

Results Management — Positive Test Result

If an athlete's sample returns with a positive test result, he/she may face the assertion of violating the Anti-Doping Rules. Athletes should familiarize themselves with the results management process to ensure that their rights are being protected.

Initial Phase of Results Management

Laboratory report of the Athlete's sample suggests a positive test result

Confirm that the Athlete does not have a valid Therapeutic Use Exemption (TUE) that can explain the test result

Further investigation is not applicable, or it has proven that the test result is not caused by physiological or pathological reasons, or caused by an ingestion of the relevant prohibited substance through a permitted route

An independent body, the Doping Control Panel, confirms that there is no major discrepancy between the international standards and the sample collection process, as well as the laboratory analysis

Once the assertion of Anti-Doping Rule Violation (ADRV) is confirmed, the Hong Kong Anti-Doping Committee (HKADC) will issue a notice to the Athlete in writing, in which the applicable consequences of ADRV are listed. HKADC will have to simultaneously notify the World Anti-Doping Agency (WADA), the International Federation (IF) and the National Sports Association (NSA).

Possible Responses to the Assertion

Upon receiving the notice, the Athlete has the following options:

- 01 Promptly admit the charge and accept all consequences
- 02 Accept the charge, but no agreement as to consequences
 - Request the Hong Kong Anti-Doping Disciplinary Panel to determine the consequences or convene a hearing
- 03 Deny the charge
 - Have the case referred to the Hong Kong Anti-Doping Disciplinary Panel and be determined at a hearing
- 04 Request the B Sample to be analyzed
- 05 Request copies of the Sample laboratory documentation package
- 06 Voluntarily accept a Provisional Suspension before a decision is made within the deadline (if a Specified Substance or Specified Method is found in the sample)
- 07 Provide an adequate explanation in order to avoid the Mandatory Provisional Suspension (if a Non-Specified Substance or Non-Specified Method is found in the sample)

Preparation for the hearing

If the Athlete requests for a hearing to be convened by the Hong Kong Anti-Doping Disciplinary Panel, the following preparation is recommended:

- To seek independent professional/legal advice
- To be familiar with the Anti-Doping Rules of HKADC (can be downloaded on HKADC website)
- To determine the strategy and collect evidence to support the argument



Athletes have the right to appeal against the decision made by Hong Kong Anti-Doping Disciplinary Panel.

Possible Sanctions and Consequences of ADRV

(The numbers in brackets provided hereunder refer to the relevant Articles of the Anti-Doping Rules of HKADC),

- All of the Athlete's individual results obtained in that competition be disqualified if the positive sample was collected during a competition. (Article 10.1)
- All competition results obtained from the date the positive sample was collected, through the commencement of any Provisional Suspension or Ineligibility, be disqualified including forfeiture of all medals, prizes and points. (Article 10.10)
- Four years of ineligibility for the first violation depending on the Athlete's degree of fault (Article 10.2)
- Ineligible to participate in any capacity in any sport-related activities (Article 10.14.1)
- Withholding of sport-related financial support or other benefits (Article 10.14.4)
- A fine of HK\$20,000 (Article 10.12)
- Details of the violation will be publicly disclosed (Article 14.3)

Possible Conditions for Elimination or Reduction of Sanctions

- If the Athlete can establish that he/she bears no fault or negligence. (Article 10.5)
- If the positive test result is caused by a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete can establish no significant fault or negligence. (Article 10.6.1.1)
- If the positive test result is caused by a contaminated product, and the Athlete can establish no significant fault or negligence. (Article 10.6.1.2)
- If the ADRV not involving a Substance of Abuse is committed by a Protected Person or Recreational Athlete, and the Protected Person or Recreational Athlete can establish no significant fault or negligence. (Article 10.6.1.3)
- If the Athlete has provided substantial assistance to an Anti-Doping Organization or criminal authority in discovering or establishing an ADRV by another person. (Article 10.7.1)
- If the Athlete admits the commission of an ADRV before having received any notice of violation and that admission is the only reliable evidence of the violation at the time of admission. (Article 10.7.2)

Disclaimer: This pamphlet is published for reference purpose only, and is not intended to give any legal/ medical advice by HKADC who shall disclaim any liability arising therefrom. Relevant individuals are recommended to refer to the Anti-Doping Rules of HKADC, and seek for professional/legal advice on important decisions.

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