



Rome, July 26, 2023

Ref. 206/AA/2023

Le Président

**To Mr. Vitomir Maricic
Mr. Petar Klovar**

**Cc Mr. Kamilo Čuljak
Mr. Esteban Darhanpé
LIBRA LEGAL PARTNERS**

NOTICE OF PRESIDENTIAL RESOLUTION

Pursuant to the Article 10.2 of CMAS Statutes

PREAMBLE:

- 1) WHEREAS: On occasion of the Vertical Blu 2023 round in Bahamas, the Croatian athletes Vitomir Maricic and Petar Klovar (“**Athletes**”), also CMAS licensed free-divers, members of the Croatian Diving Federation, were searched by the local authorities and found, as to Petar Klovar, in possession of certain drugs including ones containing WADA listed prohibited substances, and namely furosemide, a powerful diuretic (masking agent), used to flush other drugs out of the body system, and as to Vitomir Maricic of other drugs potentially dangerous for an athlete and however capable of even enhancing sport performances (particularly benzodiazepine).
- 2) WHEREAS: Furosemide is banned by WADA in and out-of-competition, and its mere possession is punishable as well as its usage, unless the athlete concerned proves that the substance entered his body inadvertently (in the event of an adverse analytic finding) or has a valid Therapeutic Use Exemption which encompasses that substance. In circumstances where the athlete may prove that such substance was not used for doping purposes, the applicable sanctions may be significantly reduced.
- 3) WHEREAS: The athletes did not present any Therapeutic Use Exemption certificates in respect of the substances found in their possession, nor any medical prescription, despite promptly invited to do so by CMAS Secretary General, nor they gave any solid explanation as to the reasons why they were in possession of such substances.
- 4) WHEREAS: The athletes were also found in possession of other drugs containing benzodiazepine and sildenafil, which although are not directly prohibited by WADA or included in the WADA list of banned substances, are however dangerous for the health of athletes in respect of their sport efforts particularly during stressful competitions such as free-diving tournaments and on the other side capable of altering, if not even enhancing, the performances during competitions.
- 5) WHEREAS: The Athletes Vitomir Maricic and Petar Klovar are members of the Croatian Diving Federation, a national sport federation affiliated to CMAS, and are registered to participate to the CMAS Free-diving world championship scheduled to be held in Roatan (Honduras) on the 19/23 August 2023.



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- 6) WHEREAS: The Athletes did not deny the possession of the said substances, yet they claimed against the circumstances which led to the search carried out by the Bahamas authorities, claiming for a generic violation of certain personal rights, which however appear irrelevant at this stage and for the purposes of the disciplinary proceedings to be set in motion accordingly by CMAS. Indeed, irrespective of the reasons which stimulated the search in the first place, it cannot be denied that the athletes were found in possession of the mentioned drugs and no solid explanation for that was given in this respect. Accordingly, CMAS retains that this is a fact that cannot be overlooked and implies consequences.
- 7) WHEREAS: CMAS is firmly committed in fighting against doping as well as against any kind of cheating in sport competitions, either in or out-of-competition. Particularly, and in parallel to the applicable WADA Code, CMAS Code of Ethics at Article 1.2 stipulates that *“Fair play is the guiding principle in the sport of Underwater Activities & Sports. All Participants taking part in Underwater Activities & Sports **shall behave with fairness and honesty**. All Participants shall operate within and abide by the rules of the sport. All doping practices at all levels are strictly prohibited. The provisions against doping in the Anti-Doping Code shall be scrupulously observed. **Underwater Activities & Sports is committed to be a drug free sport**”*. Furthermore, in Article 2.2, the Code of Ethics provides verbatim as follows: *“Participants shall represent CMAS honestly, respectably and with integrity.”*
- 8) WHEREAS: without prejudice of the sanctions imposable under the WADA Code, however pursuant to Article 3(i) of the Code of Ethics, the first violation is punishable with a 6-month suspension and a fine of Euro 5,000.
- 9) WHEREAS: the CMAS Code of Ethics stipulates that: *“This Code shall apply to all CMAS members (either national federation or any other similar affiliated entity), CMAS staff, persons elected or appointed to any position within the organization of the CMAS or the Continental Organizations, and other organizations or individuals engaged in CMAS activities, **including athletes**, referees, officials, managers, team members etc. (collectively referred to herein as “Participants”). Unless otherwise specified, infringements are punishable regardless of whether they have been committed deliberately or negligently. Acts amounting to attempted infringements are also punishable.*

WHEREAS: The Athletes did not deny the possession of the said substances, yet they claimed against the circumstances which led to the search carried out by the



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NOW THEREFORE, in consideration of the above, the President of CMAS, pursuant to the article 10.2 of CMAS Statutes,

RESOLVES

- (a) To provisionally ban the use and possession both in or out-of-competition of any drugs, medicaments or supplements which contain benzodiazepine and sildenafil or any similar molecules or active ingredients, until a full scientific report is delivered in this respect by the competent CMAS commissions.
- (b) To investigate on the case of athletes Vitomir Maricic and Petar Klovar and commence disciplinary proceedings under the CMAS applicable rules, appointing as CMAS prosecutor Prof. Riccardo La Cognata, for the latter to deliver a preliminary report at the next CMAS Board of Directors scheduled to be held on the 23rd September 2023.
- (c) To provisionally suspend the Athletes Vitomir Maricic and Petar Klovar who hence shall be prevented from participating, in any capacity whatsoever, in sporting activities organized by or under the aegis of or in accordance with CMAS, Continental Confederations and National Federations Regulations and in any activities of the CMAS, Continental Confederations, National Federations and their various authorities or affiliated entities.
- (d) This suspension shall be effective immediately upon service of the corresponding notice via email to the athletes Vitomir Maricic and Petar Klovar at their elected electronic domiciles and at those of their respective counsels, as well as to their CMAS member national federation, and it shall be fully effective until ratification of the CMAS Board of Directors' meeting scheduled to be held on 23rd September 2023.

Anna Arzhanova