

## §6 In-Competition Prohibition of tramadol

### 13.3.066 Introduction

Tramadol is sold under different brand names, including, without limitation, Nobligan, Tiparol, Topalgic, Tradolan, Contramal, Tramal, Ultram, Ixprim. For the purposes of this Chapter tramadol is defined as the molecule 2-(diméthylamino)méthyl-1-(3-méthoxyphényl) cyclohexanol hydrochloride according to the IUPAC<sup>1</sup> nomenclature.

Tramadol is a synthetic opioid analgesic (painkiller) prescribed for the treatment of moderate to moderately severe pain. It is a centrally acting analgesic that affects the way the brain and nervous system respond to pain. In addition to the risk of dependence and addiction, commonly reported adverse side effects of tramadol are dizziness, drowsiness and loss of attention, which are incompatible with competitive cycling and endanger other competitors.

In light of the foregoing, in order to protect each rider's health and physical integrity and to ensure the safety of the competitions, tramadol is prohibited in-competition.

By requesting a license, any rider agrees to abide and be bound by these Rules and explicitly agrees and acknowledges that tramadol is prohibited in-competition. In this respect, any rider agrees to submit to in-competition tramadol control as provided under this Chapter.

The following provisions are intended to apply autonomously and without connection with the World Anti-Doping Code and/or the UCI Anti-Doping Rules.

When reviewing the facts and the law of a given case, courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the purpose of these Rules as defined in this article.

The In-Competition Prohibition of Tramadol and the rules under this Chapter shall apply in full as of 1 March 2019.

### 13.3.067 Tramadol Control

Any rider participating in an event registered on an international or national calendar may be subject to tramadol control.

Unless a rider is identified in another manner, the riders who are selected to undergo a tramadol control are identified on a List to be posted at the entrance of the Tramadol Control Station and at the finish line.

It is each rider's responsibility, including the rider having abandoned or who did not otherwise finish the event, to ensure whether he/she has been selected to undergo a tramadol control.

The rider shall report as soon as possible to the Tramadol Control Station, but in any case within 30 (thirty) minutes of finishing the event, unless compelling justification

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<sup>1</sup> International Union of Pure and Applied Chemistry (IUPAC) / Union Internationale de Chimie Pure et Appliquée (UICPA)

exists (e.g. obtaining necessary medical treatment, participation in official protocols, fulfilment of media commitment, doping control or bike checks).

A sample collected from a rider under these Rules (Tramadol Sample) is owned by the UCI.

Tramadol Sample collection process, transportation and analysis of the Tramadol Sample are governed by the UCI Technical Rules on Tramadol in their version in force at the time of the sample collection.

### **13.3.068    Infringements of the In-Competition Prohibition of Tramadol**

The following constitute an infringement relating to the In-Competition Prohibition of Tramadol:

- a) Presence of tramadol and/or its metabolites in a rider's sample collected in-competition.

Presence within the meaning of this provision is defined as the analytical identification of tramadol in biological material collected for the purposes of Tramadol Control.

For the purpose of this provision, "in-competition" is the period starting 12 hours before the beginning of the event the rider is scheduled to participate through the end of such event and through the end of the Tramadol Sample collection process related to such event.

The mere presence of tramadol or its metabolites in a rider's in-competition sample is sufficient to establish an infringement of the In-Competition Prohibition of tramadol, without consideration of the rider's intent, fault or negligence.

- b) Evading a Tramadol Sample Collection.
- c) Refusing, failing to submit to Tramadol Sample collection or failure to report to the Tramadol Control Station within the time limit provided under Article 13.3.067 without compelling justification.
- d) Tampering or attempting to tamper with any part of the Tramadol Sample collection process. This includes, without limitation, any conduct which subverts the Tramadol Sample collection process.

### **13.3.069    Sanctions on Riders**

#### **1.   First Infringement**

A first infringement of the In-Competition Prohibition of Tramadol is sanctioned with the following disciplinary measures:

- a) disqualification of the event in connection with the infringement, with all resulting consequences, including forfeiture of any medals, points and prizes;
  - b) a fine: The amount of the fine shall be 5000 CHF for a member of a team registered with the UCI, at the time of the infringement. Otherwise, the fine shall be 1000 CHF;
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- c) Reimbursement of the costs incurred for the Tramadol Control.

## **2. Multiple Violations**

Any further infringement shall be sanctioned with the following disciplinary measures:

- a) disqualification of the event in connection with the infringement, with all resulting consequences, including forfeiture of any medals, points and prizes.
- b) suspension of 5 months for a second infringement and 9 months for any further infringement.

Unless fairness requires otherwise, the suspension starts from the notification of the sanction.

- c) Reimbursement of the costs incurred for the Tramadol Control.

### **13.3.070 Proceedings**

- a) Presence of tramadol in a rider's sample.

In accordance with Article 12.5.004 of the UCI Regulations, the UCI Medical Director is competent to decide and sanction all cases of Presence of tramadol for a first infringement.

Sanctions for further infringement of Presence shall be imposed by the UCI Disciplinary Commission.

- b) Evading a Tramadol Sample collection, tampering or attempting to tamper with the Tramadol Sample collection process, refusing or failing to submit to Tramadol Sample collection or failure to report to the Tramadol Control Station within the time limit provided under Article 13.3.067 without compelling justification.

Such infringement shall be reported to the UCI Medical Director by any reliable means, including without limitation, report from the Tramadol Control Officer.

The UCI Medical Director will decide whether there is a prima facie infringement and if so, defer the case to the UCI Disciplinary Commission.

Before making the decision the UCI Medical Director may invite the rider to provide his/her position on the reported infringement.

The UCI Disciplinary Commission will apply the rules of procedure as contained in Part XII of the UCI Regulations.

- c) Decision

The decisions of the UCI Medical Director and of the UCI Disciplinary Commission shall be notified by email to the rider, with a copy to the rider's national federation and the rider's team. They will be published on the UCI website.

The decisions of the UCI Medical Director and of the UCI Disciplinary Commission are enforceable as soon as it is communicated.

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d) Appeal

The decisions of the UCI Medical Director and of the UCI Disciplinary Commission are subject to an appeal to the Court of Arbitration for Sport. The time limit to appeal is 10 days upon receipt of the decision by the rider.

**13.3.071 Sanctions on Teams**

a) Fine

If two riders contracted to a Team registered with the UCI commit, within a twelve-month period, an infringement of the In-Competition Prohibition of Tramadol under Article 13.3.068, the Team shall pay a fine of 10'000 CHF to the UCI. The fine is due when the second rider's sanction becomes final.

[Comment: The imposition of the fine against the Team is based on strict liability.]

b) Suspension

In the event of any further infringement within the same twelve-month period, the Team shall, unless circumstances of exceptional nature require otherwise, be suspended from participation in any International Event for a period determined by the UCI Disciplinary Commission (through its President or a member designated to act in his stead).

The suspension shall not be less than 1 month and not more than 12 months.

The Team shall be invited by the UCI Disciplinary Commission to provide its position.

The proceedings shall be conducted in an expedited manner and, unless the UCI Disciplinary Commission orders otherwise, by written submissions only.

The UCI Disciplinary Commission will take its decision taking into account all the circumstances of the case.

[Comment: Factors to be considered by the UCI Disciplinary Commission in deciding the duration of the suspension include, but are not limited to:

- the nature of the infringement and the circumstances giving rise to it;
- the level of due diligence applied by the Team;
- whether there is any prima facie indication that the Team (through its Team members or staff) was involved in one or some of the infringement;
- whether some other facts or circumstances exist that, in the UCI Disciplinary Commission's opinion, make it clearly unfair to impose a suspension;
- the Team's race calendar.]

The UCI Disciplinary Commission may decide not to suspend the Team, if the Team clearly can establish that it took all measures that could reasonably be expected in order to avoid the commission of the infringement.

The start date and period of suspension shall be determined so that the suspension be effective.

[Comment: Its application may be suspended at the end of the season and the rest of the suspension time may be served at the beginning of the next season. Subject to the discretion of

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the UCI Disciplinary Commission, the suspension may take effect during an ongoing event or on the first day of the next event on the Team's race calendar.]