

# National Anti-Doping Rules

Anti Doping Danmark

National Olympic Committee and  
Sports Confederation of Denmark

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# Preface

## World Anti-Doping Code

Anti Doping Denmark (hereinafter referred to as ADD) and the National Olympic Committee and Sports Confederation of Denmark (hereinafter referred to as DIF [Danmarks Idrætsforbund]) have both adopted the WADA's (World Anti-Doping Agency) World Anti-Doping Code.

The current National Anti-Doping Rules have been developed and implemented in accordance with the obligations that ADD and DIF have according to the World Anti-Doping Code.

The Code is the fundamental and universal document that the World Anti-Doping Program in sport is based on. The Code's purpose is to promote the fight against doping through global harmonization of the most important anti-doping elements. It aims to be sufficiently specific to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to ensure flexibility regarding implementation of the agreed anti-doping principles.

The World Anti-Doping Program includes all the elements necessary to ensure optimal harmonization and use of best practice in international and national anti-doping programs. The main elements are: Level 1: The Code, Level 2: International Standards and Level 3: Model for best practice and guidelines.

## International Standards

International Standards for different technical and operational areas within the anti-doping program are developed in consultation with the Signatories and governments and approved by WADA. The purpose of the International Standards is harmonization among National Anti-Doping Organizations (NADOs) responsible for specific technical and operational parts of anti-doping programs. Compliance with International Standards is mandatory for compliance with the Code. The International Standards can always be revised by WADA's Executive Committee after reasonable consultation with the Signatories and governments. Unless otherwise specified in the Code, International Standards and all revisions enter into force on the date specified in the International Standard or revision.

The following WADA Standards should be considered as part of these Anti-Doping Rules:

- a) World Anti-Doping Agency Prohibited List
- b) (TUE) (World Anti-Doping Agency International Standard for Therapeutic Use Exemptions)
- c) World Anti- Doping Agency International Standard for Testing and Investigations
- d) World Anti- Doping Agency International Standard for Laboratories
- e) World Anti-Doping Agency International Standard for the Protection of Privacy and Personal Information

## The National Anti-Doping Rules

The National Anti-Doping Rules contain all the essential provisions of the World Anti-Doping Code: Article 2 (Definition of doping and Violations of the Anti-Doping Rule), 3 (Proof of Doping), 4.2.2 and 4.3.3 (Specified Substances and WADA's Determination of the Prohibited List, respectively), 7.11 (Retirement from Sport), 9 (Automatic Disqualification of Individual Results), 10 (Sanctions on Individuals), 11 (Consequences to Teams), 13 (Appeals - except 13.5), 15.1

(Recognition of Decisions), 17 (Statute of Limitations), 24 (Amendment and Interpretation) and all definitions from the Code.

These National Anti-Doping Rules are based on the World Anti-doping Code. In the event of a conflict between these rules in the Danish translation and the English original, the latter shall prevail. Some comments on articles are omitted in the National Anti-Doping Rules, but all comments found in the Code will be used to interpret the articles of the current rules.

# **Introduction**

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism; the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

## **The National Anti-Doping Program**

ADD and DIF both have tasks in the capacity of National Anti-Doping Organizations in Denmark.

DIF is responsible for national hearings in cases of violations of the National Anti-Doping Rules.

ADD was, in accordance with the Act on the promotion of doping-free sport (Act No. 1438 of 22.12.2004) and the Consolidation Act on the promotion of doping-free sport, established as an independent institution under the Danish Ministry of Culture with the aim to promote the fight against doping in sport in Denmark.

ADD's activities include: 1) Doping control, 2) Reporting and referral of doping cases, 3) Education activities, 4) Research and development activities in the fight against doping, 5) Participation in international cooperation in the fight against doping and 6) Advice and assistance to public authorities in matters within ADD's area of operation.

## **Article 1 Application of anti-doping rules**

### **1.1 Jurisdiction**

Anti-Doping Rules are sport rules just like the rules for sporting competitions that regulate the conditions under which sport is performed. Athletes and other persons accept these rules as a

condition of participation and are bound by these rules. These Anti-Doping Rules apply to ADD, DIF, DIF's member organizations (hereinafter referred to as "federations") and all persons participating in activities in the form of the person's membership, accreditation or participation in any activity under a national sports federation under DIF.

Exceptions are athletes who are covered by DIF, the Danish Company Sport Federation and DGI's common Doping Regulations for Recreational Sports which apply to persons that neither participate in sport at international nor national level, but only participate in recreational activities for training, physical activity and health, as well as social interaction and who is a member of or by another agreement participate in sport, recreation or fitness in federations or private institutions that are members of or otherwise associated with DIF, the Danish Company Sport Federation or DGI. However, all lower-level Athletes who compete shall be subject to the same Consequences as national- and international-level Athletes as indicated in the Definition of "Athlete" in the Code and in these Rules. The Doping Regulations for Recreational Sports also apply to member organizations (federations), associations and private institutions, as well as leaders and coaches in recreational sport under DIF, the Danish Company Sport Federation and DGI.

Matters concerning which doping rules an athlete is covered by are initially determined by ADD in connection with sample collection. During proceedings, ADD can contact DIF in order to ascertain whether the athlete is covered by the National Anti-Doping Rules or Doping Regulations for Recreational Sports. The decision may result in the case being administratively transferred for processing by the appropriate body. Each case is dealt according to the rules applicable to the highest level of competition the athlete competes at. Athletes may at any time request a decision from DIF as to which doping rules they are covered by. Subject to Article 7.1 of the Code, DIF's decision on this matter cannot be appealed to another body. However, the DIF's decision is subject to review by WADA in accordance with Article 7.1 of the Code.

In accordance with the Laws for DIF, Chap. 1, Section 6, Subsection 1 No. 3, DIF's activity members (persons and Federations) are subject to doping control.

## **1.2 Application to Persons**

1.2.1 With the limitations imposed by Article 1.1, these National Anti-Doping Rules apply to all persons who:

1.2.1.1 Are members of associations under DIF's federation, no matter where they are living or staying;

1.2.1.2 Participate in any capacity in any activities organized, held, convened or authorized by a federation under DIF or its affiliated members, clubs, teams, associations or leagues; and

1.2.1.2 Participate in any capacity in any activities organized, held, convened or authorized by the organizer of a national sports event or a national league that are not affiliated to a national federation.

1.2.2 Participants, including minors, are expected to accept, submit to and abide by these Anti-Doping Rules by their participation in sport.

1.2.3 Anti Doping Denmark has established criteria for definition of national level athletes published on its website. National level athletes are athletes in Anti Doping Denmark's Registered testing Pool and all athletes included in the list of national elite level athletes in all sports.

The list of athletes included the national RTP and the list of athletes at national elite level are published on [www.antidoping.dk](http://www.antidoping.dk) and are updated yearly or as needed.

1.2.4 Athletes are responsible for:

1.2.4.1 Being familiar with and complying with these Anti-Doping Rules;

1.2.4.2 To make themselves available for Sample collection;

1.2.4.3 To be responsible in an anti-doping context for what they consume and use;

1.2.4.4 To inform medical personnel of their obligation not to use prohibited substances and prohibited methods, and to be responsible for ensuring that no medical treatment they receive is in violation of these Anti-Doping Rules.

1.2.5 The athlete's support personnel are responsible for:

1.2.5.1 Being familiar with and complying with these Anti-Doping Rules;

1.2.5.2 To cooperate with the testing of athletes; and

1.2.5.3 Influencing the athlete's values and behavior in order to create a stand against doping.

1.2.6 If a person is sanctioned for violating Anti-Doping Rules, the consequences of the Anti-Doping Rules must be applied. A person who is sanctioned according to the Anti-Doping Rules must continue to be subject to sanctions throughout the ineligibility period regardless of the status of the person's membership of a national sports federation or sports organization. Unless the person withdraws from elite sport during the ineligibility period, the person must continue to make them self available for doping control.

## **Article 2 Definition of doping – anti-doping rule violation**

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of these Anti-Doping Rules.

The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

Athletes or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

The following constitute anti-doping rule violations:

### **2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.**

2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

*[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS].*

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.

*[Comment to Article 2.1.2: ADD may, at its discretion, choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample].*

2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

## **2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method**

*[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where ADD provides a satisfactory explanation for the lack of confirmation in the other Sample].*

2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.

2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.

*[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.*

*An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered).*

## **2.3 Evading, Refusing or Failing to Submit to Sample Collection**

Evading Sample collection, or without compelling justification, refusing or failing to submit to Sample collection after notification as authorized in these Anti-Doping Rules or other applicable anti-doping rules.

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete].*

## **2.4 Whereabouts Failures**

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an Athlete in a Registered Testing Pool.

## **2.5 Tampering or Attempted Tampering with any part of Doping Control**

Conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organization or intimidating or attempting to intimidate a potential witness.

*[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance.]*

*Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations].*

## **2.6 Possession of a Prohibited Substance or a Prohibited Method**

2.6.1 Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption ("TUE") granted in accordance with Article 4.4 or other acceptable justification.

2.6.2 Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.

*[Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child].*

*[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations].*

- 2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method**
- 2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition.**

## **2.9 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.12.1 by another Person.

## **2.10 Prohibited Association**

Association by an Athlete or other Person subject to the authority of an Anti-Doping Organization in a professional or sport-related capacity with any Athlete Support Person who:

2.10.1 If subject to the authority of an Anti-Doping Organization, is serving a period of Ineligibility; or

2.10.2 If not subject to the authority of an Anti-Doping Organization, and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or.

2.10.3 Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the Athlete or other Person has previously been advised in writing by an Anti-Doping Organization with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Person's disqualifying status and the potential Consequence of prohibited association and that the Athlete or other Person can reasonably avoid the association. The Anti-Doping Organization shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Athlete or other Person that the Athlete Support Person may, within 15 days, come forward to the Anti-Doping Organization to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date provided in Article 20.7).

The burden shall be on the Athlete or other Person to establish that any association with Athlete Support Personnel described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

Anti-Doping Organizations that are aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3, shall submit that information to WADA.

*[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or*

*allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation].*

## **Article 3 Proof of doping**

### **3.1 Burdens and Standards of Proof**

ADD shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether ADD has established an anti-doping rule violation to the comfortable satisfaction of DIF's hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

### **3.2 Methods of Establishing Facts and Presumptions**

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which has been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then ADD shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such evidence or results. If the Athlete or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or other anti-doping rule violation, then ADD shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evi-

dence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice.

3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Athlete or other Person who is asserted to have committed an anti-doping rule violation based on the Athlete's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from DIF or ADD.

## **Article 4 The prohibited list**

### **4.1 Incorporation of the Prohibited List**

These Anti-Doping Rules incorporate the Prohibited List which is published and revised by WADA as described in Article 4.1 of the Code.

### **4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List**

#### **4.2.1 Prohibited Substances and Prohibited Methods**

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three months after publication by WADA without requiring any further action by ADD. All Athletes and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Athletes and other Persons to familiarize themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

#### **4.2.2 Specified Substances**

For purposes of the application of Article 10, all Prohibited Substances shall be Specified Substances except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods.

### **4.3 WADA's Determination of the Prohibited List**

WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, and the classification of a substance as prohibited at all times or In-Competition only, is final and shall not be subject to challenge by an Athlete or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

### **4.4 Therapeutic Use Exemptions (TUE)**

These rules include the international rules of the mandatory WADA International Standard for the exemption for therapeutic use (TUE), and all athletes, participants and federations are obliged to accept the rules and any amendments thereto.

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.

4.4.2 Unless otherwise specified by ADD in a notice posted on ADD's website, any National-Level Athlete who needs to Use a Prohibited Substance or Prohibited Method for therapeutic purposes should apply to ADD for a TUE as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the Athlete's next Competition. ADD shall appoint a panel to consider applications for the grant or recognition of TUEs (the "TUE Committee"). The TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Subject to Article 4.4.6 of these Rules, its decision shall be the final decision of ADD and shall be reported to WADA and other relevant Anti-Doping Organizations in accordance with the International Standard for Therapeutic Use Exemptions.

*[Comment to Article 4.4.2: In accordance with Article 5.1 of the International Standard for Therapeutic Use Exemptions, ADD may decline to consider advance applications for TUEs from National-Level Athletes in sports that are not prioritized by ADD in its Test Distribution Planning, but in that case it shall permit any such Athlete who is subsequently tested to apply for a retroactive TUE.]*

*The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organization for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5.*

*An Athlete should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]*

4.4.3 If ADD chooses to test an Athlete who is not an International-Level or a National-Level Athlete, ADD shall permit that Athlete to apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he/she is using for therapeutic reasons.

4.4.4. A TUE granted by ADD is valid at national level only; it is not automatically valid for international-level Competition. An Athlete who is or becomes an International-Level Athlete should do the following:

4.4.4.1 Where the Athlete already has a TUE granted by ADD for the substance or method in question, the Athlete may apply to his or her International Federation to recognize that TUE, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the International Federation shall recognize it for purposes of international-level Competition as well. If the International Federation considers that the TUE granted by ADD does not meet those criteria and so refuses to recognize it, the International Federation shall notify the International-Level Athlete and ADD promptly, with reasons. The International-Level Athlete and ADD shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review in accordance with Article 4.4.6, the TUE granted by ADD remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

4.4.4.2 If the Athlete does not already have a TUE granted by ADD for the substance or method in question, the Athlete must apply directly to the International Federation for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions. If the International Federation grants the Athlete's application, it shall notify the Athlete and ADD. If ADD considers that the TUE granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such

notification to refer the matter to WADA for review. If ADD refers the matter to WADA for review, the TUE granted by the International Federation remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If ADD does not refer the matter to WADA for review, the TUE granted by the International Federation becomes valid for national-level Competition as well when the 21-day review deadline expires.

#### 4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE

4.4.5.1 A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

4.4.5.2 In such event, the Athlete shall not be subject to any Consequences based on his/her Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Article 7.2 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

#### 4.4.6 Reviews and Appeals of TUE Decisions

4.4.6.1 If ADD denies an application for a TUE, the Athlete may appeal exclusively to the national-level appeal body described in Articles 13.2.2 and 13.2.3.

4.4.6.2 WADA shall review any decision by an International Federation not to recognize a TUE granted by ADD that is referred to WADA by the Athlete or ADD. In addition, WADA shall review any decision by an International Federation to grant a TUE that is referred to WADA by ADD. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

4.4.6.3 Any TUE decision by an International Federation (or by ADD where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or ADD exclusively to CAS, in accordance with Article 13.

4.4.6.4 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, ADD and/or the International Federation affected exclusively to CAS, in accordance with Article 13.

4.4.6.5 A failure to take action within a reasonable time on a properly submitted application for grant recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.

### Article 5 Testing and investigations

#### 5.1 Purpose of Testing and Investigations

These rules include WADA's International Standard for Testing and Investigations.

Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of ADD supplementing that International Standard.

5.1.1 Testing shall be undertaken to obtain analytical evidence as to the Athlete's compliance (or non-compliance) with the strict Code prohibition on the presence/Use of a Prohibited Substance or Prohibited Method. Test distribution planning, Testing, post-Testing activity and all related activities conducted by ADD shall be in conformity with the International Standard for Testing and Investigations. ADD shall determine the number of finishing placement tests, random tests and target tests to be performed in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such Testing.

5.1.2 Investigations shall be undertaken:

5.1.2.1 in relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

5.1.3 ADD may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

## **5.2 Authority to Conduct Testing**

5.2.1 Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, ADD shall have In-Competition and Out-of-Competition Testing authority over all of the Athletes falling within the scope of Article 1.2, above

5.2.2 ADD may require any Athlete over whom it has Testing authority (including any Athlete serving a period of Ineligibility) to provide a Sample at any time and at any place.

5.2.3 WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.8 of the Code.

5.2.4 If an International Federation or Major Event Organization delegates or contracts any part of Testing to ADD (directly or through a National Federation), ADD may collect additional Samples or direct the laboratory to perform additional types of analysis at ADD's expense. If additional Samples are collected or additional types of analysis are performed, the International Federation or Major Event Organization shall be notified.

5.2.5 Where another Anti-Doping Organization with Testing authority over an Athlete who is subject to these Anti-Doping Rules conducts Testing on that Athlete, ADD and the Athlete's National Federation shall recognize such Testing in accordance with Article 15, and (where agreed with that other Anti-Doping Organization or otherwise provided in Article 7 of the Code) ADD may bring proceedings against the Athlete pursuant to these Anti-Doping Rules for any anti-doping rule violation(s) arising in relation to such Testing.

### **5.3 Event Testing**

5.3.1 Except as provided in Article 5.3 of the Code, only a single organization should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events held in [name of country], the collection of Samples shall be initiated and directed by the International Federation (or any other international organization which is the ruling body for the Event). At National Events held in [name of country], the collection of Samples shall be initiated and directed by ADD. At the request of ADD (or the ruling body for that Event), any Testing during the Event Period outside of the Event Venues shall be coordinated with ADD (or the relevant ruling body).

5.3.2 If an Anti-Doping Organization which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with ADD (or the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organization is not satisfied with the response from ADD (or the ruling body of the Event), the Anti-Doping Organization may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such Testing before consulting with and informing ADD (or the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organization initiating the test unless provided otherwise in the rules of the ruling body of the Event.

5.3.3 National Federations and the organizing committees for National Events shall authorize and facilitate the Independent Observer Program at such Events.

### **5.4 Test Distribution Planning**

Consistent with the International Standard for Testing and Investigations, and in coordination with other Anti-Doping Organizations conducting Testing on the same Athletes, ADD shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. ADD shall provide WADA upon request with a copy of its current test distribution plan.

### **5.5 Coordination of Testing**

Where reasonably feasible, Testing shall be coordinated through ADAMS or another system approved by WADA in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

### **5.6 Athlete Whereabouts Information**

5.6.1 ADD shall identify a Registered Testing Pool of those Athletes who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. Each Athlete in the Registered Testing Pool shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise ADD of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for Testing at such whereabouts.

5.6.2 ADD shall make available through ADAMS a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria. ADD shall coordinate with International Federations the identification of such Athletes and the collection of their whereabouts information. Where an Athlete is included in an international Registered Testing Pool by his/her International Federation and in a national Registered Testing Pool by ADD, ADD and the International Federation shall agree between themselves which of them shall accept that Athlete's whereabouts filings; in no case shall an Athlete be required to make whereabouts filings to more than one of them. ADD shall review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with those criteria. Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool.

5.6.3 For purposes of Article 2.4, an Athlete's failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a Filing Failure or a Missed Test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.

5.6.4 An Athlete in ADD's Registered Testing Pool shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the Athlete gives written notice to ADD that he/she has retired or (b) ADD has informed him/her that he/she no longer satisfies the criteria for inclusion in ADD's Registered Testing Pool.

5.6.5 Whereabouts information relating to an Athlete shall be shared (through ADAMS) with WADA and other Anti-Doping Organizations having authority to test that Athlete, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the Code, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

## **5.7 Retired Athletes Returning to Competition**

5.7.1 An Athlete in ADD's Registered Testing Pool who has given notice of retirement to ADD may not resume competing in International Events or National Events until he/she has given ADD written notice of his/her intent to resume competing and has made him/herself available for Testing for a period of six months before returning to competition, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. WADA, in consultation with ADD and the Athlete's International Federation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be Disqualified.

5.7.2 If an Athlete retires from sport while subject to a period of Ineligibility the Athlete shall not resume competing in International Events or National Events until the Athlete has given six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) to ADD and to his/her International Federation of his/her intent to resume competing and has made him/herself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

# **Article 6 Analysis of samples**

These rules include the WADA's International Standard for Laboratories, and all participants and federations are obliged to accept all amendments thereto.

## **6.1 Use of Accredited and Approved Laboratories**

For purposes of Article 2.1, Samples shall be analyzed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by ADD.

## **6.2 Purpose of Analysis of Samples**

6.2.1 Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the Code; or to assist in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. Samples may be collected and stored for future analysis.

6.2.2. ADD shall ask laboratories to analyze Samples in conformity with Article 6.4 of the Code and Article 4.7 of the International Standard for Testing and Investigations.

## **6.3 Research on Samples**

No Sample may be used for research without the Athlete's written consent. Samples used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular Athlete.

## **6.4 Standards for Sample Analysis and Reporting**

Laboratories shall analyze Samples and report results in conformity with the International Standard for Laboratories. To ensure effective Testing, the Technical Document referenced at Article 5.4.1 of the Code will establish risk assessment-based Sample analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyze Samples in conformity with those menus, except as follows:

6.4.1 ADD may request that laboratories analyze its Samples using more extensive menus than those described in the Technical Document.

6.4.2 ADD may request that laboratories analyze its Samples using less extensive menus than those described in the Technical Document only if it has satisfied WADA that, because of the particular circumstances of its country or of the sport in question, as set out in its test distribution plan, less extensive analysis would be appropriate.

6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

## **6.5 Further Analysis of Samples**

Any Sample may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by WADA at any time; and/or (b) by ADD at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or

will not be performed) have been communicated by ADD to the Athlete as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## **Article 7 Results management**

### **7.1 Responsibility for Conducting Results Management**

7.1.1 ADD shall take responsibility for results management in respect of Athletes and other Persons under its anti-doping jurisdiction in accordance with the principles set out in Article 7 of the Code.

7.1.2 For purposes of determining responsibility for results management, where ADD elects to collect additional Samples in the circumstances set out in Article 5.2.4, then it shall be considered the Anti-Doping Organization that initiated and directed Sample collection. However, where ADD only directs the laboratory to perform additional types of analysis at the ADD's expense, then the International Federation or Major Event Organization shall be considered the Anti-Doping Organization that initiated and directed Sample collection.

### **7.2 Review of Adverse Analytical Findings from Tests Initiated by ADD**

Results management in respect of the results of tests initiated by ADD shall proceed as follows:

7.2.1 The results from all analyses must be sent to ADD in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS.

7.2.2 Upon receipt of an Adverse Analytical Finding, ADD shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.

7.2.3 If the review of an Adverse Analytical Finding under Article 7.2.2 reveals an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the entire test shall be considered negative and the Athlete, the Athlete's International Federation the Athlete's National Federation and WADA shall be so informed.

### **7.3 Notification after Review Regarding Adverse Analytical Findings**

7.3.1 If the review of an Adverse Analytical Finding under Article 7.2.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, ADD shall promptly notify the Athlete, and simultaneously the Athlete's International Federation, the Athlete's National Federation and WADA in the manner set out in Article 14.1, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the Athlete's right to request the analysis of the B Sample or, failing such request by the specified deadline, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or ADD chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories; and (f) the Athlete's right to re-

quest copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If ADD decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete, the Athlete's International Federation, the Athlete's National Federation and WADA.

7.3.2 Where requested by the Athlete or ADD, arrangements shall be made to analyze the B Sample in accordance with the International Standard for Laboratories. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. ADD may nonetheless elect to proceed with the B Sample analysis.

7.3.3 The Athlete and/or his representative shall be allowed to be present at the analysis of the B Sample. Also, a representative of ADD, as well as a representative of the Athlete's National Federation] shall be allowed to be present.

7.3.4 If the B Sample analysis does not confirm the A Sample analysis, then (unless ADD takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the Athlete, the Athlete's International Federation, the Athlete's National Federation and WADA shall be so informed).

7.3.5 If the B Sample analysis confirms the A Sample analysis, the findings shall be reported to the Athlete, the Athlete's International Federation, the Athlete's National Federation, and WADA.

#### **7.4 Review of Atypical Findings**

7.4.1 As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings, i.e., as findings that are subject to further investigation.

7.4.2 Upon receipt of an Atypical Finding, ADD shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding.

7.4.3 If the review of an Atypical Finding under Article 7.4.2 reveals an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative and the Athlete, the Athlete's International Federation and WADA shall be so informed.

7.4.4 If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, ADD shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in accordance with Article 7.3.1, or else the Athlete, the Athlete's International Federation, the Athlete's National Federation and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.

7.4.5 ADD will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:

7.4.5.1 If ADD determines the B Sample should be analyzed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Athlete, with such notice to include a description of the Atypical Finding and the information described in Article 7.3.1 (d)-(f).

7.4.5.2 If ADD is asked (a) by a Major Event Organization shortly before one of its International Events, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organization or sport organization has a pending Atypical Finding, ADD shall so advise The Major Event Organization or sports organization after first providing notice of the Atypical Finding to the Athlete.

## **7.5      Review of Atypical Passport Findings and Adverse Passport Findings**

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as ADD is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete (and simultaneously the Athlete's International Federation, the Athlete's National Federation and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

## **7.6      Review of Whereabouts Failures**

ADD shall review potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations) in respect of Athletes who file their whereabouts information with ADD, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as ADD is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the Athlete (and simultaneously the Athlete's International Federation, the Athlete's National Federation, and WADA) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

## **7.7      Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2-7.6.**

ADD shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2-7.6. At such time as ADD is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person (and simultaneously the Athlete's International Federation, the Athlete's National Federation, and WADA) notice of the anti-doping rule violation asserted, and the basis of that assertion.

## **7.8      Identification of Prior Anti-Doping Rule Violations**

Before giving an Athlete or other Person notice of an asserted anti-doping rule violation as provided above, ADD shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists.

## **7.9      Provisional Suspensions**

7.9.1 **Mandatory Provisional Suspension:** If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, or for a Prohibited Method, and a review in accordance with Article 7.2.2 does not reveal an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, a Provisional Suspension shall be imposed upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5. The Provisional Suspension shall commence on the date the notice of such Suspension is received by the Athlete. Notice of a Provisional Suspension must be sent by registered post or

courier, as well as by ordinary mail or e-mail. The person's association and federation are informed by ordinary mail or e-mail.

**7.9.2 Optional Provisional Suspension:** In case of an Adverse Analytical Finding for a Specified Substance, or in the case of any other anti-doping rule violations not covered by Article 7.9.1, ADD may impose a Provisional Suspension on the Athlete or other Person against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2–7.7 and prior to the final hearing as described in Article 8. The Provisional Suspension shall commence on the date the notice is received by the Athlete or other Person. Notice of a Provisional Suspension must be sent by registered post or courier, as well as by ordinary mail or e-mail. The Person's association and federation are informed by ordinary mail or e-mail.

7.9.3 Where a Provisional Suspension is imposed pursuant to Article 7.9.1 or Article 7.9.2, the Athlete or other Person shall be given either: (a) an opportunity for a Provisional Hearing either before or on a timely basis after imposition of the Provisional Suspension; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the Provisional Suspension. Furthermore, the Athlete or other Person has a right to appeal from the Provisional Suspension in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

7.9.3.1 The Provisional Suspension may be lifted if the Athlete demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing panel's decision not to lift a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Product shall not be appealable.

7.9.4 If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and subsequent analysis of the B Sample does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1. In circumstances where the Athlete (or the Athlete's team) has been removed from a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then if it is still possible for the Athlete or team to be reinserted without otherwise affecting the Competition, the Athlete or team may continue to take part in the Competition. In addition, the Athlete or team may thereafter take part in other Competitions in the same Event.

7.9.5 In all cases where an Athlete or other Person has been notified of an anti-doping rule violation but a Provisional Suspension has not been imposed on him or her, the Athlete or other Person shall be offered the opportunity to accept a Provisional Suspension voluntarily pending the resolution of the matter.

*[Comment to Article 7.9: Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Articles 10.11.3.1 and 10.11.3.2.]*

## **7.10 Notification of Results Management Decisions**

In all cases where ADD has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or agreed with an Athlete or other Person on the imposition of Consequences without a hearing, ADD shall give notice thereof in accordance with Article 14.2.1 to other Anti-Doping Organizations with a right to appeal under Article 13.2.3.

## **7.11 Retirement from Sport**

If an Athlete or other Person retires while ADD is conducting the results management process, ADD retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, and ADD would have had results management authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, ADD has authority to conduct results management in respect of that anti-doping rule violation.

*[Comment to Article 7.12: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization].*

## **Article 8 Right to a fair hearing**

### **8.1 Doping Hearing Panel**

Cases of violation of these rules, with the exception of cases of federation violation, are determined by the Doping Hearing Panel, which is an impartial and independent Panel directly elected by DIF's Supervisory Board. The rules for the Doping Hearing Panel's election, composition and duties are stipulated in DIF's Law, Section 27.

The adoption of the final ruling requires that at least two of the Panel's permanent members are present. In the case of a tied vote, the Chairman has the casting vote.

Cases for the Doping Hearing Panel are brought by ADD's Referral Committee. All cases for the Doping Hearing Panel are handled through ADD.

Cases of doping animals used in competitive sports are processed by that national federation in accordance with the relevant specialized international federation rules.

Representatives of the Danish sports federations in which the case belongs, the international federations, ADD and WADA have the right to attend the hearing with the Doping Hearing Panel.

A Party to proceedings before the Doping Hearing Panel has the right to be represented by another person of their choice.

The Doping Hearing Panel can appoint a lawyer for the Party concerning the proceedings. The Panel shall determine remuneration of the lawyer.

### **8.2. Case handling in the Doping Hearing Panel**

The processing of a case shall be verbal. The Chairman can, however, decide that the case is dealt with in writing if neither party objects. The Chairman can decide that the question of Provisional Suspension and legal formalities are dealt with in writing. If no hearing is held, the Doping Hearing Panel must issue a reasoned decision explaining the action taken against the persons described in Article 13.2.3.

Each Party has the right to present evidence, including the right to call and examine witnesses.

The Doping Hearing Panel can grant a person the right to an interpreter during the hearing. In that event, the Doping Hearing Panel appoints an interpreter and determines who should pay for the interpretation.

The verbal hearing of a case is public. There must be no photography, filming or recording on audio tape of the proceedings. In the event of special circumstances, including the consideration

of case disclosure or that a Party is not exposed to unnecessary intrusion there may be a closed hearing.

The Doping Panel's ruling must be in writing, dated and signed, and must state the basis for the ruling, including any mitigating or aggravating circumstances.

The reasoned hearing decision, or in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the Anti-Doping Organization with results management responsibility to the Athlete and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2.1.

### **8.3. Case costs**

After the ruling of the case, the Panel can decide on costs. Case costs may include costs incurred for the statement of the case.

### **8.4. Rules of procedure for the Doping Panel**

The Doping Hearing Panel shall determine its own rules of procedure.

### **8.5 Single Hearing before CAS**

Cases asserting anti-doping rule violations against International-Level Athletes or National-Level Athletes may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the Athlete, ADD, WADA, and any other Anti-Doping Organization that would have had a right to appeal a first instance hearing decision to CAS.

### **8.6 Waiver of Hearing**

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge the ADD's assertion that an anti-doping rule violation has occurred within the specific time period provided in the ADD's rules.

## **Article 9 Automatic disqualification of individual results**

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.

## **Article 10 Sanctions on individuals**

### **10.1 Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs**

An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the seriousness of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.

10.1.1 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be Disqualified, unless the Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation.

## **10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method**

The period of Ineligibility for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

10.2.1 The period of Ineligibility shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a Specified Substance and ADD can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not "intentional" if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

## **10.3 Ineligibility for Other Anti-Doping Rule Violations**

The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

10.3.1 For violations of Article 2.3 or Article 2.5, the period of Ineligibility shall be four years unless, in the case of failing to submit to Sample collection, the Athlete can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.

10.3.2 For violations of Article 2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.

10.3.3 For violations of Article 2.7 or 2.8, the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a Minor shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of

Article 2.7 or 2.8 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

10.3.4 For violations of Article 2.9, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete or other Person's degree of Fault and other circumstances of the case.

#### **10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence**

If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.

#### **10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence**

10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Article 2.1, 2.2 or 2.6.

##### **10.5.1.1 Specified Substances**

Where the anti-doping rule violation involves a Specified Substance, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.

##### **10.5.1.2 Contaminated Products**

In cases where the Athlete or other Person can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Athlete's or other Person's degree of Fault.

*[Comment to Article 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favorable for the Athlete if the Athlete had declared the product which was subsequently determined to be contaminated on his or her Doping Control form].*

##### **10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1**

If an Athlete or other Person establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Athlete or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.

#### **10.6 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault**

##### **10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations.**

10.6.1.1 ADD may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case in which it has results management authority where the Athlete or other Person has provided Substantial

Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organization discovering or bringing forward an anti-doping rule violation by another Person, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to ADD. After a final appellate decision under Article 13 or the expiration of time to appeal, ADD may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight years. If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, ADD shall reinstate the original period of Ineligibility. If ADD decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13.

10.6.1.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of ADD or at the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organization.

10.6.1.3 If ADD suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize ADD to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

*[Comment to Article 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized].*

#### 10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reli-

able evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.

*[Comment to Article 10.6.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily].*

#### 10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1.

An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), by promptly admitting the asserted anti-doping rule violation after being confronted by ADD, and also upon the approval and at the discretion of both WADA and ADD, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete or other Person's degree of Fault.

#### 10.6.4 Application of Multiple Grounds for Reduction of a Sanction

Where an Athlete or other Person establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

*[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Articles 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2].*

### 10.7 Multiple Violations

#### 10.7.1 For an Athlete or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:

- (a) six months;
- (b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or
- (c) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

The period of Ineligibility established above may then be further reduced by the application of Article 10.6.

10.7.2 A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility shall be from eight years to lifetime Ineligibility.

10.7.3 An anti-doping rule violation for which an Athlete or other Person has established No Fault or Negligence shall not be considered a prior violation for purposes of this Article.

#### 10.7.4 Additional Rules for Certain Potential Multiple Violations.

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if ADD can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7, or after ADD made reasonable efforts to give notice, of the first anti-doping rule violation. If ADD cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, ADD discovers facts involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then ADD shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.8.

#### 10.7.5 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

### **10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.

### **10.9 Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable International Federation; and third, reimbursement of the expenses of ADD.

### **10.10 (Not applicable)**

### **10.11 Commencement of Ineligibility Period**

Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.

### 10.11.1 Delays Not Attributable to the Athlete or other Person

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, ADD may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.

*[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used].*

### 10.11.2 Timely Admission

Where the Athlete or other Person promptly (which, in all events, for an Athlete means before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by ADD, the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.6.3.

### 10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served

10.11.3.1 If a Provisional Suspension is imposed and respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.

10.11.3.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from ADD and thereafter respects the Provisional Suspension, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

*[Comment to Article 10.11.3.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete].*

10.11.3.3 No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was suspended by his or her team.

10.11.3.4 In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.

*[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision].*

## **10.12 Status during Ineligibility**

### **10.12.1 Prohibition Against Participation During Ineligibility**

No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in Competitions authorized or organized by any professional league or any international or national level Event organization or any elite or national-level sporting activity funded by a governmental agency.

An Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate as an Athlete in local sport events not sanctioned or otherwise under the jurisdiction of a Code *Signatory* or member of a Code *Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Athlete or other Person working in any capacity with Minors.

An Athlete or other Person subject to a period of Ineligibility shall remain subject to Testing.

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition)].*

### **10.12.2 Return to Training**

As an exception to Article 10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of ADD's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.

*[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.12.1 other than training].*

### **10.12.3 Violation of the Prohibition of Participation During Ineligibility**

Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.12.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Athlete or other Person's degree of Fault and other circumstances of the case.

The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organization whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.

Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, ADD shall impose sanctions for a violation of Article 2.9 for such assistance.

#### **10.12.4 Withholding of Financial Support during Ineligibility**

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by ADD, the Danish Government, and the National Federations.

### **10.13 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

## **Article 11 Consequences to teams**

### **11.1 Testing of Team Sports**

Where more than one member of a team in a Team Sport has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.

### **11.2 Consequences for Team Sports**

If more than two members of a team in a Team Sport are found to have committed an anti-doping rule violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Athletes committing the anti-doping rule violation.

### **11.3 Event Ruling Body may Establish Stricter Consequences for Team Sports**

The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.

## **Article 12 Sanctions and costs assessed against National Federations**

Federations, associations, athletes, leaders, coaches, etc., shall offer ADD any help that ADD considers necessary for the implementation of doping control and clarifying the circumstances of violation of the applicable rules, and they must comply with ADD's Referral Committee's decision on temporary ineligibility and the Doping Hearing Panel's ruling.

Associations, athletes, leaders, coaches, etc., of national federations that violate these rules can be punished as foreseen for such individuals in these Anti-Doping Rules.

If a federation violates these rules, carries out doping control without agreement with ADD or makes a decision in doping cases, DIF's Board can impose sanctions according to DIF's laws.

## Article 13 Appeals

### 13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organization's rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

#### 13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

#### 13.1.2 CAS Shall Not Refer to the Findings BeingAppealed

In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.

#### 13.1.3 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within ADD's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in ADD's process.

### 13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Recognition of Decisions and Jurisdiction

A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired Athlete to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the Code; a decision by ADD not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a Provisional Suspension as a result of a Provisional Hearing; ADD's failure to comply with Article 7.9; a decision that ADD lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision under Article 10.12.3; and a decision by ADD not to recognize another Anti-Doping Organization's decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

#### 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.

### **13.2.2 Appeals Involving Other Athletes or Other Persons**

In cases where Article 13.2.1 does not apply, the ruling can be appealed to DIF's Court of Arbitration for Sport (CAS) within four weeks of receipt of the ruling.

**13.2.2.2 Hearings by DIF's CAS** are held according to the rules of DIF's Statutory Rule II for DIF's Court of Arbitration for Sport.

**13.2.2.2.1** The international federations and/or the respective federations, if they are not Party to the proceedings, as well as DIF, if DIF is not Party to the proceedings, and WADA have the right to be present as an observer during DIF's CAS hearings.

**13.2.2.3 DIF's CAS rulings:**

**13.2.2.3.1** At the end of the hearing or in a timely manner hereafter, DIF's CAS must issue a written, dated and signed ruling (either unanimously or by majority) that includes the full reasons for the ruling and any imposed ineligibility period, including (if applicable) an explanation of why the maximum possible sanction was not imposed.

**13.2.2.3.2 ADD** The decision shall be provided by ADD to the Athlete or other Person, to his/her National Federation, and to Anti-Doping Organizations with a right to appeal under Article 13.2.3.

The DIF CAS's decision may be appealed to the Court of Arbitration for Sport as provided in Article 13.2.3. If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be Publicly Disclosed as provided in Article 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be Publicly Disclosed with the consent of the Athlete or other Person who is the subject of the decision. ADD shall use reasonable efforts to obtain such consent, and if consent is obtained, shall Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.

### **13.2.3 Persons Entitled to Appeal**

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) DIF, (e) ADD and (if different) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (f) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (g) WADA.

In cases under Article 13.2.2, the following parties, at a minimum, shall have the right to appeal: (a) the Athlete or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) DIF, (e) ADD and (if different) the National Anti-Doping Organization of the Person's country of residence; (f) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (g) WADA.

For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of DIF's appeal body. Any party filing an appeal shall

be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.

Notwithstanding any other provision herein, the only Person who may appeal from a Provisional Suspension is the Athlete or other Person upon whom the Provisional Suspension is imposed.

#### **13.2.4 Cross Appeals and other Subsequent Appeals Allowed**

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

### **13.3 Failure to Render a Timely Decision**

Where, in a particular case, ADD fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if ADD had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by DIF.

### **13.4 Appeals Relating to TUEs**

TUE decisions may be appealed exclusively as provided in Article 4.4.

### **13.5 Notification of Appeal Decisions**

Any Anti-Doping Organization that is a party to an appeal shall promptly provide the appeal decision to the Athlete or other Person and to the other Anti-Doping Organizations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

### **13.6 Appeal from Decisions Pursuant to Article 12**

Decisions by DIF' Doping Tribunal or DIF's Board pursuant to Article 12 may be appealed exclusively to CAS by the National Federation or relevant Person.

### **13.7 Time for Filing Appeals**

#### **13.7.1 Appeals to CAS**

The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- (a) Within fifteen days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- (b) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to CAS.

The above notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

- (a) Twenty-one days after the last day on which any other party in the case could have appealed; or
- (b) Twenty-one days after WADA's receipt of the complete file relating to the decision.

### 13.7.2 Appeals Under Article 13.2.2

The time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty-one days from the date of receipt of the decision by the appealing party. However, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

- (a) Within fifteen days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;
- (b) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to DIF's Appeal Panel.

The above notwithstanding, the filing deadline for an appeal or intervention filed by WADA shall be the later of:

- (a) Twenty-one days after the last day on which any other party in the case could have appealed, or
- (b) Twenty-one days after WADA's receipt of the complete file relating to the decision.

## 13.8 DIF's CAS.

DIF's CAS is an impartial and independent tribunal directly elected by DIF's Supervisory Board. The rules for the election of CAS, composition and duties are stipulated in DIF's Law, Sections 23-25 and DIF's Statuary Rule II.

# Article 14 Confidentiality and reporting

## 14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations*

### 14.1.1 Notice of Anti-Doping Rule Violations to Athletes and other Persons

Notice to Athletes or other Persons that an anti-doping rule violation is being asserted against them shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules. Notice to an Athlete or other Person who is a member of a National Federation may be accomplished by delivery of the notice to the National Federation.

### 14.1.2 Notice of Anti-Doping Rule Violations to International Federations and WADA

Notice of the assertion of an anti-doping rule violation to International Federations and WADA shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules, simultaneously with the notice to the Athlete or other Person.

### 14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Article 2.1 shall include: the Athlete's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of anti-doping rule violations other than under Article 2.1 shall include the rule violated and the basis of the asserted violation.

#### 14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, International Federations and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until ADD or DIF has made Public Disclosure or has failed to make Public Disclosure as required in Article 14.3.

### **14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files**

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.3, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible Consequences were not imposed. Where the decision is not in English or French, ADD or DIF shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An Anti-Doping Organization having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

### **14.3 Public Disclosure**

14.3.1 The identity of any Athlete or other Person who is asserted by ADD to have committed an anti-doping rule violation, may be Publicly Disclosed by ADD or DIF only after notice has been provided to the Athlete or other Person in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the International Federation of the Athlete or other Person in accordance with Article 14.1.2.

14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, DIF must Publicly Report the disposition of the matter, including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved (if any) and the Consequences imposed. DIF must also Publicly Report within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

14.3.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only

with the consent of the Athlete or other Person who is the subject of the decision. DIF shall use reasonable efforts to obtain such consent. If consent is obtained, DIF shall Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.

14.3.4 Publication shall be accomplished at a minimum by placing the required information on DIF's or ADD's website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of Ineligibility.

14.3.5 Neither ADD, nor the National Federations, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete or other Person against whom an anti-doping rule violation is asserted, or their representatives.

14.3.6 The mandatory Public Reporting required in Article 14.3.2 shall not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

#### **14.4 Statistical Reporting**

ADD shall publish at least annually a general statistical report of its Doping Control activities, with a copy provided to WADA. ADD may also publish reports showing the name of each Athlete tested and the date of each Testing.

#### **14.5 Doping Control Information Clearinghouse**

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, ADD shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse, using ADAMS, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's International Federation and any other Anti-Doping Organizations with Testing authority over the Athlete.

#### **14.6 Data Privacy**

14.6.1 ADD may collect, store, process or disclose personal information relating to Athletes and other Persons where necessary and appropriate to conduct their anti-doping activities under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information) and these Anti-Doping Rules.

14.6.2 Any Participant who submits information including personal data to any Person in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such Person for the purposes of the implementation of these Anti-Doping Rules, in accordance with the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

### **Article 15 Application and recognition of decisions**

15.1 Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signato-

ry's authority shall be applicable worldwide and shall be recognized and respected by ADD, DIF and all National Federations.

15.2 ADD, DIF and all National Federations shall recognize the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

15.3 Subject to the right to appeal provided in Article 13, any decision of ADD regarding a violation of these Anti-Doping Rules shall be recognized by all National Federations, which shall take all necessary action to render such decision effective.

## **Article 16 Incorporation of ADD's Anti-doping rules and obligations of National Federations**

16.1 All National Federations and their members shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federation's rules so that DIF may enforce them itself directly as against Athletes and other Persons under the National Federation's jurisdiction.

16.2 All National Federations shall establish rules requiring all Athletes and each Athlete Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a Competition or activity authorized or organized by a National Federation or one of its member organizations to agree to be bound by these Anti-Doping Rules and to submit the results management authority of DIF and ADD under the Code as a condition of such participation.

16.3 All National Federations shall report any information suggesting or relating to an anti-doping rule violation to ADD and to their International Federation, and shall cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation, including DIF and ADD.

16.4 All National Federations shall have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes under the jurisdiction of ADD or the National Federation.

16.5 All National Federations shall be required to conduct anti-doping education in coordination with ADD.

## **Article 17 Statute of limitations**

No anti-doping rule violation proceeding may be commenced against an Athlete or other Person unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

## **Article 18 ADD compliance reports to WADA**

ADD will report to WADA on ADD's compliance with the Code in accordance with Article 23.5.2 of the Code.

## **Article 19 Education**

ADD shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the Code, and shall support active participation by Athletes and Athlete Support Personnel in such programs.

## **Article 20 Amendment and interpretation of anti-doping rules**

20.1 These Anti-Doping Rules may be amended from time to time in agreement by ADD and DIF.

20.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

20.3 The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

20.4 The Code and the International Standards shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

20.5 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The Introduction shall be considered an integral part of these Anti-Doping Rules.

20.6 The comments annotating various provisions of the Code and these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

20.7 These Anti-Doping Rules have come into full force and effect on 1 January 2015 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

20.7.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

20.7.2 The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.

20.7.3 Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.

20.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Anti-Doping Rules. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

20.7.5 For purposes of assessing the period of Ineligibility for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of Ineligibility which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

## **Article 21 Interpretation of the code**

21.1 The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

21.2 The comments annotating various provisions of the Code shall be used to interpret the Code.

21.3 The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.

21.4 The headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.

21.5 The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for subsequent post-Code violations.

21.6 The Purpose, Scope and Organization of the World Anti-Doping Program and the Code and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the Code.

## **Article 22 Additional roles and responsibilities of athletes and other persons**

22.1 Roles and Responsibilities of Athletes.

- 22.1.1 To be knowledgeable of and comply with these Anti-Doping Rules.
  - 22.1.2 To be available for Sample collection at all times.
  - 22.1.3 To take responsibility, in the context of anti-doping, for what they ingest and Use.
  - 22.1.4 To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.
  - 22.1.5 To disclose to their International Federation and to ADD any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within the previous ten years.
  - 22.1.6 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations.
- 22.2 Roles and Responsibilities of Athlete Support Personnel**
- 22.2.1 To be knowledgeable of and comply with these Anti-Doping Rules.
  - 22.2.2 To cooperate with ADD's Athlete Testing program.
  - 22.2.3 To use his or her influence on Athlete values and behavior to foster anti-doping attitudes.
  - 22.2.4 To disclose to his or her International Federation and to ADD any decision by a non-Signatory finding that he or she committed an anti-doping rule violation within the previous ten years.
  - 22.2.5 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations.
  - 22.2.6 Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

## APPENDIX 1 – DEFINITIONS

**ADAMS:** The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Anti-Doping Organization:** A Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organizations that conduct Testing at their Events, WADA, International Federations, and National Anti-Doping Organizations.

**Use:** The utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

**Event:** A series of individual Competitions conducted together under one ruling body.

**Event Venues:** Those venues so designated by the ruling body for the Event.

**Event Period:** The time between the beginning and end of an Event, as established by the ruling body of the Event.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Atypical Passport Finding:** A report described as an Atypical Passport Finding as described in the applicable International Standards.

**Atypical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

**Possession:** The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control

over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organization. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.

*[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address].*

Athlete Biological Passport: The program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.

CAS: The Court of Arbitration for Sport.

Participant: Any Athlete or Athlete Support Person.

Disqualification: See Consequences of Anti-Doping Rule Violations in the following.

TUE: Therapeutic Use Exemption, as described in Article 4.4.

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings.

Prohibited List: The List identifying the Prohibited Substances and Prohibited Methods.

Prohibited Method: Any method so described on the Prohibited List.

Prohibited Substance: Any substance, or class of substances, so described on the Prohibited List.

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the Athlete with notice and an opportunity to be heard in either written or oral form.

*[Comment: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule].*

Provisional Suspension: See Consequences of Anti-Doping Rule Violations above.

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if

the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

Contaminated Product: A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.

Team Sport: A sport in which the substitution of players is permitted during a Competition.

International-Level Athlete: Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.

*[Comment: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events].*

National-Level Athlete: Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organization, consistent with the International Standard for Testing and Investigations.

Athlete: Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of "Athlete." In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organization may elect to: conduct limited Testing or no Testing at all; analyze Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organization has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) must be applied. For purposes of Article 2.8 for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete.

*[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education].*

**Athlete Support Personnel:** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition.

**Individual Sport:** Any sport that is not a Team Sport.

**International standard:** A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.

**International Event:** An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event.

**Code:** The World Anti-Doping Code.

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a Competition and an Event will be as provided in the rules of the applicable International Federation.

**Consequences of Anti-Doping Rule Violations (“Consequences”):** An Athlete's or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Athlete's results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Athlete or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.12.1; (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Public Reporting means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11 of the Code.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

**Metabolite:** Any substance produced by a biotransformation process.

**Provisional Suspension:** See Consequences of Anti-Doping Rule Violations above.

**Minor:** A natural Person who has not reached the age of eighteen years.

**Target Testing:** Selection of specific Athletes for Testing based on criteria set forth in the International Standard for Testing and Investigations.

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings at the national

level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee.

**National Olympic Committee:** The organization recognized by the International Olympic Committee. The term National Olympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area.

**National Event:** A sport Event or Competition involving International- or National-Level Athletes that is not an International Event.

**Strict Liability:** The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated by the Anti-Doping Organization in order to establish an anti-doping rule violation.

**Publicly Disclose or Publicly Report:** See Consequences of Anti-Doping Rule Violations above.

**Substantial Assistance:** For purposes of Article 10.6.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organization or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Major Event Organizations:** The continental associations of National Olympic Committees and other international multi-sport organizations that function as the ruling body for any continental, regional or other International Event.

**Person:** A natural Person or an organization or other entity.

**Registered Testing Pool:** The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organization's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the Code and the International Standard for Testing and Investigations.

**Sample or Specimen:** Any biological material collected for the purposes of Doping Control.

*[Comment: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim].*

**Testing:** The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.

**Regional Anti-Doping Organization:** A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of Samples, the management of results, the review of TUEs, the conduct of hearings, and the conduct of educational programs at a regional level.

**Fault:** Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault

include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.

*[Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved].*

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

Specified Substance: See Article 4.2.2.

Independent Observer Program: A team of observers, under the supervision of WADA, who observe and provide guidance on the Doping Control process at certain Events and report on their observations.

Ineligibility: See Consequences of Anti-Doping Rule Violations above.

No Fault or Negligence: The Athlete or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

Out-of-Competition: Any period which is not In-Competition.

No Significant Fault or Negligence: The Athlete or other Person's establishing that his or her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

*[Comment: For Cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance].*

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support Person or any other Person subject to the jurisdiction of an Anti-Doping Organization to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Sub-

stances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

In-Competition: Unless provided otherwise in the rules of an International Federation or the ruling body of the Event in question, “In-Competition” means the period commencing twelve hours before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition.

*[Comment: An International Federation or ruling body for an Event may establish an “In-Competition” period that is different than the Event Period].*

Signatories: Those entities signing the Code and agreeing to comply with the Code, as provided in Article 23 of the Code.

UNESCO Convention: The International Convention against Doping in Sport adopted by the 33<sup>rd</sup> session of the UNESCO General Conference on 19 October 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

WADA: World Anti-Doping Agency.

Financial Consequences: See Consequences of Anti-Doping Rule Violations above.

## APPENDIX 2 – EXAMPLES OF THE APPLICATION OF ARTICLE 10

### EXAMPLE 1.

Facts: An Adverse Analytical Finding results from the presence of an anabolic steroid in an In-Competition test (Article 2.1); the Athlete promptly admits the anti-doping rule violation; the Athlete establishes No Significant Fault or Negligence; and the Athlete provides Substantial Assistance.

#### Application of Consequences:

1. The starting point would be Article 10.2. Because the Athlete is deemed to have No Significant Fault that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of Ineligibility would thus be two years, not four years (Article 10.2.2).
2. In a second step, the panel would analyze whether the Fault-related reductions (Articles 10.4 and 10.5) apply. Based on No Significant Fault or Negligence (Article 10.5.2) since the anabolic steroid is not a Specified Substance, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of Ineligibility within this range based on the Athlete's degree of Fault. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of 16 months).
3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to Fault). In this case, only Article 10.6.1 (Substantial Assistance) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of Ineligibility is already below the two-year minimum set forth in Article 10.6.3.) Based on Substantial Assistance, the period of Ineligibility could be suspended by three-quarters of 16 months.\* The minimum period of Ineligibility would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of Ineligibility would thus be six months.)
4. Under Article 10.11, the period of Ineligibility, in principle, starts on the date of the final hearing decision. However, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (i.e., three months) after the date of the hearing decision (Article 10.11.2).
5. Since the Adverse Analytical Finding was committed in a Competition, the panel would have to automatically Disqualify the result obtained in that Competition (Article 9).
6. According to Article 10.8, all results obtained by the Athlete subsequent to the date of the Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.
7. The information referred to in Article 14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.13).
8. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 10.12.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training one and one-half months before the end of the period of Ineligibility.

## EXAMPLE 2.

Facts: An Adverse Analytical Finding results from the presence of a stimulant which is a Specified Substance in an In-Competition test (Article 2.1); the Anti-Doping Organization is able to establish that the Athlete committed the anti-doping rule violation intentionally; the Athlete is not able to establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance; the Athlete does not promptly admit the anti-doping rule violation as alleged; the Athlete does provide Substantial Assistance.

### Application of Consequences:

1. The starting point would be Article 10.2. Because the Anti-Doping Organization can establish that the anti-doping rule violation was committed intentionally and the Athlete is unable to establish that the substance was permitted Out-of-Competition and the Use was unrelated to the Athlete's sport performance (Article 10.2.3), the period of Ineligibility would be four years (Article 10.2.1.2).
2. Because the violation was intentional, there is no room for a reduction based on Fault (no application of Articles 10.4 and 10.5). Based on Substantial Assistance, the sanction could be suspended by up to three-quarters of the four years.\* The minimum period of Ineligibility would thus be one year.
3. Under Article 10.11, the period of Ineligibility would start on the date of the final hearing decision.
4. Since the Adverse Analytical Finding was committed in a Competition, the panel would automatically Disqualify the result obtained in the Competition.
5. According to Article 10.8, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.13).
7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 10.12.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility.

## EXAMPLE 3.

Facts: An Adverse Analytical Finding results from the presence of an anabolic steroid in an Out-of-Competition test (Article 2.1); the Athlete establishes No Significant Fault or Negligence; the Athlete also establishes that the Adverse Analytical Finding was caused by a Contaminated Product.

### Application of Consequences:

1. The starting point would be Article 10.2. Because the Athlete can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had No Significant Fault in Using a Contaminated Product (Articles 10.2.1.1 and 10.2.3), the period of Ineligibility would be two years (Article 10.2.2).

2. In a second step, the panel would analyze the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the *Athlete* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete*'s degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)

3. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

4. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete*'s period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete*'s period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one month before the end of the period of *Ineligibility*.

#### EXAMPLE 4.

Facts: An *Athlete* who has never had an *Adverse Analytical Finding* or been confronted with an anti-doping rule violation spontaneously admits that she *Used* an anabolic steroid to enhance her performance. The *Athlete* also provides *Substantial Assistance*.

#### Application of Consequences:

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.

2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).

3. Based on the *Athlete*'s spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete*'s *Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.\* Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.

4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete*'s last *Use* of the anabolic steroid.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete*'s period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete*'s period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

**EXAMPLE 5.**

**Facts:**

An *Athlete Support Person* helps to circumvent a period of *Ineligibility* imposed on an *Athlete* by entering him into a *Competition* under a false name. The *Athlete Support Person* comes forward with this anti-doping rule violation (Article 2.9) spontaneously before being notified of an anti-doping rule violation by an *Anti-Doping Organization*.

**Application of Consequences:**

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).
3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)
4. The information referred to in Article 14.3.2 must be *Publicly Disclosed* unless the *Athlete Support Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

**EXAMPLE 6.**

**Facts:** An *Athlete* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended because of *Substantial Assistance*. Now, the *Athlete* commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance* in an *In-Competition* test (Article 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provided *Substantial Assistance*. If this were a first violation, the panel would sanction the *Athlete* with a period of *Ineligibility* of 16 months and suspend six months for *Substantial Assistance*.

**Application of Consequences:**

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.
2. Under Article 10.7.1, the period of Ineligibility would be the greater of:
  - (a) six months;
  - (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6 (in this example, that would equal one-half of 14 months, which is seven months); or
  - (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 (in this example, that would equal two times 16 months, which is 32 months).

Thus, the period of *Ineligibility* for the second violation would be the greater of (a), (b) and (c), which is a period of *Ineligibility* of 32 months.

3. In a next step, the panel would assess the possibility for suspension or reduction under Article 10.6 (non-*Fault*-related reductions). In the case of the second violation, only Article 10.6.1 (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months.\* The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years).

4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete*'s period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete*'s period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

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\* Upon the approval of WADA in exceptional circumstances, the maximum suspension of the period of *Ineligibility* for *Substantial Assistance* may be greater than three-quarters, and reporting and publication may be delayed.