



## **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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## INTERNATIONAL LIFE SAVING FEDERATION (ILS)

### ILS ANTI-DOPING RULES

## 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 countersigned 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, each team consisting of maximum 12 athletes.

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 21/11/218

## 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**.<sup>1</sup>
- 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.<sup>2</sup>
- 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*<sup>3</sup>

- 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 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, *Use* or *Attempted Use* may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the *Athlete Biological Passport*, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a *Prohibited Substance* under Article 2.1. For example, *Use* may be established based upon reliable analytical data from the analysis of an *A Sample* (without confirmation from an analysis of a *B Sample*) or from the analysis of a *B Sample* alone where 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.<sup>4</sup>

### 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.<sup>5</sup>

### 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<sup>6</sup>

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 Method<sup>7</sup>

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.<sup>8</sup>

### 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-

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<sup>9</sup>

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

<sup>9</sup> 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.<sup>10</sup>

### 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:<sup>11</sup>

- 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*.<sup>12</sup>
- 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*.<sup>13</sup>

### 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<sup>14</sup>

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,

<sup>13</sup> Comment to Article 4.1: The current *Prohibited List* is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).

<sup>14</sup> 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.<sup>15</sup>

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.

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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](http://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*.<sup>16</sup>
- 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 Organization* 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:
- 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;
  - the *Athlete* or other party is informed of the possible Failure to Comply in writing and has the opportunity to respond;
  - the investigation is conducted without unnecessary delay and the evaluation process is documented; and
  - 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:
- informing the *Athlete* or other party of the *Consequences* of a possible Failure to Comply;
  - completing the *Athlete’s Sample Collection Session* where possible; and
  - providing a detailed written report of any possible Failure to Comply.
- Sample Collection Personnel are responsible for:
- informing the *Athlete* or other party of the *Consequences* of a possible Failure to Comply; and
  - 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.<sup>16</sup>

## 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.<sup>17</sup> *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<sup>18</sup>

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.

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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.

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.

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<sup>19</sup>

### 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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<sup>19</sup> 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 the imposition of the *Provisional Suspension*, or an expedited final hearing under Article 8 promptly after imposition of the *Provisional Suspension*. The *Athlete* has a right to appeal under Article 13.2.

In the rare circumstance where the *B Sample* analysis does not confirm the *A Sample* finding, the *Athlete* who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent *Competitions* during the *Event*. Similarly, depending upon the relevant rules of the International Federation in a *Team Sport*, if the team is still in *Competition*, the *Athlete* may be able to take part in future *Competitions*.

Athletes shall receive credit for a *Provisional Suspension* 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<sup>20</sup>

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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<sup>20</sup> 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.<sup>21</sup>
- 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.<sup>22</sup>

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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.<sup>23</sup>

## ARTICLE 10. SANCTIONS ON INDIVIDUALS<sup>24</sup>

### 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.<sup>25</sup> 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

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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 reputably 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.<sup>26</sup>

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.<sup>27</sup>

### 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.<sup>28</sup>

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

<sup>26</sup> 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.

<sup>27</sup> 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.

<sup>28</sup> 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*<sup>29</sup>

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.<sup>30</sup>

**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<sup>31</sup>

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. If

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 (e.g. 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.<sup>32</sup>
- 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 of 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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<sup>32</sup> 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*.<sup>33</sup>

## 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

<sup>33</sup> 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.<sup>34</sup>

## 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* Period<sup>35</sup>

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*.<sup>36</sup>

### 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.

<sup>34</sup> 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*.

<sup>35</sup> 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.

<sup>36</sup> 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**.<sup>37</sup>
- 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*<sup>38</sup>  
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.<sup>39</sup>
- 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

<sup>37</sup> 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*.

<sup>38</sup> 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*).

<sup>39</sup> 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<sup>40</sup>

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.<sup>41</sup>

### 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

<sup>40</sup> 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.

<sup>41</sup> 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 under 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*<sup>42</sup>

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*<sup>43</sup>

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.<sup>44</sup>

### 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. If

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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.<sup>45</sup>

#### 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.

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<sup>45</sup> 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*.<sup>46</sup>

- 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*.<sup>47</sup>

<sup>46</sup> 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*.

<sup>47</sup> 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.

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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.<sup>48</sup>
- 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.

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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<sup>49</sup> 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*.<sup>50</sup>

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

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.<sup>51</sup>

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*.<sup>52</sup>

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.<sup>53</sup>

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*.

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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.<sup>54</sup>

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

<sup>54</sup> 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.<sup>55</sup>

*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.<sup>56</sup>

*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*.<sup>57</sup>

*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.

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55 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.

56 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.

57 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.



**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.

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

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

**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

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