2027 INTERNATIONAL CHEER ANTI-DOPING RULES

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ICU ANTI-DOPING RULES

INTRODUCTION

Preface

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

These Anti-Doping Rules are sport-specific rules governing the conditions under which sport is played. Aimed at enforcing anti-doping rules in a global and harmonized manner, they are distinct in nature from criminal and civil laws. They are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings, although they are intended to be applied in a manner which respects human rights and the principles of proportionality. 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, which implement 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.

As provided in the Code, ICU shall be responsible for conducting all aspects of Doping Control. Subject to the requirements in Article 20 of the Code, any aspect of Doping Control or anti-doping Education may be delegated by ICU to a Delegated Third Party, such as the International Testing Agency (ITA), however, ICU shall require the Delegated Third Party to perform such aspects in compliance with the Code, International Standards, and these Anti-Doping Rules. Furthermore, ICU shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the Code. When ICU has delegated its responsibilities to implement part or all of Doping Control to the Delegated Third Party, any reference to ICU in these Rules should be intended as a reference to that Delegated Third Party, where applicable and within the context of the aforementioned delegation. ICU may delegate its Results Management adjudication responsibilities to the CAS Anti-Doping Division or other Delegated Third Party.

Notwithstanding the foregoing, ICU shall not delegate any aspect of Doping Control (including, without limitation, Testing and Results Management) to a Delegated Third Party where such delegation could reasonably lead to a potential or actual conflict of interest. Moreover, due to the potential conflict of interest, ICU shall not delegate any aspect of Doping Control (including, without limitation, Testing and Results Management) to a National Federation, or any other national sports governing body or other national sports organization.

Italicized terms in these Anti-Doping Rules are defined terms in Appendix 1.

Unless otherwise specified, references to Articles are references to Articles of these Anti-Doping Rules.

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

Anti-doping is primarily an ethical position based on a vision of the spirit of sport.

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is known as “the spirit of sport”: the ethical pursuit of athletic excellence through the dedicated perfection of each *Athlete’s* natural talents.

Anti-doping endeavors to preserve the spirit of sport.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for the rules, and other competitors, the right to fair competition, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body and mind. It is reflected in the following values we find in and through sport, including:

- Community
- Equality
- Fun and joy
- Respect
- Solidarity

Therefore, in the spirit of sport, *Athletes* demonstrate values such as:

- Accomplishment
- Commitment
- Courage
- Discipline
- Excellence in performance
- Fair play
- Honesty
- Personal responsibility

Equally, *Athlete Support Personnel* have a fundamental role to both demonstrate and promote these values, including the fun and joy of sport, to ensure positive sporting experiences for *Athletes*.

Anti-doping programs seek both to protect the health of *Athletes* and to provide the opportunity for *Athletes* to develop and express their athletic abilities without the *Use* of *Prohibited Substances* and Methods.

Values embedded in anti-doping programs include:

- *Athletes*' rights and responsibilities as set forth in the *Code*
- Cooperation with others
- *Education* and knowledge
- Fairness
- Health
- Respect for human rights
- Respect for rules, laws and justice

The spirit of sport is expressed in how we 'Play True'.

Doping is fundamentally contrary to the spirit of sport.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to:

(a) ICU, including its board members, directors, officers, senior executives and employees, and employees of Delegated Third Parties, who are involved in any aspect of Doping Control;

(b) each of its *National Federations*, including their board members, directors, officers, senior executives and employees;

(c) the following *Athletes*, *Athlete Support Personnel* and other *Persons*:

(i) all Athletes and Athlete Support Personnel who are members of ICU, or of any National Federation, or of any member or affiliate organization of any National Federation (including any clubs, teams, associations, or leagues);

(ii) all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by ICU, or any National Federation, or by any member or affiliate organization of any National Federation (including any clubs, teams, associations, or leagues), wherever held;

(iii) any other Athlete or Athlete Support Person or other Person who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of ICU, or of any National Federation, or of any member or affiliate organization of a National Federation (including any clubs, teams, associations, or leagues), for purposes of anti-doping. To be eligible for participation in ICU International Events, an Athlete or Athlete Support Personnel or other Person must have a license, accreditation or be a registered member of ICU as designated by their National Federation. The license, accreditation or registration will only be issued to Athletes or Athlete Support Personnel or other Persons who have personally signed the consent form as provided by ICU. All forms from Minors must be counter-signed by their legal guardians;

(iv) Athletes who are not regular members of ICU or of one of its National Federations but who want to be eligible to compete in a particular International Event.

Each of the abovementioned Persons is deemed, as a condition of their participation or involvement in the sport, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of ICU to enforce these Anti-Doping Rules, including any Consequences for the breach thereof, and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules.

Within the overall pool of Athletes bound by and required to comply with these Anti-Doping Rules, the following Athletes shall be considered to be International-Level Athletes for the purposes of these Anti-Doping Rules, and therefore the specific provisions applicable to International-Level Athletes (including Testing, Therapeutic Use Exemptions, whereabouts and Results Management) shall apply to such Athletes:
(a) Athletes included in the ICU Registered Testing Pool, Testing Pool, or any other Pool established by ICU;
(b) Athletes who compete at an ICU World Championship, World Cup, Continental Championship, or Regional International Championship.

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of these 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 the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *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.[1]

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's* A *Sample* where the *Athlete* waives analysis of the B *Sample* and the B *Sample* is not analyzed; or, where the *Athlete's* B *Sample* is analyzed and the analysis of the *Athlete's* B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's* A *Sample*; or where the *Athlete's* A or B *Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.[2]

2.1.3 Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported 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*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

2.2 *Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*[3]

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[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. An anti-doping rule violation for Presence is established when a Prohibited Substance is detected in the Sample of an Athlete who was subject to rules adopted pursuant to the Code at the time of Sample collection, regardless of whether the Athlete was subject to the Code at the time the Prohibited Substance was Used.]*

[2] *[Comment to Article 2.1.2: The Anti-Doping Organization with Results Management authority may, at its discretion, choose to have the B Sample analyzed 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-*

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

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.[4]

2.3 Evading, Refusing or Failing to Submit to *Sample* Collection by an *Athlete*

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.[5]

2.4 Whereabouts Failures by an *Athlete*

Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard* for *Results Management*, 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* by an *Athlete* or Other *Person*[6]

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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 the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

[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 is a violation of Article 2.1 regardless of when that Substance might have been administered.)

To establish an anti-doping rule violation under this Article 2.2, the alleged Use or Attempted Use shall have occurred when the Athlete was bound by rules adopted pursuant to the Code. However, this does not preclude an Anti-Doping Organization or other sport organization from adopting and enforcing eligibility rules that allow the organization to deny or revoke the membership of a Person who engaged in conduct, before being bound by rules adopted pursuant to the Code, where such conduct would have constituted an anti-doping rule violation had it occurred while the Person was bound by rules adopted pursuant to the Code.]

[5] *[Comment to Article 2.3:* ***Error! Main Document Only.****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: the mere failure by an Athlete, Athlete Support Person or other Person to cooperate with Anti-Doping Organizations investigating anti-doping rule violations or violations of Article 10.14.1 does not constitute Tampering under Article 2.5. Such failure to cooperate may, however, be the basis for disciplinary action under a Signatory's rules where such rules include appropriate procedural safeguards.]*

2.6 *Possession* of a *Prohibited Substance* or a *Prohibited Method* by an *Athlete* or *Athlete Support Person*

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* granted in accordance with Article 4.4 or other acceptable justification. [7]

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 *Therapeutic Use Exemption* granted to an *Athlete* in accordance with Article 4.4 or other acceptable justification. [8]

2.7 *Trafficking* or *Attempted Trafficking* by an *Athlete* or Other *Person*
2.8 *Administration* or *Attempted Administration* by an *Athlete* or Other *Person*

2.9 Complicity or *Attempted Complicity* by an *Athlete* or Other *Person*

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*.[9]

2.10 Prohibited Association by an *Athlete* or Other *Person*

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

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

2.10.1.2 If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person.* The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

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[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 Articles 2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a Therapeutic Use Exemption.]*

[9] *[Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]*

2.10.1.3 Is serving as a front or intermediary for an individual described in Articles 2.10.1.1 or 2.10.1.2.

2.10.2 To establish a violation of Article 2.10, an *Anti-Doping Organization* shall establish that the *Athlete* or other *Person* knew of the *Athlete Support Person*'s disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Articles 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping Organizations that are aware of *Athlete Support Personnel* who meet the criteria described in Articles 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to *WADA*.[10]

2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation, alleged violation of Article 10.14.1 or an alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation, an alleged violation of Article 10.14.1, or alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.[11]

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.[12]

ARTICLE 3 PROOF OF DOPING

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[10] *[Comment to Article 2.10: Athletes and other Persons shall 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. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. 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.*

While Article 2.10 does not require the Anti-Doping Organization to notify the Athlete or other Person about the Athlete Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Athlete or other Person knew about the disqualifying status of the Athlete Support Person.]

[11] *[Comment to Article 2.11.2: This Article is intended to protect Persons who make good faith reports and does not protect Persons who knowingly make false reports.]*

[12] *[Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organization asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Article 2.11, a report is not made in good faith where the Person making the report knows the report to be false.]*

3.1 Burdens and Standards of Proof

ICU shall have the burden of establishing that an anti-doping rule violation, or a violation of Article 10.14.1 has occurred. The standard of proof shall be whether ICU has established an anti-doping rule violation, or a violation of Article 10.14.1 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 Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation, or violation of Article 10.14.1 to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2, 3.2.3 and 10.2.1.3, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations, or violations of Article 10.14.1 may be established by any reliable means, including admissions.[13] The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or *Decision Limits* approved by *WADA* after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or 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. The initial hearing body, appellate body or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within ten (10) days of *WADA's* receipt of such notice and the case file related to such challenge, *WADA* shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before *CAS*, at *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.[14]

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

[13] *[Comment to Article 3.2: For example, [IF] 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. The results of lie-detector tests shall not be considered reliable analytical or scientific evidence.]*

[14] *[Comment to Article 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]*

which could reasonably have caused the Adverse Analytical Finding, then ICU shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation; provided, however, if the Athlete or other Person establishes that a departure from one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then ICU shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or whereabouts failure:

(i) a departure from the International Standard for Testing related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case ICU shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

(ii) a departure from the International Standard for Results Management or International Standard for Testing related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case ICU shall have the burden to establish that such departure did not cause the anti-doping rule violation;

(iii) a departure from the International Standard for Results Management related to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case ICU shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

(iv) a departure from the International Standard for Results Management related to Athlete notification or attempts to locate the Athlete which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case ICU shall have the burden to establish that such departure did not cause the whereabouts failure.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained (and who has been charged with an anti-doping rule violation or violation of Article 10.14.1) of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.[15]

[15] *[Comment to Article 3.2.4: For the avoidance of doubt, this provision shall not apply to decisions on provisional suspensions.]*

3.2.5 The hearing panel in a hearing on an anti-doping rule violation, or a violation of Article 10.14.1 may draw an inference adverse to the Athlete or other Person who is asserted to have committed an anti-doping rule violation, or a violation of Article 10.14.1 based on the Athlete's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or ICU.

ARTICLE 4 THE *PROHIBITED LIST* & *THERAPEUTIC USE EXEMPTIONS*

4.1 Incorporation of the *Prohibited List*

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

Unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication by WADA, without requiring any further action by ICU 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 familiarize themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

ICU shall provide its National Federations with the most recent version of the Prohibited List. Each National Federation shall in turn ensure that its members, and the constituents of its members, are also provided with the most recent version of the Prohibited List.

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

4.2.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by *WADA* for a particular sport. *Prohibited Substance*s and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.[16]

4.2.2 *Specified Substances* or *Specified Methods*

[16] *[Comment to Article 4.2.1: Out-of-Competition Use of a Substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the Substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*. *Specified Substances* and *Specified Methods* identified in this Article should not in any way be considered less important or less dangerous than other doping *Substances* or *Methods*. Rather, they are simply *Substances* and *Methods* which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.[17]

4.2.3 *Substances of Abuse*

For purposes of applying Article 10, *Substances of Abuse* are those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are more frequently abused in society outside of the context of sport.

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*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge 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*

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 *Therapeutic Use Exemption* granted in accordance with the *International Standard* for *Therapeutic Use Exemptions*.

4.4.2 *Therapeutic Use Exemption* Applications

4.4.2.1 *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organization* for a *Therapeutic Use Exemption*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal exclusively to the appellate body described in Article 13.2.2, unless provided otherwise in the *International Standard* for *Therapeutic Use Exemptions*.

4.4.2.2 Athletes who are International-Level Athletes shall apply to ICU.

4.4.3 *Therapeutic Use Exemption* Recognition

4.4.3.1 Where the Athlete already has a Therapeutic Use Exemption granted by their National Anti-Doping Organization pursuant to Article 4.4 of the Code for the substance or method in question,

[17] *[Comment to Article 4.2.2: Prohibited Substances which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance would include, for example, marijuana or prohibited stimulants found in cold medications.]*

and provided that such Therapeutic Use Exemption has been reported in accordance with Article 5.9 of the International Standard for Therapeutic Use Exemptions, ICU shall automatically recognize it for purposes of international-level Competition, unless WADA has granted ICU an exception in accordance with Article 7.2(b) of the International Standard for Therapeutic Use Exemptions.

For TUE decisions that are automatically recognized, the Athlete does not need to take any further action, and the TUE cannot then be subject to further review by ICU.

4.4.3.2 Where WADA has granted ICU an exception to the default position of automatic recognition in accordance with Article 7.2(b) of the International Standard for Therapeutic Use Exemptions, ICU shall publish: (a) which Therapeutic Use Exemption decisions it will automatically recognize; and (b) which Therapeutic Use Exemption decisions will have to be submitted to it by the Athlete for evaluation. ICU's evaluation of an Athlete's Therapeutic Use Exemption for the purpose of recognition shall be in accordance with Article 7.0 of the International Standard for Therapeutic Use Exemptions.

4.4.3.3 If ICU chooses to test an Athlete who is not an International-Level Athlete, ICU shall recognize a Therapeutic Use Exemption granted to that Athlete by their National Anti-Doping Organization unless the Athlete is required to apply for recognition of the Therapeutic Use Exemption pursuant to Articles 6.16 and 7.0 of the International Standard for Therapeutic Use Exemptions.

4.4.4 *Therapeutic Use Exemption* Application Process [18]

4.4.4.1 If the Athlete does not already have a Therapeutic Use Exemption granted by their National Anti-Doping Organization for the substance or method in question, or requires their Therapeutic Use Exemption to be recognized by ICU in accordance with Article 4.4.3.2, the Athlete shall apply directly to ICU.

4.4.4.2 An application to ICU for grant or recognition of a Therapeutic Use Exemption should be made as soon as possible, save where Article 4.3 of the International Standard for Therapeutic Use

[18] *[Comment to Article 4.4.4: The submission of falsified documents to a TUEC or [IF], offering or accepting a bribe to a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or attempted interference with any aspect of the Therapeutic Use Exemption process shall result in a charge of Tampering or Attempted Tampering under Article 2.5.*

An Athlete should not assume that their application for the grant or recognition of a Therapeutic Use Exemption (or for renewal of a Therapeutic Use Exemption) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]

Exemptions applies. The application shall be made in accordance with the International Standard for Therapeutic Use Exemptions, as posted on ICU's website.

4.4.4.3 ICU shall establish a Therapeutic Use Exemption Committee ("ICU TUE Panel") to consider applications for the grant or recognition of Therapeutic Use Exemptions .

(a) The ICU TUE Panel shall consist of a minimum of five (5) members with experience in the care and treatment of Athletes and sound knowledge of clinical, sports and exercise medicine. Each appointed member shall serve a term of four (4) years, which is renewable.

(b) Before serving as a member of the ICU TUE Panel, each member shall sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of ICU.

(c) When an application to ICU for the grant or recognition of a Therapeutic Use Exemption is made, the Chair of the ICU TUE Panel or ICU shall appoint three (3) members (which may include the Chair) to consider the application.

(d) Before considering a Therapeutic Use Exemption application, each member shall disclose any circumstances likely to affect their impartiality with respect to the Athlete making the application. If a member is unwilling or unable to assess the Athlete's application, for any reason, the Chair or ICU shall appoint a replacement from the pool of members. The Chair cannot serve as a member of the ICU TUE Panel if there are any circumstances likely to affect the impartiality of the Therapeutic Use Exemption decision.

(e) When assessing a Therapeutic Use Exemption application, the ICU TUE Panel may seek the assistance of such other medical or scientific experts as it deems appropriate.

(f) Decisions on Therapeutic Use Exemption applications should ideally be reached through consensus of the ICU TUE Panel, with further input from other physicians and/or experts, if necessary. If consensus cannot be reached, a majority decision will be made.

4.4.4.4 The ICU TUE Panel shall evaluate and decide upon the Therapeutic Use Exemption application in accordance with the relevant provisions of the International Standard for Therapeutic

Use Exemptions and, unless exceptional circumstances apply, as soon as possible, and usually within no more than twenty-one (21) days of receipt of a complete application. Where the Therapeutic Use Exemption application is made in a reasonable time prior to an Event, the ICU TUE Panel shall use its best endeavors to issue its decision before the start of the Event.

4.4.4.5 The ICU TUE Panel decision shall be the final decision of ICU and may be appealed in accordance with Article 4.4.7. The ICU TUE Panel decision shall be notified in writing to the Athlete, and to WADA and other Anti-Doping Organizations in accordance with the International Standard for Therapeutic Use Exemptions. ICU shall ensure that all decisions are promptly entered into ADAMS and, in any event, no later than twenty-one (21) days from the date of receipt of the decision.

4.4.4.6 If ICU denies the Athlete's application, it shall notify the Athlete promptly, with reasons. If ICU grants the Athlete's application, it shall notify not only the Athlete but also their National Anti-Doping Organization. If the National Anti-Doping Organization considers that the Therapeutic Use Exemption granted by ICU does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has twenty-one (21) days from such notification to refer the matter to WADA for review in accordance with Article 4.4.7.

If the National Anti-Doping Organization refers the matter to WADA for review, the Therapeutic Use Exemption granted by ICU 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 Organization does not refer the matter to WADA for review, the Therapeutic Use Exemption granted by ICU becomes valid for national-level Competition as well when the twenty-one (21) day review deadline expires.

4.4.5 Retroactive *Therapeutic Use Exemption* Applications

Retroactive *Therapeutic Use Exemptions* may be granted under the conditions described in the *International Standard* for *Therapeutic Use Exemptions*.[19]

4.4.6 Expiration, Withdrawal or Reversal of a *Therapeutic Use Exemption*

4.4.6.1 A Therapeutic Use Exemption granted pursuant to these Anti-Doping Rules and the International Standard for Therapeutic Use Exemptions: (a) shall expire automatically at the end of any term

[19] *[Comment to Article 4.4.5: If an Athlete is not granted a retroactive Therapeutic Use Exemption in the context of proceedings for an anti-doping rule violation, Article 10.2.4 should also be considered in relation to any period of Ineligibility to be imposed.]*

for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn by the ICU TUE Panel if the Athlete does not promptly comply with any requirements or conditions imposed by the ICU TUE Panel upon grant of the Therapeutic Use Exemption and/or due to a change in circumstances the Therapeutic Use Exemption criteria are no longer met; or (c) may be reversed on review by WADA or on appeal.

4.4.6.2 In such event, the *Athlete* shall not be subject to any *Consequences* based on their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *Therapeutic Use Exemption* prior to the effective date of expiry, withdrawal, or reversal of the *Therapeutic Use Exemption*. The review pursuant to Article 5.1.1.1 of the *International Standard* for *Results Management* of an *Adverse Analytical Finding,* reported shortly after the *Therapeutic Use Exemption* expiry, withdrawal or reversal, shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.7 Reviews and Appeals of *Therapeutic Use Exemption* Decisions

4.4.7.1 WADA shall review ICU's decision not to recognize a Therapeutic Use Exemption granted by the National Anti-Doping Organization that is referred to WADA by the Athlete or the Athlete's National Anti-Doping Organization. In addition, WADA shall review ICU's decision to grant a Therapeutic Use Exemption that is referred to WADA by the Athlete's National Anti-Doping Organization. WADA may review any other Therapeutic Use Exemption decisions at any time, whether upon request by those affected or on its own initiative. If the Therapeutic Use Exemption decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the Therapeutic Use Exemption decision does not meet those criteria, WADA will reverse it.

4.4.7.2 Unless provided otherwise in the International Standard for Therapeutic Use Exemptions, any Therapeutic Use Exemption decision by ICU that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's National Anti-Doping Organization, exclusively to CAS.

4.4.7.3 A decision by WADA to reverse a Therapeutic Use Exemption decision may be appealed by the Athlete, the National Anti-Doping Organization and/or ICU, exclusively to CAS.

4.4.7.4 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *Therapeutic Use*

Exemption or for review of a *Therapeutic Use Exemption* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

ARTICLE 5 *TESTING* AND INVESTIGATIONS

5.1 Purpose of *Testing*

5.1.1 Testing may be undertaken for any anti-doping purpose. It shall be conducted in conformity with the provisions of the International Standard for Testing.

5.1.2 *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete*'s *Sample*) or Article 2.2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*), and for the purposes described in Article 6.2 of the *Code*.

5.2 Authority to Test

5.2.1 Subject to the limitations for Event Testing set out in Article 5.3, ICU shall have In-Competition and Out-of-Competition Testing authority over all Athletes specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

5.2.2 ICU may require any Athlete over whom it has Testing authority who has not retired (including any Athlete serving a period of Ineligibility) to provide a Sample at any time and at any place.

5.2.3 *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.8.11 of the *Code*.

5.2.4 If ICU delegates or contracts any part of Testing to a National Anti-Doping Organization, that National Anti-Doping Organization may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense. If additional Samples are collected or additional types of analysis are performed, ICU shall be notified.

5.2.5 Except where expressly allowed by the Code or an International Standard, ICU shall not take any action that unduly impedes or interferes with the ability of any other Anti-Doping Organization to conduct Testing, whether performed directly or through delegation, that is authorized by Article 5 of the Code or any other Code Article or the International Standard for Testing.

5.3 *Event Testing*

5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct Testing at Event Venues during an Event Period. At

International Events, ICU (or other international organization which is the ruling body for an Event) shall have authority to conduct Testing. At National Events, the National Anti-Doping Organization of that country shall have authority to conduct Testing. At the request of ICU (or other international organization which is the ruling body for an Event), any Testing during the Event Period outside of the Event Venues shall be coordinated with ICU (or the ruling body of the Event).

5.3.2 If an Anti-Doping Organization, which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event, desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with ICU (or other international organization which is the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organization is not satisfied with the response from ICU (or other international organization which is the ruling body of the Event), the Anti-Doping Organization may, in accordance with the procedures described in the International Standard for Testing, 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 ICU (or other international organization which is the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results Management for any such test shall be under the authority of the Anti-Doping Organization initiating the test unless provided otherwise in the rules of the ruling body of the Event.

5.4 *Testing* Requirements

5.4.1 ICU shall conduct test distribution planning and Testing as required by the International Standard for Testing and use ADAMS to coordinate Testing in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

5.5 *Athlete* Whereabouts Information

5.5.1 ICU has established a Registered Testing Pool of Athletes who are required to provide whereabouts information in the manner specified in the International Standard for Testing. ICU shall coordinate with National Anti-Doping Organizations to identify such Athletes and to collect their whereabouts information.

5.5.2 *Athletes* included in a *Registered Testing Pool* shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2.

5.5.3 ICU shall make available through ADAMS a list which identifies those Athletes included in its Registered Testing Pool by name. ICU shall regularly review and update as necessary its criteria for including Athletes

in its Registered Testing Pool, and shall periodically review the list of Athletes in its Registered Testing Pool in accordance with the International Standard for Testing to ensure that each listed Athlete continues to meet the relevant criteria. Athletes shall be notified before they are included in the Registered Testing Pool and when they are removed from that pool. The notification shall contain the information set out in the International Standard for Testing.

5.5.4 Where an Athlete is included in a Registered Testing Pool by ICU and a Registered Testing Pool by their National Anti-Doping Organization, the National Anti-Doping Organization and ICU shall agree between themselves which of them shall be the whereabouts custodian; in no case shall an Athlete be required to make whereabouts filings to more than one of them.

5.5.5 In accordance with the International Standard for Testing, each Athlete in the Registered Testing Pool shall comply with the whereabouts requirements as set out in the International Standard for Testing including, without limitation: (a) advising ICU of their whereabouts on a quarterly basis; (b) updating that information as necessary so that it remains accurate and complete at all times; and (c) making themselves available for Testing at such whereabouts.

5.5.6 For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard* for *Testing* shall be deemed a filing failure or a missed test, as defined in Annex B of the *International Standard* for *Results Management*, where the conditions set forth in Annex B are met.

5.5.7 An Athlete in ICU's Registered Testing Pool shall continue to be subject to the obligation to comply with the whereabouts requirements set out in the International Standard for Testing unless and until (a) the Athlete gives written notice to ICU that they have retired, in which case ICU shall confirm in writing the Athlete's retirement and removal from the Registered Testing Pool; or (b) ICU has informed the Athlete that they are no longer included in ICU's Registered Testing Pool.

5.5.8 Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* will be available and accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organizations* having authority to test that *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for Data Protection.

5.5.9 In accordance with the International Standard for Testing, ICU may establish a Testing Pool and/or other Pool, which includes Athletes who are subject to less stringent whereabouts requirements than Athletes included in ICU's Registered Testing Pool. The collecting of whereabouts and the inclusion of Athletes in the Testing Pool or other Pool may be coordinated with the National Federations and/or the National Anti-Doping Organizations, and ICU may allocate responsibility to collect Testing Pool or other Pool Athletes' whereabouts information to its National Federations.

5.5.10 ICU shall notify Athletes before they are included in the Testing Pool and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance.

5.5.11 Athletes included in the Testing Pool shall provide ICU at least with the following whereabouts information so that they may be located and subjected to Testing: (a) an overnight address; (b) Competition/Event schedule; and (c) regular training activities. Such whereabouts information should be filed in ADAMS to enable better Testing coordination with other Anti-Doping Organizations.

5.5.12 An Athlete's failure to provide whereabouts information on or before the date required by ICU or the Athlete's failure to provide accurate whereabouts information may result in ICU elevating the Athlete to ICU's Registered Testing Pool (if one is established) and additional appropriate and proportionate non-Code Article 2.4 consequences, if established by ICU.

5.6 Retired *Athletes* Returning to *Competition*

5.6.1 If an International or National-Level Athlete in ICU's 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 agreed to be bound by applicable anti-doping rules and has made themselves available for Testing, by giving six-months prior written notice to ICU and their National Anti-Doping Organization.

WADA, in consultation with ICU and the Athlete's National Anti-Doping Organization, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the Athlete. The exemption may be subject to one or more conditions that WADA and the relevant Anti-Doping Organizations may impose at their discretion including, without limitation, a minimum number of tests before participation in International Events or National Events or a restriction of the participation (during the exemption period) to specific International Events or National Events.

A decision by *WADA* not to grant an exemption may be appealed under Article 13.2.[20]

Any competitive results obtained in violation of this Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that they could not have reasonably known that this was an *International Event* or a *National Event*.

[20] *[Comment to Article 5.6.1: Guidance for determining whether an exemption is warranted will be provided by WADA.]*

5.6.2 If an Athlete retires from sport while subject to a period of Ineligibility, the Athlete shall notify the Anti-Doping Organization that imposed the period of Ineligibility in writing of such retirement. If the Athlete then wishes to return to active competition in sport, the Athlete shall not compete in International Events or National Events until the Athlete has agreed to be bound by applicable anti-doping rules and has made themselves available for Testing by giving prior written notice to ICU and to their National Anti-Doping Organization for a period of time equal to the greater of (i) the period of Ineligibility not yet served as of the date of retirement or (ii) six (6) months.

5.7 *Independent Observer Program*

ICU and the organizing committees for ICU's Events, as well as the National Federations and the organizing committees for National Events, shall authorize and facilitate the Independent Observer Program at such Events.

5.8 Investigations and Intelligence Gathering

ICU shall have the capability to conduct, and shall conduct, investigations and gather intelligence for any anti-doping purpose including, but not limited to, the purposes described in the Code and the International Standard for Intelligence and Investigations.

ARTICLE 6 ANALYSIS OF *SAMPLES*

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited, Approved Laboratories and Other Laboratories

6.1.1 For purposes of directly establishing an Adverse Analytical Finding under Article 2.1, Samples shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by ICU.

6.1.2 As provided in Article 3.2, facts related to anti-doping rule violations, or violations of Article 10.14.1, may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

6.2 Analysis of *Samples* and Assessment of Analytical Data for Anti-Doping Purposes

Samples and related analytical data or Doping Control information shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the Code, or to assist ICU in

profiling relevant parameters in an Athlete's urine, blood or other matrix, including for DNA or genomic profiling, or for any other anti-doping purpose.
In principle, all *Samples* collected shall be promptly analyzed. However, the *International Standard* for Laboratories or the *International Standard* for *Testing* may identify specific conditions under which *Samples* may be collected and stored for possible future analysis.

6.3 Research on *Samples* and Data

Samples, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used without the *Athlete's* written consent where the research involves re-analysis of the *Athlete's Sample(s)* for a purpose beyond Article 6.2. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*.[21] Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.

6.4 Standards for *Sample* Analysis and Reporting[22]

ICU shall ask laboratories to analyze Samples in conformity with the International Standard for Laboratories and Article 4.8 of the International Standard for Testing.

Laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu, or as requested by ICU. Results from any such analysis shall be reported to ICU and have the same validity and Consequences as any other analytical result.

6.5 Additional Analysis of a *Sample* Prior to or During *Results Management*

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a Sample prior to the time ICU notifies an Athlete that the Sample is the basis for an Article 2.1 anti-doping rule violation charge or after that case has been finally resolved. If after such notification and before the case is finally resolved ICU wishes to conduct additional analysis on that Sample, it may do so with the consent of the Athlete or approval from a hearing body.

6.6 Further Analysis of a *Sample* after it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge

[21] *[Comment to Article 6.3: As is the case in most medical or scientific contexts, use of Samples and related information for Quality Assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. Samples and related information used for such permitted non-research purposes shall also first be processed in such a manner as to prevent them from being traced back to the particular Athlete, having due regard to the principles set out in Article 19 of the Code, as well as the requirements of the International Standard for Laboratories and International Standard for Data Protection.]*

[22] *[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 recognized 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 analyzed.]*

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*. Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organization* shall be at *WADA*'s or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

6.7 Split of A or B *Sample*

Where *WADA*, an *Anti-Doping Organization* with *Results Management* authority, and/or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

6.8 *WADA*'s Right to Take Possession of *Samples* and Data

Notwithstanding Article 6.5, *WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by *WADA*, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organization* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* authority for the *Sample* or data if a potential anti-doping rule violation is discovered.[23]

ARTICLE 7 *RESULTS MANAGEMENT*: AUTHORITY, INITIAL REVIEW, NOTICE AND *PROVISIONAL SUSPENSIONS*

Results Management under these Anti-Doping Rules establishes a process designed to resolve alleged anti-doping rule violations or violations of Article 10.14.1 in a fair, expeditious and efficient manner.

7.1 Authority to Conduct *Results Management*

7.1.1 Except as otherwise provided in Articles 6.6, 6.8 and *Code* Article 7.1, *Results Management* shall be under the authority of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a

[23] *[Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of Samples or data could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organization shall assist WADA in ensuring that the seized Sample or data are not delayed in exiting the applicable country.]*

[Comment to Article 6.8: WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

potential anti-doping rule violation and then diligently pursues that violation). Disputes between *Anti-Doping Organizations* over which *Anti-Doping Organization* has *Results Management* authority shall be dealt with pursuant to Article 7.1.1 of the *Code*.

7.1.2 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the applicable International Federation.

7.1.3 If a *Major Event Organization* assumes only limited *Results Management* authority relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization*, or an anti-doping rule violation or violation of Article 10.14.1 occurring during such *Event*, the case shall be referred by the *Major Event Organization* to the applicable International Federation for completion of *Results Management*.

7.1.4 With respect to a potential whereabouts failure, Results Management shall be administered by ICU if it ordered the test that led to the discovery of the potential whereabouts failure; in all other instances, Results Management remains with the Anti-Doping Organization with which the Athlete files whereabouts information at the time of the potential whereabouts failure. As an exception to the foregoing, if the Athlete's National Anti-Doping Organization ordered the test, it may request that Results Management nevertheless be administered by the Anti-Doping Organization with which the Athlete files their whereabouts information; if ICU so agrees, it shall administer Results Management for the potential whereabouts failure. To the extent there is an issue as to which Anti-Doping Organization has Results Management authority for a potential whereabouts failure, the Athlete's National Anti-Doping Organization and ICU may resolve the issue between them. In the event that there is an unresolved dispute between the Athlete's National Anti-Doping Organization and ICU as to which organization should administer Results Management for a whereabouts failure, WADA shall determine that question in its entire discretion. For the avoidance of doubt, Article 7.1.1 of the Code shall apply by analogy. If ICU determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant Anti-Doping Organizations.

7.1.5 Other circumstances in which ICU shall take responsibility for conducting Results Management in respect of anti-doping rule violations involving Athletes and other Persons under its authority shall be determined by reference to and in accordance with Article 7 of the Code.

7.1.6 WADA may direct ICU to conduct Results Management in a particular case. If ICU refuses to conduct Results Management within a reasonable

deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another Anti-Doping Organization with authority over the Athlete or other Person, that is willing to do so, to take Results Management authority in place of ICU or, if there is no such Anti-Doping Organization, any other Anti-Doping Organization that is willing to do so. In such case, ICU shall reimburse the costs and attorney's fees of conducting Results Management to the other Anti-Doping Organization designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations or Violations of Article 10.14.1

ICU shall carry out the review and notification with respect to any potential anti-doping rule violation or violation of Article 10.14.1 in accordance with the International Standard for Results Management.

7.3 Identification of Prior Anti-Doping Rule Violations

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

7.4 *Provisional Suspensions* [24]

7.4.1 Mandatory *Provisional Suspension* after an *Adverse Analytical Finding* or *Adverse Passport Finding*

If ICU receives an Adverse Analytical Finding or an Adverse Passport Finding (upon completion of the Adverse Passport Finding review process) for a Prohibited Substance or a Prohibited Method other than a Specified Substance, Specified Method or a Substance of Abuse, it shall impose a Provisional Suspension on the Athlete (i) with respect to an Adverse Analytical Finding, upon sending the notification required by Article 7.2; and (ii) with respect to an Adverse Passport Finding, upon sending the notification of charge (after completion of the Adverse Passport Finding review process).

A mandatory Provisional Suspension may be lifted if it is demonstrated to ICU, or on appeal, that adjudication of the alleged violation is likely to result in a finding of no anti-doping rule violation, No Fault or Negligence under Article 10.5, a reprimand with no period of Ineligibility under Article 10.6.1.2 (Contaminated Source), or the time already served by the Athlete under the Provisional Suspension would exceed the period of

[24] *[Comment to Article 7.4: Before a Provisional Suspension can be unilaterally imposed by [IF], the internal review specified in these Anti-Doping Rules and the International Standard for Results Management shall first be completed.]*

Ineligibility asserted in the charging letter for the anti-doping rule violation.

7.4.1.1 Application to Lift Mandatory *Provisional Suspension*

If ICU imposes a Provisional Suspension against an Athlete pursuant to Article 7.4.1, the Athlete may apply to lift the Provisional Suspension to ICU in writing within seven (7) days of receipt of the decision. Such application shall be decided in accordance with an internal review process established by ICU by one or more Persons not previously involved in the decision to impose the Provisional Suspension. ICU shall render a decision on the Athlete's application promptly, and no later than seven (7) days after receipt of the application. If ICU denies the Athlete's application, its decision may be appealed by the Athlete to CAS in accordance with Article 7.4.3.

As a prerequisite to filing an appeal to CAS against a mandatory Provisional Suspension imposed by ICU, an Athlete must follow the procedures detailed in this Article 7.4.1.1.

7.4.2 Optional *Provisional Suspension* Based on an *Adverse Analytical Finding* for *Specified Substances*, *Specified Methods,* or Other Anti-Doping Rule Violations or Violations of Article 10.14.1

ICU may impose a Provisional Suspension for alleged anti-doping rule violations prior to the analysis of the Athlete's B Sample or final hearing as described in Article 8, for violations of Article 10.14.1 or anti-doping rule violations where a mandatory Provisional Suspension is not required by Article 7.4.1.

7.4.2.1 Application to Lift Optional *Provisional Suspension*

If ICU imposes a Provisional Suspension against an Athlete or other Person pursuant to Article 7.4.2, the Athlete or other Person may apply to lift the Provisional Suspension to ICU in writing within seven (7) days of receipt of the decision. Such application shall be decided in accordance with an internal review process established by ICU by one or more Persons not previously involved in the decision to impose the Provisional Suspension. ICU shall render a decision on the application promptly, and no later than seven (7) days after receipt of the application. If ICU denies the application, its decision may be appealed by the Athlete or other Person to CAS in accordance with Article 7.4.3.

As a prerequisite to filing an appeal to CAS against an optional Provisional Suspension imposed by ICU, an Athlete or other Person must follow the procedures detailed in this Article 7.4.2.1.

7.4.3 Appeals to *CAS* from Decisions regarding *Provisional Suspensions*

Any appeal taken by any *Person* entitled to appeal under Article 13.2.3 from a decision under Article 7.4.1.1 or Article 7.4.2.1 not to impose a *Provisional Suspension*, or to lift or not lift a *Provisional Suspension* shall be made exclusively to *CAS* to be decided by a sole arbitrator. *WADA* shall receive notice of the appeal from all parties to the appeal and *CAS*.[25] *WADA* shall have the right to file an intervention request in any appeal filed by an *Athlete* or other *Person* under this Article within ten (10) days after it has received notification of the answer as further provided in the *International Standard* for *Results Management*.

Appeals challenging *Provisional Suspension* decisions under this Article shall not justify any delay in the underlying case on the merits.

7.4.4 Voluntary Acceptance of *Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the B *Sample* (or waiver of the B *Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Articles 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

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

7.5 *Results Management* Decisions

Results Management decisions or adjudications by ICU shall not purport to be limited to a particular geographic area or ICU's sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule

[25] *[Comment to Article 7.4.3: As provided in Article 13.2.3.3, notice of the appeal to WADA is a condition to the admissibility of the appeal.]*

violation or violation of Article 10.14.1 was committed or a Provisional Suspension should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all Consequences flowing from the anti-doping rule violation(s) or violation(s) of Article 10.14.1, including applicable Disqualifications under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of Ineligibility (and the date it begins to run) and any Financial Consequences.

7.6 Notification of *Results Management* Decisions

ICU shall notify Athletes, other Persons, Signatories and WADA of Results Management decisions as provided in Article 14 and the International Standard for Results Management.

7.7 Retirement from Sport[26]

If an Athlete or other Person retires while ICU's Results Management process is underway, ICU retains authority to complete its Results Management process. If an Athlete or other Person retires before any Results Management process has begun, and ICU 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 or violation of Article 10.14.1, ICU has authority to conduct Results Management. Any retired Athlete or other Person who during retirement tampers with the ongoing Results Management of an anti-doping rule violation or violation of Article 10.14.1 for which they have been charged, shall remain subject to the authority of all relevant Signatories for the violation of Tampering under Article 2.5.

7.8 Cases Subject to Review by *Independent Review Expert*

7.8.1 This Article 7.8 applies to rare cases where ICU is considering closing a case or not proceeding with normal Results Management processes after ICU has received notice of an Adverse Analytical Finding and has completed the initial review required under Article 7.2 (i.e., ICU has determined no Therapeutic Use Exemption has been granted, there is no apparent departure from the International Standard for Testing or International Standard for Laboratories, and it is not apparent that the Adverse Analytical Finding was caused by ingestion of a Prohibited Substance through a permitted route). In such cases, ICU shall:

7.8.1.1 Provide notice of the *Adverse Analytical Finding* to the *Athlete* in accordance with Articles 7.2, 7.4.1 and 7.4.2.[27]

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[26] *[Comment to Article 7.7: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]*

[27] *[Comment to Article 7.8.1.1: For the avoidance of doubt, the notice shall include the imposition of a mandatory Provisional Suspension where required by Article 7.4.1 or an optional Provisional Suspension if the Anti-Doping Organization determines an optional Provisional Suspension is merited.]*

7.8.1.2 Promptly submit a request for an opinion from the Independent Review Expert as to whether public policy or other compelling reasons, taking into account the rights of and impact on clean Athletes, justify the departure from the normal Results Management process for addressing Adverse Analytical Findings. A copy of the request shall be provided simultaneously to WADA and to each other party entitled to appeal the decision under Article 13. ICU shall provide its full file to, and fully cooperate with, the Independent Review Expert.

7.8.2 After reviewing the file, and obtaining any other information deemed necessary from ICU, WADA or third parties, the Independent Review Expert shall issue a written opinion and recommendation to ICU, with a copy to WADA, advising whether a departure from the normal Results Management process is justified in the particular circumstances of the case.

7.8.3 Upon receiving the Independent Review Expert's opinion and recommendation, ICU shall issue a written decision on whether it will proceed with normal Results Management processes or not move forward with the Adverse Analytical Findings. This decision shall be provided to WADA, and the decision along with the Independent Review Expert's opinion and recommendation shall be provided to each other party entitled to appeal the decision under Article 13. The decision is subject to appeal directly to CAS in accordance with the applicable provisions in Article 13. If a decision by ICU to not move forward with the Adverse Analytical Findings is set aside or reversed on appeal, CAS may maintain jurisdiction to rule on the merits of any alleged anti-doping rule violation related to the Adverse Analytical Findings or may direct ICU to proceed with the normal Results Management process.

7.8.4 Where ICU fails to go forward with the normal Results Management processes without seeking and obtaining an opinion and recommendation from the Independent Review Expert, or fails to go forward with the normal Results Management processes in contravention of the Independent Review Expert's opinion and recommendation, and it is ultimately determined on appeal that an anti-doping rule violation occurred, ICU may be subject to non-compliance proceedings under Article 24 of the Code and the International Standard for Code Compliance by Signatories and shall be required to reimburse the appealing part(y)(ies) for costs and reasonable legal fees incurred in connection with each level of the appellate process.

7.8.5 The process to be followed for cases under this Article 7.8 shall be described in greater detail in the *International Standard* for *Results Management*.

ARTICLE 8 *RESULTS MANAGEMENT*: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

For any Person who is asserted to have committed an anti-doping rule violation or violation of Article 10.14.1, ICU shall provide a fair hearing within a reasonable time by a fair, impartial and Operationally Independent hearing panel in compliance with the Code and the International Standard for Results Management. A timely reasoned decision specifically including an explanation of the reason(s) for any period of Ineligibility and Disqualification of results under Article 10.10 shall be Publicly Disclosed by ICU as provided in Article 14.3.

8.1 Fair Hearings

8.1.1 Fair, Impartial and *Operationally Independent* Hearing Panel

8.1 Fair Hearings

8.1.1.1 ICU shall establish an ICU Doping Hearing Panel which has jurisdiction to hear and determine whether an Athlete or other Person, subject to these Anti-Doping Rules, has committed an anti-doping rule violation or a violation of Article 10.14.1 and, if applicable, to impose relevant Consequences.

8.1.1.2 ICU shall ensure that the ICU Doping Hearing Panel is free of conflict of interest and that its composition, term of office, professional experience, Operational Independence and adequate financing comply with the requirements of the International Standard for Results Management.

8.1.1.3 Board members, staff members, commission members, consultants and officials of ICU or its affiliates (e.g., National Federations or confederation), as well as any Person involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of the ICU Doping Hearing Panel. In particular, no member shall have previously considered any Therapeutic Use Exemption application, Results Management decision, or appeals in the same case.

8.1.1.4 The ICU Doping Hearing Panel shall consist of an independent Chair and a pool of four (4) independent hearing panel members, from which the Chair shall select the composition of a particular hearing panel to adjudicate individual cases. The pool shall be of sufficient size to ensure that the hearing process is timely conducted and provide for replacement possibilities in the event of a conflict of interest.

8.1.1.5 Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and/or scientific expertise. Each member shall be appointed for a renewable term of three (3) years.

8.1.1.6 The ICU Doping Hearing Panel shall be in a position to conduct the hearing and decision-making process without interference from ICU or any third party.

8.1.1.5 Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and/or scientific expertise. Each member shall be appointed for a renewable term of three (3) years.

8.1.1.7 Hearings shall not be conducted (whether by delegation or otherwise) by *Persons* appointed by, or under the authority of, a *National Federation*, or any other national sports governing bodies or other national sports organizations.

8.1.1.9 WADA, the National Anti-Doping Organization and National Federation of the Athlete or other Person may attend the hearing as observers. In any event, ICU shall keep them fully apprised as to the status of pending cases and the result of all hearings.

8.1.2.2 The Chair shall appoint either a single adjudicator (which may be the Chair) or a panel of three (3) members (which may include the Chair) to hear that case. If a single adjudicator hears a case, the appointed panel member shall have a legal background. If a panel of three (3) members hears a case, at least one (1) panel member shall have a legal background, with no less than three (3) years of relevant legal experience, and one (1) panel member shall be a qualified medical practitioner, with no less than three (3) years of relevant medical experience.

8.1.2.4 If a member appointed by the Chair to hear a case is unwilling or unable to hear the case, for any reason, the Chair may appoint a replacement member or appoint a new hearing panel. Where the Chair has been appointed, and is unwilling or unable to hear a case, for any reason, the Chair may be replaced in these circumstances by a vice-chairperson or other designated senior hearing panel member.

8.1.2.5 The parties shall be notified of the identity of the single adjudicator or hearing panel members appointed to hear and determine the matter and be provided with the declaration mentioned at Article 8.1.2.3 at the outset of the Hearing Process. The parties shall be informed of their right to challenge the appointment of any single adjudicator or hearing panel member if there are grounds for potential conflicts of interest within seven (7) days from the ground for the challenge having become known. Any challenge shall be decided upon by an independent *Person* from the wider pool of hearing panel members or by an independent institution.

8.1.2.7 ICU shall present its case and the Athlete or other Person shall present his/her/their case(s) in reply.

8.1.2.8 If any party or their representative fails to attend a hearing after notification, the hearing may nevertheless proceed.

8.1.2.9 The *Athlete* or other *Person* against whom an anti-doping rule violation or violation of Article 10.14.1 has been asserted shall have the right to request a public hearing.

8.1.2.10 ICU may also request a public hearing provided that the Athlete or other Person against whom an anti-doping rule violation or violation of Article 10.14.1 has been asserted has provided their written consent to the same.

8.1.2.11 Each party to the proceedings shall also have the right to:

(a) Be represented by counsel at their own expense;

(b) Access and present relevant evidence;

(c) Submit written and oral submissions;

(d) Call and examine witnesses; and

(e) Have an interpreter at the hearing at their own expense.

8.2 Notice of Decisions

8.2.2 ICU shall notify that decision to the Athlete or other Person and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS. The decision may be appealed as provided in Article 13.

8.3 Waiver of Hearing

8.3.1 An Athlete or other Person against whom an anti-doping rule violation or violation of Article 10.14.1 is asserted may waive a hearing expressly and agree with the Consequences proposed by ICU.

8.3.2 However, if the Athlete or other Person against whom an anti-doping rule violation or violation of Article 10.14.1 is asserted fails to dispute that assertion within twenty (20) days of the date of the notice sent by ICU asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed Consequences.

8.3.4 ICU shall notify that decision to the Athlete or other Person and simultaneously to other Anti-Doping Organizations with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS. ICU shall Publicly Disclose that decision in accordance with Article 14.3.2.

8.4 Single Hearing Before *CAS*

Anti-doping rule violations or violations of Article 10.14.1 asserted against International-Level Athletes, National-Level Athletes or other Persons may, with the consent of the Athlete or other Person, ICU (where it has Results Management authority in accordance with Article 7) and WADA, be heard in a single hearing directly at CAS.

ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test or violation of Article 10.14.1 by participation in a *Competition* automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.[28]

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with any benefits awarded or advantages afforded based on those results to be vacated, including forfeiture of all medals, points and prizes awarded to the *Athlete* (whether individually or to a team of which the *Athlete* was a part) based on those results, except as provided in Article 10.1.1.[29]

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 they bear *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*

Article 10.2 provides the framework for determining the period of *Ineligibility* for violations of Articles 2.1 (Presence), 2.2 (*Use* or *Attempted Use*) or 2.6 (*Possession*). This determination is based on several variables such as: the substance or method involved (i.e., non-*Specified Substances*/non-*Specified Methods*, *Specified Substances*/*Specified Methods*, or *Substances of Abuse*); whether the *Athlete* or other *Person* committed the anti-doping rule violation intentionally; whether the context of the ingestion, *Use* or *Possession* was unrelated to sport performance; and whether the *Athlete* can establish how the *Prohibited Substance* entered their system.

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[28] *[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 lower placement of 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. In cases where team points earned by an Athlete who committed anti-doping rule violations during the team Competition are taken away, resulting in a lower placement for the team, that shall not be considered a sanction or disciplinary action against either the team or the other Athletes participating in the team Competition who have not committed an anti-doping rule violation.]*

[29] *[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the swimming World Championships).]*

Article 10.2.1 addresses the period of *Ineligibility* for violations of Articles 2.1 or 2.2 involving non-*Specified Substances* and non-*Specified Methods*. Article 10.2.2 addresses the period of *Ineligibility* for violations of Articles 2.1 or 2.2 involving *Specified Substances* or *Specified Methods*. Article 10.2.3 addresses the period of *Ineligibility* for violations of Articles 2.1 or 2.2 involving *Substances of Abuse*. Article 10.2.4 addresses the period of *Ineligibility* in special circumstances involving criteria for *Therapeutic Use Exemptions*. Article 10.2.5 addresses the period of *Ineligibility* for violations of Article 2.6. Article 10.2.6 provides the definition of "intentional" for purposes of Article 10.2.[30]

10.2.1 Non-*Specified Substances* or Non-*Specified Methods*

For violations of Articles 2.1 or 2.2 that involve a non-*Specified Substance* or a non-*Specified Method*, the period of *Ineligibility* shall, subject to Articles 10.2.3 and 10.2.4, be four (4) years. The four (4) year period of *Ineligibility* may be reduced as follows:

10.2.1.1 Where the *Athlete* can establish how the *Prohibited Substance* entered their system or the *Prohibited Method* was *Used* and that the violation was not intentional, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.1.2 Where the *Athlete* cannot establish that the violation was not intentional, but can establish how the *Prohibited Substance* entered their system or the *Prohibited Method* was *Used*, and that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years. This period of *Ineligibility* is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.1.3 Where the *Athlete* cannot establish how the *Prohibited Substance* entered their system or the *Prohibited Method* was *Used*, but in exceptional cases can establish to the comfortable satisfaction of the decision making body that, based on reliable scientific evidence, the anti-doping rule violation was not compatible with intentional use of a *Prohibited Substance*, then the period of *Ineligibility* may be reduced to two (2) years.[31] This period of *Ineligibility* is not subject to elimination or reduction under Articles 10.5 or 10.6.

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[30] *[Comment to Article 10.2: Before considering whether Article 10.5 or Article 10.6 apply, the Anti-Doping Organization (or hearing panel) shall first determine whether the Athlete has satisfied their burden of establishing that the violation was not intentional. To do that, the Athlete shall, except for the narrowest of corridors described in Article 10.2.1.3, show how the Prohibited Substance entered their system and also that the timing of such ingestion or Use is consistent with the analytical results from their Sample.]*

[31] *[Comment to Article 10.2.1.3: While it is theoretically possible for an Athlete to establish entitlement to a reduction under this Article without showing how the Prohibited Substance entered their system, this has been described in cases as the "narrowest of corridors." In order to access this exceptionally narrow corridor, an Athlete shall present reliable scientific evidence establishing that the anti-doping rule violation was not compatible with intentional Use of a Prohibited Substance. For example, reliable scientific evidence could include the detection of a non-therapeutic amount of the Prohibited Substance in the Athlete's Sample coupled with a metabolic profile indicating very recent Administration or prior or subsequent Samples from the Athlete which confirm that the Prohibited Substance detected was not the tail end of the excretion curve from a therapeutic dose or other doping regimen. Hair tests are unlikely to serve as reliable evidence to disprove intentional doping. With respect to the results of lie-detector tests, see Comment to Article 3.2. Further, evidence in the form of negative Testing history, change, or lack of change, in body mass or competitive results, lack of motivation to dope and testimony of the Athlete and the Athlete supporters, shall not be sufficient to justify a reduction in the period of Ineligibility. For the avoidance of doubt, the Athlete may submit and the hearing body may consider non-scientific evidence as well, but reliable scientific evidence is a necessary element to establish entitlement to a reduction under this Article. As used in this Article, "exceptional case" is not intended to create an independent element that must be established by the Athlete, but rather indicates the rarity and uniqueness of cases where the required elements of proof will be met.]*

10.2.1.4 For violations resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was ingested or *Used Out-of-Competition* in a context unrelated to sport performance, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.2 *Specified Substances* or *Specified Methods*

For violations of Articles 2.1 or 2.2 that involve a *Specified Substance* or a *Specified Method*, the period of *Ineligibility*, subject to Articles 10.2.3 and 10.2.4, shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Articles 10.5, 10.6 or 10.7.1 and is subject to increase as follows:

10.2.2.1 Subject to Article 10.2.2.2, where ICU can establish that the violation was intentional, the period of Ineligibility shall be four (4) years; provided, however, if the Athlete can establish that the context of the ingestion or Use was unrelated to sport performance, the period of Ineligibility shall be three (3) years. The period of Ineligibility imposed under this Article 10.2.2.1 is not subject to elimination or reduction under Articles 10.5 or 10.6.

10.2.2.2 Where an anti-doping rule violation results from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was used *Out-of-Competition*, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.3 *Substances of Abuse*

Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves only a *Substance of Abuse*:

10.2.3.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be two (2) months.[32]

For any subsequent violation involving any Substance of Abuse, the period of Ineligibility calculated under this Article 10.2.3.1 shall be four (4) months which may be reduced to two (2) months if the Athlete enters a Substance of Abuse treatment program approved by ICU.

The period of *Ineligibility* established in this Article 10.2.3.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.3.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession*

[32] *[Comment to Article 10.2.3.1: While the Code does not condition the two-month period of Ineligibility for a first violation on the Athlete entering a treatment program, [IF] should consider, in their discretion and to the extent of their expertise and resources, adopting policies that would encourage and facilitate the Athlete's seeking of a professional medical evaluation after a first violation, and, if recommended, to enter a treatment or rehabilitation program as appropriate.]*

was unrelated to sport performance, then the period of *Ineligibility* shall be between six (6) months and two (2) years depending on the circumstances of the case.[33] This provision is without prejudice to the potential application of Articles 10.5, 10.6 or 10.7.1.[34]

10.2.3.3 Where neither 10.2.3.1 or 10.2.3.2 applies, then the period of *Ineligibility* shall be determined under the applicable provision in Articles 10.2.1 or 10.2.2.

10.2.4 *Therapeutic Use Exemption* Criteria

10.2.4.1 Notwithstanding any other provision in Article 10.2, where the *Athlete* can establish that the presence, *Use* or *Attempted Use* or *Possession* met each of the criteria in Article 4.2 of the *International Standard* for *Therapeutic Use Exemptions* (except for the need to show there was no reasonable permitted Therapeutic[35] alternative) at the time the presence, *Use* or *Attempted Use* or *Possession* occurred, then the period of *Ineligibility* shall be two (2) months. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.5 *Possession*

For violations of Article 2.6, the period of *Ineligibility* shall subject to Article 10.2.3.2, be as follows:

10.2.5.1 Where the violation involves a non-*Specified Substance* or non-*Specified Method*, the period of *Ineligibility* shall be two (2) years if the *Athlete* or other *Person* can establish the violation was not intentional; three (3) years if the *Athlete* or other *Person* cannot establish that the violation was not intentional, but can establish the *Possession* was unrelated to sport performance; and four (4) years if the *Athlete* or other *Person* cannot establish the violation was not intentional and cannot establish the *Possession* was unrelated to sport performance.

10.2.5.2 Where the violation involves a Specified Substance or Specified Method, the period of Ineligibility shall be four (4) years if ICU can establish the violation was intentional, subject to a reduction to three (3) years if the Athlete or other Person can establish that the context of the Possession was unrelated to sport performance; and two (2) years if ICU cannot establish the violation was intentional.

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[33] *[Comment to Article 10.2.3.2: The "circumstances of the case" may include, for example, the specific nature of the Use or Possession, the type and quantity of the Prohibited Substance detected, the proximity in time between the ingestion and the Athlete's actually competing, the potential benefit (actual or perceived) to the Athlete of the ingestion in relation to the Athlete's performance in the Competition, the Athlete or other Person's level of anti-doping experience and education, and other fault-related considerations that might not otherwise satisfy the requirements for application of Article 10.5.]*

[34] *[Comment to Article 10.2.3.2: While it is theoretically possible for the Athlete to establish No Fault or Negligence or No Significant Fault or Negligence with respect to the In-Competition ingestion, Use or Possession of a Substance of Abuse, this would occur only in rare, exceptional cases.]*

[35] *[Comment to Article 10.2.4.1: For purposes of this Article, the term "Therapeutic" shall be defined in accordance with the definition contained in the International Standard for Therapeutic Use Exemptions.]*

10.2.5.3 If the period of *Ineligibility* imposed under Articles 10.2.5.1 or 10.2.5.2 is two (2) years, the period of *Ineligibility* is subject to potential elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.6 As used in Article 10.2, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct which they 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.[36]

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 10.6 or 10.7 are applicable:

10.3.1 For violations of Articles 2.3 or 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in a case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person*'s degree of *Fault*; or (iii) in a case of failing to submit to *Sample* collection involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete*'s degree of *Fault*.

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on if the *Athlete* can establish circumstances mitigating the *Athlete's* degree of *Fault*. *Fault* shall be assessed equally against all three whereabouts failures with the expectation that the *Athlete* should be on heightened alert after the first and second failures. The flexibility between two (2) years and one (1) 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*.[37]

10.3.3 For violations of Articles 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* or *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws

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[36] *[Comment to Article 10.2.6: Article 10.2.6 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.]*

[37] *[Comment to Article 10.3.2: The whereabouts requirements in the Code and International Standard for Testing are a fundamental part of any effective effort to combat doping in sport. In order to deter and detect cheating, Anti-Doping Organizations shall be able to conduct no advance notice, Out-of-Competition Testing based upon reliable whereabouts information. The whereabouts requirements in the Code also allow clean Athletes to credibly claim that they are subject to Testing at any time so that the public can have confidence that they are clean. Whereabouts failures are not just "paperwork violations," they directly undermine the ability of Anti-Doping Organizations to catch doped Athletes and the public's confidence in the accountability of clean Athletes.]*

and regulations, shall be reported to the competent administrative, professional or judicial authorities.[38]

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation; where the violation involves a *Protected Person* or *Minor*, the period of *Ineligibility* imposed shall be a minimum of four (4) years, up to a lifetime *Ineligibility*, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.[39]

10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.[40]

10.4 *Aggravating Circumstances* which may Increase the Period of *Ineligibility*

If ICU establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) or 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting) that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the otherwise applicable sanction, then the period of Ineligibility otherwise applicable shall be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that they did not knowingly commit the anti-doping rule violation.

10.5 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 they bear *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.[41]

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[38] *[Comment to Article 10.3.3: 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 organizations 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.]*

[39] *[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 (Prohibited Association by an Athlete or Other Person) is an entity and not an individual, that entity may be disciplined as provided in Article 12.]*

[40] *[Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (Tampering) and Article 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.]*

[41] *[Comment to Article 10.5: This Article and Article 10.6.2 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, they were sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1) 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*

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

10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Articles 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

10.6.1.1 *Specified Substances* or *Specified Methods*

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, 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 (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

10.6.1.2 *Contaminated Source*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Source*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.[42]

10.6.1.3 *Protected Persons* or *Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* 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 (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete*'s degree of *Fault*.

10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1[43]

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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 10.6 based on No Significant Fault or Negligence.]

[42] *[Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the Athlete or other Person shall establish not only that the detected Prohibited Substance came from a Contaminated Source, that the Athlete ingested, Used or was exposed to, and that the analytical results are consistent with that Use, the Athlete shall also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in nutritional supplement cases unless the Athlete has exercised a high level of caution before taking the contaminated product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing whether the Athlete actually Used the contaminated product, whether the Athlete had declared the product which was subsequently determined to be contaminated on the Doping Control form.*

Where the Athlete establishes that an Adverse Analytical Finding results from a Contaminated Source in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, No Fault or Negligence under Article 10.5 may be applicable.]

[43] *[Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Articles 2.5, 2.7, 2.8, 2.9 or 2.11) 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.]*

If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable that they bear *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, 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 (8) years.

10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other *Consequences* for Reasons Other than *Fault*

10.7.1 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 **Error! Reference source not found.**, before receiving first notice of the admitted violation pursuant to Article **Error! Reference source not found.**) 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.[44] For purposes of this Article 10.7.1, the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, and 10.6.

10.7.2 Period of *Ineligibility* Reduction for Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

No later than twenty (20) days after receiving notice of an anti-doping rule violation charge, an *Athlete* or other *Person* who accepts that the violation is established and accepts all asserted *Consequences* (including, for the avoidance of doubt, the start date of any period of *Ineligibility*) will receive a twenty-five percent (25%) reduction from the period of *Ineligibility* asserted in the notice of anti-doping rule violation charge.[45] Where the asserted period of *Ineligibility* is more than four (4) years but less than lifetime, the reduction shall be one (1) year.[46] Where the asserted period of *Ineligibility* is lifetime, there shall be no reduction under this Article 10.7.2.

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[44] *[Comment to Article 10.7.1: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes they are about to be caught. (e.g. where the Athlete discloses the Use of a Prohibited Substance while knowing or having reason to believe that a pending test will result in an Adverse Analytical Finding). The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had they not come forward voluntarily.]*

[45] *[Comment to Article 10.7.2: For the avoidance of doubt, the reduction is calculated from the period of Ineligibility asserted in the charging letter rather than the period of Ineligibility stated in the initial notice of potential anti-doping rule violation However, an Athlete or other Person does not need to wait for the charging letter before accepting the violation in accordance with this Article; where the Athlete or other Person accepts the violation in accordance with this Article prior to issuance of the charging letter, the reduction would be calculated from the period of Ineligibility asserted in the initial notice of potential anti-doping rule violation. In some countries, the imposition of a period of Ineligibility is left entirely to a hearing body. In those countries, the Anti-Doping Organization cannot assert a specific period of Ineligibility in a charging letter for purposes of Article 10.7.2. In these circumstances, the hearing body may consider applying Article 10.7.2 where the Athlete or other Person has met the requirements for the reduction.]*

[46] *[Comment to Article 10.7.2: For example, if an Anti-Doping Organization alleges that an Athlete has violated Article 2.2 for Use of an anabolic steroid and asserts the applicable period of Ineligibility is four (4) years in the charging letter, then the Athlete may unilaterally reduce the period of Ineligibility to three (3) years by admitting the violation and accepting the three-year period of*

Article 10.7.2 shall not be applicable to charged violations under Articles 10.2.3.1 or 10.2.4.1.

Where the *Athlete* or other *Person* receives a reduction in the period of *Ineligibility* under this Article 10.7.2, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.[47] If the *Athlete* or other *Person* does not accept the reduction in the period of *Ineligibility* within the time period established in this Article, then this Article, including but not limited to, what the reduction under this Article would or should have been, may not be raised in any hearing or appeal.

10.7.3 *Substantial Assistance* in Discovering or Establishing *Code* Violations[48]

10.7.3.1 Where it has Results Management authority ICU may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority, or professional disciplinary body or sport integrity authority which results in:

(i) the *Anti-Doping Organization* discovering facts constituting, or bringing forward a case involving an anti-doping rule violation or violation of Article 10.14.1 by another *Person*; or

(ii) a criminal or disciplinary body discovering facts constituting, or bringing forward a case involving, a criminal offense or breach of professional rules committed by another Person providing Substantial Assistance is made available to ICU; or

(iii) *WADA* discovering facts constituting, or bringing forward a case involving non-compliance with the *Code*, *International Standard, Technical Document* or *Technical Letter* against a *Signatory*, *WADA*-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories); or

(iv) with the approval of *WADA*, a criminal or disciplinary body discovering facts constituting or bringing forward a case involving, a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

Ineligibility within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

[47] *[Comment to Article 10.7.2: For the avoidance of doubt, this Article does not preclude a suspension of the period of Ineligibility under Article 10.7.3 or 10.7.4.]*

[48] *[Comment to Article 10.7.3: 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.]*

After an appellate decision under Article 13 or the expiration of time to appeal, ICU may only suspend a part of the otherwise applicable Consequences with the approval of WADA.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. Information involving the potential doping of *Protected Persons* or *Minors* shall be considered particularly valuable. In determining the length of the period for which the period of *Ineligibility* is suspended, the value of the *Substantial Assistance* shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*.[49] However, no more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. For purposes of this Article 10.7.3, the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1,10.7.2, 10.9 and 10.14.3. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article shall be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these Anti-Doping Rules.

ICU may suspend a smaller portion of the Consequences in an initial decision and, based on reconsideration of the value of the information received, increase the amount of Consequences suspended.

If so requested by an Athlete or other Person who seeks to provide Substantial Assistance, ICU shall allow the Athlete or other Person to provide the information to it subject to a Without Prejudice Agreement.

If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of Consequences was based, ICU shall reinstate the original Consequences. If ICU decides to reinstate suspended Consequences or decides not to reinstate suspended Consequences, that decision may be appealed by any Person entitled to appeal under Article 13.

WADA shall be notified of any appeal to *CAS* involving Article 10.7. If *WADA* is not already a party, *WADA* shall have the right to intervene as a party in that proceeding.

[49] *[Comment to Article 10.7.3.1: In evaluating the value of the Substantial Assistance provided, priority shall be given to assistance which is important to anti-doping efforts and enforcement of the Code. Most important are situations where: Protected Persons or Minors have been doped by Athlete Support Personnel or other Persons: where a doping scheme involves a public authority, Anti-Doping Organization, WADA accredited or approved laboratory, or other Code Signatories or their members: where the doping scheme involves the Use of a Prohibited Substance or Prohibited Method which is particularly difficult to detect, or where the doping scheme involves multiple Athletes.]*

10.7.3.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of ICU or at the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, or violation of Article 10.14.1, WADA may agree at any stage of the Results Management process, including after an 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, no mandatory Public Disclosure and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of Consequences, as otherwise provided in this Article.

10.7.3.3 If ICU suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.

In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize ICU to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

10.7.4 Other Valuable Information and Assistance in the Effort to Eliminate Doping in Sport

Where it has Results Management authority for an anti-doping rule violation or violation of Article 10.14.1, ICU may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case where the Athlete or other Person has provided other valuable information and assistance which does not meet all of the requirements for Substantial Assistance but is still very valuable to the effort to eliminate doping in sport. Information involving the potential doping of Protected Persons or Minors shall be considered particularly valuable.

After an appellate decision relating to an anti-doping rule violation or a violation of Article 10.14.1 under Article 13 or the expiration of time to appeal that decision, ICU may only suspend a part of the otherwise applicable Consequences with the approval of WADA.

The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the value of the information and assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. In determining the length of the period for which the period of Ineligibility is suspended, the value of the information and assistance shall be evaluated in terms of months or years rather than as a percentage of the original period of Ineligibility. However, no more than fifteen percent (15%) of the otherwise applicable period of Ineligibility may be suspended. For purposes of this Article 10.7.4 the "otherwise applicable" period of Ineligibility shall mean the period of Ineligibility determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1,10.7.2, 10.9 and 10.14.3. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article shall be no less than sixteen (16) years. For purposes of this paragraph, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Article 10.9.3.2.

ICU may suspend a smaller portion of the Consequences in an initial decision and, based on reconsideration of the value of the information and assistance received, increase the amount suspended.

If so requested by an Athlete or other Person who seeks to provide other valuable information and assistance, ICU shall allow the Athlete or other Person to provide the information to ICU subject to a Without Prejudice Agreement.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the other valuable information and assistance upon which the suspension of *Consequences* was based, the *Anti-Doping Organization* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organization* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

WADA shall be notified of any appeal to *CAS* involving Article 10.7. If *WADA* is not already a party, *WADA* shall have a right to intervene as a party in that proceeding.

10.8 Case Resolution Agreements

Where the Athlete or other Person admits an anti-doping rule violation after being confronted with the anti-doping rule violation by ICU and agrees to Consequences acceptable to ICU and WADA, at their sole discretion, then: (a) the Athlete or other Person may receive a reduction in the period of Ineligibility based on an assessment by ICU and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the Athlete or other Person's degree of Fault and how promptly the Athlete or other Person admitted the violation; and (b) without prejudice to the Athlete or other Person's right under Article 10.13.1, 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 agreed-upon period of Ineligibility going forward from the earlier of the date the Athlete or other Person accepted the imposition of a sanction or the effective date of a Provisional Suspension which was subsequently respected by the Athlete or other Person. The decision by WADA and ICU to enter or not enter into a case resolution agreement, and the Consequences agreed to by WADA and ICU and the Athlete or other Person, including the starting date of the period of Ineligibility are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an Athlete or other Person who seeks to enter into a case resolution agreement under this Article, ICU shall allow the Athlete or other Person to discuss an admission of the anti-doping rule violation with it subject to a Without Prejudice Agreement.

10.9 Multiple Violations

10.9.1 Second or Third Anti-Doping Rule Violation

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

(a) A six-month period of *Ineligibility*; or

(b) A period of *Ineligibility* in the range between:

(i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and

(ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person*'s degree of *Fault* with respect to the second violation.

10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Articles 10.5 or 10.6, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further suspended by the application of Articles 10.7 or 10.7.4.

10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of this Article 10.9. In addition, an anti-doping rule violation sanctioned under Articles

10.2.3.1 or 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

10.9.3 Additional Rules for Certain Potential Multiple Violations[50]

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if ICU can establish that the Athlete or other Person committed the additional anti-doping rule violation after the Athlete or other Person received initial notification pursuant to Article 7 in accordance with the International Standard for Results Management, of the first potential anti-doping rule violation, or after the relevant Anti-Doping Organization made reasonable efforts to give such notice. If ICU 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, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.10.

10.9.3.2 If ICU establishes that an Athlete or other Person committed an additional anti-doping rule violation prior to receiving the first notice of violation, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of Ineligibility for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of Ineligibility will be served consecutively, rather than concurrently, with the period of Ineligibility imposed for the first-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.3 If ICU establishes that an Athlete or other Person committed a violation of Article 2.5 in connection with the Doping Control process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of Ineligibility for such violation shall be served consecutively, rather than concurrently, with the period of Ineligibility, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.4 Where an *Athlete* is charged with a second anti-doping rule violation under Article 2.1, and the *Athlete* can establish that the *Adverse*

[50] *[Comment to Article 10.9.3: This Article does not address violations of Article 10.14.1, as the Consequences for violations of Article 10.14.1 are addressed separately in Article 10.14.3.]*

Analytical Finding for the second anti-doping rule violation resulted solely from the residual presence of the *Prohibited Substance* in their system from the same ingestion or *Use* that resulted in the first anti-doping rule violation, the *Athlete* shall be deemed to have established they bear *No Fault* or *Negligence* for the second violation, and the second violation shall not be considered a violation for purposes of Article 10.9.[51]

10.9.3.5 If ICU establishes that an Athlete or other Person has committed a second or third anti-doping rule violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations shall run consecutively, rather than concurrently.

10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.9, each anti-doping rule violation shall take place within the same ten-year period in order to be considered multiple violations.

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.[52]

10.11 Forfeited Prize Money

If ICU recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the Athletes who would have been entitled to it had the forfeiting Athlete not competed.

10.12 *Financial Consequences*

10.12.1 Where an Athlete or other Person commits an anti-doping rule violation, ICU may, in its discretion and subject to the principle of proportionality, recover from the Athlete or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed.

10.12.2 The imposition of a financial sanction or ICU's 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.

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[51] *[Comment to Article 10.9.3.4: For the avoidance of doubt, the second violation would still subject the Athlete to other Consequences including, without limitation, under Articles 7.4, 9, 10.1 and 14.3 where applicable.]*

[52] *[Comment to Article 10.10: Nothing in these 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.]*

10.13 Commencement of *Ineligibility* Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, 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.

10.13.1 Delays Not Attributable to the *Athlete* or other *Person*

10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.13.2.1 If a *Provisional Suspension* is 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 the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

10.13.2.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from ICU 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.

10.13.2.3 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 a team.

10.14 Status During *Ineligibility* or *Provisional Suspension*

10.14.1 Prohibition Against Participation During *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*:

(i) compete or participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized, organized or funded by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization;

(ii) compete or participate in any capacity in *Competitions* or training activities authorized or organized by any professional league, any professional *Event*[53] organization or any international or national-level *Event* organization where not already covered by Article 10.14.1(i);

(iii) compete or participate in any capacity in *Competitions* or training activities funded by a governmental agency;

(iv) provide any sport-related services, including without limitation serving as a coach or other *Athlete Support Personnel*, to any *Athlete* or other *Person* bound by rules adopted pursuant to the *Code* (and doing so could also result in a violation of Article 2.10 by such *Athlete*(s));

(v) serve as a board member, officer, director, official or senior executive, or in any position involving *Doping Control* or involving direct contact with *Athletes* or *Athlete Support Personnel*, of any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization; or

(vi) receive compensation from any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, except for compensation for employment for services not prohibited as described in Article 10.14.1 (v) above.[54]

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority 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

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[53] *[Comment to Article 10.14.1 (ii): With respect to the terms "professional league" and "professional Event", further guidance may be provided in the International Standard for Results Management or guidelines.]*

[54] *[Comment to Article 10.14.1: The term "activity" as used in this Article includes all competitive, training and administrative functions, as well as social functions where the Person has a formal or official role or receives recognition, authorized or organized by the referenced organizations.*

By way of example, this Article does not prohibit an Ineligible Person from engaging in the following activities so long as the Ineligible Person is not acting as an Athlete Support Personnel, the activity is not funded by a government and is not authorized, organized or funded by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization:

(1) an Ineligible basketball player could participate in a pick-up basketball game with former teammates;

(2) an Ineligible distance runner could go for a run with friends or other elite Athletes;

(3) an Ineligible swimmer could swim in a separate lane in the same pool where a national team trains as long as the swimmer has no involvement with the team training;

(4) an Ineligible figure skater could receive coaching or athletic training services from Athlete Support Personnel who also work for a referenced organization as long as the services provided to the figure skater are not performed as part of the Athlete Support Personnel's job duties for the referenced organization; and

(5) an Ineligible gymnast could receive payments from an individual sponsor as long as the payments are not connected to or arranged by a referenced organization.

Ineligibility imposed in one sport shall be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). Any performance standard accomplished during a period of Ineligibility shall not be recognized by a Signatory or its National Federations for any purpose.

Without prejudice to Article 5.6.2 and for the avoidance of doubt, the prohibition against participating in any capacity in the activities identified in this Article shall continue to apply to retired Persons through the duration of their period of Ineligibility.

For the avoidance of doubt, where the Ineligible Person is an Athlete under a club contract of employment for athletic services, Article 10.14.1 (vi) does not prohibit the club from continuing to make contractual payments to the Athlete during the period of Ineligibility or Provisional Suspension so long as the Athlete does not engage in any activities prohibited in Article 10.14.1 (v).]

national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons* or *Minors*.

An Athlete or other Person subject to a period of Ineligibility who has not retired shall remain subject to Testing and any requirement by ICU to provide whereabouts information.

10.14.2 Return to Training

As an exception to Article 10.14.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of ICU's or other Signatory's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed. The permitted training window for Athletes that were Protected Persons at the time of the anti-doping rule violation shall be the last one-half of the period of Ineligibility imposed.

10.14.3 Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted down to a reprimand and no period of *Ineligibility* based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. Subject to Article 7.1.4 of the *Code*, the determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

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

10.14.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Articles 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by ICU and its National Federations, as well as by other Signatories or Signatories' member organizations, as applicable.

10.15 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

For International Federations with *Team Sports*, these Model Rules offer 2 alternative wordings of Article 11:

ALTERNATIVE 1 addresses *Team Sports* as defined by the *Code*, i.e., a sport in which the substitution of players is permitted during a *Competition* (e.g., Football, Ice Hockey, etc.).

ALTERNATIVE 2, which is not mandatory, addresses the situation in sports where *Athletes* may also compete in teams, without falling within the *Code* definition of *Team Sports* (e.g., track relay events, tennis doubles and rowing events except for singles). There may be other team situations which are not addressed in this model. Furthermore, some International Federations will need to include both alternatives in their rules.]

11.1 *Testing* of *Team Sports*

Where more than one (1) member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

11.2 *Consequences* for *Team Sports*

If more than two (2) members of a team in a *Team Sport* are found to have committed an anti-doping rule violation or violation of Article 10.14.1 during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation or violation of Article 10.14.1.[55] 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.

11.3 Other Consequences for Team Sports within ICU's authority

11.1 *Testing* of Teams

11.2 *Consequences* for Teams

ARTICLE 12 SANCTIONS BY ICU AGAINST OTHER SPORTING BODIES

[55] *[Comment to Article 11.2: See Comment to Article 9 regarding team Competition in Individual Sports.]*

When ICU becomes aware that a National Federation or any other sporting body over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Rules within that organization's or body's area of competence, ICU has the authority and may take the following additional disciplinary actions:

12.1 Exclude all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.

12.2 Take additional disciplinary actions with respect to that organization or body's recognition and the eligibility of its members to participate in ICU's activities based on the following:

12.2.2 Four (4) 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 12.2.1 by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event, that organization or body may be suspended for a period of up to four (4) years.

12.3 Withhold some or all funding or other financial and non-financial support to that organization or body.

12.4 Oblige that organization or body to reimburse ICU 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 organization or body.

ARTICLE 13 *RESULTS MANAGEMENT*: APPEALS[56]

13.1 Decisions Subject to Appeal

Decisions made under the *Code* or these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

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. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.[57]

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[56] *[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their National Federations, who might benefit from having another competitor Disqualified.]*

[57] *[Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]*

13.1.2 *CAS* Shall Not Defer to the Findings Being Appealed

Subject to Article 13.1.4, in making its decision, *CAS* shall not give deference to the discretion exercised by the body whose decision is being appealed.[58]

All anti-doping proceedings before CAS involving WADA, ICU and/or a Major Event Organization as a party shall be conducted in French or English. Such proceedings may only be conducted in a language other than French or English if WADA, ICU and/or the Major Event Organization (all) agree with such request at their entire discretion.

13.1.3 *WADA* Not Required to Exhaust Internal Remedies[59]

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

13.1.4 Appeals from Decisions Made by *WADA*

Where the *Code* or *International Standards* provide a right of appeal against a decision made by *WADA*, such appeal shall be made exclusively to *CAS*. Notwithstanding any other provision of Article 13.1, the appellate standard of review for such appealable decisions made by *WADA* under the *Code* or *International Standards*, or made with *WADA's* approval under Articles 5.3.2, 5.6.1, 7.1.1, 10.7 and 14.1.1, shall be whether *WADA*'s decision was arbitrary.

13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Violations of Article 10.14.1, *Consequences*, *Provisional Suspensions,* Implementation of Decisions and Authority

The following decisions may be appealed exclusively as provided in this Article 13.2:

- a decision that an anti-doping rule violation or violation of Article 10.14.1 was committed;
- a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation or violation of Article 10.14.1, or a decision that no anti-doping rule violation or violation of Article 10.14.1 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 exemption to the six-months notice requirement for a retired *Athlete* to return to competition under Article 5.6.1;

[58] *[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.]*

[59] *[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of [IF]'s process (for example, a first hearing) and no party elects to appeal that decision to the next level of [IF]'s process (e.g., the Managing Board), then WADA may bypass the remaining steps in [IF]'s internal process and appeal directly to CAS.]*

– a decision by ICU to disqualify, or to not disqualify results under Article 5.6.1;

– a decision by *WADA* assigning *Results Management* under Article 7.1 of the *Code*;

– a decision by ICU not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, an Adverse Passport Finding or an Atypical Passport Finding after review, or a decision not to go forward with an anti-doping rule violation or violation of Article 10.14.1 or whereabouts failure after an investigation in accordance with the International Standard for Results Management or International Standard for Intelligence and Investigations;

– a decision not to impose, or a decision to lift or not to lift, a *Provisional Suspension* (with all such appeals made exclusively to *CAS* as provided in Article 7.4.3);

– a decision that ICU lacks authority to rule on an alleged anti-doping rule violation or violation of Article 10.14.1 or its Consequences;

– a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Articles 10.7.3 and 10.7.4;

– failure to comply with Article 7.1.4 of the *Code* and Article 7.1.6;

– failure to comply with Article 10.8;

– a decision under Article 10.14.3;

– a decision by ICU that the requirements for recording a whereabouts failure are not met;

– a decision by ICU not to implement another Anti-Doping Organization's decision under Article 15; and

– a decision under Article 24.4.4.

13.2.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to *CAS*.[60]

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

In cases where Articles 7.4.3 and 13.2.1 are not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the *National Anti-Doping Organization* having authority over the *Athlete* or other *Person*.

[60] *[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.]*

The rules for such appeal shall respect the following principles: a timely hearing; a fair, impartial, *Operationally Independent* and *Institutionally Independent* hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision.

Also, if no such body as described above is in place and available at the time of the appeal, the *Athlete* or other *Person* shall have a right to appeal to *CAS*.[61]

13.2.3 *Persons* Entitled to Appeal

13.2.3.1 Appeals Involving *International-Level Athletes* or *International Events*

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) ICU; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) 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 (f) WADA.

13.2.3.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases under Article 13.2.2, the parties having the right to appeal to the appellate body shall be as provided in the National Anti-Doping Organization'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) ICU; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) 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 (f) WADA.

For decisions rendered under Article 13.2.2 by a national-level appellate body, the same parties identified in (a) through (f) above shall also have the right to appeal the decision to *CAS*.[62]

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

[61] *[Comment to Article 13.2.2: For Therapeutic Use Exemption appeals it is recommended that the appellate body include at least one physician with experience of Therapeutic Use Exemptions.]*

[62] *[Comment to Article 13.2.3.2: In such cases, the respondent(s) shall also have the right to cross-appeal.]*

13.2.3.3 Duty to Notify as a Condition to Admissibility of Appeal

As a condition to the admissibility of an appeal to *CAS* authorized in this Article 13, an appealing party shall have provided notice of the appeal to *WADA* and all other parties with a right to appeal. For other appeals authorized in this Article 13, all parties to an appeal shall ensure that *WADA* and all other parties with a right to appeal have been given notice of the appeal.

13.2.3.4 Appeal from Imposition of *Provisional Suspension*

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

13.2.3.5 Appeal from Decisions under Article 12

Decisions by ICU pursuant to Article 12 may be appealed exclusively to CAS by the National Federation or other body.

13.2.4 Cross Appeals and other Subsequent Appeals Allowed [63]

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 shall file a cross appeal or subsequent appeal at the latest with the party's answer.

13.2.5 In any case where *WADA* is provided a right to appeal in this Article 13.2 (subject to the further provisions of Article 7.4.3), *WADA* may elect, at its sole discretion and within its deadline for filing an appeal, or within ten (10) days of being notified of the appeal if later, to join in the appeal as a party in support or opposition to the appeal or cross-appeal. In such event, *WADA* shall have the right, but not the obligation, to file pleadings, examine witnesses and present argument.[64]

13.3 Failure to Render a Timely Decision by ICU

Where, in a particular case, ICU fails to render an appealable decision under its authority with respect to whether an anti-doping rule violation or violation of Article 10.14.1 was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS (subject to CAS Appeal Division Rules by analogy) as if ICU had rendered a decision finding no anti-doping rule violation or violation of Article 10.14.1. If the CAS hearing panel determines 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 ICU.

13.4 Appeals Relating to *Therapeutic Use Exemptions*

[63] *[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 Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*

[64] *[Comment to Article 13.2.5: For the avoidance of doubt, this provision is not intended to limit any other available right of intervention for any Anti-Doping Organization such as, for example, under the CAS Code.]*

Therapeutic Use Exemption decisions may be appealed exclusively as provided in Article 4.4 and the *International Standard* for *Therapeutic Use Exemptions*.

13.5 Notification of Appeal Decisions

ICU shall promptly provide the appeal decision to the Athlete or other Person and to the other Anti-Doping Organizations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

13.6 Time for Filing Appeals

13.6.1 Appeal Deadline for Parties other than *WADA*

The deadline to file an appeal for parties other than *WADA* shall be the later of:

(a) Twenty-one (21) days after receipt of the decision;[65] or

(b) Where the appealing party makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after receipt of the complete file relating to the decision.

13.6.2 Appeal Deadline for *WADA*

The filing deadline for an appeal filed by *WADA* shall be the later of:

(a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

(b) Where *WADA* makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.[66]

ARTICLE 14 CONFIDENTIALITY AND REPORTING

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:

14.1 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and Other Asserted Anti-Doping Rule Violations or Violations of Article 10.14.1

14.1.1 Notice of Anti-Doping Rule Violations or Violations of Article 10.14.1 to *National Anti-Doping Organizations* and *WADA*

Notice of the assertion of an anti-doping rule violation or violation of Article 10.14.1 to the Athlete's or other Person's National Anti-Doping Organization, any other Anti-Doping Organization with a right to appeal under Article 13.2.3, and WADA shall occur as provided under Articles 7

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[65] *[Comment to Article 13.6.1(a): Where a reasoned decision is required, the twenty-one (21) day deadline shall begin to run from receipt of the reasoned decision; where a reasoned decision is not required (e.g., imposition of a mandatory Provisional Suspension), the deadline shall run from the receipt of the operative decision.*

Whether governed by CAS rules or Article 13.6, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

[66] *[Comment to Article 13.6.2: For purposes of determining whether the complete file has been received, see also Article 14.2.3.]*

and 14, simultaneously with the notice to the Athlete or other Person; provided, however, ICU may, upon WADA's written approval which it may grant or deny at its discretion, delay or withhold the notice required by this Article 14.1.1.

If at any point during Results Management up until the anti-doping rule violation or violation of Article 10.14.1 charge, ICU decides not to move forward with a matter, it shall give notice (with reasons) to the Anti-Doping Organizations with a right of appeal under Article 13.2.3, at the same time it gives notice to the Athlete or other Person.

14.1.2 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the *International Standard* for *Results Management*, or, for anti-doping rule violations other than under Article 2.1 or violation of Article 10.14.1, the rule violated and the basis of the asserted violation.

14.1.3 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 7.2, the *Anti-Doping Organizations* referenced in Article 14.1.1 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.4 Confidentiality

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

14.1.5 Protection of Confidential Information by an Employee or Agent of ICU

ICU shall ensure that information concerning Adverse Analytical Findings, Atypical Findings, other asserted anti-doping rule violations or violations of Article 10.14.1, remains confidential until such information is Publicly Disclosed in accordance with Article 14.3. ICU shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and Delegated Third Parties are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

14.2 Notice of Decision of Anti-Doping Rule Violations or Violations of Article 10.14.1 and Request for Files

14.2.1 Decisions that are subject to appeal, (whether under Article 13.2 or otherwise) and including, without limitation any anti-doping rule violation decisions, decisions related to Article 10.14.1 and decisions related to whereabouts failures shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, ICU shall provide an English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision. The case file shall be produced in machine readable form and, to the greatest extent practicable, in electronic, digital, and word-searchable format. If the case file contains documents in a language other than English or French, a case file index shall be provided promptly in English or French with a short description of each document in English or French.

14.2.3 For purposes of Articles 13.6.1 and 13.6.2, the complete file shall not be considered to have been received by *WADA* or other parties with a right to appeal until the complete file has been produced in accordance with Article 14.2.2.

14.3 *Public Disclosure*

14.3.1 After notice has been provided to the Athlete or other Person in accordance with the International Standard for Results Management, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.1, the identity of any Athlete or other Person who is notified of a potential anti-doping rule violation or violation of Article 10.14.1, the Prohibited Substance or Prohibited Method and the nature of the violation involved, and whether the Athlete or other Person is subject to a Provisional Suspension may be Publicly Disclosed by ICU.

14.3.2 Subject to Article 14.3.3 and applicable laws, no later than twenty (20) days after a decision or determination finding an anti-doping rule violation or violation of Article 10.14.1 has become final under the applicable rules and is not subject to further appeal provided for under the Code, ICU:

(i) shall Publicly Disclose the disposition of the anti-doping matter, including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved (if any) and the Consequences imposed. Where Public Disclosure as required by Article 14.3.2 would result in a breach of other applicable laws, ICU's failure to make the Public Disclosure will not result in a determination of non-compliance with the Code as set forth in Article 4.2 of the International Standard for Data Protection.

(ii) may make public such decision or determination and may comment publicly on the matter.

14.3.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation or violation of Article 10.14.1 or has established that they bear No Fault or Negligence for the anti-doping rule violation, no Public Disclosure shall be made concerning the determination or the case, except with the consent of the Athlete or other Person who is the subject of the decision. ICU 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. As exceptions, and subject to applicable laws, if the identity of the Athlete or the other Person is already public or Consequences have been or are being imposed, or there are other compelling circumstances supporting Public Disclosure, then ICU may, without consent, Publicly Disclose the matter to the extent necessary to explain the outcome of the case.

14.3.4 Publication shall be accomplished at a minimum by placing the required information on ICU's website and leaving the information up for the longer of one (1) month or the duration of any period of Ineligibility.

14.3.5 Except as provided in Article 14.3.1 and 14.3.3, no *Anti-Doping Organization*, *National Federation*, or *WADA*-accredited laboratory, or any official of any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by the *Athlete*, other *Person* or their entourage or other representatives.

14.3.6 The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation or violation of Article 10.14.1 is a *Minor*, *Protected Person* or *Recreational Athlete*.

14.3.7 Any optional *Public Disclosure*, under any provision of Article 14, in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case and shall take into consideration the best interests of the individual. In exceptional cases, the importance of transparency to the credibility to the anti-doping system may also be subsidiarily considered.

14.4 Statistical Reporting

ICU shall, at least annually, publish on its website a general statistical report of its Doping Control activities, with a copy provided to WADA. The report shall include, without limitation, a separate listing (which shall maintain the anonymity of the Athlete or other Person involved) of each anti-doping decision finding No Fault or Negligence under Article 10.5, and for each such decision, provide: the year the decision was made; the sport involved; the Code article violated; the Prohibited

Substance or Prohibited Method involved; and whether the decision has been appealed. ICU may also publish reports showing the name of each Athlete tested and the date of each Testing.

14.5 *Doping Control* Information Database and Monitoring of Compliance

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable Doping Control information among Anti-Doping Organizations, ICU shall report to WADA through ADAMS Doping Control-related information, including, in particular:

(a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
(b) Whereabouts information for *Athletes* in accordance with the *International Standard* for *Testing*,
(c) *Therapeutic Use Exemption* decisions, and
(d) *Results Management* decisions,

and any other information as required under the applicable *International Standard(s)*.

14.5.1 To facilitate coordinated test distribution planning, avoid unnecessary duplication in Testing by various Anti-Doping Organizations, and to ensure that Athlete Biological Passport profiles are updated, ICU shall report all In-Competition and Out-of-Competition tests to WADA by entering the Doping Control forms into ADAMS in accordance with the requirements and timelines contained in the International Standard for Testing.

14.5.2 To facilitate WADA's oversight and appeal rights for Therapeutic Use Exemptions, ICU shall report all Therapeutic Use Exemption applications, decisions and supporting documentation using ADAMS in accordance with the requirements and timelines contained in the International Standard for Therapeutic Use Exemptions.

14.5.3 To facilitate WADA's oversight and appeal rights for Results Management, ICU shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the International Standard for Results Management: (a) notifications of anti-doping rule violations and related decisions for Adverse Analytical Findings; (b) notifications and related decisions for other anti-doping rule violations that are not Adverse Analytical Findings; (c) whereabouts failures; (d) violations of Article 10.14.1; and (e) any decision imposing, lifting or reimposing a Provisional Suspension.

14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the

Athlete's *National Anti-Doping Organization*, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.[67]

14.6 Data Privacy

14.6.1 ICU may collect, store, process or disclose personal information relating to Athletes and other Persons where necessary and appropriate to conduct its Anti-Doping Activities under the Code, the International Standards (including specifically the International Standard for Data Protection), these Anti-Doping Rules, and in compliance with applicable law.

14.6.2 ICU shall not use personal information in ADAMS for purposes other than anti-doping.

14.6.3 Without limiting the foregoing, ICU shall:

(a) Only process personal information in accordance with a valid legal ground;

(b) Notify any Participant or Person subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the International Standard for Data Protection, that their personal information may be processed by ICU and other Persons for the purpose of the implementation of these Anti-Doping Rules;

(c) Ensure that any third-party agents (including any Delegated Third Party) with whom ICU shares the personal information of any Participant or Person is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

ARTICLE 15 IMPLEMENTATION OF DECISIONS

15.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organizations*

15.1.1 A decision of an anti-doping rule violation or violation of Article 10.14.1 made by a Signatory Anti-Doping Organization, an appellate body (Article 13.2.2 of the Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon ICU and its National Federations, as well as every Signatory in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

[67] *[Comment to Article 14.5: ADAMS is operated, administered and managed by WADA, and is designed to be consistent with data privacy laws and norms applicable to WADA and other organizations using such system. Personal information regarding Athletes or other Persons maintained in ADAMS is and will be treated in strict confidence and in accordance with the International Standard for Data Protection.]*

15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation or violation of Article 10.14.1 automatically binds all *Signatories*.

15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

15.1.2 ICU and its National Federations shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date ICU receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.3 A decision by an Anti-Doping Organization, an appellate body or CAS to suspend, or lift, Consequences shall be binding upon ICU and its National Federations without any further action required, on the earlier of the date ICU receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation or violation of Article 10.14.1 by a Major Event Organization made in an expedited process during an Event shall not be binding on ICU or its National Federations unless the rules of the Major Event Organization provide the Athlete or other Person with an opportunity to an appeal under non-expedited procedures.

15.2 Implementation of Other Decisions by *Anti-Doping Organizations*

ICU may decide to implement other anti-doping decisions rendered by Anti-Doping Organizations not described in Article 15.1.1 above. In such circumstances, such decisions shall be automatically implemented by ICU's National Federations.

15.3 Implementation of Decisions by Body that is not a *Signatory*

An anti-doping decision by a body that is not a Signatory to the Code shall be implemented by ICU , if ICU finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code. In such circumstances, such decisions shall be automatically implemented by ICU's National Federations.

ARTICLE 16 STATUTE OF LIMITATIONS

No anti-doping rule violation or violation of Article 10.14.1 proceeding may be commenced against an *Athlete* or other *Person* unless they have been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

ARTICLE 17 *EDUCATION*

Within its scope of responsibility, ICU shall plan, implement, monitor and evaluate an Education program in line with the requirements of Article 18 of the Code and the International Standard for Education.

ICU shall ensure that its Education program raises awareness, provides accurate information, enhances decision-making capability, and develops clean sport behaviors in line with the spirit of sport and to be in compliance with the Code.

ICU shall ensure that its Education program is progressive and in line with the main stages of the Athlete pathway, underpinned by a clear curriculum that includes (at a minimum) all topics as listed in the International Standard for Education. Such topics and content should be adapted in line with the Athlete pathway.

ARTICLE 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL FEDERATIONS AND ICU AFFILIATES

18.1 All National Federations and their members shall comply with the Code, International Standards, and these Anti-Doping Rules. All National Federations and all affiliates of ICU (e.g., Continental Federations) shall include in their policies, rules, and programs the provisions necessary to ensure that ICU may enforce these Anti-Doping Rules (including carrying out Testing) directly in respect of Athletes (including National-Level Athletes) and other Persons under ICU's anti-doping authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

18.2 Each National Federation shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that ICU may enforce them directly in respect of Athletes (including National-Level Athletes) and other Persons under its jurisdiction.

18.3 By adopting these Anti-Doping Rules and incorporating them into their governing documents and rules of sport, National Federations shall cooperate with and support ICU in that function. They shall also recognize, abide by and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on Persons under the National Federations' authority.

18.4 As a condition of membership, the policies, rules and programs of all National Federations and affiliates of ICU shall be in compliance with the Code and the International Standards, and all National Federations and affiliates of ICU shall take appropriate action to enforce compliance with the Code, International Standards, and these Anti-Doping Rule.

18.5 All *National Federations* shall:

(i) respect the autonomy and independence of the *National Anti-Doping Organization* in their country as well as the requirements of *National Anti-Doping Organization Operational Independence*; and

(ii) recognize the authority of the *National Anti-Doping Organization* in their country in accordance with Article 5.2.1 of the *Code* and assist as appropriate with the *National Anti-Doping Organization's* implementation of the national *Testing* program for their sport.

18.6 *National Federations* shall use their best efforts to ensure that the *National Anti-Doping Organization* in their country possesses complete authority to implement their *Anti-Doping Activities* over all *Athletes* and other *Persons* under the jurisdiction of the *National Federations.*

18.7 *National Federations* shall ensure that any national level anti-doping rule violation cases discovered by them are immediately reported to the *National Anti-Doping Organization* in their country so that they may be addressed in accordance with the anti-doping rules of the *National Anti-Doping Organization* by an *Operationally Independent* hearing panel in accordance with Article 8.1 of the *Code* and the *International Standard* for *Results Management*.

18.8 All *National Federations* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *National Federation* or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to be bound by these Anti-Doping Rules and to submit to the *Results Management* authority of an *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation.

18.9 All National Federations shall report any information suggesting or relating to an anti-doping rule violation or violation of Article 10.14.1 to ICU and to their National Anti-Doping Organizations and shall cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation.

18.10 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 authority of ICU or the National Federation.

18.11 All *National Federations* shall adopt and implement Code of Conduct provisions allowing the imposition of disciplinary action against *Athlete Support Personnel* under its authority who violate their obligations under Article 21 where such violation would not otherwise constitute an anti-doping rule violation or violation of Article 10.14.1.

18.12 All *National Federations* shall conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organization*.

18.13 All affiliates of ICU shall conduct Testing only under the documented authority of ICU and use their National Anti-Doping Organization or other Sample collection authority to collect Samples in compliance with the International Standard for Testing.

18.14 All affiliates of ICU shall analyze all Samples collected using a WADA-accredited or WADA-approved laboratory in accordance with Article 6.1.

ARTICLE 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF ICU

18.15 All National Federations shall recognize the authority of ICU to conduct Testing in accordance with these Anti-Doping Rules and shall support ICU in the implementation of the international anti-doping program.
18.16 All National Federations shall report any information suggesting or relating to an anti-doping rule violation to ICU and to their National Anti-Doping Organizations and shall cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation.
18.17 All National Federations shall ensure that national-level anti-doping rule violation cases within their authority are adjudicated by an Operationally Independent hearing panel in accordance with Article 8.1 and the International Standard for Results Management.
18.18 All National Federations shall ensure that Athletes and Athlete Support Personnel under their authority are bound by these Anti-Doping Rules as a condition of participation and shall conduct anti-doping Education in coordination with their National Anti-Doping Organization.

19.1 In addition to the roles and responsibilities described in Article 20.3 of the Code for International Federations, ICU shall report to WADA on ICU's compliance with the Code and the International Standards in accordance with Article 24.1.1 of the Code.

19.2 ICU shall not delegate any aspect of Doping Control (including, without limitation, Testing and Results Management) to a Delegated Third Party where such delegation could reasonably lead to a potential or actual conflict of interest; moreover, due to the potential conflict of interest, ICU shall not delegate any aspect of Doping Control (including, without limitation, Testing and Results Management) to a National Federation, or any other national sports governing body or other national sports organization.

19.3 Subject to applicable law, and in accordance with Article 20.3.4 of the Code, all ICU board members, directors, officers, employees and those of appointed Delegated Third Parties who are involved in any aspect of Doping Control shall sign a form provided by ICU, agreeing to be bound by these Anti-Doping Rules as Persons in conformity with the Code for direct and intentional misconduct.
19.4 Subject to applicable law, and in accordance with Article 20.3.5 of the Code, any ICU employee who is involved in Doping Control (other than authorized anti-doping Education or rehabilitation programs) shall sign a statement provided by ICU confirming that they are not Provisionally Suspended or serving a period of Ineligibility and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to them.

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETES*

20.1 To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code*.

20.2 To be available for *Sample* collection at all times.[68]

20.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

20.4 To inform medical personnel of their obligation not to *Use Prohibited Substance*s and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

20.5 To disclose to ICU and their National Anti-Doping Organization any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

20.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.[69]

20.7 To disclose the identity of their Athlete Support Personnel upon request by ICU, or any other Anti-Doping Organization with authority over the Athlete.

20.9 *Athletes* shall make themselves available for *Education*.

ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETE SUPPORT PERSONNEL*

21.1 To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.

21.2 *Athlete Support Personnel* shall make themselves available for *Education* in order to support the provision of accurate anti-doping information to the *Athletes* who they support, particularly in the case of *Protected Persons* and *Minors*.

21.3 To cooperate with the *Athlete Testing* program.

21.4 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.

21.5 To disclose to ICU and their National Anti-Doping Organization any decision by a non-Signatory finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

21.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.[70]

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[68] *[Comment to Article 20.2: 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.]*

[69] *[Comment to Article **Error! Reference source not found.**: Failure to cooperate is not an anti-doping rule violation under the C ode, but it may be the basis for disciplinary action under [IF]'s rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

[70] *[Comment to Article **Error! Reference source not found.**: Failure to cooperate is not an anti-doping rule violation under the C ode, but it may be the basis for disciplinary action under [IF]'s rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

21.7 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.[71]

21.8 No *Person* subject to a period of *Ineligibility* shall provide *Athlete Support Personnel* services to any *Athlete* or other *Person* who is bound by rules adopted pursuant to the *Code*.

21.9 To exercise the highest duty of care in supporting *Athletes* to protect them from the risk of an unintentional anti-doping rule violation.

ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER *PERSONS* BOUND TO THESE ANTI-DOPING RULES

22.1 To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code* and which are applicable to them.

22.2 To disclose to ICU and their National Anti-Doping Organization any decision by a non-Signatory finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

22.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.[72]

ARTICLE 23 INTERPRETATION OF THE *CODE*

23.1 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.

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

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

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[71] *[Comment to Article **Error! Reference source not found.**: In those situations where Use or personal Possession of a Prohibited S ubstance or Prohibited Method by an Athlete Support Person without justification is not an anti-doping rule violation under the Code, it should be subject to other sport disciplinary rules. Coaches and other Athlete Support Personnel are often role models for Athletes. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Athletes not to dope.]*

[72] *[Comment to Article **Error! Reference source not found.**: Failure to cooperate is not an anti-doping rule violation under the C ode, but it may be the basis for disciplinary action under [IF]'s rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

23.4 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.

23.5 Where the term "days" is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

23.6 Where the term "shall" is used in the *Code* or an *International Standard*, it means a mandatory obligation that must be adhered to; where the term "should" is used in the *Code* or an *International Standard*, it means something is considered a best practice or is encouraged to be followed but is not mandatory.

23.7 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.

23.8 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, shall be considered integral parts of the *Code*.

ARTICLE 24 FINAL PROVISIONS

24.1 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

24.2 The comments annotating various provisions of the Code are incorporated by reference into these Anti-Doping Rules, shall be treated as if set out fully herein, and shall be used to interpret these Anti-Doping Rules.

24.3 These Anti-Doping Rules shall enter into force and shall apply in full as of 1 January 2027 (the "Effective Date"). They repeal any previous version of ICU's Anti-Doping Rules.

24.4 These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:

24.4.1 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.

24.4.2 Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be

applied retroactively if the statute of limitations period has not already expired by the Effective Date).

24.4.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard* for *Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard* for *Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.

24.4.4 With respect to cases where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to ICU or other Anti-Doping Organization which had Results Management authority for the anti-doping rule violation or violation of Article 10.14.1 to consider a reduction in the period of Ineligibility in light of these Anti-Doping Rules. Such application shall be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered and the period of Ineligibility has expired.

24.4.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, 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.[73]

24.4.6 Changes to the Prohibited List and Technical Documents relating to substances or methods on the Prohibited List shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a Prohibited Substance or a Prohibited Method has been removed from the Prohibited List, an Athlete or other Person currently serving a period of Ineligibility on account of the formerly Prohibited Substance or Prohibited Method may apply to ICU or other Anti-Doping Organization which had Results Management authority for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of the removal of the substance or method from the Prohibited List.

[73] *[Comment to Article 24.4.5: Other than the situation described in Article 24.4.5, where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered prior to the Effective Date and the period of Ineligibility imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation.]*

APPENDIX 1 DEFINITIONS[74]

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, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* 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*.

Aggravating Circumstances: Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the otherwise applicable sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the anti-doping rule violation was committed as part of a sophisticated doping scheme or plan; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

Anti-Doping Activities: Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *Therapeutic Use Exemption* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

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

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "*Athlete*". In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *Therapeutic*

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

Use Exemptions.[75] However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* shall 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 organization accepting the *Code* is an *Athlete*.[76]

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

Athlete Support Personnel/Athlete Support Person: 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 applicable *International Standards* (including *Technical Documents* or *Technical Letters*), or as directed by *WADA*, prior to the final determination about the finding (i.e., the establishing, or not, of an anti-doping rule violation).

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

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 10.14; (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

[75] *[Comment to Athlete: For the avoidance of doubt, [IF] may not adopt different rules for such Athletes (including with respect to Therapeutic Use Exemptions) except with respect to the matters explicitly referenced above or as expressly allowed by an International Standard.]*

[76] *[Comment to Athlete: Individuals who participate in sport may fall in one of five (5) categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]*

Disclosure 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.

Contaminated Source: An unforeseeable source of a *Prohibited Substance*, such as using or taking a medication or supplement that contains a *Prohibited Substance* that is not disclosed on the product label or in information accessible by a reasonable artificial intelligence or comparable search; consumption of a food or drink, such as contaminated meat or liquid, that contains a *Prohibited Substance* with no advance warning, disclosure or other basis to suspect that it may contain a *Prohibited Substance*; exposure to a *Prohibited Substance* through the *Athlete's* direct physical contact with a third person or physical contact with objects touched or handled by the third person.

Decision Limit: The value above which a quantitative analytical result for a Threshold Substance in a *Sample* shall be reported as an *Adverse Analytical Finding*.[77]

Delegated Third Party: Any Person to which ICU delegates any aspect of Doping Control or anti-doping Education programs including, but not limited to, third parties or other Anti-Doping Organizations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for ICU, or individuals serving as independent contractors who perform Doping Control services for ICU (e.g., non-employee Doping Control officers or chaperones). This definition does not include CAS.

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 and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to *Testing*, investigations, whereabouts, *Therapeutic Use Exemptions*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

Education: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

Event: A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, World Championships of an International Federation, or Pan American Games).

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

Event Venues: Those venues so designated by the ruling body for 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's* 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 *Protected Person* or 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 shall be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility,* or the fact that the *Athlete* only has

[77] *[Comment to Decision Limit: For more information on Decision Limits and which Threshold Substances they are applied for, refer to the ISL TD DL and other applicable Technical Documents (e.g., ISL TD GH, ISL TD CG/LH.)]*

a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.[78]

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

In-Competition: The period commencing at 11:59 p.m. on the day 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.

Independent Observer Program: A team of observers and/or auditors, under the supervision of *WADA*, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of *WADA's* compliance monitoring program.

Independent Review Expert: The role of the Independent Review Expert is to review those rare cases where, as described in Article 7.8.1, ICU has decided not to proceed with the normal Results Management process. Two individuals will be appointed to undertake the Independent Review Expert responsibilities described in Article 7.8 – a Primary Independent Review Expert and a Backup Independent Review Expert who will serve in the event the Primary Independent Review Expert is not available to promptly review a case or has a conflict of interest. The Primary and Backup Independent Review Experts shall be legal experts having extensive experience with anti-doping Results Management and with an established reputation of integrity and fairness. Stakeholders will be invited to submit, or encourage individuals to submit, Independent Review Expert applications to WADA's Independent Nominations Committee. That Committee will nominate at least two individuals which it believes are qualified to serve as the Primary Independent Review Expert or Backup Independent Review Expert. The Primary and Backup Independent Review Experts will then be selected by the WADA Executive Committee to serve under terms of reference which will address compensation, length of service term and other details of the engagement.

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

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

Institutional Independence: In addition to the requirements of *Operational Independence*, hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management* as well as from any national sports governing body or other national sports organization. They shall therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management* or any national sports governing body or other national sports organization.

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

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

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[78] *[Comment to Fault: The criterion for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.6.2, 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.]*

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* and *Technical Letters* issued pursuant to the *International Standard*.

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

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

Metabolite: Any substance produced by a biotransformation process.

Minimum Reporting Level: Value below which an estimated analytical result for some Non-Threshold Substances should not be reported as an *Adverse Analytical Finding*.[79]

Minor: A natural *Person* who has not reached the age of eighteen (18) years.[80]

Monitoring Program: Laboratory Analytical *Testing* program including substances or methods that are not in the *Prohibited List*, but that *WADA* wishes to monitor in order to detect potential patterns of misuse in sport.

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* 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 Anti-Doping Organization Operational Independence: This means that (1) a *National Anti-Doping Organization* shall establish sufficient legal, organizational, procedural, and/or contractual safeguards in order to prevent any undue influence, interference, or involvement in its management or operational activities to ensure the independent implementation of its anti-doping program; and (2) a *National Anti-Doping Organization* shall ensure that no *Person* is involved in its management or operational activities if such *Person* has a real or potential conflict of interest regarding the implementation of its operational activities; without limitation this would occur in circumstances where a *Person* is concurrently involved in the management or operational activities of the *National Anti-Doping Organization* and the management or operational activities of a *National Federation*, other national sports governing body or other national sports organization, or government department with responsibility for sport or anti-doping.[81]

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[79] *[Comment to Minimum Reporting Level: For more information on Minimum Reporting Levels and the Non-Threshold Substances to which they shall be applied, refer to the ISL TD MRPL.]*

[80] *[Comment to Minor: For context, see Comment to Protected Person. Any circumstance where a Minor is to be treated differently than other Persons or Athletes has been specifically identified in the Code. It should not be assumed that different treatment was intended where it is not specifically expressed.]*

[81] *[Comment to National Anti-Doping Organization Operational Independence: A National Anti-Doping Organization's operational activities include the implementation of day-to-day administration and decision-making regarding staff and budget allocation, and the Doping Control process.*

The requirement of National Anti-Doping Organization Operational Independence would not prohibit, for example, the collaboration between Signatory staff members at International Events; National Anti-Doping Organization representatives providing expert advice to other Anti-Doping Organizations; the involvement of state-employed doctors or nurses as sample collection personnel; the participation of National Anti-Doping Organization staff in local sports associations or clubs; or the involvement of National Federation staff in anti-doping Education activities.

Where the National Olympic Committee is acting as a National Anti-Doping Organization pursuant to Article 20.4.6, it shall comply with the requirements of National Anti-Doping Organization Operational Independence. If, however, the National Olympic

National Event: A sport *Event* or *Competition* involving predominantly *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 recognized by ICU as the entity governing ICU's 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 Organization,* consistent with the *International Standard* for *Testing*.[82]

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

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

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

No Significant Fault or Negligence: The *Athlete* or other *Person's* establishing that any *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 *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* shall also establish how the *Prohibited Substance* entered the *Athlete's* system.

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with *Results Management* authority or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with *Results Management* authority and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case. In addition, hearings shall not be conducted (whether by delegation or otherwise) by *Persons* appointed by, or under the authority of, *National Federations* or any other national sports governing bodies or other national sports organizations.[83]

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

Participant: Any *Athlete* or *Athlete Support Person*.

Committee acting as the National Anti-Doping Organization cannot ensure that it fully respects the requirements of National Anti-Doping Organization Operational Independence, it should delegate its Doping Control activities to a Delegated Third Party for independent implementation.]

[82] *[Comment to National-Level Athlete: Each National Anti-Doping Organization shall publish its definition (with supporting criteria, if any) of National-Level Athlete in a manner sufficient to provide guidance to Athletes in ascertaining whether an Athlete is a National-Level Athlete.]*

[83] *[Comment to Operational Independence: Further description of the requirements for service on hearing panels, with examples, may be provided by WADA in the Guidelines for the International Standard for Results Management.]*

Person: A natural *Person* or an organization 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 Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.[84]

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

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

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

Protected Person: An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.[85]

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

Public Disclosure/Publicly Disclose: See *Consequences of Anti-Doping Rule Violations* above.

Quality Assurance: Processes aimed at maintaining and improving the quality of Analytical *Testing* Procedures (as further defined in the *International Standard* for Laboratories), i.e., quality control, quality

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[84] *[Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, [IF] shall establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, [IF] shall establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. 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.]*

[85] *[Comment to Protected Person: Not every Minor is a Protected Person. The Code differentiates between different groups of Minors based on two criteria: (i) age and (ii) level of sporting performance. Below the age of 16, Minors always qualify as Protected Persons. It is assumed that they are unable, in principle, to control their behavior in the same way as adults and therefore need to be given special treatment. Where Minors are over 16 (but below 18) years of age, they are assumed to have a higher level of understanding and, depending on their sporting level, better access to anti-doping Education. This justifies treating the age group between 16-18 differently from the age group below 16. The term "open category" is meant to exclude competition that is limited to junior or age group categories.*

Athletes with a documented lack of legal capacity due to an intellectual impairment always qualify as Protected Persons independently of their age.

The purpose of the category of Protected Person is to take into account that an Athlete or other Person may not possess the mental capacity to sufficiently understand and appreciate the prohibitions against conduct contained in the Code. The special treatment of Protected Person flows from the fact that the central criteria to determine the period of Ineligibility is "Fault".

Those circumstances where a Protected Person, Minor or Recreational Athlete is to be treated differently than other Persons or Athletes have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]

improvement, method development and validation, generation and evaluation of reference population data, analysis of substances included in the *WADA Monitoring Program* as described in *Code* Article 4.5, and any other legitimate *Quality Assurance* process, as determined by *WADA*, aimed at monitoring the validity of Analytical *Testing* Procedures applied to the analysis of *Prohibited Substances* and *Prohibited Methods* for the purposes established in *Code* Article 6.2.

Recreational Athlete: A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has, in the same sport, been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard* for *Testing*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard* for *Testing*), has participated in the sport in a professional capacity[86], has competed in an *International Event* or *National Event*, represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.[87]

Regional Anti-Doping Organization: A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *Therapeutic Use Exemptions*, the conduct of hearings, and the conduct of *Educational* programs 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 Organizations,* who are subject to at least a minimum level of *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 and the *International Standard* for *Testing*.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard* for *Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard* for *Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample* or *Specimen: Any biological material collected for the purposes of *Doping Control*.[88]

Signatories: Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

Specified Method: See Article 4.2.2.

Specified Substance: See 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 Organization* in order to establish an anti-doping rule violation.

Substance of Abuse: See Article 4.2.3.

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[86] [*Comment to Recreational Athlete: With respect to the term "professional capacity," further guidance may be provided in the International Standard for Results Management or guidelines.]*

[87] *[Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]*

[88] *[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood or urine 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 10.7.3, a *Person* providing *Substantial Assistance* shall: (1) fully disclose in a signed written statement or recorded interview all information they possess in relation to anti-doping rule violations or other proceeding described in Article 10.7.3.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided shall remain credible and valuable throughout any subsequent investigation or proceeding.

Tampering: Intentional conduct which subverts the *Doping Control* process. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *Therapeutic Use Exemption* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.[89]

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

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

Technical Document: A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

Technical Letter: Mandatory technical requirements provided by *WADA* from time to time to address particular issues relating to the analysis, interpretation and reporting of specific *Prohibited Substance(s)* and/or *Prohibited Method(s)* or to the application of specific Laboratory or *Athlete Biological Passport* Laboratory procedures.

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

Testing Pool: A pool of Athletes established by ICU who are subject to less stringent whereabouts requirements than Athletes included in ICU's Registered Testing Pool and who are required to provide specified whereabouts information so that they may be located and subjected to Testing Out-of-Competition.

Therapeutic Use Exemption: A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard* for *Therapeutic Use Exemptions* are met.

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 authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include: (1) the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes (2) actions involving one or more *Prohibited Substance(s)* which is/are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substance(s)* (a) is/are not

[89] *[Comment to Tampering: 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, altering a Sample by the addition of a foreign substance, or intimidating or Attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Sample collection personnel should be permitted to carry out their duties in a safe environment without interference or harassment. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]*

intended for genuine and legal therapeutic purposes or (b) is/are intended to enhance sport performance; or (3) other acceptable justification.[90]

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

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

WADA: The World Anti-Doping Agency.

Without Prejudice Agreement: For purposes of Articles 10.7.3.1 and 10.8, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

[90] *[Comment to Trafficking: Acceptable justification would not include, for example, giving, transporting or delivering a Prohibited Substance to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., transporting and delivering Insulin to a diabetic child.]*