INTERNATIONAL LIFE SAVING FEDERATION (ILS)

ANTI-DOPING RULES

Valid as of 21/11/2018

(Based upon the WADA Code)
(Approved by WADA on 28/11/2018)
# ILS ANTI-DOPING RULES

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INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented in accordance with ILS' responsibilities under the Code, and in furtherance of ILS' continuing efforts to eradicate doping in sport.

The ILS Anti-Doping Rules are sport rules governing the conditions under which Lifesaving sport is played. Aimed at enforcing anti-doping principles in a global and harmonised manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal or civil proceedings. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules implementing the Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

Fundamental Rationale for the Code and ILS's Anti-Doping Rules

Anti-doping programmes 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 Lifesaving sport.

Scope of these Anti-Doping Rules

These ILS Anti-Doping Rules shall apply to ILS and to each of its National Federations by virtue of the Participant's membership, accreditation, or participation in ILS, its National Federations, or their activities or Events.
They also apply to all Athletes and Athlete Support Personnel participating in such capacity in Events, Competitions and other activities organised, convened, authorised or recognised by ILS.

To be eligible for participation in ILS events, an Athlete must be a member in good standing of his or her National Federation. All Athletes must personally sign Appendix 3 to these Rules (Acknowledgement and Agreement form) as approved by the ILS Board. All forms from under-age applicants must be counter-signed by their legal guardians.

National Federations must guarantee that all relevant Athletes accept the Rules of the ILS, including these ILS Anti-Doping Rules.

Within the overall pool of Athletes set out above who are bound by and required to comply with these Anti-Doping Rules, the following Athletes shall be considered to be International-Level Athletes for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Athletes (as regards Testing but also as regards TUEs, whereabouts information, results management, and appeals) shall apply to such Athletes: Athletes who are members of the top 8 teams in the Team Ranking.

It is the responsibility of each National Federation to ensure that all national-level Testing on the National Federation's Athletes complies with these ILS Anti-Doping Rules. In some countries, the National Federation itself will conduct the Doping Control described in these ILS Anti-Doping Rules. In other countries, many of the Doping Control responsibilities of the National Federation have been delegated or assigned by statute or agreement to a National Anti-Doping Organisation. In those countries, references in these ILS Anti-Doping Rules to the National Federation shall apply, as appropriate, to the National Anti-Doping Organisation.

These ILS Anti-Doping Rules shall apply to all Doping Controls over which ILS and its National Federations have jurisdiction.

ILS is member or has relations with the following International Sport Organisations:

- International Olympic Committee (IOC): ILS is an IOC recognised International Sport Federation.
- Sportaccord, the International Federation regrouping all International Sports Federations: ILS is a full and voting member of Sportaccord.
- Association of IOC Recognised International Sport Federations (ARISF): ILS is a full and voting member of ARISF.
- International World Games Association (IWGA): ILS is a full and voting Member of IWGA and Lifesaving Sport is on the World Games programme.
- International Masters Games Federation (IMGF): ILS is a co-opted member of the IMGF and Lifesaving Sport is on the Masters Games programme.
- Commonwealth Games Federation (CGF): Lifesaving sport is a recognised sport by the CGF and Commonwealth Lifesaving Championships are organised.
- International Military Sports Council (CISM): Lifesaving is a recognised sport by CISM and is included in the Military World Games and the Military World Championships.

ILS has also official relations with the World Health Organisation (WHO) for drowning prevention activities.

These updated rules come into force on 21/11/2018
ARTICLE 1. DEFINITION OF DOPING

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

ARTICLE 2. ANTI-DOPING RULE VIOLATIONS

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.  

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 analysed; or, where the Athlete’s B Sample is analysed 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.

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

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

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 Comment to Article 2.1.2: ILS may at its discretion, choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.

3 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 2.1, 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 ILS provides a satisfactory explanation for the lack of confirmation in the other Sample.
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.⁴

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 authorised in these ILS Anti-Doping Rules or other applicable anti-doping rules.⁵

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 Organisation or intimidating or attempting to intimidate a potential witness.

2.6 Possession of a Prohibited Substance or a Prohibited Method⁶

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.⁷

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-

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⁴ 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 will be a violation of Article 2.1 regardless of when that substance might have been administered).

⁵ 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.

⁶ 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 ILS.

⁷ 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.

⁸ 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.
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 Organisation 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 Organisation, is serving a period of Ineligibility; or

2.10.2 If not subject to the authority of an Anti-Doping Organisation, 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 Organisation with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Person's disqualifying status and the potential Consequences of prohibited association and that the Athlete or other Person can reasonably avoid the association. The Anti-Doping Organisation 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 Organisation 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 Organisations 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.

ARTICLE 3. PROOF OF DOPING

3.1 Burdens and Standards of Proof

ILS and its Member Federations shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether ILS or the Member Federation has established an anti-doping rule violation to the comfortable satisfaction of the 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 ILS Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have

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.
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 have 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 ILS 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 ILS shall have the burden to establish that such a 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 irrefutable evidence 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.

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10 Comment to Article 3.1: This standard of proof required to be met by ILS or its National Federations is comparable to the standard which is applied in most countries to cases involving professional misconduct.

11 Comment to Article 3.2: For example, ILS or its National Federations may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.

12 Comment to Article 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to ILS or its National Federation to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.
from the hearing panel or from ILS or its Member Federation asserting the anti-doping rule violation.

**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.13

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 ILS Anti-Doping Rules three months after publication by WADA, without requiring any further action by ILS or its National Federations. 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 familiarise 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.

4.2.3 **New Classes of Prohibited Substances**
If WADA expands the Prohibited List by adding a new class of Prohibited Substances in accordance with Article 4.1 of the Code, WADA’s Executive Committee shall determine whether any or all Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances under Article 4.2.2.

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 (“TUEs”)**

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 **If an International-Level Athlete is using a Prohibited Substance or a Prohibited Method for therapeutic reasons:**

4.4.2.1 **Where the Athlete already has a TUE granted by his or her National Anti-Doping Organisation for the substance or method in question, that TUE is not automatically valid for international-level Competition. However, the Athlete may apply to ILS to recognise 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,**

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13 Comment to Article 4.1: The current Prohibited List is available on WADA’s website at www.wada-ama.org.

14 Comment to Article 4.2.2: The Specified Substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete for a purpose other than the enhancement of sport performance.
then ILS shall recognise it for purposes of international-level Competition as well. If ILS considers that the TUE does not meet those criteria and so refuses to recognise it, ILS shall notify the Athlete and his or her National Anti-Doping Organisation promptly, with reasons. The Athlete and the National Anti-Doping Organisation shall have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping Organisation 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.15

4.4.2.2 If the Athlete does not already have a TUE granted by his/her National Anti-Doping Organisation for the substance or method in question, the Athlete must apply directly to ILS for a TUE in accordance with the process set out in the International Standards for Therapeutic Use Exemptions (using the form posted on the ILS website http://www.ilsf.org/lifesaving-sport/rules/anti-doping). If ILS denies the Athlete's application, it must notify the Athlete promptly, with reasons. If ILS grants the Athlete's application, it shall notify not only the Athlete but also his/her National Anti-Doping Organisation. If the National Anti-Doping Organisation considers that the TUE granted by ILS 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 in accordance with Article 4.4.6. If the National Anti-Doping Organisation refers the matter to WADA for review, the TUE granted by ILS remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA’s decision. If the National Anti-Doping Organisation does not refer the matter to WADA for review, the TUE granted by ILS becomes valid for national-level Competition as well when the 21-day review deadline expires.

4.4.3 The only exception to Article 4.4.2 is that, in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions, Athletes not in ILS’ Registered Testing Pool who inhale glucocorticosteroids and/or formoterol, salbutamol, salmeterol or terbutaline to treat asthma or one of its clinical variants do not need a TUE in advance of participating in an International Event unless so specified by ILS. Instead, if necessary, any such Athlete may apply for a Retroactive TUE after the Event in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions and Article 7.13 of the International Standard for Therapeutic Use Exemptions and Article 7.1.3 of these ILS Anti-Doping Rules.

4.4.4 TUEs granted by ILS shall be reported to the Athlete's National Federation and to WADA. Other Athletes subject to Testing who need to use a Prohibited Substance or a Prohibited Method for therapeutic reasons must obtain a TUE from their National Anti-Doping Organisation or other body designated by their National Federation, as required under the rules of the National Anti-Doping Organisation or other body designated by their National Federation. National Federations shall promptly report any such TUEs to ILS and WADA.

4.4.5 The ILS Board shall appoint a panel of physicians to consider requests for TUEs ("TUE Panel"). Upon ILS’ receipt of a TUE request, the Chair of the TUE Panel shall appoint one or more members of the TUE Panel (which may include the Chair) to consider such request. The TUE Panel member(s) so designated shall promptly evaluate such request in accordance with the International Standard for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of ILS.

15 Comment to Article 4.4.2.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, ILS may publish notice on its website <www.ilsf.org> that it will automatically recognise TUE decisions (or categories of such decisions, e.g. as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete’s TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to ILS for recognition of that TUE. If ILS refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to ILS.
4.4.5.1 *International-Level Athletes* who are included in ILS’ *Registered Testing Pool* should apply to ILS for the *TUE* at the same time the Athlete first provides whereabouts information to ILS and, except in emergency situations, no later than 21 days before the Athlete’s participation at an *International Event*.

4.4.5.2 *Athletes* participating in *International Events* who are not included in ILS’ *Registered Testing Pool* must, except in emergency situations, request a *TUE* from ILS no later than 21 days before the Athlete’s participation at an *International Event*.

4.4.6 WADA, at the request of an *Athlete* or on its own initiation, may review the granting or denial of any *TUE* by ILS. If WADA determines that the granting or denial of a *TUE* did not comply with the *International Standard for Therapeutic Use Exemptions* in force at the time then WADA may reverse that decision. Decisions on *TUEs* are subject to further appeal as provided in Article 13.

**ARTICLE 5. TESTING AND INVESTIGATIONS**

5.1 **Purpose of Testing and Investigations**

Testing and investigation 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 any protocols of ILS 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.

5.1.2 Investigations shall be undertaken:

5.1.2.1 in relation to Atypical Findings and Adverse Passport Findings, in accordance with article 7.2 and 7.3 respectively, gathering intelligence or evidence (including, 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 article 7.4 and 7.5, 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 article 2.2 to 2.10.

5.1.3 ILS 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 **Scope of Testing**

5.2.1 Each *National Anti-Doping Organisation* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are nationals, residents, license-holders or members of Member organisations of that country or who are present in that *National Anti-Doping Organisation*’s country.

5.2.2 Subject to the jurisdictional limitations for Competition Testing set out in Article 5.3 of the Code, ILS shall have In-Competition and Out-of-Competition Testing authority over all of the Athletes specified in the Introduction to these *Anti-Doping Rules* (under the heading “Scope”).

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 ILS may require any *Athlete* over whom it has Testing authority to provide a Sample at any time and at any place, including Athletes serving a period of *Ineligibility*.

5.2.5 If ILS delegates or contracts any part of Testing to a *National Anti-Doping Organisation* (directly or through a Member Federation), that *National Anti-Doping Organisation* may collect additional Samples or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organisation*’s expense. If additional Samples are collected or additional types of analysis are performed, ILS shall be notified.

5.3 **Event/Competition Testing**
Testing conducted by ILS and its National Federations shall be in substantial conformity with the International Standard for Testing in force at the time of Testing.

5.3.1 Except as otherwise provided below, only a single organisation should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by the international organisation which is the ruling body for the Event (e.g. ILS for the Lifesaving World Championships, IWGA for the World Games). At National Events, the collection of Samples shall be initiated and directed by the National Anti-Doping Organisation of that country. At the request of the ruling body for an Event, any Testing during the Event Period outside of the Event Venues shall be coordinated with that ruling body.

5.3.2 If an Anti-Doping Organisation 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 Organisation shall first confer with the ruling body of the Event to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organisation may, in accordance with procedures published by WADA, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing the ruling body for the Event. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation 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 Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.

5.4 Test Distribution Planning

ILS will develop and implement an effective, intelligent and proportionate test distribution plan that prioritises 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. ILS will provide WADA upon request with a copy of its current test distribution plan.

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.

5.5 Testing Requirements

All Testing shall be conducted in conformity with the International Standard for Testing and Investigations.

5.5.1 The DCO shall use a Doping Control Station which, at a minimum, ensures the Athlete’s privacy and where possible is used solely as a Doping Control Station for the duration of the Sample Collection Session. The DCO shall record any significant deviations from these criteria.

The Sample Collection Authority shall establish criteria for who may be authorised to be present during the Sample Collection Session in addition to the Sample Collection Personnel. At a minimum, the criteria shall include:

a) An Athlete’s entitlement to be accompanied by a representative and/or interpreter during the Sample Collection Session, except when the Athlete is passing a urine Sample;

b) A Minor Athlete’s entitlement (as provided for in Annex C of WADA’s International Standard for Testing and Investigations (ISTI) – Modifications for Athletes who are Minors), and the witnessing DCO/Chaperone’s entitlement to have a representative observe the witnessing DCO/Chaperone when the Minor Athlete is passing a urine Sample, but without the representative directly observing the passing of the Sample unless requested to do so by the Minor Athlete;
c) A WADA observer where applicable under the Independent Observer Program. The WADA observer shall not directly observe the passing of a urine Sample.

5.5.2 Urine samples that do not meet the requirements for Suitable Specific Gravity for Analysis:

The Sample Collection Authority is responsible for establishing procedures to ensure that a suitable Sample is collected. If the original Sample collected does not meet the requirement for Suitable Specific Gravity for Analysis, the DCO is responsible for collecting additional Samples until a suitable Sample is obtained. Procedure to be followed according WADA ISTI Annex G

5.5.3 Blood (or other non-urine) Samples may be used to detect Prohibited Substances or Prohibited Methods, for screening procedure purposes, or for longitudinal hematological profiling (“the passport”). If the Sample is collected for screening only, it will have no consequences for the Athlete other than to identify him/her for a urine test under these Anti-Doping Rules. In these circumstances, the ILS may decide at its own discretion which blood parameters are to be measured in the screening Sample and what levels of those parameters will be used to indicate that an Athlete should be selected for a urine test. If however, the Sample is collected for longitudinal hematological profiling (“the passport”), it may be used for anti-doping purposes in accordance with Article 2.2 of the Code.

5.5.4. Investigation of a Possible Failure to Comply:

The Testing Authority is responsible for ensuring that:

a) when the possible Failure to Comply comes to its attention, it notifies WADA, and instigates an investigation of the possible Failure to Comply based on all relevant information and documentation;

b) the Athlete or other party is informed of the possible Failure to Comply in writing and has the opportunity to respond;

c) the investigation is conducted without unnecessary delay and the evaluation process is documented; and

d) the final determination (i.e., whether or not to assert the commission of an anti-doping rule violation), with reasons, is made available without delay to WADA and other Anti-Doping Organizations in accordance with Code Articles 7.10 and 14.1.4.

The DCO is responsible for:

a) informing the Athlete or other party of the Consequences of a possible Failure to Comply;

b) completing the Athlete’s Sample Collection Session where possible; and

c) providing a detailed written report of any possible Failure to Comply.

Sample Collection Personnel are responsible for:

a) informing the Athlete or other party of the Consequences of a possible Failure to Comply; and

b) reporting to the DCO any possible Failure to Comply.

5.6 Athlete Whereabouts Information

5.6.1 ILS shall establish an ILS Registered Testing Pool of those Athletes who are required to comply with the whereabouts requirements of Annex I the International Standard for Testing and Investigations. ILS should coordinate with National Anti-Doping Organisations the identification of such Athletes and the collection of their whereabouts information. ILS 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 the set criteria. All Athletes included or removed from the Registered Testing Pool and the Member Federations to which they belong shall receive written information about the inclusion or exclusion of an Athlete in the ILS Registered Testing Pool.

5.6.2 For the 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.

5.6.3 For the purpose of applying Article 2.4, each Member Federation shall report to ILS each missed test or failure by an Athlete to file required whereabouts information within 14 days after the Member Federation becomes aware of the missed test or filing failure.

5.6.4 An Athlete in ILS’ 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 ILS that he/she has retired or (b) ILS has informed him or her that he/she no longer satisfies the criteria for inclusion in ILS’ Registered Testing Pool.

5.6.5 Whereabouts information relating to an Athlete shall be shared (through ADAMS) with WADA and other Anti-Doping Organisations 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 and Returning to Competition

5.7.1 If an International- or National-Level Athlete in a Registered Testing Pool retires and then wishes to return to active participation in sport, the Athlete shall not compete in International Events or National Events until the Athlete has made himself or herself available for Testing, by giving six months prior written notice to ILS and his/her National Anti-Doping Organisation. WADA, in consultation with ILS and the National Anti-Doping Organisation, 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 5.6.1 shall be Disqualified.

5.7.2 If an Athlete retires from sport while subject to a period of Ineligibility and then wishes to return to active competition in sport, the Athlete shall not compete in International Events or National Events until the Athlete has made himself or herself available for Testing by giving 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 ILS and to his/her National Anti-Doping Organisation.

### 5.8 Investigation and Intelligence Gathering

ILS will ensure to be able to do each of the following, as applicable and in accordance with the International Standard for Testing and Investigations:

5.8.1 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); and

5.8.2 Investigate *Atypical Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively; and

5.8.3 Investigate any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s), in accordance with Articles 7.6 and 7.7, in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding.

### ARTICLE 6. ANALYSIS OF SAMPLES

*Samples* shall be analysed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories
For the purposes of Article 2.1, Samples shall be analysed 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 the ILS.\textsuperscript{16}

6.2 Purpose of Analysis of Samples

6.2.1 Samples shall be analysed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA under the Monitoring Programme described in Article 4.5 of the Code; or to assist ILS 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.\textsuperscript{17} Samples may be collected and stored for future analysis.

6.2.2 ILS shall ask laboratories to analyse 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\textsuperscript{18}

Laboratories shall analyse 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 sports disciplines, and laboratories shall analyse Samples in conformity with those menus, except as follows:

- 6.4.1 ILS may request that laboratories analyse its Samples using more extensive menus than those described in the Technical Document.
- 6.4.2 ILS may request that laboratories analyse 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 sport, 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 analyse 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 ILS 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 ILS 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.

\textsuperscript{16} Comment to Article 6.1: Violations of Article 2.1 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.

\textsuperscript{17} Comment to Article 6.2.1: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.

\textsuperscript{18} Comment to Article 6.4: The objective of this Article is to extend the principle of “intelligent Testing” to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.
ARTICLE 7. RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management

The circumstances in which ILS shall take responsibility for conducting results management in respect of anti-doping rule violations involving Athletes and other Persons under its jurisdiction shall be determined by reference to and in accordance with Article 7 of the Code.

7.2 Review of Adverse Analytical Findings from Tests Initiated by ILS

Results management in respect of the results of tests initiated by ILS (including tests performed by WADA pursuant to agreement with ILS) shall proceed as follows:

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

7.2.2 Upon receipt of an Adverse Analytical Finding, the ILS Anti-Doping Administrator shall conduct a review to determine whether: (a) the Adverse Analytical Finding is consistent with an applicable TUE, 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 In the following circumstances:

(a) the Adverse Analytical Finding is for a Glucocorticosteroid, formoterol, salbutamol, salmeterol or terbutaline; and
(b) the Sample in question was provided by an Athlete who is not in ILS’ Registered Testing Pool, during his/her participation in an International Event for which (in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions and Article 4.4.3, ILS does not require a TUE for asthma medication in advance; then, before the matter is referred to the ILS Anti-Doping Administrator under Article 7.1.2, the Athlete shall be given an opportunity to apply to the TUE Committee for a Retroactive TUE in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions. The result of that application shall be forwarded to ILS for consideration in its review of the Adverse Analytical Finding under Article 7.1.2.

7.3 Notification After Review Regarding Adverse Analytical Findings

7.3.1 If the initial review of an Adverse Analytical Finding under 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, ILS shall promptly notify the Athlete and simultaneously the Athlete’s National Anti-Doping Organisation and WADA in the manner set out in Article 14 of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the Athlete’s right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis (which shall be within the time period specified in the International Standard for Laboratories) if the Athlete or ILS 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 at the scheduled date, time and place if such analysis is requested; and (f) the Athlete’s right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. ILS shall also notify the Athlete’s National Anti-Doping Organisation and WADA. If ILS decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete, the Athlete’s National Anti-Doping Organisation and WADA.

7.3.2 Where requested by the Athlete or ILS, arrangements shall be made to analyse 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. ILS may nonetheless elect to proceed with the B Sample analysis.
7.3.3 The Athlete and/or his or her representative shall be allowed to be present at the analysis of the B Sample. Also a representative of the Athlete's National Federation as well as a representative of ILS shall be allowed to be present.

7.3.4 If the B Sample analysis does not confirm the A Sample analysis, then (unless ILS 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 National Anti-Doping Organisation and WADA ILS 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 National Anti-Doping Organisation and to WADA.

7.4 Review of Atypical Findings

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

7.4.2 Upon receipt of an Atypical Finding, the ILS Anti-Doping Administrator 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 initial 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 National Federation and ILS 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, ILS 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 National Anti-Doping Organisation and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.

7.4.5 ILS 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 ILS determines the B Sample should be analysed prior to the conclusion of its follow-up 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(c) to (f).

7.4.5.2 If asked (a) by a Major Event Organisation shortly before one of its International Events, or (b) by a sports organisation responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided but the Major Event Organisation or sports organisation has a pending Atypical Finding, ILS shall so advise the Major Event Organisation or sports organisation 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 ILS is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete (and simultaneously the Athlete's National Anti-Doping Organisation and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

7.6 Review of Whereabouts Failures
ILS 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 ILS, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as ILS is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the Athlete (and simultaneously the Athlete's National Anti-Doping Organisation 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

ILS 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 ILS is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person (and simultaneously the Athlete's or other Person's National Anti-Doping Organisation and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

7.8 Identification of Prior Anti-Doping Rule Violation

Before giving an Athlete or other Person notice of an asserted anti-doping rule violation as provided above, ILS shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations 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, ILS shall impose a Provisional Suspension on the Athlete pending the hearing panel’s determination of whether he/she has committed an anti-doping rule violation after the notification described in Articles 7.2, 7.3 or 7.5.

7.9.2 Optional Provisional Suspension

In the 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, ILS 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.

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 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.

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19 Comment to Article 7.9: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organisation, the internal review specified in the Code must first be completed. In addition, a Signatory imposing a Provisional Suspension is required to give the Athlete an opportunity for a Provisional Hearing either before or promptly after imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension, where a Provisional Suspension is imposed against any period of Ineligibility which is ultimately imposed as provided in Article 10.11.3.1 and 10.11.3.2.
7.9.4 If a Provisional Suspension is imposed based on an Adverse Analytical Finding in respect of an A Sample, and subsequent analysis of the B Sample analysis 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. 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.

7.10 Resolution Without a Hearing

7.10.1 An Athlete or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the Consequences that are mandated by these ILS Anti-Doping Rules or (where some discretion as to Consequences exists under these ILS Anti-Doping Rules) that have been offered by ILS.

7.10.2 Alternatively, if the Athlete or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by ILS asserting the violation, the he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the Consequences that are mandated by these ILS Anti-Doping Rules or (where some discretion as to Consequences exists under these ILS Anti-Doping Rules) that have been offered by ILS.

7.10.3 In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead ILS shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the Consequences imposed as a result, and setting out the full reasons for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential period of Ineligibility was not imposed. ILS shall send copies of that decision to other Anti-Doping Organisations with a right to appeal under Article 13.2.3, and shall Publicly Disclose that decision in accordance with Article 14.3.2.

7.11 Notification of Results Management Decisions

In all cases where ILS 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, ILS shall give notice thereof in accordance with Article 14.2.1 to other Anti-Doping Organisations with a right to appeal under Article 13.2.3.

7.12 Retirement from Sport

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

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20 Comment to Article 7.7: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation 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 organisation.
ARTICLE 8. RIGHT TO A FAIR HEARING

8.1 Principles for a Fair Hearing

8.1.1 When ILS sends a notice to an Athlete or other Person asserting an anti-doping rule violation, and the Athlete or other Person does not waive a hearing in accordance with Article 7, then the case shall be referred to the ILS Doping Hearing Panel for hearing and adjudication.

8.1.2 Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with Events that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel. If the completion of the hearing is delayed beyond three months, ILS may elect, if the Athlete is an International Level Athlete, to bring the case directly to a single arbitrator from the Court of Arbitration for Sport (“CAS”). The case before CAS shall be handled in accordance with the CAS appeal procedure without reference to any time limit for appeal. If the completion of the hearing is delayed beyond three months, and the Athlete is not an International Level Athlete, ILS may elect to bring the case directly to the national level appellate body referenced in Article 13.2.3. In either case, the hearing shall proceed at the responsibility of and the expense of the National Federation. In either case the appeal from such decision shall be to CAS.21

8.1.3 The ILS Doping Hearing Panel shall determine the procedure to be followed at the hearing.

8.1.4 National Federations shall keep ILS fully apprised as to the status of pending cases and the results of all hearings.

8.1.5 WADA, ILS and the National Federation of the Athlete may attend the hearing as observers.

8.1.6 The ILS Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times.

8.2 Decisions

8.2.1 At the end of the hearing, or on a timely basis thereafter, the ILS Doping Hearing Panel shall issue a written decision that includes the full reasons for the decision and for any period of Ineligibility imposed, including (if applicable) a justification for why the greatest potential Consequences were not imposed.

8.2.2 The decision may be appealed to the CAS as provided in Article 13. Copies of the decision shall be provided to the Athlete or other Person and to other Anti-Doping Organisations with a right to appeal under Article 13.

8.2.3 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; 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. ILS 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. The principles contained at Article 14.3.6 shall be applied in cases involving a Minor.

8.3 Single Hearing Before CAS

Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the Athlete, ILS, WADA, and any other Anti-Doping Organisation that would have had a right to appeal a first instance hearing decision to CAS.22

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21 Comment to Article 8.1.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.

22 Comment to Article 8.3: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organisation that
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.23

ARTICLE 10. SANCTIONS ON INDIVIDUALS24

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, upon the decision of the ruling body of the Event, may 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 10.1.1.25 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 ILS 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

wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.

23 Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.

24 Comment to Article 10: Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonisation is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organisations.

25 Comment to Article 10.1. Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event.
violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be reputedly 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 *Ineligibility* period 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 2.7 or Article 2.8, the period of *Ineligibility* imposed 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 such *Athlete Support Personnel*. In addition, significant violations of such Article 2.7 or 2.8 which also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities. 

**10.3.3** 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*.

**10.3.4** 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

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26 Comment to Article 10.3.2: Those who are involved in doping *Athletes* or covering up doping should be subject to sanctions which are more severe than the *Athletes* who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting *Athlete Support Personnel* to competent authorities is an important step in the deterrence of doping.

27 Comment to Article 10.3.5: Where the “*other Person*” referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.

28 Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an *Athlete* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the *Administration* of a *Prohibited Substance* by the *Athlete’s* personal physician or trainer without disclosure to the *Athlete* (*Athletes* are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Athlete’s* food or drink by a spouse, coach or other *Person* within the *Athlete’s* circle of associates (*Athletes* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 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 of Ineligibility, depending on the Athlete's or other Person's degree of Fault.

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.29

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 The ILS Board 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 Organisation, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person, or (ii) which results in a criminal or disciplinary body discovering 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 ILS. After a final appellate decision under Article 13 or the expiration of time to appeal, ILS may only suspend a part of the applicable period of Ineligibility with the approval of WADA. 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 8 years.30

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

30 Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (eg Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (eg Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.

31 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 authorised.
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, ILS shall reinstate the original period of Ineligibility. If ILS 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 Organisations, at the request of ILS 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 Organisation.

10.6.1.3 If ILS 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 Organisations 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 authorise ILS to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

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 under Article 7) and that admission is the only reliable 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.32

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 ILS, and also upon the approval and at the discretion of both WADA and ILS, 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 Articles 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

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32 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 Organisation 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 knows 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.
under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.33

10.7 Multiple Violations

10.7.1 Second Anti-Doping Rule Violation

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 fulfils 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 ILS (or its *National Federation*) can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice under Article 7, or after ILS made reasonable efforts to give notice of the first anti-doping rule violation. If ILS 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, ILS discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then ILS 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

33 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 (Article 10.2, Article 10.3, Article 10.4 or Article 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 with 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.
Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.34

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; and second, reimbursement of the expenses of ILS.

10.10 Financial Consequences

Where an Athlete or other Person commits an anti-doping rule violation, ILS may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the Athlete or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed and/or (b) fine the Athlete or other Person in an amount up to 5,000 US Dollars, only in cases where the maximum period of Ineligibility otherwise applicable has already been imposed.

The imposition of a financial sanction or ILS' recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under these Anti-Doping Rules or the Code.

10.11 Commencement of Ineligibility Period35

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, the ILS or Anti-Doping Organisation imposing the sanction 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.36

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 ILS, 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 has already 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.

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34 Comment to Article 10.8: Nothing in ILS’ Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.

35 Comment to Article 10.11: Article 10.11 has been revised to make 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.

36 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 Organisation 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.
10.11.3.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from ILS 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 14.1.37

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.

10.12 Status During Ineligibility

10.12.1 Prohibition Against Participation During Ineligibility 38

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 authorised anti-doping education or rehabilitation programmes) authorised or organised by any Signatory, Signatory’s member organisation, a club or other member organisation of a Signatory’s member organisation, or in Competitions authorised or organised by any professional league or any international or national level Event organisation, 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.

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 organisation of ILS’ member organisation 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.39

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

37 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.

38 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 organised 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 organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation 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 or the organisation described in this Article. Ineligibility imposed in one sport shall also be recognised by other sports (see Article 15.1 Mutual Recognition).

39 Comment to Article 10.12.2: In many Team Sports and some individual sports (eg 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.
of such participation shall be Disqualified and a new period of Ineligibility equal in length up 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 Organisation whose results management led to the imposition to 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, ILS 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 ILS and its 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 Teams
Where more than one member of a team has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event may conduct appropriate Target Testing of the team during the Event Period.

11.2 Consequences for Teams
If a member of a team is found to have committed a violation of these ILS Anti-Doping Rules during an Event Period, the team shall be Disqualified from the Event 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
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 SPORTING BODIES

12.1 The ILS Board of Directors has the authority to withhold some or all funding or other non-financial support to National Federations that are not in compliance with these ILS Anti-Doping Rules.

12.2 National Federations shall be obligated to reimburse ILS for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by an Athlete or other Person affiliated with that National Federation.

12.3 ILS may elect to take additional disciplinary action against National Federations with respect to recognition, the eligibility of its officials and Athletes to participate in International Events and fines based on the following:

12.3.1 Four or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by Athletes or other Persons affiliated with a National Federation within a 12-month period in testing conducted by ILS or Anti-Doping Organisations other than the National Federation or its National Anti-Doping Organisation. In such event ILS may in its discretion elect to: (a) ban all officials from that National Federation for participation in any ILS activities for a period of up to two years and/or (b) fine the National Federation in an
amount up to €500. (For purposes of this Article, any fine paid under Article 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If four or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.3.1 by Athletes or other Persons affiliated with a National Federation within a 12-month period in Testing conducted by ILS or Anti-Doping Organisations other than the National Federation or its National Anti-Doping Organisation, then ILS may suspend that National Federation’s membership for a period of up to 4 years.

12.3.2 More than one Athlete or other Person from a National Federation commits an Anti-Doping Rule violation during an International Event. In such event ILS may fine that National Federation in an amount up to €500.

12.3.3 A National Federation has failed to make diligent efforts to keep ILS informed about an Athlete’s whereabouts after receiving a request for that information from ILS. In such event ILS may fine the National Federation in an amount up to €500 per Athlete in addition to all of ILS costs incurred in Testing that National Federation’s Athletes.

ARTICLE 13. APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set out below in Articles 13.2 through 13.7 or as otherwise provided in these ILS 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 Organisation’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 Defer to the Findings Being Appealed\(^{40}\)

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 the ILS’ process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the ILS’ process.\(^{41}\)

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 ILS 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; ILS’ failure to comply with Article 7.9; a decision that ILS lacks jurisdiction to

\(^{40}\) Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

\(^{41}\) Comment to Article 13.1.3: Where a decision has been rendered before the final stage of ILS’ process (for example, a first hearing) and no party elects to appeal that decision to the next level of ILS’ process (e.g., the Managing Board), then WADA may bypass the remaining steps in ILS’ internal process and appeal directly to CAS.
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 or Ineligibility under Article 10.6.1; a decision by Article 10.12.3; and a decision by ILS not to recognise another Anti-Doping Organisation'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 is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the National Anti-Doping Organisation having jurisdiction over the Athlete or other Person. The rules for such appeal shall respect the following principles: a timely hearing; a fair and impartial hearing panel; the right to be represented by counsel at the Person's own expense; and a timely, written, reasoned decision. If the National Anti-Doping Organisation has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

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) ILS and any other Anti-Doping Organisation under whose rules a sanction could have been imposed; (d) 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 (e) WADA. In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the National Federation's rules but, at a minimum, shall include the following parties: (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) ILS; (d) the National Anti-Doping Organisation of the Person's country of residence; and (e) WADA. For cases under Article 13.2.2, WADA and ILS shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation 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, ILS 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 ILS had rendered a decision finding no anti-doping rule violation.

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42 Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

43 Comment to Article 13.2.2: ILS may elect to comply with this Article by giving its national-level Athletes the right to appeal directly to CAS.

44 Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.
the CAS 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 ILS.45

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 Organisation 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 Organisations 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 ILS pursuant to Article 12 may be appealed exclusively to CAS by the National Federation.

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 or intervention filed by WADA shall be the later of:

(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
(b) Twenty-one (21) 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 an independent and impartial body established at national level in accordance with rules established by the National Anti-Doping Organisation shall be indicated by the same rules of the National Anti-Doping Organisation.

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

(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
(b) Twenty-one (21) days after WADA’s receipt of the complete file relating to the decision.

45 Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for ILS to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with ILS and give ILS an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits ILS from also having rules which authorise it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.
ARTICLE 14. CONFIDENTIALITY AND REPORTING

14.1 Incorporation of ILS Anti-Doping Rules

All National Federations shall comply with these ILS Anti-Doping Rules. These ILS Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federations Rules. All National Federations shall include in their regulations the procedural rules necessary to effectively implement these ILS Anti-Doping Rules. Each National Federation shall obtain the written acknowledgement and agreement, in the form attached as Appendix 2, of all Athletes subject to Doping Control and Athlete Support Personnel for such Athletes. Notwithstanding whether or not the required form has been signed, the rules of each National Federation shall specifically provide that all Athletes, Athlete Support Personnel and other Persons under the jurisdiction of the National Federation shall be bound by these ILS Anti-Doping Rules.

14.2 Statistical Reporting

14.2.1 National Federations shall report to ILS at the end of every year results of all Doping Controls within their jurisdiction sorted by Athlete and identifying each date on which the Athlete was tested, the entity conducting the test, and whether the test was In-Competition or Out-of-Competition. ILS may periodically publish Testing data received from National Federations as well as comparable data from Testing under ILS’ jurisdiction.

14.2.2 ILS shall publish annually a general statistical report of its Doping Control activities during the calendar year with a copy provided to WADA.

14.3 Doping Control Information Clearinghouse

When a National Federation has received an Adverse Analytical Finding on one of its Athletes it shall report the following information to ILS and WADA within fourteen (14) days of the process described in Articles 7.1.2 and 7.1.3: the Athlete’s name, country, sport and discipline within the sport, whether the test was In-Competition or Out-of-Competition, the date of Sample collection and the analytical result reported by the laboratory. The National Federation shall also regularly update ILS and WADA on the status and findings of any review or proceedings conducted under Article 7 (Results Management), Article 8 (Right to a Fair Hearing) or Article 13 (Appeals), and comparable information shall be provided to ILS and WADA within 14 days of the notification described in Article 7.1.9, with respect to other violations of these Anti-Doping Rules. In any case in which the period of Ineligibility is eliminated under Article 10.5.1 (No Fault or Negligence) or reduced under Article 10.5.2 (No Significant Fault or Negligence), ILS and WADA shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither ILS nor WADA shall disclose this information beyond those persons within their organisations with a need to know until the National Federation has made public disclosure or has failed to make public disclosure as required in Article 14.4.

14.4 Public Disclosure

14.4.1 Neither ILS nor its National Federation shall publicly identify Athletes whose Samples have resulted in Adverse Analytical Findings, or who were alleged to have violated other Articles of these Anti-Doping Rules until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged or the Athlete has been Provisionally Suspended. Once a violation of these Anti-Doping Rules has been established, it shall be publicly reported within 20 days. ILS or its National Federation must also report within 20 days appeal decisions on an anti-doping rule violation. ILS or its National Federation shall also, within the time period for publication, send all hearing and appeal decisions to WADA.

14.4.2 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 disclosed publicly only with the consent of the Athlete or other Person who is the subject of the decision. ILS or its National Federation 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.

14.4.3 Neither ILS nor its National Federation or WADA accredited laboratory, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.

14.5 Data privacy

14.5.1 WADA and/or ILS 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 this Anti-Doping Policy as in force from time to time.

14.5.2 Any Participant who submits information including personal data to any Person in accordance with this Anti-Doping Policy shall be deemed to have agreed, under 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 this Anti-Doping Policy, in accordance with the International Standard for the Protection of Privacy and Personal Information as in force from time to time, and otherwise as required to implement this Anti-Doping Policy.

14.6 Intelligence Sharing

ILS shall, within its specific resource and risk context, work with WADA to ensure that:

(a) anti-doping intelligence captured or received by either party is handled securely and confidentially;
(b) sources of intelligence are protected;
(c) the risk of leaks or inadvertent disclosure is properly addressed;
(d) intelligence shared with either of them by law enforcement, other relevant authorities and/or other third parties, is processed, used and disclosed only for legitimate anti-doping purposes in accordance with the Code (any relevant International Standard) and this Anti-Doping Policy;
(e) any anti-doping intelligence shared with other Anti-Doping Organizations and/or law enforcement and/or other relevant regulatory or disciplinary authorities is only shared in accordance with relevant laws and other regulatory frameworks.

14.7 Recognition of Decisions by ILS and National Federations

Any decision of ILS or a National Federation regarding a violation of these ILS Anti-Doping Rules shall be recognised by all National Federations, which shall take all necessary action to render such decisions effective.

ARTICLE 15. APPLICATION AND RECOGNITION OF DECISIONS

15.1 Subject to the right to appeal provided in Article 13, the Testing, hearing results or other final adjudications of any Signatory to the Code which are consistent with the Code and are within the Signatory’s authority, shall be applicable worldwide and shall be recognised and respected by ILS and its National Federations.46

15.2 ILS and its National Federations shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.47

46 Comment to Article 15.1: The extent or recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.

47 Comment to Article 15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, ILS and its National Federation shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have
15.3 Subject to the right to appeal provided in Article 13, any decision of ILS regarding a violation of these Anti-Doping Rules shall be recognised by all National Federations, which shall take all necessary action to render such decision effective.

ARTICLE 16. INCORPORATION OF ILS ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS

16.1 All National Federations and their members shall comply with these Anti-Doping Rules. All National Federations and other members shall include in their regulations the provisions necessary to ensure that ILS may enforce these Anti-Doping Rules directly as against Athletes under their anti-doping jurisdiction (including National-Level Athletes). These Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federation’s rules so that the National Federation may enforce them itself directly as against Athletes under its anti-doping jurisdiction (including National-Level Athletes).

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 authorised or organised by a National Federation or one of its member organisations to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the Anti-Doping Organisation responsible 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 ILS and to their National Anti-Doping Organisations, and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.

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 ILS or the National Federation.

16.5 All National Federations shall be required to conduct anti-doping education in coordination with their National Anti-Doping Organisations.

ARTICLE 17. STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced under these ILS Anti-Doping Rules 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. ILS COMPLIANCE REPORTS TO WADA

ILS will report to WADA on ILS’ compliance with the Code in accordance with Article 23.5.2 of the Code.

ARTICLE 19. EDUCATION

ILS shall plan, implement, evaluate and monitor information, education and prevention programmes 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 programmes.

ARTICLE 20. INTERPRETATION OF ANTI-DOPING RULES

20.1 These ILS Anti-Doping Rules may be amended from time to time by the ILS Board.

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

committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules, then ILS shall recognise the finding of an anti-doping rule violation and they should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.
20.3 The headings used for the various Parts and Articles of these ILS Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these ILS 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 ILS Anti-Doping Rules and shall prevail in case of conflict.

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

20.6 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.

20.7 These ILS Anti-Doping Rules shall come into full force and effect on 1 January 2015 (“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 limitations period has not already expired by the Effective Date. Otherwise, with respect to any case pending prior to the Effective Date, or brought after the Effective Date based on an anti-doping rule violation that occurred prior to the Effective Date, shall be governed by the predecessor to these ILS Anti-Doping Rules in force at the time of the anti-doping rule violation, subject to any application of the principle of lex mitior by the hearing panel determining 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, as one of the three Filing Failures and/or Missed Tests giving rise to an anti-doping rule violation under Article 2.4 of these Anti-Doping Rules. Unless otherwise stated by ILS, however:

(a) a filing failure that is carried forward in this manner may only be combined with (post-Effective Date) Filing Failures;

(b) a missed test that is carried forward in this manner may only be combined with (post-Effective Date) Missed Tests; and

(c) a filing failure or missed test declared by any Anti-Doping Organisation other than ILS and a National Federation prior to the Effective Date may not be combined with any Filing Failure or Missed Test declared under these ILS Anti-Doping Rules.

20.7.4 Where a period of Ineligibility imposed by ILS under rules in force prior to the Effective Date has not yet expired as of the Effective Date, the Person who is Ineligible may apply to ILS for a reduction in the period of Ineligibility in light of the amendments made to the Code as from the Effective Date. To be valid, such application must be made before 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 Organisation of the World Anti-Doping Programme 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.48
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 National Anti-Doping Organisation and to ILS 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 Organisations investigating anti-doping rule violations.
22.1.7 Failure by any Athlete to cooperate in full with Anti-Doping Organisations investigating anti-doping rule violations may result in a charge of misconduct under ILS' disciplinary rules.

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 the Athlete Testing programme.
22.2.3 To use his or her influence on Athlete values and behaviour to foster anti-doping attitudes.
22.2.4 To disclose to his or her National Anti-Doping Organisation and to ILS 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 Organisations investigating anti-doping rule violations. Failure to cooperate is not an anti-doping rule violation under the Code, but International Federations are strongly urged to make it the basis for disciplinary action under their general codes of conduct/disciplinary rules. The following Article 22.2.6 provides an example of the type of clause that an International Federation could include in its anti-doping rules.
22.2.6 Failure by any Athlete Support Personnel to cooperate in full with Anti-Doping Organisations investigating anti-doping rule violations may result in a charge of misconduct under ILS' disciplinary rules.
22.2.7 Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.
22.2.8 Use or Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Personnel without a valid justification may result in a charge of misconduct under ILS' disciplinary rules.

48 Comment to Article 22.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.
APPENDIX 1 - DEFINITIONS\textsuperscript{49} APPLICABLE TO DOPING CONTROL RULES

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.

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.

Anti-Doping Organisation. 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 Organisations that conduct Testing at their Events, WADA, International Federations, and National Anti-Doping Organisations.

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 Organisation. An Anti-Doping Organisation 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 Organisation may elect to: conduct limited Testing or no Testing at all; analyse 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 Organisation 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 and Article 2.9 and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is an Athlete.\textsuperscript{50}

\textsuperscript{49} Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.

\textsuperscript{50} Comment to Athlete: 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 ILS and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping control programme 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 Organisation 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 Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse 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 Biological Passport.** The programme and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.

**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.

**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.

**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.

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

**CAS.** The Court of Arbitration for Sport.

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

**Competition.** A lifesaving competition as determined by ILS under its Competition Manual.

**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.

**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.

**Disqualification.** See Consequences of anti-doping rule violations, above.

**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.

**Event.** A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games, Lifesaving World Championships, or Military World Games).

**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.

**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 behaviour. 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 10.5.2.51

Financial Consequences. see Consequences of Anti-Doping Rule Violations, above.

In-Competition. “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.52

Independent Observer Programme. 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.

Individual Sport. As defined in Rule 3.5.1 of the ILS Competition Manual under the heading “Individual Events.”

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

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

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. For the sport of Lifesaving, International-Level Athletes are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.53

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 under the International Standard.

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

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

51 Comment to Fault: 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.

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

53 Comment to International-Level Athlete: 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.
Metabolite. Any substance produced by a biotransformation process.

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

National Anti-Doping Organisation. 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 Event. A sport Event or Competition involving International or National-Level Athletes that is not an International Event.

National Federation. A national or regional entity which is a member of or is recognised by ILS as the entity governing Lifesaving sport in that nation or region.

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

National Olympic Committee. The organisation recognised 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.

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.

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.54

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

Participant. Any Athlete or Athlete Support Person.

Person. A natural Person or an organisation or other entity.

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 Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including

54 Comment to No Significant Fault or Negligence: 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.
by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes possession by the Person who makes the purchase.55

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 classes of substance, 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.56

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

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

Regional Anti-Doping Organisation. A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programmes, 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 programmes at a regional level.

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 Organisations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organisation'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.

Retroactive TUE. As defined in the International Standard for Therapeutic Use Exemptions.

Sample. Any biological material collected for the purposes of Doping Control.57

Signatories. Those entities signing the Code and agreeing to comply with the Code, including the International Olympic Committee, International Federations, International Paralympic Committee, National Olympic Committees, National Paralympic Committees, Major Event Organisations, National Anti-Doping Organisations, and WADA.

Specified Substance. As defined in Article 4.2.2.

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 Organisation in order to establish an anti-doping rule violation.

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 Organisation 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 Organisation 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.

Comment to Provisional Hearing: 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.

Comment to Sample: 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.

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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 Organisation 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.

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.


Team Sport. As defined in Rule 3.5.1 of the ILS Competition Manual under the heading "Team Events."

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

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

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

UNESCO Convention. The International Convention against Doping in Sport adopted by the 33rd 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.

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

WADA. The World Anti-Doping Agency.
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 analyse 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 organisation 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 Organisation 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 Organisation 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 organisation 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 (Articles 10.2.2).

2. In a second step, the panel would analyse 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 organisation 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 organisation 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 Organisation.

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 or to use the facilities of a club or other member organisation 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

* 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.