

# Procedure for the Control of Drugs and Alcohol – Appendix 1

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## General

The MSA has adopted the FIA Anti-Doping Protocol and has available the testing procedures. The purpose of these anti-doping regulations are to protect the Driver's fundamental right to participate in doping-free sport and thus promote health, fairness, equality and safety in motor sport.

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in below.

## Rule Violations

The following constitute anti-doping rule violations:

- The presence of a prohibited substance or its metabolites or markers
  - Drivers are responsible for any prohibited substance or its metabolites or markers found in their specimens. It is not necessary that intent, fault, negligence or knowing use on the Driver's part be demonstrated in order to establish an anti-doping violation
  - Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List published by the World Anti-Doping Agency (WADA), the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Driver's Sample constitutes an anti-doping rule violation and is liable to sanctions as defined in the supplementary Anti-Doping Regulations and Procedures (available from the MSA).
  - As an exception to this rule, the Prohibited List published by WADA may establish special criteria

**Note:** Throughout these sections an asterisk (\*) indicates a requirement for additional information to be printed in the Supplementary Regulations (SRs).

*Text shown in Italics indicate a Regulation which may be amended in the SRs.*

for the evaluation of Prohibited Substances that can also be produced endogenously.

- Use or attempted use of a prohibited substance or method. The success or failure of the use of a prohibited substance or method is not material. It is sufficient that it was used or attempted to be used for an anti-doping rule violation to be committed
- Refusing, or failing without compelling justification, to submit to sample collection after notification as authorized in the Regulations or otherwise evading sample collection
- Violation of requirements regarding Driver availability for Out-of-Competition Testing, including failure to provide required whereabouts information
- Tampering or attempting to tamper with any part of a Doping Control
- Possession of prohibited substances and methods. Possession by a Driver at any time of a substance prohibited in Out-of-Competition Testing or a Prohibited Method, unless the Driver has been granted exemption in accordance with MSA Regulations regarding therapeutic use or another acceptable justification
  - Possession, in the case of a Driver in competition or training, by Driver support personnel of any substance or method prohibited in Out-of-Competition Testing, unless granted an exemption in accordance with MSA Regulations on therapeutic use exemptions or another acceptable justification
  - Trafficking in any prohibited substance or method
  - Administration or attempted administration of a prohibited substance or prohibited method to any Driver, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving violation of the Regulations or any attempted violation.

## Proof of Doping

The MSA has the burden of establishing that a violation of the Regulations has occurred. Facts related to a violation may be established by any reliable means, including confession.

The following rules of proof shall be applicable in doping cases:

- WADA-accredited laboratories are presumed to have conducted sample analysis and custodial procedures in accordance with the WADA-approved international standards for laboratories. The Driver may rebut this presumption by establishing that a departure from the WADA-approved international standard occurred in which case the MSA shall have the burden to establish that such departure did not cause the adverse analytical finding.
- Any departures from the Doping Controls – Rules of Procedure (available from the MSA) which did not cause an adverse analytical finding or other violations of the Regulations will not invalidate the results. If the

Driver establishes that departures from the procedure occurred during testing, then the MSA must establish that such departures did not cause the adverse analytical finding or the factual basis for the violation of the Regulations.

## The Prohibited List

WADA regularly publishes and revises the Prohibited List. The List published identifies those Substances and Methods which are prohibited at all times (both In-Competition and Out-of-Competition), those which are prohibited In-Competition only.

Unless otherwise specified, the Prohibited List and its revisions are adopted as the MSA's Prohibited List three months after their publication on WADA's website.

Regulations for exemption for Therapeutic Use are covered in C(a)-Appendix 3.

Anti-Doping Testing Procedures are contained in Supplement C, Appendix L of the FIA International Sporting Code.

## Successful Prosecution

Any Competitor who is successfully prosecuted as a result of his conduct in connection with a motor vehicle whilst taking part in an event may, at the discretion of the Stewards of the Meeting, subsequently be excluded from the results of that event and be required to forfeit or return any award. Details of any successful prosecution known to the organising club shall be passed to the MSA, who will endorse his licence record and may exclude the person concerned from competing in other events.