

30th of April, 2020

To: Mr. Rudi Trautz, WDC Anti-Doping Commissioner & WDC Director
From: Max Khuzhayarov

Dear Rudi,

I consider the final decision by WDC Board of Directors, which you are a part of, to be invalid. Since you made public announcement on the WDC website and I subsequently received questions about it, I intend to make this response public and available for anyone interested to see.

I took the time to read all available information about anti-doping on the WDC website as well as the Anti-doping Code on WADA website. It's very clear that your conduct was not in line with WADA Anti-doping code.

I did not receive Fair Hearing as described in the article 8.1 of the WADA code:

8.1 Fair Hearings For any Person who is asserted to have committed an anti-doping rule violation, each Anti-Doping Organization with responsibility for results management shall provide, at a minimum, a fair hearing within a reasonable time by a fair and impartial hearing panel. A timely reasoned decision specifically including an explanation of the reason(s) for any period of Ineligibility shall be Publicly Disclosed as provided in Article 14.3.

As stated from the very beginning of my communication to you, I've been taking the medicine 'Berodual' prescribed by my doctor because I have Asthma. This medication has Prohibited Substance, that's why there was no need for the B sample to be opened. I've been tested twice, and I informed Dr. Andreas Schwab that I was taking 'Berodual' before my first test. Therefore I didn't violate Anti-Doping rules as per article 4.4.1 of the WADA anti-doping code:

4.4.1 The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

In my correspondence to you I asked you to provide the protocol and code that you followed to make the decision and determine the sanctions against me. To which you responded that you went by the protocol and code by WADA with one alteration being that you do your own disciplinary findings. I also asked you to provide the information how the appeals could be made regarding the decisions that your committee or WDC BOD makes in regards to the anti-doping cases. You advised to go to WADA site where I would find all the information. Finally I received your email with the decision and your advise to follow the List of Prohibited substances & Anti-doping code as part of the WDC Articles of Association. I checked WDC Articles of Association. There's only one article relating to the Anti-Doping:

41. WDC Anti-Doping Rules. The World Dance Council is a signatory to the WADA Anti-Doping Rules. The WDC Anti-Doping rules are available as schedule 3 appended to this constitution.

However, there's no schedule 3 appended to the WDC constitution. The only other information about Anti-Doping I could find on WDC website was under the Competitive Dance, WDC Anti-Doping Department with three links being available; Anti-doping committee, News & Press Releases and WADA Prohibited List App. Interestingly the last posting in the News section was dated March 21, 2013. You labeled WDC BOD decision in my case as being final and failed to provide any information how the appeal could be made. WADA Anti-doping code provides this information for appeals:

13.1 Decisions Subject to Appeal Decisions made under the Code or rules adopted pursuant to the Code may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the Code or International Standards...

13.2.1 Appeals Involving International-Level Athletes or International Events In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS.

Court of Arbitration for Sport (CAS) is the institution where decisions of WADA Anti-doping code signatories can be appealed. However, I checked the list of all organizations that are signatories of WADA Anti-doping code, WDC is not listed there. It puts into question the legitimacy of the proceedings of your Committee and WDC BOD in my Anti-doping case. I noticed that in your first letter to me you signed it as WADA Commissioner. But in the later correspondence you changed it to WDC Anti-Doping Commissioner.

The result of your flawed proceedings, final decision of the WDC BOD stated I would be banned from dancing any competition until the 31st of December 2020. It seems WDC BOD assumed they had authority to restrict me outside of the WDC registered events.

All of the above explains my view of your decision being invalid.

In addition to this letter being open, I reserve the right to disclose all the previous and future correspondence relating to this matter to any interested party.

Yours sincerely,

Max Khuzhayarov



30.04.2020.