampering, or Attempting to tamper, with any part of Doping Control.

3.6 Trafficking in any Prohibited Substance.

3.7 Administration or Attempted administration of a Prohibited Substance to any Surfer, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted violation.

ARTICLE 4 - PROOF OF DOPING

4.1 Burdens of Proof

ASP International will have the burden of establishing that an anti-doping rule violation has occurred under this Policy. The standard of proof will be whether ASP International has established an anti-doping rule violation by clear and convincing evidence. This standard of proof in all cases is greater than a preponderance of evidence, but less than proof beyond a reasonable doubt.

Where the burden of proof is placed upon the Surfer or other person alleged to have committed an anti-doping rule violation to rebut a presumption or

establish specified facts or circumstances, the standard of proof will be by a preponderance of evidence.

4.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions by the charged party.

- (a) WADA-accredited laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for laboratory analysis. The Surfer may rebut this presumption by establishing that a departure from the International Standard occurred.
- (b) If the Surfer rebuts the preceding presumption by showing that a departure from the International Standard occurred, then ASP International will have the burden to establish that such departure did not cause the Adverse Analytical Finding.
- (c) Departures from the International Standard for Testing which did not cause an Adverse Analytical Finding or other anti-doping rule violation will not invalidate such results. If the Surfer establishes that departures from the International Standard occurred during Testing then ASP International will have the burden to establish that such departures did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.

ARTICLE 5 - THERAPEUTIC USE EXEMPTION

- (a) Surfers with a documented medical condition requiring the use of a Prohibited Substance must obtain a Therapeutic Use Exemption ("TUE") immediately from ASP.
- (b) Should a relevant TUE be provided to a Surfer, a violation in relation to that Substance will not have occurred.
- (c) *Surfers* should apply to the ARDC for the TUE, except in emergency situations, no later than 21 days before the *Surfer's* participation at a World Tour Event.
- (d) Should a Surfer wish to appeal a decision relating to a TUE provided or denied, they may follow the appeals procedure prescribed in Article 158 of the ASP Rule Book.
- (e) An application will not be considered for retroactive approval except in cases where emergency treatment or treatment of an acute medical condition was necessary, or where, due to exceptional circumstances, there was insufficient time or opportunity for a Surfer to submit, or the ARDC to consider, an application prior to Testing under this Policy.

ARTICLE 6 - TESTING

6.1 Authority to Test

All World Title Surfers will be subject to In-Competition Testing by ASP International at any Event in which they participate, at a reasonable time of day, with or without advance notice.

There will be no Out-of-Competition Testing except for the purposes of Return to Competition testing (see Article 6.8).

6.2 Testing Standards and Procedures

ASP will employ third party testing agencies to fulfill testing responsibilities, on its behalf where required. Such Testing or collection will be in accordance with the WADA International Standard for Testing.

6.3 Test Distribution Plan

ASP may recognise other bodies' anti-doping results and/or sanctions where such results would have amounted to a violation of this Policy in another surfing Event, for example, an ISA event.

6.4 Testing Standards

(a) Testing conducted by the ARDC will be in substantial conformity with the International Standard for Testing in force at the time of Testing.

(b) Blood (or other non-urine) Samples may be used either to detect Prohibited Substances or for choosing which Surfers are to be tested. If the blood is collected for screening only, it will have no other consequences for the Surfer other than to identify him/her for a urine test under this Policy. In these circumstances, the ARDC may decide at its own discretion which blood parameters are to be measured in the screening Sample and what levels of those parameters will be used to indicate that a Surfer should be selected for a urine test.

6.5 Doping Control (In Competition)

Doping Control may be carried out at anytime during ASP Events on a No Advance Notice basis.

Procedural guidelines for the In Competition Doping Control for both Urine and Blood Sample Collection will be conducted in accordance with the WADA International Standard for Testing.

The onsite Doping Control Officer ("DCO") will record any behaviour by the Surfer and/or persons associated with the Surfer or anomalies with potential to compromise the Sample collection shall be recorded in detail and appropriate action will be taken to investigate a possible failure to comply.

6.6 Surfer Whereabouts Requirements

Each surfer must upon request, make best efforts to promptly provide to the ARDC, their address and telephone numbers and any other details of their whereabouts that are reasonably necessary to permit both In-Competition Testing, or where applicable, return to competition testing (Article 6.8). In accordance with whereabouts requirements, each surfer must:

- (a) provide whereabouts information to the ARDC upon request;
- (b) not deliberately or recklessly provide incorrect whereabouts information; and
- (c) produce whereabouts information within 3 days of being requested to do so or earlier upon reasonable request.

6.7 Public Disclosure /Confidentiality

- (a) ASP International will not, subject to 6.7(b), publicly identify Surfers whose Samples have resulted in Adverse Analytical Findings, or who were alleged to have violated other Articles of this Policy until it has been determined in a hearing that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged or the Surfer has been Provisionally Suspended. Once a violation of this Policy has been established, it will be publicly reported within 20 days in a form approved by the ARDC.
- (b) Violations of Article 4.3(a): a violation in relation to Recreational Substances will only be made public at the discretion of the ARDC.
- (c) Unless otherwise stated, this policy will adhere to the WADA International Standard for Protection of Privacy and Personal Information.

6.8 Retirement and Return to Competition

- (a) All Surfers will continue to be subject to this Policy, unless and until the Surfer gives written notice to ASP International that he or she has retired.
- (b) A Surfer who has given notice of retirement to ASP International may not resume competing unless he or she notifies ASP International at least 3 months before he or she expects to return to competition and is available for unannounced Out-of-Competition Testing, at any time during the period before actual return to competition. Once the Surfer notifies ASP of their return, they agree again to Article 6.6 and this Article 6.8.

6.9 Selection of Surfers to be Tested

The ARDC will determine the number of finishing placement tests, random tests, and Target Testing to be performed.

ARTICLE 7 - SAMPLE ANALYSIS

7.1 Testing Laboratory

ASP International will send Doping Control Samples for analysis only to WADA-accredited laboratories. The choice of the WADA-accredited laboratory used for the Sample analysis will be determined by ASP International. The analysis and reporting of results will be in conformity with the International Standard for laboratory analysis.

7.2 Research on Samples

No Sample may be used for any purpose other than the detection of substances (or classes of substances) on the Prohibited List, without the Surfer's written consent.

ARTICLE 8 - RESULTS MANAGEMENT AND DISCIPLINARY PROCEDURE

8.1 Results Management

Results management for Tests initiated by ASP International (including tests performed by other bodies under the direction of ASP International) will proceed as set forth in the ASP Rulebook (see Rule 159.04)

8.2 Penalties

The period of Ineligibility imposed for a violation of any of the following will result in at least one (1) year Ineligibility for the first violation and disqualification of all the Surfer's individual results obtained in all relevant Events with all consequences, including forfeiture of all medals, points and prizes:

- (a) Presence of Prohibited Substance or its Metabolites or Markers;
- (b) Use or Attempted Use of Prohibited Substance;
- (c) Possession of Prohibited Substances;
- (d) Refusing or failing to submit to Sample Collection; or
- (e) Tampering with Doping Control.

This applies unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 8.4, or the conditions for increasing the period of Ineligibility, as provided in Article 8.5, are met.

8.3 Trafficking or Administration

For violations of Trafficking or administration of Prohibited Substance, the period of Ineligibility imposed will be a minimum of four (4) years up to lifetime Ineligibility. An anti-doping rule violation involving a Minor will be considered a particularly serious violation, and, if committed by Surfer Support Personnel for violations other than Recreational Substances

referenced in Article 2.3, will result in lifetime Ineligibility for such Surfer Support Personnel. In addition, violations of such Articles, which also violate non-sporting laws and regulations, may be reported to the appropriate law enforcement authority.

8.4 Elimination or Reduction of the Penalties

(a) Recreational Substances

Where a Surfer can establish how a Recreational Substance entered his or her body or came into his or her Possession and that such Recreational Substance was not intended to enhance the Surfer's sport performance or mask the Use of a performance-enhancing substance, the period of Ineligibility will be replaced with the following:

Each of the first two (2) violations: At a maximum, a reprimand and no period of Ineligibility from future Events. Mandatory completion of an education and, if relevant, rehabilitation course specific to the Recreational Substance at the full discretion of the ARDC.

Third violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two (2) years of Ineligibility. Mandatory completion of an education and if relevant, rehabilitation course specific to the relevant Recreational Substance at the full discretion of the ARDC.

To justify any elimination or reduction, the Surfer must produce corroborating evidence in addition to his or her word, which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the Use of a performance enhancing substance. The Surfer's degree of fault will be the criterion considered in assessing any reduction of the period of Ineligibility described in Article 8.2.

(b) No fault or negligence

If the Surfer establishes in an individual case involving an anti-doping rule violation mentioned above (presence of Prohibited Substance or its Metabolites or Markers) or Use of a Prohibited Substance that he or she bears No Fault or Negligence for the violation, the otherwise applicable period of Ineligibility may be eliminated.

When a Prohibited Substance or its Markers or Metabolites is detected in a Surfer's Sample, while satisfying any other test applicable, in violation of presence of Prohibited Substance, the Surfer must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated.

If a Surfer establishes in an individual case that he or she bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated.

(c) Substantial Assistance

The ARDC may also reduce the period of Ineligibility in an individual case where the Surfer has provided substantial assistance to ASP which results in ASP discovering or establishing an anti-doping rule violation by another Person involving Possession, Trafficking, or administration to a Surfer.

8.5 Aggravating Circumstances, which May Increase the Period of Ineligibility

If ASP International establishes in an individual case involving an anti-doping rule violation that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable will be increased up to a period deemed appropriate by the ARDC unless the Surfer or other Person can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation.

A Surfer or other Person can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by ASP International.

8.6 Provisional Suspensions

The ARDC may provisionally suspend a Surfer prior to the opportunity for a full hearing based on an Adverse Analytical Finding from the Surfer's A Sample or A and B Samples.

8.7 Commencement of Ineligibility Period

The period of Ineligibility will start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date the penalty is accepted or otherwise imposed.

Any period of Provisional Suspension (whether imposed or voluntarily accepted) will be credited against any period of suspension to be served.

ARTICLE 9 - APPEAL PROCEDURES

Decisions made under this Policy may be appealed as set forth below and in the ASP Rule Book (Article 159.06). Such decisions will remain in effect while under appeal unless, by application to the relevant appellate body, they order otherwise. Before an appeal is commenced, any post-decision review authorized in the ASP Rule Book must be exhausted.

The final right to appeal will be exclusively to the Court of Arbitration for Sport ("CAS") in accordance with the statutes and rules applicable to CAS.

ARTICLE 10 - STATUTE OF LIMITATIONS

No action may be commenced under this Policy against a Surfer or other Person for a violation of an anti-doping rule contained in this Policy unless such action is commenced within two (2) years from the date the violation occurred.

APPENDIX 1 - DEFINITIONS

Adverse Analytical Finding means a report from a laboratory or other approved Testing entity that identifies in a Specimen the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances).

Anti-Doping Rule Violation means a breach of this Policy as described in Article 3.

ASP is the Association of Surfing Professionals International Limited, a company registered in Australia.

ASP Athlete Rules & Disciplinary Committee (ARDC) has delegated authority to act on behalf of ASP International as described within this Policy. The composition and jurisdiction of the ARDC is outlined in the ASP Rule Book and includes ruling on violations of this Policy.

Attempt means purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there will be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the attempt prior to it being discovered by a third party not involved in the Attempt.

Doping Control means the process including test distribution planning, Sample collection and handling, laboratory analysis, results management, hearings and appeals.

Event means a surfing event licensed to be conducted under the terms of an ASP licence agreement as a World Title event.

In-Competition means any Testing performed between the relevant Event's Start and Finish Date.

Ineligibility means the period of time where a Surfer must not compete in any surfing event.

Marker means a compound, group of compounds or biological parameters that indicates the Use of a Prohibited Substance.

Metabolite means any substance produced by a biotransformation process.

Minor means a natural Person who has not reached the age of majority as established by the applicable laws of his or her country of residence.

No Fault or Negligence means the Surfer's 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.

Person means a natural Person, an organization or other entity.

Possession means the actual, physical possession, or the constructive possession (if the Person knew about the presence of the Prohibited Substance and intended to exercise control over it).

Prohibited List means the World Anti-Doping Code List identifying the Prohibited Substances.

Prohibited Substance means any substance so described on the Prohibited List.

Regional Office means the delegated entities representing ASP in their respective regions. Namely, Africa, Australasia, North America, South America, Hawaii, Europe and Japan.

Rulebook means the ASP International Rulebook as published and amended from time to time on the ASP International website: www.aspworldtour.com.

Sample means any biological material collected under the authority of this Policy.

Surfer means, for the purposes of this Policy, any Person who qualifies for any Event as a valid ASP member.

Surfer Support Personnel means any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating a Surfer to participate in or preparing for participating in an Event.

Tampering means altering for an improper purpose or in an improper way or preventing normal procedures from occurring.

Target Testing means a selection for Testing of specific Surfers or groups of Surfers on a non-random basis for Testing at a specified time.

Testing means the process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.

Trafficking means to sell, give, administer, transport, send, deliver or distribute a Prohibited Substance to a Surfer either directly or through one or more third parties, unless for genuine and legal therapeutic purposes.

Use means the application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance.

WADA means the World Anti-Doping Agency.