

WORLD ANTI-DOPING CODE

2015

with 2018 amendments

2021

World Anti-Doping Code

The World Anti-Doping Code was first adopted in ~~2003,~~[2003](#) and took effect in ~~2004, and~~[2004](#). It was then amended effective 1 January 2009. The following document incorporates revisions to the World Anti-Doping Code that were approved by the World Anti-Doping Agency Foundation Board in Johannesburg, South Africa on 15 November 2013. The revised 2015[subsequently amended three times, the first time effective 1 January 2009, the second time effective 1 January 2015 and the third time effective 1 April 2018 \(compliance amendments\). The revised 2021](#) World Anti-Doping Code is effective as of 1 January 2015. This version of the document also incorporates amendments that were adopted by the World Anti-Doping Agency Foundation Board in Seoul, Korea on 16 November 2017 and are effective as of 1 April 2018.[2021](#).

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PURPOSE, SCOPE AND ORGANIZATION OF THE WORLD ANTI-DOPING PROGRAM AND THE CODE

The purposes of the World Anti-Doping *Code* and the World Anti-Doping Program which supports it are:

- To protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide, and
- To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping.

The *Code*

The *Code* is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the *Code* is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles are implemented. The *Code* has been drafted giving consideration to the principles of proportionality and human rights.¹

The World Anti-Doping Program

The World Anti-Doping Program encompasses all of the elements needed in order to ensure optimal harmonization and best practice in international and national anti-doping programs. The main elements are:

Level 1: The *Code*

Level 2: *International Standards*

Level 3: Models of Best Practice and Guidelines

*International Standards*²

International Standards for different technical and operational areas within the anti-doping program have been and will be developed in consultation with the *Signatories* and governments and approved by WADA. The purpose of the *International Standards* is harmonization among *Anti-Doping Organizations* responsible for specific technical and operational parts of anti-doping programs. Adherence to the *International Standards* is mandatory for compliance with the *Code*. The *International Standards* may be revised from time to time by the WADA Executive Committee after reasonable consultation with the *Signatories*, governments and other relevant stakeholders. *International Standards* and all revisions will be published on the WADA website and shall become effective on the date specified in the *International Standard* or revision.²

¹ [Comment: The Olympic Charter and the International Convention against Doping in Sport 2005 adopted in Paris on 19 October 2005 ("UNESCO Convention"), both recognize the prevention of and the fight against doping in sport as a critical part of the mission of the International Olympic Committee and UNESCO, and also recognize the fundamental role of the Code.]

² [Comment: The International Standards contain much of the technical detail necessary for implementing the Code. International Standards will, in consultation with the Signatories, governments and other relevant stakeholders, be developed by experts and set forth in separate documents. It is important that the WADA Executive Committee be able to make timely changes to the International Standards without requiring any amendment of the Code.]

*Models of Best Practice and Guidelines*³

Models of best practice and guidelines based on the *Code* and *International Standards* have been and will be developed to provide solutions in different areas of anti-doping. The models and guidelines will be recommended by WADA and made available to *Signatories* and other relevant stakeholders, but will not be mandatory. In addition to providing models of anti-doping documentation, WADA will also make some training assistance available to the *Signatories*.³

³ [Comment: These model documents may provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the model rules and other models of best practices verbatim. Others may decide to adopt the models with modifications. Still other stakeholders may choose to develop their own rules consistent with the general principles and specific requirements set forth in the Code.]

Model documents or guidelines for specific parts of anti-doping work have been developed and may continue to be developed based on generally recognized stakeholder needs and expectations.]

FUNDAMENTAL RATIONALE FOR THE WORLD ANTI-DOPING CODE

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

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

Doping is fundamentally contrary to the spirit of sport- [and the protection of *Athletes'* health and right to compete on a doping free level playing field as set forth in the Anti-Doping Charter of *Athletes'* Rights.](#)⁴

To fight doping by promoting the spirit of sport, the *Code* requires each *Anti-Doping Organization* to develop and implement education and prevention programs for *Athletes*, including youth, and *Athlete Support Personnel*.

⁴ [\[Drafting Note: Upon the finalization of the Anti-Doping Charter of *Athletes'* Rights, references to the Charter may be included in Article 20 \(Additional Roles and Responsibilities of Signatories and WADA\) and Article 22 \(Involvement of Governments\). In addition, depending on the final format of the Charter, Article 2 \(Anti-Doping Rule Violations\) could be amended to add a new anti-doping rule violation for violations of specific provisions of the Charter.\]](#)



PART 1

DOPING CONTROL



INTRODUCTION

Part One of the *Code* sets forth specific anti-doping rules and principles that are to be followed by organizations responsible for adopting, implementing or enforcing anti-doping rules within their authority, e.g., the International Olympic Committee, International Paralympic Committee, International Federations, *National Olympic Committees* and Paralympic Committees, *Major Event Organizations*, and *National Anti-Doping Organizations*. All such organizations are collectively referred to as *Anti-Doping Organizations*.

All provisions of the *Code* are mandatory in substance and must be followed as applicable by each *Anti-Doping Organization* and *Athlete* or other *Person*. The *Code* does not, however, replace or eliminate the need for comprehensive anti-doping rules to be adopted by each *Anti-Doping Organization*. While some provisions of the *Code* must be incorporated without substantive change by each *Anti-Doping Organization* in its own anti-doping rules, other provisions of the *Code* establish mandatory guiding principles that allow flexibility in the formulation of rules by each *Anti-Doping Organization* or establish requirements that must be followed by each *Anti-Doping Organization* but need not be repeated in its own anti-doping rules.⁵

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. *Athletes*, *Athlete Support Personnel* or other *Persons* (including directors, officers and employees of Signatories) accept these rules as a condition of participation or involvement and shall be bound by these rules. Each *Signatory* shall establish rules and procedures to ensure that all *Athletes* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of and agree to be bound by anti-doping rules in force of the relevant *Anti-Doping Organizations*.

Each *Signatory* shall establish rules and procedures to ensure that all *Athletes* or other *Persons* under the authority of the *Signatory* and its member organizations consent to the dissemination of their private data as required or authorized by the *Code*, and are bound by and compliant with *Code* anti-doping rules, and that the appropriate *Consequences* are imposed on those *Athletes* or other *Persons* who are not in conformity with those rules. These sport-specific rules and procedures, aimed at enforcing anti-doping rules in a global and harmonized way, are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

As provided in this Part One of the Code, each Anti-Doping Organization shall be responsible for conducting all aspects of Doping Control. Any aspect of Doping Control may be delegated by an Anti-Doping Organization

⁵ [Comment: Those Articles of the Code which must be incorporated into each Anti-Doping Organization's rules without substantive change are set forth in Article 23.2.2. For example, it is critical for purposes of harmonization that all Signatories base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same Consequences for the same anti-doping rule violations. These rules must be the same whether a hearing takes place before an International Federation, at the national level or before the Court of Arbitration for Sport.]

Code provisions not listed in Article 23.2.2 are still mandatory in substance even though an Anti-Doping Organization is not required to incorporate them verbatim. Those provisions generally fall into two categories. First, some provisions direct Anti-Doping Organizations to take certain actions but there is no need to restate the provision in the Anti-Doping Organization's own anti-doping rules. For example, each Anti-Doping Organization must plan and conduct Testing as required by Article 5, but these directives to the Anti-Doping Organization need not be repeated in the Anti-Doping Organization's own rules. Second, some provisions are mandatory in substance but give each Anti-Doping Organization some flexibility in the implementation of the principles stated in the provision. As an example, it is not necessary for effective harmonization to force all Signatories to use one single results management and hearing process. At present, there are many different, yet equally effective processes for results management and hearings within different International Federations and different national bodies. The Code does not require absolute uniformity in results management and hearing procedures; it does, however, require that the diverse approaches of the Signatories satisfy principles stated in the Code.]



to another *Person*, however, the delegating *Anti-Doping Organization* shall remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

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 2.10 of the *Code*.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

- 2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*
 - 2.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.⁶
 - 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the B *Sample* and the B *Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle or the *Athlete* waives analysis of the second bottle.⁷
 - 2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.
 - 2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously or have reporting limits established in a WADA Technical Document or *International Standard*.

⁶ [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.]

⁷ [Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may, at its discretion, choose to have the B *Sample* analyzed even if the *Athlete* does not request the analysis of the B *Sample*.]

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method⁸

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

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.⁹

2.3 Evading, Refusing or Failing to Submit to Sample Collection

Evading *Sample* collection, ~~or without compelling justification,~~ ^{or} refusing or failing to submit to *Sample* collection without compelling justification after notification as authorized in applicable anti-doping rules.¹⁰

2.4 Whereabouts Failures

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

2.5 Tampering or Attempted Tampering with any part of Doping Control¹⁰

⁷⁸ [Comment to Article 2.2: It has always been the case that *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, *Use* or *Attempted Use* may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the *Athlete Biological Passport*, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a *Prohibited Substance* under Article 2.1.

For example, *Use* may be established based upon reliable analytical data from the analysis of an A *Sample* (without confirmation from an analysis of a B *Sample*) or from the analysis of a B *Sample* alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other *Sample*.]

⁸⁹ [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.)]

⁹¹⁰ [Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading *Sample* collection" if it were established that an *Athlete* was deliberately avoiding a Doping Control official to evade notification or *Testing*. A violation of "failing to submit to *Sample* collection" may be based on either intentional or negligent conduct of the *Athlete*, while "evading" or "refusing" *Sample* collection contemplates intentional conduct by the *Athlete*.]

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

~~2.6 Possession of a Prohibited Substance or a Prohibited Method~~
~~2.6.1 Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption ("TUE") granted in accordance with Article 4.4 or other acceptable justification.¹¹~~

2.6 Possession of a Prohibited Substance or a Prohibited Method

2.6.1 ~~2.6.2~~ Possession by an Athlete ~~Support Person~~ In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete ~~Support Person~~ Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete ~~Support Person~~ establishes that the Possession is consistent with a TUE ~~Therapeutic Use Exemption ("TUE")~~ granted ~~to an Athlete~~ in accordance with Article 4.4 or other acceptable justification.¹²

2.6.2 Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.¹³

2.7 *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method*

2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition

¹⁰¹¹ [Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance.]

Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations. Tampering includes misconduct which occurs during the results management and hearing process. See Articles 10.3.1 and 10.7.2. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering.]

¹¹¹² [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.]

¹²¹³ [Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.]

2.9 Complicity

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article ~~10.12.1~~10.13.1 by another *Person*, where such conduct does not otherwise constitute a violation of Article 2.8.

2.10 Prohibited Association¹³

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

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

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

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

~~In order for this provision to apply, it is necessary that the Athlete or other Person has previously been advised in writing by To establish a violation of Article 2.10, an Anti-Doping Organization with jurisdiction over must establish the Athlete or other Person, or by WADA, knew of the Athlete Support Person's disqualifying status, or knew that there was a significant risk that the Athlete Support Person had a disqualifying status and the potential consequence of prohibited association, and that the Athlete or other Person can/could reasonably avoid the association. The Anti-Doping Organization shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Athlete or other Person that the Athlete Support Person may, within 15 days, come forward to the Anti-Doping Organization to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date provided in Article 25.)~~

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

Anti-Doping Organizations that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.¹⁴

¹³¹⁴ [Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or

2.11 Other Anti-Doping Rule Violations

2.11.1 Acts to Discourage or Retaliate Against Reporting

2.11.1.1 Any act which threatens another Person for the purpose of discouraging the Person from the good-faith reporting of an anti-doping rule violation, non-compliance with the Code or other doping activity to WADA, an Anti-Doping Organization, law enforcement or a professional disciplinary body.

2.11.1.2 Retaliation against a Person who has reported in good-faith an anti-doping rule violation, non-compliance with the Code or other doping activity to WADA, an Anti-Doping Organization, law enforcement or a professional disciplinary body.

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof¹⁴

The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organization* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.¹⁵ Where the *Code* places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions¹⁵

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.¹⁶ The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether such presumption has been established or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the

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 the Athlete or other Person knew about the disqualifying status of the Athlete Support Person.]

¹⁴¹⁵ [Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

¹⁵¹⁶ [Comment to Article 3.2: For example, an Anti-Doping Organization 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.]

challenge and the basis of the challenge. CAS, on its own initiative, may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.

- 3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.⁴⁶¹⁷

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

- 3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

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

ARTICLE 4 THE PROHIBITED LIST

⁴⁶¹⁷ [Comment to Article 3.2.2: The burden is on the *Athlete* or other *Person* to establish, by a balance of probability, a departure from the *International Standard* for Laboratories that could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* does so, the burden shifts to the *Anti-Doping Organization* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.]

4.1 Publication and Revision of the *Prohibited List*¹⁷

WADA shall, as often as necessary and no less often than annually, publish the *Prohibited List* as an *International Standard*. The proposed content of the *Prohibited List* and all revisions shall be provided in writing promptly to all *Signatories* and governments for comment and consultation. Each annual version of the *Prohibited List* and all revisions shall be distributed promptly by WADA to each *Signatory*, WADA-accredited or approved laboratory, and government, and shall be published on WADA's website, and each *Signatory* shall take appropriate steps to distribute the *Prohibited List* to its members and constituents. The rules of each *Anti-Doping Organization* shall specify that, unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under the *Anti-Doping Organization's* rules three months after publication of the *Prohibited List* by WADA without requiring any further action by the *Anti-Doping Organization*.¹⁸

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

4.2.1 *Prohibited Substances* and *Prohibited Methods*¹⁸

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 Substances* 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.¹⁹

4.2.2 *Specified Substances*¹⁹

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. ~~The category of Specified Substances shall not include Prohibited Methods.~~²⁰

4.2.3 New Classes of *Prohibited Substances*

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1, WADA's Executive Committee shall determine

^{17,18} [Comment to Article 4.1: The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made. WADA will always have the most current *Prohibited List* published on its website. The *Prohibited List* is an integral part of the *International Convention against Doping in Sport*. WADA will inform the Director-General of UNESCO of any change to the *Prohibited List*.]

^{18,19} [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*.]

^{19,20} [Comment to Article 4.2.2: The *Specified Substances* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an *Athlete* for a purpose other than the enhancement of sport performance.]

whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered *Specified Substances* under Article 4.2.2.

4.3 Criteria for Including Substances and Methods on the *Prohibited List*

WADA shall consider the following criteria in deciding whether to include a substance or method on the *Prohibited List*:

4.3.1 A substance or method shall be considered for inclusion on the *Prohibited List* if WADA, in its sole discretion, determines that the substance or method meets any two of the following three criteria:

4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance;²⁰²¹

4.3.1.2 Medical or other scientific evidence, pharmacological effect or experience that the *Use* of the substance or method represents an actual or potential health risk to the *Athlete*;

4.3.1.3 WADA's determination that the *Use* of the substance or method violates the spirit of sport described in the introduction to the *Code*.

4.3.2 A substance or method shall also be included on the *Prohibited List* if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the *Use* of other *Prohibited Substances* or *Prohibited Methods*.²⁴²²

4.3.3 WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, ~~and~~ the classification of a substance as prohibited at all times or *In-Competition* only⁷ is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

4.4 Therapeutic Use Exemptions ("TUEs")

4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard* for Therapeutic Use Exemptions.

4.4.2 An *Athlete* who is not an *International-Level Athlete* should apply to his or her *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the

²⁰²¹ [Comment to Article 4.3.1.1: This Article anticipates that there may be substances that, when used alone, are not prohibited but which will be prohibited if used in combination with certain other substances. A substance which is added to the *Prohibited List* because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]

²⁴²² [Comment to Article 4.3.2: As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the *Prohibited List*.]

application, the *Athlete* may appeal exclusively to the national-level appeal body described in ~~Articles~~[Article](#) 13.2.2 ~~and 13.2.3~~.

4.4.3 An *Athlete* who is an *International-Level Athlete* should apply to his or her International Federation.^{~~222~~[23](#)}

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

4.4.3.2 If the *Athlete* does not already have a *TUE* granted by his or her *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to his or her International Federation for a *TUE* as soon as the need arises. If the International Federation (or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of the International Federation) denies the *Athlete*'s application, it must notify the *Athlete* promptly, with reasons. If the International Federation grants the *Athlete*'s application, it must notify not only the *Athlete* but also his or her *National Anti-Doping Organization*, and if the *National Anti-Doping Organization* considers that the *TUE* does not meet the criteria set out in the *International Standard* for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review. If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

4.4.4 A *Major Event Organization* may require *Athletes* to apply to it for a *TUE* if they wish to Use a *Prohibited Substance* or a *Prohibited Method* in connection with the *Event*. In that case:

^{~~222~~[23](#)} [Comment to Article 4.4.3: If the International Federation refuses to recognize a *TUE* granted by a *National Anti-Doping Organization* only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the *International Standard* for Therapeutic Use Exemptions, the matter should not be referred to *WADA*. Instead, the file should be completed and re-submitted to the International Federation.]

If an International Federation chooses to test an *Athlete* who is not an *International-Level Athlete*, it must recognize a *TUE* granted to that *Athlete* by his or her *National Anti-Doping Organization*.]



- 4.4.4.1 The *Major Event Organization* must ensure a process is available for an *Athlete* to apply for a *TUE* if he or she does not already have one. If the *TUE* is granted, it is effective for its *Event* only.
- 4.4.4.2 Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organization* or International Federation, if that *TUE* meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions, the *Major Event Organization* must recognize it. If the *Major Event Organization* decides the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* promptly, explaining its reasons.
- 4.4.4.3 A decision by a *Major Event Organization* not to recognize or not to grant a *TUE* may be appealed by the *Athlete* exclusively to an independent body established or appointed by the *Major Event Organization* for that purpose. If the *Athlete* does not appeal (or the appeal is unsuccessful), he or she may not *Use* the substance or method in question in connection with the *Event*, but any *TUE* granted by his or her *National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.²³²⁴
- 4.4.5 If an *Anti-Doping Organization* chooses to collect a *Sample* from a *Person* who is not an International-Level or *National-Level Athlete*, and that *Person* is *Using a Prohibited Substance* or *Prohibited Method* for therapeutic reasons, the *Anti-Doping Organization* may permit him or her to apply for a retroactive *TUE*.
- 4.4.6 WADA must review an International Federation's decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to it by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, WADA must review an International Federation's decision to grant a *TUE* that is referred to it by the *Athlete's National Anti-Doping Organization*. WADA may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions, WADA will not interfere with it. If the *TUE* decision does not meet those criteria, WADA will reverse it.²⁴²⁵
- 4.4.7 Any *TUE* decision by an International Federation (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to CAS.²⁵²⁶

²³²⁴ [Comment to Article 4.4.4.3: For example, the CAS Ad Hoc Division or a similar body may act as the independent appeal body for particular Events, or WADA may agree to perform that function. If neither CAS nor WADA are performing that function, WADA retains the right (but not the obligation) to review the *TUE* decisions made in connection with the *Event* at any time, in accordance with Article 4.4.6.]

²⁴²⁵ [Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

²⁵²⁶ [Comment to Article 4.4.7: In such cases, the decision being appealed is the International Federation's *TUE* decision, not WADA's decision not to review the *TUE* decision or (having reviewed it) not to reverse the *TUE* decision. However, the time to appeal the *TUE* decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

4.4.8 A decision by WADA to reverse a TUE decision may be appealed by the *Athlete*, the *National Anti-Doping Organization* and/or the International Federation affected, exclusively to CAS.

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

4.5 Monitoring Program

WADA, in consultation with *Signatories* and governments, shall establish a monitoring program regarding substances which are not on the *Prohibited List*, but which WADA wishes to monitor in order to detect patterns of misuse in sport. WADA shall publish, in advance of any Testing, the substances that will be monitored. Laboratories will report the instances of reported *Use* or detected presence of these substances to WADA periodically on an aggregate basis by sport and whether the *Samples* were collected *In-Competition* or *Out-of-Competition*. Such reports shall not contain additional information regarding specific *Samples*. WADA shall make available to International Federations and *National Anti-Doping Organizations*, on at least an annual basis, aggregate statistical information by sport regarding the additional substances. WADA shall implement measures to ensure that strict anonymity of individual *Athletes* is maintained with respect to such reports. The reported *Use* or detected presence of a monitored substance shall not constitute an anti-doping rule violation.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of Testing and Investigations

Testing and investigations shall only be undertaken for anti-doping purposes.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*.

5.1.2 Investigations shall be undertaken:

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

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

5.2 Scope of Testing²⁶²⁷

²⁶²⁷ [Comment to Article 5.2: Additional authority to conduct Testing may be conferred by means of bilateral or multilateral agreements among Signatories. Unless the Athlete has identified a 60-minute Testing window during the following-described time period, or otherwise consented to Testing during that period, before Testing an Athlete between the hours of 11:00 p.m. and 6:00 a.m., an Anti-Doping Organization should have serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether an Anti-Doping Organization had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organization* with *Testing* authority over him or her. Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3:

- 5.2.1 Each *National Anti-Doping Organization* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that *National Anti-Doping Organization's* country.
 - 5.2.2 Each International Federation shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.
 - 5.2.3 Each *Major Event Organization*, including the International Olympic Committee and the International Paralympic Committee, shall have *In-Competition Testing* authority for its *Events* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of the *Major Event Organization* for a future *Event*.
 - 5.2.4 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.
 - 5.2.5 *Anti-Doping Organizations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.
 - 5.2.6 If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* (directly or through a National Federation), 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, the International Federation or *Major Event Organization* shall be notified.
- 5.3 *Event Testing*
- 5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the collection of *Samples* shall be initiated and directed by the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-American Sports Organization for the Pan American Games). At *National Events*, the collection of *Samples* shall be initiated and directed by the *National Anti-Doping Organization* of that country. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.²⁷²⁸
 - 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

²⁷²⁸ [Comment to Article 5.3.1: Some ruling bodies for International Events may be doing their own Testing outside of the Event Venues during the Event Period and thus want to coordinate that Testing with National Anti-Doping Organization Testing.]

first confer with 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 the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures ~~published by WADA~~ [described in the *International Standard for Testing and Investigations*](#), ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*. WADA shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.²⁸²⁹

5.4 Test Distribution Planning

- 5.4.1 WADA, in consultation with *International Federations* and other *Anti-Doping Organizations*, ~~will adopt~~ [has adopted](#) a Technical Document [for Sport Specific Analysis](#) under the *International Standard for Testing and Investigations* that establishes by means of a risk assessment ~~which~~ [minimum levels of analysis that *Anti-Doping Organizations* must apply to sports and sport disciplines for certain](#) *Prohibited Substances* and/or *Prohibited Methods*, [which](#) are most likely to be abused in particular sports and sport disciplines.
- 5.4.2 Starting with ~~that~~ [a](#) risk assessment [as provided in the *International Standard for Testing and Investigations*](#), each *Anti-Doping Organization* with *Testing* authority shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the *International Standard for Testing and Investigations*. Each *Anti-Doping Organization* shall provide WADA upon request with a copy of its current test distribution plan.
- 5.4.3 Where reasonably feasible, *Testing* shall be coordinated through ADAMS or another system approved by WADA, in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.5 Testing Requirements

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

5.6 Athlete Whereabouts Information

Athletes who have been included in a *Registered Testing Pool* by their *International Federation* and/or *National Anti-Doping Organization* shall provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations*. The *International Federations* and *National Anti-Doping Organizations* shall coordinate the identification of such *Athletes* and the collection of their whereabouts information. Each *International Federation* and *National Anti-Doping Organization* shall make available, through ADAMS or another system approved by WADA, a list which identifies

²⁸²⁹ [Comment to Article 5.3.2: Before giving approval to a *National Anti-Doping Organization* to initiate and conduct *Testing* at an *International Event*, WADA shall consult with the international organization which is the ruling body for the *Event*. Before giving approval to an *International Federation* to initiate and conduct *Testing* at a *National Event*, WADA shall consult with the *National Anti-Doping Organization* of the country where the *Event* takes place. The *Anti-Doping Organization* "initiating and directing *Testing*" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for *Sample* collection or other aspects of the *Doping Control* process.]

those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. The whereabouts information they provide while in the *Registered Testing Pool* will be accessible, through ADAMS or another system approved by WADA, to WADA and to other *Anti-Doping Organizations* having authority to test the *Athlete* as provided in Article 5.2. ~~This~~Whereabouts information shall be maintained in strict confidence at all times; 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 the Protection of Privacy and Personal Information. *Anti-Doping Organizations may, in accordance with Article 4.8 of the International Standard for Testing and Investigations, collect whereabouts information from Athletes who are not included within a Registered Testing Pool.*

5.7 Retired *Athletes* Returning to *Competition*

5.7.1 If an International- or *National-Level Athlete* in a *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six months prior written notice to his or her International Federation and *National Anti-Doping Organization*. WADA, in consultation with the relevant International Federation and *National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where exceptional circumstances exist and the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 13.³⁰

5.7.1.1 Any competitive results obtained in violation of Article 5.7.1 shall be Disqualified.

5.7.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility* ~~and, the Athlete must 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 made himself or herself available for *Testing* by giving six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to his or her International Federation and *National Anti-Doping Organization*.

5.8 Investigations and Intelligence Gathering

Anti-Doping Organizations shall ensure they are able to do each of the following, as applicable and in accordance with the *International Standard* for *Testing* and Investigations:

- 5.8.1 Obtain, assess and process anti-doping intelligence from all available sources to inform the development of an effective, intelligent and proportionate test distribution plan, to plan *Target Testing*, and/or to form the basis of an investigation into a possible anti-doping rule violation(s); and
- 5.8.2 Investigate *Atypical Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively; and

³⁰ [Comment to Article 5.7.1: Guidance for determining whether an exemption is warranted is provided in the International Standard for Testing and Investigations.]

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

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories²⁹³¹

For purposes of 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 the *Anti-Doping Organization* responsible for results management.

6.2 Purpose of Analysis of *Samples*³⁰³²

Samples 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 Article 4.5, or to assist an *Anti-Doping Organization* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

6.3 Research on *Samples*³¹³³

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

6.4 Standards for *Sample* Analysis and Reporting³²³⁴

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

²⁹³¹ [Comment to Article 6.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

³⁰³² [Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]

³¹³³ [Comment to Article 6.3: As is the case in most medical contexts, use of anonymized Samples for quality assurance, quality improvement, or to establish reference populations is not considered research.]

³²³⁴ [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.]

- 6.4.1 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using more extensive menus than those described in the Technical Document for Sport Specific Analysis or the standard Sample analysis menu.
- 6.4.2 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using less ~~extensive menus than those~~ than the minimal levels of analysis described in the Technical Document for Sport Specific Analysis only if they have ~~satisfied WADA that, because of the particular circumstances of their country or sport, as set out in their test distribution plan, less extensive analysis would be appropriate.~~ obtained permission from WADA to do so as provided in the Technical Document for Sport Specific Analysis.
- 6.4.3 As provided in the *International Standard* for Laboratories, laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard Sample analysis menu ~~described in~~ the Technical Document ~~or specified by the Testing authority~~ for Sport Specific Analysis or as requested by the Anti-Doping Organization that initiated and directed Sample collection. Results from any such analysis shall be reported to that Anti-Doping Organization and have the same validity and ~~Consequence~~ Consequences as any other analytical result.
- 6.5 Further Analysis of ~~Samples~~ a Sample Prior to or During Results Management or Hearing Process
- ~~Any Sample may be subject to further analysis by the Anti-Doping Organization responsible for results management at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the~~ There shall be no limitation on the authority of a Laboratory to conduct repeat or additional analysis on a Sample prior to the time an Anti-Doping Organization to the notifies an Athlete as that the asserted Sample is the basis for an asserted Article 2.1 anti-doping rule violation. If after such notification the Anti-Doping Organization 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 Samples After a Sample has Been Reported as Negative
- After a Laboratory has reported a Sample as negative, 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 that wishes to conduct further analysis on a stored Sample may do so with the permission of the Anti-Doping Organization that initiated or directed Sample collection or WADA. 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 and the *International Standard* for Testing and Investigations.
- 6.7 WADA's Right to Take Possession of Samples³⁵
- WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample stored by a Laboratory or Anti-Doping Organization.

³⁵ [Comment to Article 6.7: Resistance or refusal to WADA's taking physical Possession of Samples could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories.]

ARTICLE 7 RESULTS MANAGEMENT³³³⁶

Each *Anti-Doping Organization* conducting results management shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the following principles³⁷:

7.1 Responsibility for Conducting Results Management³⁴³⁸

Except as provided in Articles 7.1.1 and 7.2 below, results management and hearings shall be the responsibility 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 an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation). Regardless of which organization conducts results management or hearings, the principles set forth in this Article and Article 8 shall be respected and the rules identified in Article 23.2.2 to be incorporated without substantive change must be followed.

If a dispute arises between *Anti-Doping Organizations* over which *Anti-Doping Organization* has results management responsibility, *WADA* shall decide which organization has such responsibility. *WADA*'s decision may be appealed to *CAS* within seven days of notification of the *WADA* decision by any of the *Anti-Doping Organizations* involved in the dispute. The appeal shall be dealt with by *CAS* in an expedited manner and shall be heard before a single arbitrator.

Any *Anti-Doping Organization* seeking to conduct results management outside of the authority provided in this Article 7.1 may seek approval to do so from *WADA*.

Where a *National Anti-Doping Organization* elects to collect additional *Samples* pursuant to Article 5.2.6, then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where the *National Anti-Doping Organization* only directs the laboratory to perform additional types of analysis at the *National Anti-Doping Organization*'s expense, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

7.1.1 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 as directed by the rules of the International Federation. Results management and

³³³⁶ [Comment to Article 7: Various Signatories have created their own approaches to results management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for results management. The Code does not supplant each of the Signatories' results management systems. This Article does, however, specify basic principles in order to ensure the fundamental fairness of the results management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping proceedings which have been initiated by an *Anti-Doping Organization* need to go to hearing. There may be cases where the *Athlete* or other *Person* agrees to the sanction which is either mandated by the Code or which the *Anti-Doping Organization* considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and published as provided in Article 14.3.2.]

³⁷ [Drafting Note to Article 7: Much of the detail contained in the current version of Article 7 will be contained in the International Standard for Results Management and Hearings. For purposes of this draft, we have not attempted to delete the language that will be moved to the International Standard.]

³⁴³⁸ [Comment to Article 7.1: In some cases, the procedural rules of the *Anti-Doping Organization* which initiated and directed the *Sample* collection may specify that results management will be handled by another organization (e.g., the *Athlete*'s National Federation). In such event, it shall be the *Anti-Doping Organization*'s responsibility to confirm that the other organization's rules are consistent with the Code.]

the conduct of hearings for a test conducted by WADA on its own initiative, or an anti-doping rule violation discovered by WADA, will be conducted by the *Anti-Doping Organization* designated by WADA. Results management and the conduct of hearings for a test conducted by the International Olympic Committee, the International Paralympic Committee, or another *Major Event Organization*, or an anti-doping rule violation discovered by one of those organizations, shall be referred to the applicable International Federation in relation to *Consequences* beyond exclusion from the *Event*, *Disqualification* of *Event* results, forfeiture of any medals, points, or prizes from the *Event*, or recovery of costs applicable to the anti-doping rule violation.³⁵³⁹

WADA may direct an *Anti-Doping Organization* with results management authority to conduct results management in a particular case. If that *Anti-Doping Organization* refuses to conduct results management within a reasonable deadline set by WADA, WADA may direct another *Anti-Doping Organization*, that is willing to do so, to take results management responsibility in place of the refusing *Anti-Doping Organization*. In such case, the refusing *Anti-Doping Organization* shall reimburse the costs and attorney's fees of conducting results management to the other *Anti-Doping Organization* designated by WADA. Failure to conduct results management as directed or failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

- 7.1.2 Results management in relation to a potential Whereabouts Failure (a filing failure or a missed test) shall be administered by the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files his or her whereabouts information, as provided in the *International Standard* for Testing and Investigations. The *Anti-Doping Organization* that determines a filing failure or a missed test shall submit that information to WADA through ADAMS or another system approved by WADA, where it will be made available to other relevant *Anti-Doping Organizations*.

7.2 Review Regarding Adverse Analytical Findings

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

7.3 Notification After Review Regarding Adverse Analytical Findings

If the review of an *Adverse Analytical Finding* under Article 7.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the *International Standard* for Therapeutic Use Exemptions, or departure that caused the *Adverse Analytical Finding*, the *Anti-Doping Organization* shall promptly notify the *Athlete*, in the manner set out in Articles 14.1.1 and 14.1.3 and its own rules, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule asserted to have been violated; and (c) the *Athlete's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis if the *Athlete* or *Anti-Doping Organization* chooses to request an analysis of the B *Sample*; (e) the opportunity for the *Athlete* and/ or the *Athlete's* representative to attend the B *Sample* opening and analysis within the time period specified in the *International Standard* for Laboratories if such analysis is requested; and (f) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the *International*

³⁵³⁹ [Comment to Article 7.1.1: The *Athlete's* or other *Person's* International Federation has been made the *Anti-Doping Organization* of last resort for results management to avoid the possibility that no *Anti-Doping Organization* would have authority to conduct results management. An International Federation is free to provide in its own anti-doping rules that the *Athlete's* or other *Person's* National *Anti-Doping Organization* shall conduct results management.]

Standard for Laboratories. If the *Anti-Doping Organization* decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete* and the *Anti-Doping Organizations* as described in Article 14.1.2.

In all cases where an *Athlete* has been notified of an anti-doping rule violation that does not result in a mandatory *Provisional Suspension* under Article 7.9.1, the *Athlete* shall be offered the opportunity to accept a *Provisional Suspension* pending the resolution of the matter.

7.4 Review of *Atypical Findings*³⁶⁴⁰

As provided in the *International Standard* for Laboratories, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may ~~also~~ be produced endogenously, or are subject to a WADA Technical Document, as *Atypical Findings* subject to further investigation. Upon receipt of an *Atypical Finding*, the *Anti-Doping Organization* responsible for results management shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard* for Therapeutic Use Exemptions, or (b) there is any apparent departure from the *International Standard* for Testing and Investigations or *International Standard* for Laboratories that caused the *Atypical Finding*. If that review does not reveal an applicable *TUE* or departure that caused the *Atypical Finding*, the *Anti-Doping Organization* shall conduct the required investigation. After the investigation is completed, the *Athlete* and other *Anti-Doping Organizations* identified in Article 14.1.2 shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Athlete* shall be notified as provided in Article 7.3.

7.4.1 The *Anti-Doping Organization* ~~will~~need not provide notice of an *Atypical Finding* until it has completed its investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

(a) If the *Anti-Doping Organization* determines the *B Sample* should be analyzed prior to the conclusion of its investigation under Article 7.4, the *Anti-Doping Organization* may conduct the *B Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3(d)-(f).

(b) If the *Anti-Doping Organization* receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the *Anti-Doping Organization* shall so identify any such *Athlete* after first providing notice of the *Atypical Finding* to the *Athlete*.³⁷⁴¹

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

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the *International Standard* for Testing and Investigations and *International Standard* for Laboratories. At such time as the *Anti-Doping Organization* is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* notice, in the manner set out in its rules, of the anti-

³⁶⁴⁰ [Comment to Article 7.4: The “required investigation” described in this Article will depend on the situation. For example, if it has previously determined that an *Athlete* has a naturally elevated testosterone/epitestosterone ratio, confirmation that an *Atypical Finding* is consistent with that prior ratio is a sufficient investigation.]

³⁷⁴¹ [Comment to Article 7.4.1(b): Under the circumstance described in Article 7.4.1(b), the option to take action would be left to the *Major Event Organization* or sport organization consistent with its rules.]

doping rule violated, and the basis of the violation. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.1.2.

7.6 Review of Whereabouts Failures

Review of potential filing failures and missed tests shall take place as provided in the *International Standard for Testing and Investigations*. At such time as the International Federation or *National Anti-Doping Organization* (as applicable) is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* notice, in the manner set out in its rules, that it is asserting a violation of Article 2.4 and the basis of that assertion. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.1.2.

7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–7.6³⁸⁴²

The *Anti-Doping Organization* or other reviewing body established by such organization shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the *Code* or which the *Anti-Doping Organization* otherwise considers appropriate. At such time as the *Anti-Doping Organization* is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.1.2.

7.8 Identification of Prior Anti-Doping Rule Violations

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

7.9 Principles Applicable to *Provisional Suspensions*³⁹⁴³

7.9.1 Mandatory *Provisional Suspension* after an *Adverse Analytical Finding* or *Adverse Passport Finding*.

The *Signatories* listed below shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* is received for a *Prohibited Substance* or a *Prohibited Method*, other than a *Specified Substance*, a *Provisional Suspension* shall be imposed promptly after the review and notification described in Article 7.2, 7.3 or 7.5: where the *Signatory* is the ruling body of an *Event* (for application to that *Event*); where the *Signatory* is responsible for team selection (for application to that team selection); where the *Signatory* is the applicable International Federation; or where the *Signatory* is

³⁸⁴² [Comment to Articles 7.1, 7.6 and 7.7: For example, an International Federation typically would notify the Athlete through the Athlete's National Federation.]

³⁹⁴³ [Comment to Article 7.9: Before a *Provisional Suspension* can be unilaterally imposed by an *Anti-Doping Organization*, the internal review specified in the *Code* must first be completed. In addition, the *Signatory* imposing a *Provisional Suspension* shall ensure that the *Athlete* is given an opportunity for a *Provisional Hearing* either before or promptly after the imposition of the *Provisional Suspension*, or an expedited final hearing under Article 8 promptly after imposition of the *Provisional Suspension*. The *Athlete* has a right to appeal under Article 13.2.3.

In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the *Athlete* who had been *Provisionally Suspended* will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event.

Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the *Athlete* may be able to take part in future Competitions.

Athletes and other *Persons* shall receive credit for a *Provisional Suspension* against any period of Ineligibility which is ultimately imposed or accepted as provided in Article ~~10.11.3 or 10.11.4~~ 10.12.2]

another *Anti-Doping Organization* which has results management authority over the alleged anti-doping rule violation. A mandatory *Provisional Suspension* may be eliminated if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

Provided, however, that a *Provisional Suspension* may not be imposed unless the *Athlete* is given either: (a) an opportunity for a *Provisional Hearing*, either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or

(b) an opportunity for an expedited hearing in accordance with Article 89 on a timely basis after imposition of a *Provisional Suspension*.

7.9.2 Optional *Provisional Suspension* Based on an *Adverse Analytical Finding* for *Specified Substances, Contaminated Products*, or Other Anti-Doping Rule Violations.

A *Signatory* may adopt rules, applicable to any *Event* for which the *Signatory* is the ruling body or to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has results management authority over the alleged anti-doping rule violation, permitting *Provisional Suspensions* to be imposed for anti-doping rule violations not covered by Article 7.9.1 prior to analysis of the *Athlete's* B *Sample* or final hearing as described in Article 8.

Provided, however, that a *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given either: (a) an opportunity for a *Provisional Hearing*, either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after imposition of a *Provisional Suspension*.

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 *Anti-Doping Organization*) 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 as may be provided in the rules of the applicable *Major Event Organization* or International Federation) has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Competition*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Competition*.

7.10 Notification of Results Management Decisions

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

7.11 Retirement from Sport⁴⁰⁴⁴

If an *Athlete* or other *Person* retires while a results management process is underway, the *Anti-Doping Organization* conducting the results management process retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, the *Anti-Doping Organization* which 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, has authority to conduct results management.

ARTICLE 8 RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

8.1 Fair Hearings

For any *Person* who is asserted to have committed an anti-doping rule violation, each *Anti-Doping Organization* with responsibility for results management shall provide, at a minimum, a fair hearing within a reasonable time by a fair and impartial hearing panel in compliance with the WADA International Standard for Results Management and Hearings. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* shall be *Publicly Disclosed* as provided in Article 14.3.⁴⁴⁴⁵

8.2 Event Hearings⁴²⁴⁶

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.

8.3 Waiver of Hearing

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

8.4 Notice of Decisions

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

⁴⁰⁴⁴ [Comment to Article 7.11: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the jurisdiction of any *Anti-Doping Organization* would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or other *Person* membership in a sports organization.]

⁴⁴⁴⁵ [Comment to Article 8.1: This Article requires that at some point in the results management process, the *Athlete* or other *Person* shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each *Anti-Doping Organization's* own rules for hearings but rather to ensure that each *Anti-Doping Organization* provides a hearing process consistent with these principles.]

⁴²⁴⁶ [Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major *Event* where the resolution of the anti-doping rule violation is necessary to determine the *Athlete's* eligibility to participate in the *Event* or during an *Event* where the resolution of the case will affect the validity of the *Athlete's* results or continued participation in the *Event*.]

8.5 Single Hearing Before CAS⁴³⁴⁷

Anti-doping rule violations asserted against *International-Level Athletes* ~~or~~ *National-Level Athletes or other Persons* may, with the consent of the *Athlete or other Person*, the *Anti-Doping Organization* with results management responsibility, WADA, and any other *Anti-Doping Organization* that would have had a right to appeal a first instance hearing decision to CAS, be heard directly at CAS, with no requirement for a prior hearing.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS⁴⁴⁴⁸

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

ARTICLE 10 SANCTIONS ON INDIVIDUALS⁴⁹

10.1 *Disqualification* of Results in the *Event* during which an Anti-Doping Rule Violation Occurs⁴⁵⁵⁰

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

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

- 10.1.1 If the *Athlete* establishes that he or she bears *No Fault* or *Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be Disqualified, unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping

⁴³⁴⁷ [Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

⁴⁴⁴⁸ [Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]

⁴⁹ [Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]

⁴⁵⁵⁰ [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 FINA World Championships).]

rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

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

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

10.2.1 The period of *Ineligibility* shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a Minor or a Specified Substance, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.⁵¹

10.2.1.2 The anti-doping rule violation involves a Minor, or a Specified Substance and the *Anti-Doping Organization* can establish that the anti-doping rule violation was intentional.

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

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

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

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

10.3.1 For violations of Article 2.3 or Article 2.5, except as provided in Article 10.3.1.1, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.

10.3.1.1 As provided in Article 10.7.2, for a violation of Article 2.5 by a Person who has been notified of an anti-doping rule violation, where the violation occurs during the results management process after such

⁵¹ [Comment to Article 10.2.1.1: While it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered his or her system, it is unlikely in the extreme that in a doping case under Article 2.1 an Athlete will be successful in proving that he or she acted unintentionally without establishing the source of the Prohibited Substance.]

notification, the otherwise applicable period of *Ineligibility*, if any, for the underlying anti-doping rule violation shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation. In cases where this Article 10.3.1.1 applies, the violation of Article 2.5 shall not be considered a second violation for purposes of Article 10.8.4⁵².

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

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.⁴⁶⁵³

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to ~~four years~~ 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 years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.⁴⁷⁵⁴

10.3.6 For violations of Article 2.11.1, the period of *Ineligibility* shall be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.

10.4 Elimination of the Period of *Ineligibility* where there is *No Fault* or *Negligence*⁴⁸⁵⁵

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

⁵² [Comment to Article 10.3.1.1: A hearing panel may consider a violation of Article 2.5 under this Article 10.3.1.1 at any point during the results management and hearing process, either upon its own motion or on the motion of any party to the proceeding. The additional period of ineligibility specified in this Article 10.3.1.1 may be imposed regardless of whether any period of ineligibility is imposed for the underlying anti-doping rule violation or whether an anti-doping rule violation is found. See Article 10.8.2]

⁴⁶⁵³ [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.]

⁴⁷⁵⁴ [Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

⁴⁸⁵⁵ [Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example,

10.5 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence*⁵⁶

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

10.5.1.1 *Specified Substances*

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

10.5.1.2 *Contaminated Products*⁴⁹⁵⁷

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

10.5.1.3 *Minors or Recreational Athletes*

Where the anti-doping rule violation involves a *Prohibited Substance* or *Prohibited Method* and is committed by a *Minor or Recreational Athlete*, and the *Minor or Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a

where an *Athlete* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a 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 entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on *No Significant Fault or Negligence*.]

⁵⁶ [Drafting Note to Article 10.5: Many stakeholders have expressed the view that the current *No Significant Fault or Negligence* requirement that the *Athlete* must establish how the *Prohibited Substance* entered his or her system is unfair in a number of cases where it is likely that supplement contamination was the source of the Adverse Analytical Finding but the *Athlete* is unable to identify the specific contaminated product which caused the Adverse Analytical Finding. There is no way to tell analytically whether a very low concentration of a *Prohibited Substance* is the tail end of an excretion curve resulting from doping or whether the presence in the *Athlete's* body is the result of supplement contamination. On the one hand, it is the common refrain of *Athletes* who intentionally dope to say, "it must have been a contaminated supplement." On the other hand, there are some *Prohibited Substances* which are particularly likely to be found as contaminants in supplements and other products. Rather than modify the definition of *No Significant Fault or Negligence* which requires that, for any violation of Article 2.1, the *Athlete* must establish how the *Prohibited Substance* entered his or her system as a necessary element, WADA will issue a Technical Document increasing the reporting limit for certain substances that are particularly susceptible to contamination].

⁴⁹⁵⁷ [Comment to Article 10.5.1.2: In assessing ~~that *Athlete's* degree of *Fault*~~ whether the *Athlete* can establish the source of the *Substance* in his or her body, it would, for example, be ~~favorable for the *Athlete* if~~ highly significant, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.

This Article should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be *No Fault or Negligence* under Article 10.4.]

reprimand and no period of *Ineligibility*, and at a maximum, two years *Ineligibility*, depending on the *Minor* or *Recreational Athlete's* degree of *Fault*.

10.5.2 Application of *No Significant Fault* or *Negligence* beyond the Application of Article 10.5.1⁵⁰⁵⁸

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

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

10.6.1 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations.⁵⁴⁵⁹

10.6.1.1 An *Anti-Doping Organization* with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the ~~period of *Ineligibility*~~*Consequences* 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 which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organization* with results management responsibility; or (iii) which results in WADA initiating a proceeding against a Signatory or WADA-accredited laboratory for non-compliance with the Code or Technical Document; or (iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of sport integrity violation. After a final appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If

⁵⁰⁵⁸ [Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation, except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 10.2.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or other *Person's* degree of *Fault*.]

⁵⁴⁵⁹ [Comment to Article 10.6.1: The cooperation of *Athletes*, *Athlete Support Personnel* and other *Persons* who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of *Ineligibility* is authorized.]

the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *Anti-Doping Organization* that suspended the period of *Ineligibility* shall reinstate the original period of *Ineligibility*. If an *Anti-Doping Organization* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

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

10.6.1.3 If an *Anti-Doping Organization* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2.

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

10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence⁵²⁶⁰

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

⁵²⁶⁰ [Comment to Article 10.6.2: This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no *Anti-Doping Organization* is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes he or she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or other *Person* would have been caught had he or she not come forward voluntarily.]

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

~~An~~Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the *Anti-Doping Organization* and agrees to *Consequences* acceptable to the *Anti-Doping Organization* and WADA, at their sole discretion, then: (a) an *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample* Collection or *Tampering* with *Sample* Collection), ~~by promptly admitting the asserted anti-doping rule violation after being confronted by an Anti-Doping Organization, and also upon the approval and at the discretion of both WADA and the Anti-Doping Organization with results management responsibility,~~ may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person*'s degree of Fault, ~~and (b) with respect to any anti-doping rule violation, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction. The amount of the reduction to, and the starting date of, the period of *Ineligibility* are to be established by agreement of WADA and the *Anti-Doping Organization* and are not a matter for determination by a hearing body.~~

10.6.4 Application of Multiple Grounds for Reduction of a Sanction⁵³

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

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

10.7.1 If the *Anti-Doping Organization* establishes in an individual case involving an anti-doping rule violation other than violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8, *Administration* or *Attempted Administration*) and 2.9 (*Complicity*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard 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 unless the *Athlete* or other *Person* can

⁵³ ~~[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the *Athlete* or other *Person*'s degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of *Ineligibility* under Article 10.11.~~

~~Several examples of how Article 10 is to be applied are found in Appendix 2.]~~

prove to the comfortable satisfaction of the hearing panel that he or she did not knowingly commit the anti-doping rule violation.⁶¹

10.7.2 Where it is established during the results management process in an individual case that an *Athlete* or other *Person*, after notification to the *Athlete* or other *Person* regarding an anti-doping rule violation, has committed an act of *Tampering*, such act shall be considered an *Aggravating Circumstance* and the otherwise applicable period of *Ineligibility*, if any, shall be increased by an additional period of *Ineligibility* of up to two (2) years, depending on the seriousness of the violation.

10.8 ~~10.7~~ Multiple Violations

10.8.1 ~~10.7.1~~ For an *Athlete* or other *Person*'s second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

(a) six months;

(b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or

(c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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

10.8.2 ~~10.7.2~~ A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

10.8.3 ~~10.7.3~~ An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a prior violation for purposes of this Article.

10.8.4 ~~10.7.4~~ Additional Rules for Certain Potential Multiple Violations

10.8.4.1 ~~10.7.4.1~~ For purposes of imposing sanctions under Article ~~10.7~~, 10.8, except as provided in Article 10.8.4.3 an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organization* can establish that the *Athlete* or other *Person* committed the ~~second~~ additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after the *Anti-Doping Organization* made reasonable efforts to give notice of the first anti-doping rule violation. If the *Anti-Doping Organization* cannot establish this, the violations shall be considered together as one single first

⁶¹ [Comment to Article 10.7.1: Violations under Articles 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration) and 2.9 (Complicity) are not included in the application of Article 10.7 because the sanctions for these violations already build in sufficient discretion to allow consideration of any aggravating circumstance. The imposition of an additional period of Ineligibility for Aggravating Circumstances may be sought by the Anti-Doping Organization with results management or imposed by a hearing body on its own initiative.]

violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.8.4.2

~~10.7.4.2~~ If, after the imposition of a sanction for a first anti-doping rule violation, an *Anti-Doping Organization* discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then the *Anti-Doping Organization* shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article ~~10.8~~10.9.

10.8.4.3

If an *Anti-Doping Organization* can establish that the additional anti-doping rule violation resulted from a separate culpable intent from the first violation, the additional anti-doping rule violation may be considered a second violation for purposes of Article 10.8.1. A separate culpable intent may be established, among other means, by showing a significant passage of time between the violations and/or a clear separation in the types of violations involved. For purposes of this Article, a significant passage of time shall presumptively be established where 12 months or more separates the first violation and the additional violation.

10.8.4.4

If an Anti-Doping Rule Organization establishes that a *Person* has committed a second anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the two violations shall run consecutively, rather than concurrently.

10.8.5

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

For purposes of Article ~~10.7~~10.8, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

10.9

~~10.8~~ *Disqualification* of Results in *Competitions* Subsequent to *Sample* Collection or Commission of an Anti-Doping Rule Violation⁵⁴⁶²

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~~duration of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

10.10

~~10.9 Allocation of CAS Cost Awards and~~ Forfeited Prize Money

~~The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable~~ All prize money required to be forfeited as a result of an anti-doping rule violation shall be allocated and distributed to the *Athletes* who would have been entitled to the prize money had the forfeiting *Athlete* not competed. An International Federation; ~~and third,~~

⁵⁴⁶² [Comment to Article ~~10.8~~10.9: Nothing in the Code 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*.]

~~reimbursement of the expenses of the Anti-Doping Organization that conducted results management in the case, may provide in its rules whether or not the redistributed prize money shall be considered for purposes of its ranking of Athletes.~~

10.11 ~~10.10~~ Financial Consequences

Anti-Doping Organizations may, in their own rules, provide for proportionate recovery of costs or financial sanctions on account of anti-doping rule violations. However, *Anti-Doping Organizations* may only impose financial sanctions in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed. Financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

10.12 ~~10.11~~ Commencement of *Ineligibility* Period⁵⁵⁶³

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.

10.12.1 ~~10.11.1~~ Delays Not Attributable to the *Athlete* or other *Person*⁵⁶⁴

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

~~10.11.2 — Timely Admission~~

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

10.12.2 ~~10.11.3~~ Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.12.2.1 ~~10.11.3.1~~ If a *Provisional Suspension* is imposed and respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the Athlete or other Person does not respect a Provisional Suspension, then the Athlete or

⁵⁵⁶³ [Comment to Article ~~10.11~~10.12: Article ~~10.11~~10.12 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of *Ineligibility* earlier than the date of the final hearing decision.]

⁵⁶⁴ [Comment to Article ~~10.11~~10.12.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

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.⁶⁵

10.12.2.2 ~~10.11.3.2~~ If an *Athlete* or other Person voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organization* with results management authority 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 14.1.⁵⁷⁶⁶

10.12.2.3 ~~10.11.3.3~~ No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by his or her team.

10.12.2.4 ~~10.11.3.4~~ In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

10.13 ~~10.12~~ Status during *Ineligibility* or *Mandatory Provisional Suspension*

10.13.1 ~~10.12.1~~ Prohibition against Participation during *Ineligibility*⁶⁸ or *Mandatory Provisional Suspension*⁶⁷

No *Athlete* or other Person who has been declared ~~ineligible~~ *ineligible or is subject to a mandatory Provisional Suspension* may, during ~~the~~ a period of *Ineligibility* or *mandatory Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international- or national-level *Event*

⁶⁵ [Comment to Article 10.12.2.1: As provided in Articles 10.7 and 10.9, an *Athlete* or other Person who does not respect a *Provisional Suspension* is subject to an additional period of *Ineligibility* for aggravating circumstances and the *Disqualification* of all results with all of the resulting Consequences.]

⁵⁷⁶⁶ [Comment to Article ~~10.11.3.2~~ 10.12.2.2: An *Athlete's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way to draw an adverse inference against the *Athlete*.]

⁵⁸⁶⁷ [Comment to Article ~~10.12.1~~ 10.13.1: For example, subject to Article ~~10.12.2~~ 10.13.2 below, an *Ineligible Athlete* cannot participate in a training camp, exhibition or practice organized by his or her *National Federation* or a club which is a member of that *National Federation* or which is funded by a governmental agency. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league (e.g., the *National Hockey League*, the *National Basketball Association*, etc.), *Events* organized by a non-*Signatory* *International Event* organization or a non-*Signatory* national-level event organization without triggering the Consequences set forth in Article ~~10.12.3~~ 10.13.4. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. *Ineligibility* imposed in one sport shall also be recognized by other sports (see Article 15.1, *Mutual Recognition*). Any performance standard accomplished during a period of *Ineligibility* shall not be recognized by a *Signatory* or its *National Federations* for any purpose.]

organization or any elite or national-level sporting activity funded by a governmental agency.

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

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

10.13.2 ~~10.12.2~~ Return to Training⁵⁹⁶⁸

As an exception to Article ~~10.12.1~~10.13.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *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.

10.13.3 ~~10.12.3~~ Violation of the Prohibition of Participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article ~~10.12.1~~10.13.1, the results of such participation shall be Disqualified and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, an *Anti-Doping Organization* with jurisdiction over such *Athlete Support Person* or other *Person* shall impose sanctions for a violation of Article 2.9 for such assistance.

10.13.4 ~~10.12.4~~ Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories'* member organizations and governments.

10.14 ~~10.13~~ Automatic Publication of Sanction

⁵⁹⁶⁸ [Comment to Article ~~10.12.2~~10.13.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an *Athlete* cannot effectively train on his or her own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article ~~10.12.1~~10.13.1 other than training.]

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

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

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Team Sports

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

11.2 Consequences for Team Sports

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

11.3 Event Ruling Body may Establish Stricter Consequences for Team Sports⁶⁰⁶⁹

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

ARTICLE 12 SANCTIONS AGAINST SIGNATORIES AND AGAINST SPORTING BODIES THAT ARE NOT SIGNATORIES⁶⁴⁷⁰

12.1 Proceedings Against A Signatory

The *International Standard for Code Compliance by Signatories* sets out when and how WADA may proceed against a *Signatory* for failure to comply with its obligations under the *Code* and/or the *International Standards*, and identifies the range of possible sanctions that may be imposed on the *Signatory* for such non-compliance.

12.2 Proceedings Against Other Sporting Body

Nothing in the *Code* or the *International Standard for Code Compliance by Signatories* restricts the ability of any *Signatory* or government to take action under its own rules to enforce the obligation on

⁶⁰⁶⁹ [Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]

⁶⁴⁷⁰ [Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist.]

any other sporting body over which it has authority to comply with, implement, uphold and enforce the *Code* within that body's area of competence.

These rules may include the exclusion of all, or some group of, members of that sporting body from specified future Events or all Events conducted within a specified period of time.

ARTICLE 13 APPEALS⁶²⁷¹

13.1 Decisions Subject to Appeal

Decisions made under the *Code* or rules adopted pursuant to the *Code* may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the *Code* or *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

13.1.1 Scope of Review Not Limited

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

13.1.2 CAS Shall Not Defer to the Findings Being Appealed⁶³⁷²

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

13.1.3 WADA Not Required to Exhaust Internal Remedies⁶⁴⁷³

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an

⁶²⁷¹ [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 federations, who might benefit from having another competitor disqualified.]

⁶³⁷² [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.]

⁶⁴⁷³ [Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]

exception to the six months notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1; a decision by WADA assigning results management under Article 7.1; a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; an *Anti-Doping Organization's* failure to comply with Article 7.9; a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article ~~10.12.3~~[10.13.3](#); and a decision by an *Anti-Doping Organization* not to recognize another *Anti-Doping Organization's* decision under Article 15 may be appealed exclusively as provided in this Article 13.2.

13.2.1 Appeals Involving *International-Level Athletes* or *International Events*^{[6574](#)}

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

13.2.2 Appeals Involving Other *Athletes* or Other *Persons*^{[6675](#)}

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization*. The rules for such appeal shall respect the following principles:

- a timely hearing;
- a fair and impartial hearing panel;
- the right to be represented by counsel at the *Person's* own expense; and
- a timely, written, reasoned decision.

13.2.3 *Persons* Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) 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.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the *National 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) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence; (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

^{[6574](#)} [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.]

^{[6675](#)} [Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by providing for the right to appeal directly to CAS.]

decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

All parties to any CAS appeal must ensure that WADA has been given timely notice of the appeal.⁷⁶ The filing deadline for an appeal filed by WADA shall be the later of:

(a) Twenty-one days after the last day on which any other party in the case could have appealed,

or

(b) Twenty-one days after WADA's receipt of the complete file relating to the decision.

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed⁶⁷⁷⁷

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

13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization*⁶⁸⁷⁸

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

⁷⁶ [Comments to Article 13.2.3: Whether governed by CAS rules or Article 13.2.3, a party's allotted time 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.]

⁶⁷⁷⁷ [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.]

⁶⁸⁷⁸ [Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation-and results management-and hearing process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]

13.4 Appeals Relating to TUEs

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

13.5 Notification of Appeal Decisions

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

13.6 Appeals from Decisions under Article 23.5.5

A notice that is not disputed and so becomes a final decision under Article 23.5.5, finding a *Signatory* non-compliant with the *Code* and imposing consequences for such non-compliance, as well as conditions for reinstatement of the *Signatory*, may be appealed to *CAS* as provided in the *International Standard* for *Code* Compliance by *Signatories*.

13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation

Decisions by *WADA* to suspend or revoke a laboratory's *WADA* accreditation may be appealed only by that laboratory with the appeal being exclusively to *CAS*.

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

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

The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the *Anti-Doping Organization* with results management responsibility.

14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations*, *International Federations* and *WADA*

The *Anti-Doping Organization* with results management responsibility shall also notify the *Athlete's* *National Anti-Doping Organization*, *International Federation* and *WADA* of the assertion of an anti-doping rule violation simultaneously with the notice to the *Athlete* or other *Person*.

14.1.3 Content of an Anti-Doping Rule Violation Notice

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

14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, the *Anti-Doping Organizations* referenced in Article 14.1.2 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality⁶⁹⁷⁹

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 the *Anti-Doping Organization* with results management responsibility has made *Public Disclosure* as permitted by Article 14.3 or has failed to make *Public Disclosure* as required in Article 14.3.

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

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.10, 8.4, 10.4, 10.5, 10.6, ~~10.12.3~~10.13.3 or 13.5 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, the *Anti-Doping Organization* shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.

14.3 *Public Disclosure*

14.3.1 ~~The identity of any Athlete or other Person who is asserted by an Anti-Doping Organization to have committed an anti-doping rule violation. After notice has been provided to the Athlete or other Person in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2, the identity of any Athlete or other Person who is asserted by an Anti-Doping Organization to have committed an anti-doping rule violation and whether the Athlete or other Person is subject to a Provisional Suspension may be Publicly Disclosed by the Anti-Doping Organization with results management responsibility only after notice has been provided to the Athlete or other Person in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2.~~

14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the *Anti-Doping Organization* responsible for results management must *Publicly Report* 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 and the *Consequences* imposed. The same *Anti-Doping Organization* must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

⁶⁹⁷⁹ [Comment to Article 14.1.5: Each *Anti-Doping Organization* shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the *Anti-Doping Organization*.]

- 14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.4 ~~14.3.4~~ Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.3.5 ~~14.3.5~~ ~~No~~ Except as provided in Article 14.3.1, no *Anti-Doping Organization* or WADA-accredited laboratory, or official of either, 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 ~~14.3.6~~ The mandatory *Public Reporting* required in 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor* or Recreational Athlete. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

14.4 Statistical Reporting

Anti-Doping Organizations shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities, with a copy provided to WADA. *Anti-Doping Organizations* may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organizations* and laboratories.

14.5 Doping Control Information Clearinghouse and Monitoring of Compliance

WADA has developed a database management tool, ADAMS, that reflects data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the Protection of Privacy and Personal Information.

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 applicable Anti-Doping Organizations, WADA shall act as a central clearinghouse using ADAMS for Doping Control-Testing data and results management decisions.

WADA shall act as a clearinghouse for Doping Control data, including, in particular,

- a) Athlete Biological Passport data for *International-Level Athletes* and *National-Level Athletes* ~~and whereabouts,~~
- b) Whereabouts information for *Athletes* including those in *Registered Testing Pools*,
- c) TUE decisions, and
- d) Results management decisions (including whereabouts failures).

14.5.1 To facilitate coordinated test distribution planning ~~and to~~ avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, and to ensure that *Athlete Biological Passport* profiles are updated, each *Anti-Doping Organization* shall report all *In-Competition* and *Out-of-Competition* tests ~~on such Athletes~~ to the WADA clearinghouse, by entering the *Doping Control* forms into ADAMS or another system approved by WADA, within the timelines contained in the *International Standard for Testing and Investigations*.

14.5.2 To facilitate WADA's oversight and appeal rights for *TUEs*, each *Anti-Doping Organization* shall report all *TUE decisions* using ADAMS or another system approved by WADA, ~~as soon as possible after such tests have been conducted. This information~~ within the timelines outlined in the *International Standard for Therapeutic Use Exemptions*.

14.5.3 To facilitate WADA's oversight and appeal rights for results management, *Anti-Doping Organizations* shall report the following information into ADAMS or another system approved by WADA in accordance with the requirements and timelines outlined in the *International Standard for Results Management and Hearings*: (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*; and (c) whereabouts failures.

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 International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.

~~To enable it to serve as a clearinghouse for Doping Control Testing data and results management decisions, WADA has developed a database management tool, ADAMS, that reflects data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the Protection of Privacy and Personal Information.~~

14.6 Data Privacy⁷⁰⁸⁰

Anti-Doping Organizations may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code* and *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*), and in compliance with applicable law.

ARTICLE 15 ~~APPLICATION AND RECOGNITION~~ IMPLEMENTATION OF DECISIONS

15.1 Automatic Implementation of *Anti-Doping Organization* Decisions by Other *Signatories*

With respect to any decision by a *Signatory Anti-Doping Organization*, including hearing results, a mandatory *Provisional Suspension* (after a *Provisional Hearing* or acceptance of the mandatory *Provisional Suspension* by the *Athlete* or other *Person*) and any final adjudication, which purports to

⁷⁰⁸⁰ [Comment to Article 14.6: Note that Article 22.2 provides that "Each government will put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code."]

[Drafting Note: Stakeholder feedback on Data Privacy has been forwarded to the WADA Data Privacy Working Group. After receiving their comments, any appropriate Code revisions will be made in the second draft of the 2021 Code.]

impose *Consequences* beyond the direct authority of the *Anti-Doping Organization* (e.g., the territory or events controlled by that *Anti-Doping Organization*), each *Signatory* shall automatically be bound by the decision, and shall implement the decision without any further action required, at such time as *WADA* has received notice of the decision and the timeline for *WADA*'s right to appeal has been triggered under Article 13.2.3.

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

~~15.1—Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any *Signatory* which are consistent with the Code and are within that *Signatory*'s authority, shall be applicable worldwide and shall be recognized and respected by all other *Signatories*.~~⁷¹*Signatories* may decide to implement other decisions rendered by *Signatory Anti-Doping Organizations* not described in Article 15.1 above, such as non-mandatory *Provisional Suspensions* or mandatory *Provisional Suspensions* prior to *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.⁸¹

15.3 Implementation of Decisions by Body That is Not a *Signatory*⁸²

~~15.2—*Signatories* shall recognize the measures taken by other bodies which have not accepted the Code if the rules of those bodies~~A decision by a body that is not a *Signatory* to the Code shall be implemented by each *Signatory* if the *Signatory* 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.⁷²

ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT

- 16.1 In any sport that includes animals in *Competition*, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of *Prohibited Substances*, appropriate *Testing* procedures and a list of approved laboratories for *Sample* analysis.
- 16.2 With respect to determining anti-doping rule violations, results management, fair hearings, *Consequences*, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the Code.

⁷¹ ~~[Comment to Article 15.1:]~~⁸¹ [Comment to Articles 15.1 and 15.2: *Anti-Doping Organization* decisions under Article 15.1 are implemented automatically by other *Signatories* without the requirement of any action on the *Signatories*' part. Implementation of *Anti-Doping Organizations*' decisions under Article 15.2 is subject to each *Signatory*'s discretion. A *Signatory*'s implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other *Anti-Doping Organizations* shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]

⁸² [Comment to Article 15.3: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, *Signatories* should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in his or her body but the period of *Ineligibility* applied is shorter than the period provided for in the Code, then all *Signatories* should recognize the finding of an anti-doping rule violation and the *Athlete*'s National *Anti-Doping Organization* should conduct a hearing consistent with Article 8 to determine whether the longer period of *Ineligibility* provided in the Code should be imposed. A *Signatory*'s implementation of a decision, or its decision not to implement a decision, under Article 15.3 is appealable under Article 13.]

⁷² ~~[Comment to Article 15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, *Signatories* should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in his or her body but the period of *Ineligibility* applied is shorter than the period provided for in the Code, then all *Signatories* should recognize the finding of an anti-doping rule violation and the *Athlete*'s National *Anti-Doping Organization* should conduct a hearing consistent with Article 8 to determine whether the longer period of *Ineligibility* provided in the Code should be imposed.]~~



ARTICLE 17 STATUTE OF LIMITATIONS

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



PART TWO EDUCATION AND RESEARCH

ARTICLE 18 EDUCATION⁸³

18.1 Basic Principle and Primary Goal

The basic principle for information and education programs for doping-free sport is to preserve the spirit of sport, as described in the Introduction to the *Code*, from being undermined by doping. The primary goal of such programs is prevention. The objective shall be to prevent the intentional or unintentional *Use by Athletes of Prohibited Substances and Prohibited Methods*.

Information programs should focus on providing basic information to *Athletes* as described in Article 18.2. Education programs should focus on prevention. Prevention programs should be values based and directed towards *Athletes* and *Athlete Support Personnel* with a particular focus on young people through implementation in school curricula.

All *Signatories* shall within their means and scope of responsibility and in cooperation with each other, plan, implement, evaluate and monitor information, education, and prevention programs for doping-free sport.

18.2 Programs and Activities⁷³⁸⁴

These programs shall provide *Athletes* and other *Persons* with updated and accurate information on at least the following issues:

- Substances and methods on the *Prohibited List*
- Anti-doping rule violations
- *Consequences* of doping, including sanctions, health and social consequences
- *Doping Control* procedures
- *Athletes'* and *Athlete Support Personnel's* rights and responsibilities
- *TUEs*
- Managing the risks of nutritional supplements
- Harm of doping to the spirit of sport
- Applicable whereabouts requirements

⁸³ [\[Drafting Note: Stakeholder comments on Article 18 have been forwarded to the WADA Education Committee. After receiving their comments, any appropriate revisions will be made in the second draft of the 2021 Code.\]](#)

⁷³⁸⁴ [\[Comment to Article 18.2: Anti-doping informational and educational programs should not be limited to National- or International-Level Athletes but should include all Persons, including youth, who participate in sport under the authority of any Signatory, government or other sports organization accepting the Code. \(See definition of Athlete.\) These programs should also include Athlete Support Personnel.](#)

[These principles are consistent with the UNESCO Convention with respect to education and training.\]](#)

The programs shall promote the spirit of sport in order to establish an environment that is strongly conducive to doping-free sport and will have a positive and long-term influence on the choices made by *Athletes* and other *Persons*.

Prevention programs shall be primarily directed at young people, appropriate to their stage of development, in school and sports clubs, parents, adult *Athletes*, sport officials, coaches, medical personnel and the media.

Athlete Support Personnel shall educate and counsel *Athletes* regarding anti-doping policies and rules adopted pursuant to the *Code*.

All *Signatories* shall promote and support active participation by *Athletes* and *Athlete Support Personnel* in education programs for doping-free sport.

18.3 Professional Codes of Conduct

All *Signatories* shall cooperate with each other and governments to encourage relevant, competent professional associations and institutions to develop and implement appropriate *Codes of Conduct*, good practice and ethics related to sport practice regarding anti-doping, as well as sanctions, which are consistent with the *Code*.

18.4 Coordination and Cooperation

WADA shall act as a central clearinghouse for informational and educational resources and/or programs developed by WADA or *Anti-Doping Organizations*.

All *Signatories* and *Athletes* and other *Persons* shall cooperate with each other and governments to coordinate their efforts in anti-doping information and education in order to share experience and ensure the effectiveness of these programs in preventing doping in sport.

ARTICLE 19 RESEARCH

19.1 Purpose and Aims of Anti-Doping Research

Anti-doping research contributes to the development and implementation of efficient programs within *Doping Control* and to information and education regarding doping-free sport.

All *Signatories* and WADA shall, in cooperation with each other and governments, encourage and promote such research and take all reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the *Code*.

19.2 Types of Research

Relevant anti-doping research may include, for example, sociological, behavioral, juridical and ethical studies in addition to medical, analytical and physiological investigation. Studies on devising and evaluating the efficacy of scientifically-based physiological and psychological training programs that are consistent with the principles of the *Code* and respectful of the integrity of the human subjects, as well as studies on the *Use* of emerging substances or methods resulting from scientific developments should be conducted.

19.3 Coordination of Research and Sharing of Results

Coordination of anti-doping research through *WADA* is essential. Subject to intellectual property rights, copies of anti-doping research results shall be provided to *WADA* and, where appropriate, shared with relevant *Signatories* and *Athletes* and other stakeholders.

19.4 Research Practices

Anti-doping research shall comply with internationally-recognized ethical practices.

19.5 Research Using *Prohibited Substances* and *Prohibited Methods*

Research efforts should avoid the *Administration of Prohibited Substances* or *Prohibited Methods* to *Athletes*.

19.6 Misuse of Results

Adequate precautions should be taken so that the results of anti-doping research are not misused and applied for doping purposes.



PART THREE

ROLES AND RESPONSIBILITIES

All *Signatories* [and WADA](#) shall act in a spirit of partnership and collaboration in order to ensure the success of the fight against doping in sport and the respect of the *Code*.^{[7485](#)}



^{[7485](#)} [Comment: Responsibilities for Signatories and Athletes or other Persons are addressed in various Articles in the Code and the responsibilities listed in this part are additional to these responsibilities.]

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF *SIGNATORIES* AND WADA

Each Anti-Doping Organization may delegate aspects of Doping Control for which it is responsible but remains fully responsible for ensuring that any delegated aspect is performed in compliance with the Code. To the extent such delegation is made to a service provider that is not a Signatory, the agreement with the service provider should require its compliance with applicable Code provisions and Technical Documents.

20.1 Roles and Responsibilities of the International Olympic Committee

- 20.1.1 To adopt and implement anti-doping policies and rules for the Olympic Games which conform with the *Code*.
- 20.1.2 To require as a condition of recognition by the International Olympic Committee, that International Federations and *National Olympic Committees* within the Olympic Movement are in compliance with the *Code*.
- 20.1.3 To withhold some or all Olympic funding and/or other benefits from sport organizations that are not in compliance with the *Code*, where required under Article 23.5.
- 20.1.4 To take appropriate action to discourage non-compliance with the *Code*, in accordance with Article 23.5 and the *International Standard for Code Compliance by Signatories*.
- 20.1.5 To authorize and facilitate the *Independent Observer Program*.
- 20.1.6 To require all *Athletes* and each *Athlete Support Person* or other Person who participates or is involved as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Olympic Games, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.1.7 To require all its directors, officers and employees who are involved in any aspect of Doping Control, to agree to and be bound by anti-doping rules in conformity with the Code as a condition of such position or involvement.
- 20.1.8 ~~20.1.7~~ To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.1.9 ~~20.1.8~~ To accept bids for the Olympic Games only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee*, *National Paralympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code*.
- 20.1.10 ~~20.1.9~~ To promote anti-doping education.
- 20.1.11 ~~20.1.10~~ To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.1.12 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.1.13 To implement a policy protecting Persons who report violations which, at a minimum, prohibits the conduct described in Article 2.11.1.

20.2 Roles and Responsibilities of the International Paralympic Committee

- 20.2.1 To adopt and implement anti-doping policies and rules for the Paralympic Games which conform with the *Code*.
- 20.2.2 To require as a condition of membership of the International Paralympic Committee, that International Federations and National Paralympic Committees within the Paralympic Movement are in compliance with the *Code*.
- 20.2.3 To withhold some or all Paralympic funding and/or other benefits from sport organizations that are not in compliance with the *Code*, where required under Article 23.5.
- 20.2.4 To take appropriate action to discourage non-compliance with the *Code*, in accordance with Article 23.5 and the *International Standard for Code Compliance by Signatories*.
- 20.2.5 To authorize and facilitate the *Independent Observer Program*.
- 20.2.6 To require all *Athletes* and each *Athlete Support Person* or other Person who participates or is involved as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Paralympic Games, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.2.7 To require all of its directors, officers and employees who are involved in any aspect of Doping Control, to agree to and be bound by anti-doping rules in conformity with the Code as a condition of such position or involvement.
- 20.2.8 ~~20.2.7~~ To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.2.9 ~~20.2.8~~ To promote anti-doping education.
- 20.2.10 ~~20.2.9~~ To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.2.11 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.2.12 To implement a policy protecting Persons who report violations which, at a minimum, prohibits the conduct described in Article 2.11.1.

20.3 Roles and Responsibilities of International Federations

- 20.3.1 To adopt and implement anti-doping policies and rules which conform with the *Code*.
- 20.3.2 To require as a condition of membership that the policies, rules and programs of their National Federations and other members are in compliance with the *Code*, and to take appropriate action to enforce that condition.
- 20.3.3 To require all *Athletes* and each *Athlete Support Person* or other Person who participates or is involved as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by the International

Federation or one of its member organizations, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.

20.3.4 To require all directors, officers and employees of the International Federation and its member organizations, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of their position or involvement with the International Federation or its member organizations.

20.3.5 ~~20.3.4~~ To require *Athletes* who are not regular members of the International Federation or one of its member National Federations to be available for *Sample* collection and to provide accurate and up-to-date whereabouts information as part of the International Federation's *Registered Testing Pool* consistent with the conditions for eligibility established by the International Federation or, as applicable, the *Major Event Organization*.⁷⁵⁸⁶

20.3.6 ~~20.3.5~~ To require each of their National Federations to establish rules requiring all *Athletes* and each *Athlete Support Person* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations to agree to be bound by anti-doping rules and *Anti-Doping Organization* results management authority in conformity with the *Code* as a condition of such participation.

20.3.7 ~~20.3.6~~ To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

20.3.8 ~~20.3.7~~ To take appropriate action to discourage non-compliance with the *Code*, in accordance with Article 23.5 and the *International Standard* for *Code* Compliance by *Signatories*.

20.3.9 ~~20.3.8~~ To authorize and facilitate the *Independent Observer Program* at *International Events*.

20.3.10 ~~20.3.9~~ To withhold some or all funding to their member National Federations that are not in compliance with the *Code*.

20.3.11 ~~20.3.10~~ To vigorously pursue all potential anti-doping rule violations within their jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, to ensure proper enforcement of *Consequences*, and to conduct an automatic investigation of *Athlete Support Personnel* in the case of any anti-doping rule violation involving a *Minor* or *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation.

20.3.12 ~~20.3.11~~ To accept bids for World Championships and other *International Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code*.

⁷⁵⁸⁶ [Comment to Article 20.3.4: This would include, for example, *Athletes* from professional leagues.]

- [20.3.13](#) ~~20.3.12~~ To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable *National Anti-Doping Organization*.
- [20.3.14](#) ~~20.3.13~~ To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- [20.3.15](#) ~~20.3.14~~ To cooperate fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.10.
- [20.3.16](#) ~~20.3.15~~ To have disciplinary rules in place and require National Federations to 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* within the International Federation's or National Federation's authority.
- [20.3.17](#) To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- [20.3.18](#) To implement a policy protecting *Persons who report violations* which, at a minimum, prohibits the conduct described in Article 2.11.1.

20.4 Roles and Responsibilities of *National Olympic Committees* and National Paralympic Committees

- 20.4.1 To ensure that their anti-doping policies and rules conform with the *Code*.
- 20.4.2 To require as a condition of membership or recognition that National Federations' anti-doping policies and rules are in compliance with the applicable provisions of the *Code*, and to take appropriate action to enforce that condition.
- 20.4.3 To respect the autonomy of the *National Anti-Doping Organization* in their country and not to interfere in its operational decisions and activities.
- 20.4.4 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 20.4.5 To require as a condition of participation in the Olympic Games and Paralympic Games that, at a minimum, *Athletes* who are not regular members of a National Federation be available for *Sample* collection and to provide whereabouts information as required by the *International Standard for Testing and Investigations* as soon as the *Athlete* is identified on the long list or subsequent entry document submitted in connection with the Olympic Games or Paralympic Games.
- 20.4.6 To cooperate with their *National Anti-Doping Organization* and to work with their government to establish a *National Anti-Doping Organization* where one does not already exist, provided that in the interim, the *National Olympic Committee* or its designee shall fulfill the responsibility of a *National Anti-Doping Organization*.
- 20.4.6.1 For those countries that are members of a *Regional Anti-Doping Organization*, the *National Olympic Committee*, in cooperation with the government, shall maintain an active and supportive role with their respective *Regional Anti-Doping Organizations*.

- 20.4.7 To require each of their National Federations to establish rules (or other means) requiring each *Athlete Support Person* or other Person who participates or is involved as a coach, trainer, manager, team staff, official, medical or para-medical personnel in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations, to agree to and be bound by anti-doping rules and *Anti-Doping Organization* results management authority in conformity with the *Code* as a condition of such participation or involvement.
- 20.4.8 To require all directors, officers and employees of the *National Olympic Committee* and *National Paralympic Committee* and of each National Federation and its member organizations to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of their position or involvement with these organizations.
- 20.4.9 ~~20.4.8~~ To withhold some or all funding, during any period of his or her *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.
- 20.4.10 ~~20.4.9~~ To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code*.
- 20.4.11 ~~20.4.10~~ To vigorously pursue all potential anti-doping rule violations within their jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.4.12 ~~20.4.11~~ To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable *National Anti-Doping Organization*.
- 20.4.13 ~~20.4.12~~ To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.4.14 ~~20.4.13~~ To 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* within the *National Olympic Committee's* or National Paralympic Committee's authority.
- 20.4.15 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.4.16 To implement a policy protecting *Persons* who report violations which, at a minimum, prohibits the conduct described in Article 2.11.1.
- 20.4.17 To take appropriate action to discourage non-compliance with the *Code*, in accordance with Article 23.5 and the *International Standard for Code Compliance by Signatories*.
- 20.5 Roles and Responsibilities of *National Anti-Doping Organizations*⁷⁶⁸⁷
- 20.5.1 To be independent in their operational decisions and activities.
- 20.5.2 To adopt and implement anti-doping rules and policies which conform with the *Code*.

⁷⁶⁸⁷ [Comment to Article 20.5: For some ~~Article may be delegated by their~~ smaller countries, a number of the *responsibilities described in this Article may be delegated by their* National Anti-Doping Organization to a ~~responsibilities described in this~~ Regional Anti-Doping Organization.]

- 20.5.3 To cooperate with other relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.5.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations*.
- 20.5.5 To promote anti-doping research.
- 20.5.6 Where funding is provided, to withhold some or all funding, during any period of his or her *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.
- 20.5.7 To vigorously pursue all potential anti-doping rule violations within their jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.
- [20.5.8](#) [To require all of its directors, officers and employees to agree to and be bound by anti-doping rules in conformity with the Code as a condition of their position or involvement with the National Anti-Doping Organization.](#)
- [20.5.9](#) ~~20.5.8~~ To promote anti-doping education.
- [20.5.10](#) ~~20.5.9~~ To conduct an automatic investigation of *Athlete Support Personnel* within their jurisdiction in the case of any anti-doping rule violation by a *Minor* and to conduct an automatic investigation of any *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation.
- [20.5.11](#) ~~20.5.10~~ To cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.7.10.

~~20.6~~ [Roles and Responsibilities of Major Event Organizations](#)

- [20.5.12](#) [To respect the operational independence of laboratories as provided in the International Standard for Laboratories.](#)
- [20.5.13](#) ~~20.6.1~~ [To adopt and implement anti-doping policies and rules for their Events which conform with the Code.](#) [To implement a policy protecting Persons who report violations which, at a minimum, prohibits the conduct described in Article 2.11.1.](#)
- [20.5.14](#) ~~20.6.2~~ To take appropriate action to discourage non-compliance with the *Code*, in accordance with Article 23.5 and the *International Standard for Code Compliance by Signatories*.

[20.6](#) [Roles and Responsibilities of Major Event Organizations](#)

- [20.6.1](#) [To adopt and implement anti-doping policies and rules for their Events which conform with the Code.](#)
- [20.6.2](#) [To take appropriate action to discourage non-compliance with the Code, in accordance with Article 23.5 and the International Standard for Code Compliance by Signatories.](#)
- 20.6.3 To authorize and facilitate the *Independent Observer Program*.
- 20.6.4 To require all *Athletes* and each *Athlete Support Person* [or other Person](#) who participates [or is involved](#) as coach, trainer, manager, team staff, official, medical or paramedical

personnel in the *Event*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.

20.6.5 To require all of its directors, officers and employees who are involved in any aspect of Doping Control, to agree to and be bound by anti-doping rules in conformity with the Code as a condition of their position or involvement with the Major Event Organization.

20.6.6 ~~20.6.5~~ To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.

20.6.7 ~~20.6.6~~ To accept bids for *Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code*.

20.6.8 ~~20.6.7~~ To promote anti-doping education.

20.6.9 ~~20.6.8~~ To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.

20.6.10 To respect the operational independence of laboratories as provided in the International Standard for Laboratories.

20.6.11 To implement a policy protecting Persons who report violations which, at a minimum, prohibits the conduct described in Article 2.11.1.

20.6.12 To take appropriate action to discourage non-compliance with the Code, in accordance with Article 23.5 and the International Standard for Code Compliance by Signatories.

20.7 Roles and Responsibilities of WADA

20.7.1 To adopt and implement policies and procedures which conform with the *Code*.

20.7.2 To provide support and guidance to *Signatories* in their efforts to comply with the *Code* and the *International Standards*, to monitor such compliance by *Signatories*, to notify *Signatories* of instances of non-conformity and explain what must be done to correct them, to secure the imposition of appropriate consequences when a *Signatory* does not correct the non-conformity, as well as conditions that the *Signatory* must satisfy in order to be reinstated to the list of *Code*-compliant *Signatories*, and to verify the fulfilment of those conditions, all in accordance with the *International Standard for Code Compliance by Signatories*.

20.7.3 To approve *International Standards* applicable to the implementation of the *Code*.

20.7.4 To accredit and reaccredit laboratories to conduct *Sample* analysis or to approve others to conduct *Sample* analysis.

20.7.5 To develop and publish guidelines and models of best practice.

20.7.6 To promote, conduct, commission, fund and coordinate anti-doping research and to promote anti-doping education.

20.7.7 To design and conduct an effective *Independent Observer Program* and other types of *Event* advisory programs.

- 20.7.8 To conduct, in exceptional circumstances and at the direction of the WADA Director General, *Doping Controls* on its own initiative or as requested by other *Anti-Doping Organizations*, and to cooperate with relevant national and international organizations and agencies, including but not limited to, facilitating inquiries and investigations.⁷⁷⁸⁸
- 20.7.9 To approve, in consultation with International Federations, *National Anti-Doping Organizations*, and *Major Event Organizations*, defined *Testing* and *Sample* analysis programs.
- 20.7.10 To initiate its own investigations of anti-doping rule violations and other activities that may facilitate doping.⁸⁹

ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETES* AND OTHER *PERSONS*

21.1 Roles and Responsibilities of *Athletes*

- 21.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*.
- 21.1.2 To be available for *Sample* collection at all times.⁷⁸⁹⁰
- 21.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.
- 21.1.5 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.
- 21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.⁷⁹⁹¹

21.2 Roles and Responsibilities of *Athlete Support Personnel*

⁷⁷⁸⁸ [Comment to Article 20.7.8: WADA is ~~problems have been brought~~ not a Testing agency, but it reserves ~~to the attention of the relevant~~ the right, in exceptional circumstances, to conduct its own tests where problems have been brought to the attention of the relevant *Anti-Doping Organization* and have ~~to conduct its own tests where~~ not been satisfactorily addressed.]

⁸⁹ [Drafting Note to Article 20.7: A number of stakeholders offered comments on whether or how WADA's fulfillment of its *Code* responsibilities should be monitored and whether the *Code* should specify good governance principles applicable to WADA. These comments have been forwarded to the Working Group on WADA Governance. These issues will be addressed, if at all, following receipt of feedback from that group.]

⁷⁸⁹⁰ [Comment to Article 21.1.2: With due regard to an *Athlete's* human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some *Athletes* *Use* low doses of *EPO* during these hours so that it will be undetectable in the morning.]

⁷⁹⁹¹ [Comment to Article 21.1.6 Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a stakeholder's rules.]

- 21.2.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.
- 21.2.2 To cooperate with the *Athlete Testing* program.
- 21.2.3 To use his or her influence on *Athlete* values and behavior to foster anti-doping attitudes.
- 21.2.4 To disclose to his or her *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.
- 21.2.5 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.⁸⁰⁹²
- 21.2.6 *Athlete Support Personnel* shall not Use or Possess any *Prohibited Substance* or *Prohibited Method* without valid justification.⁸¹⁹³
- 21.3 Roles and Responsibilities of Regional *Anti-Doping Organizations*
 - 21.3.1 To ensure member countries adopt and implement rules, policies and programs which conform with the *Code*.
 - 21.3.2 To require as a condition of membership that a member country sign an official Regional *Anti-Doping Organization* membership form which clearly outlines the delegation of anti-doping responsibilities to the Regional *Anti-Doping Organization*.
 - 21.3.3 To cooperate with other relevant national and regional organizations and agencies and other *Anti-Doping Organizations*.
 - 21.3.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations* and Regional *Anti-Doping Organizations*.
 - 21.3.5 To promote anti-doping research.
 - 21.3.6 To promote anti-doping education.

ARTICLE 22 INVOLVEMENT OF GOVERNMENTS⁸²⁹⁴

Each government's commitment to the *Code* will be evidenced by its signing the Copenhagen Declaration on Anti-Doping in Sport of 3 March 2003, and by ratifying, accepting, approving or acceding to the *UNESCO Convention*. The following Articles set forth the expectations of the *Signatories*.

⁸⁰⁹² [Comment to Article 21.2.5 Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a stakeholder's rules.]

⁸¹⁹³ [Comment to Article 21.2.6: In those situations where Use or personal Possession of a Prohibited Substance 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.]

⁸²⁹⁴ [Comment to Article 22: Most governments cannot be parties to, or be bound by, private non-governmental instruments such as the *Code*. For that reason, governments are not asked to be *Signatories* to the *Code* but rather to sign the Copenhagen Declaration and ratify, accept, approve or accede to the *UNESCO Convention*. Although the acceptance mechanisms may be different, the effort to

- 22.1 Each government will take all actions and measures necessary to comply with the *UNESCO Convention*.
- 22.2 Each government will put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with *Anti-Doping Organizations* ~~and~~ sharing of data among *Anti-Doping Organizations* as provided in the *Code*, unrestricted transport of urine and blood Samples, unrestricted entry and exit of *Doping Control* officials and unrestricted access for *Doping Control* officials to all areas where *International-Level Athletes* or *National-Level Athletes* live or train.
- 22.3 Each government will require that all government officials or employees directly involved in the governance or operations of a sport subject to the *Code* agree to be bound by the *Code* as a condition of such involvement.
- 22.4 ~~22.3~~ Each government will encourage cooperation between all of its public services or agencies and *Anti-Doping Organizations* to timely share information with *Anti-Doping Organizations* which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited.
- 22.5 ~~22.4~~ Each government will respect arbitration as the preferred means of resolving doping-related disputes, subject to human and fundamental rights and applicable national law.
- 22.6 ~~22.5~~ Each government that does not have a *National Anti-Doping Organization* in its country will work with its *National Olympic Committee* to establish one.
- 22.7 ~~22.6~~ Each government will respect the autonomy of a *National Anti-Doping Organization* in its country and not interfere in its operational decisions and activities.
- 22.8 ~~22.7~~ A government should meet the expectations of Article ~~22.2~~20.2 no later than 1 January ~~2016-2022~~. The other sections of this Article should already have been met.
- 22.9 ~~22.8~~ Failure by a government to ratify, accept, approve or accede to the *UNESCO Convention*, or to comply with the *UNESCO Convention* thereafter may result in ineligibility to bid for *Events* as provided in Articles ~~20.1.8, 20.3.11~~20.1.9, 20.3.12, and ~~20.6.6~~20.6.7 and may result in additional consequences, e.g., forfeiture of offices and positions within *WADA*; ineligibility or non-admission of any candidature to hold any *International Event* in a country, cancellation of *International Events*; symbolic consequences and other consequences pursuant to the Olympic Charter.

combat doping through the coordinated and harmonized program reflected in the *Code* is very much a joint effort between the sport movement and governments.

This Article sets forth what the Signatories clearly expect from governments. However, these are simply "expectations" since governments are only "obligated" to adhere to the requirements of the *UNESCO Convention*.]



PART FOUR

ACCEPTANCE, COMPLIANCE, MODIFICATION AND INTERPRETATION

ARTICLE 23 ACCEPTANCE, COMPLIANCE AND MODIFICATION

23.1 Acceptance of the Code

- 23.1.1 The following entities shall be *Signatories* accepting the Code: ~~WADA~~, the International Olympic Committee, International Federations, the International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, and *National Anti-Doping Organizations*. These entities shall accept the Code by signing a declaration of acceptance upon approval by each of their respective governing bodies.⁸³⁹⁵
- 23.1.2 Other sport organizations that may not be under the control of a *Signatory* may, upon WADA's invitation, also become a *Signatory* by accepting the Code.⁸⁴⁹⁶
- 23.1.3 A list of all acceptances will be made public by WADA.

23.2 Implementation of the Code

- 23.2.1 The *Signatories* shall implement applicable Code provisions through policies, statutes, rules or regulations according to their authority and within their relevant spheres of responsibility.
- 23.2.2 The following Articles as applicable to the scope of the anti-doping activity which the *Anti-Doping Organization* performs must be implemented by *Signatories* without substantive change (allowing for any non-substantive changes to the language in order to refer to the organization's name, sport, section numbers, etc.):⁸⁵⁹⁷
- Article 1 (Definition of Doping)
 - Article 2 (Anti-Doping Rule Violations)
 - Article 3 (Proof of Doping)
 - Article 4.2.2 (*Specified Substances*)
 - Article 4.3.3 (WADA's Determination of the *Prohibited List*)
 - Article 7.11 (Retirement from Sport)
 - Article 9 (Automatic *Disqualification* of Individual Results)

⁸³⁹⁵ [Comment to Article 23.1.1: Each accepting Signatory will separately sign an identical copy of the standard form common declaration of acceptance and deliver it to WADA. The act of acceptance will be as authorized by the organic documents of each organization. For example, an International Federation by its Congress and WADA by its Foundation Board.]

⁸⁴ ~~[Comment to Article 23.1.2: Those professional leagues that are not currently under the jurisdiction of any government or International Federation will be encouraged to accept]~~⁹⁶ [Drafting Note to Article 23.1.2: WADA will publish a Guideline for considering which sport organizations shall be invited or permitted to become Signatories to the Code.]

⁸⁵⁹⁷ [Comment to Article 23.2.2: Nothing in the Code precludes an Anti-Doping Organization from adopting and enforcing its own specific disciplinary rules for conduct by Athlete Support Personnel related to doping but which does not, in and of itself, constitute an anti-doping rule violation under the Code. For example, a National or International Federation could refuse to renew the license of a coach when multiple Athletes have committed anti-doping rule violations while under that coach's supervision.]

- Article 10 (Sanctions on Individuals)
- Article 11 (*Consequences* to Teams)
- Article 13 (Appeals) with the exception of 13.2.2, 13.6, and 13.7
- Article 15.1 (Recognition of Decisions)
- Article 17 (Statute of Limitations)
- Article 24 (Interpretation of the *Code*)
- Appendix 1 – Definitions

No additional provision may be added to a *Signatory's* rules which changes the effect of the Articles enumerated in this Article. A *Signatory's* rules must expressly acknowledge the Commentary of the *Code* and endow the Commentary with the same status that it has in the *Code*.

23.2.3 In implementing the *Code*, the *Signatories* are encouraged to use the models of best practice recommended by WADA.

23.3 Implementation of Anti-Doping Programs

Signatories shall devote sufficient resources in order to implement anti-doping programs in all areas that are compliant with the *Code* and the *International Standards*.

23.4 Compliance with the *Code*

Signatories shall not be considered in compliance with the *Code* until they have accepted and implemented the *Code* in accordance with Articles 23.1, 23.2, and 23.3. They shall no longer be considered in compliance once acceptance has been withdrawn.

23.5 Monitoring and Enforcing Compliance with the *Code*

23.5.1 Compliance by *Signatories* with the *Code* and the *International Standards* shall be monitored by WADA in accordance with the *International Standard for Code Compliance by Signatories*.

23.5.2 To facilitate such monitoring, each *Signatory* shall report to WADA on its compliance with the *Code* and the *International Standards* as and when required by WADA. As part of that reporting, the *Signatory* shall provide accurately all of the information requested by WADA and shall explain the actions it is taking to correct any non-conformities.

23.5.3 Failure by a *Signatory* to provide accurate information in accordance with Article 23.5.2 itself constitutes an instance of non-conformity with the *Code*, as does failure by a *Signatory* to submit accurate information to WADA where required by other Articles of the *Code* or by the *International Standard for Code Compliance by Signatories*.

23.5.4 In cases of non-conformity (whether with reporting obligations or otherwise), WADA shall follow the corrective procedures set out in the *International Standard for Code Compliance by Signatories*. If the *Signatory* fails to correct the non-conformity within the specified timeframe, then (following approval of such course by WADA's Executive Committee) WADA shall send a formal notice to the *Signatory*, asserting that the

Signatory is non-compliant, specifying the consequences that *WADA* proposes should apply for such non-compliance, and specifying the conditions that *WADA* proposes the *Signatory* should have to satisfy in order to be reinstated to the list of *Code*-compliant *Signatories*. That notice will be publicly reported in accordance with the *International Standard for Code Compliance by Signatories*.

- 23.5.5 If the *Signatory* does not dispute *WADA*'s assertion of non-compliance or the consequences or reinstatement conditions proposed by *WADA* within twenty-one days of receipt of the formal notice, the assertion will be deemed admitted and the consequences and reinstatement conditions will be deemed accepted, the notice will automatically become a final decision, and (subject only to any appeal filed in accordance with Article 13.6) it will be enforceable with immediate effect in accordance with Article 23.5.9. The decision will be publicly reported as provided in the *International Standard for Code Compliance by Signatories*.
- 23.5.6 If the *Signatory* wishes to dispute *WADA*'s assertion of non-compliance, and/or the consequences and/or the reinstatement conditions proposed by *WADA*, it must notify *WADA* in writing within twenty-one days of its receipt of the notice from *WADA*. *WADA* shall then file a formal notice of dispute with *CAS* and that dispute will be resolved by the *CAS* Ordinary Arbitration Division in accordance with the *International Standard for Code Compliance by Signatories*. *WADA* shall have the burden of proving, on the balance of probabilities, that the *Signatory* is non-compliant. If the *CAS* Panel decides that *WADA* has met that burden, and if the *Signatory* has also disputed the consequences and/or the reinstatement conditions proposed by *WADA*, the *CAS* Panel will also consider, by reference to the relevant provisions of the *International Standard for Code Compliance by Signatories*, what consequences should be imposed and/or what conditions the *Signatory* should be required to satisfy in order to be reinstated.
- 23.5.7 *WADA* will publicly report the fact that the case has been referred to *CAS* for determination. Each of the following *Persons* shall have the right to intervene and participate as a party in the case, provided it gives notice of its intervention within 10 days of such publication by *WADA*: ~~(a)~~
- (a) the International Olympic Committee and/ or the International Paralympic Committee (as applicable), and the *National Olympic Committee* and/or the National Paralympic Committee (as applicable), where the decision may have an effect in relation to the Olympic Games or Paralympic Games (including decisions affecting eligibility to attend/participate in the Olympic Games or Paralympic Games); and ~~(b)~~
- (b) an International Federation, where the decision may have an effect on participation in the International Federation's World Championships/*International Events* and/ or on a bid that has been submitted for a country to host the International Federation's World Championships. Any other *Person* wishing to participate as a party in the case must apply to *CAS* within 10 days of publication by *WADA* of the fact that the case has been referred to *CAS* for determination. *CAS* shall permit such intervention (i) if all other parties in the case agree; or (ii) if the applying *Person* demonstrates a sufficient legal interest in the outcome of the case to justify its participation as a party.
- 23.5.8 *CAS*'s decision resolving the dispute will be publicly reported by *CAS* and by *WADA*. Subject to the right under Swiss law to challenge that decision before the Swiss Federal Tribunal, the decision shall be final and enforceable with immediate effect in accordance with Article 23.5.9.
- 23.5.9 The following decisions are applicable worldwide, and shall be recognized, respected and given full effect by all other *Signatories* in accordance with their authority and within

their respective spheres of responsibility: (a) final decisions issued in accordance with Article 23.5.5 (subject to any appeal under Article 13.6) or Article 23.5.8, determining that a *Signatory* is non-compliant, and/or imposing consequences for such non-compliance, and/or setting conditions that the *Signatory* has to satisfy in order to be reinstated to the list of *Code-compliant Signatories*; and (b) final decisions issued in accordance with Article 23.5.10, determining that a *Signatory* has not yet met all of the reinstatement conditions imposed on it and therefore is not yet entitled to be reinstated to the list of *Code-compliant Signatories*.

23.5.10 ~~23.5.10~~ If a *Signatory* wishes to dispute WADA's assertion that the *Signatory* has not yet met all of the reinstatement conditions imposed on it and therefore is not yet entitled to be reinstated to the list of *Code-compliant Signatories*, the *Signatory* must file a formal notice of dispute with CAS (with a copy to WADA) within twenty-one days of its receipt of the assertion from WADA. The dispute will be resolved by the CAS Ordinary Arbitration Division in accordance with Articles 23.5.6 to 23.5.8. It will be WADA's burden to prove on the balance of probabilities that the *Signatory* has not yet met all of the reinstatement conditions imposed on it and therefore is not yet entitled to be reinstated.

23.6 Monitoring Compliance with the *UNESCO Convention*

Compliance with the commitments reflected in the *UNESCO Convention* will be monitored as determined by the Conference of Parties to the *UNESCO Convention*, following consultation with the State Parties and WADA. WADA shall advise governments on the implementation of the *Code* by the *Signatories* and shall advise *Signatories* on the ratification, acceptance, approval or accession to the *UNESCO Convention* by governments.

23.7 Modification of the *Code*

23.7.1 WADA shall be responsible for overseeing the evolution and improvement of the *Code*. *Athletes* and other stakeholders and governments shall be invited to participate in such process.

23.7.2 WADA shall initiate proposed amendments to the *Code* and shall ensure a consultative process to both receive and respond to recommendations and to facilitate review and feedback from *Athletes* and other stakeholders and governments on recommended amendments.

23.7.3 Amendments to the *Code* shall, after appropriate consultation, be approved by a two-thirds majority of the WADA Foundation Board including a majority of both the public sector and Olympic Movement members casting votes. Amendments shall, unless provided otherwise, go into effect three months after such approval.

23.7.4 *Signatories* shall modify their rules to incorporate the ~~2015~~2021 *Code* on or before 1 January ~~2015~~2021, to take effect on 1 January ~~2015~~2021. *Signatories* shall implement any subsequent applicable amendment to the *Code* within one year of approval by the WADA Foundation Board.

23.8 Withdrawal of Acceptance of the *Code*

Signatories may withdraw acceptance of the *Code* after providing WADA six-month written notice of their intent to withdraw.

ARTICLE 24 INTERPRETATION OF THE CODE

- 24.1 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.
- 24.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.
- 24.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 24.4 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.
- 24.5 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.
- 24.6 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

ARTICLE 25 TRANSITIONAL PROVISIONS

- 25.1 General Application of the ~~2015~~2021 *Code*

The ~~2015~~2021 *Code* shall apply in full as of 1 January ~~2015~~2021 (the "Effective Date").

- 25.2 Non-Retroactive except for Articles ~~10.7.5~~10.8.5 and 17 or Unless Principle of "Lex Mitior" Applies

The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article ~~10.7.5~~10.8.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.

- 25.3 Application to Decisions Rendered Prior to the ~~2015~~2021 *Code*

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the ~~2015~~2021 *Code*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2. The ~~2015~~2021 *Code* shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

25.4 Multiple Violations Where the First Violation Occurs Prior to 1 January ~~2015~~2021

For purposes of assessing the period of *Ineligibility* for a second violation under Article ~~10.7.1~~10.8.1, where the sanction for the first violation was determined based on pre-~~2015~~2021 Code rules, the period of *Ineligibility* which would have been assessed for that first violation had ~~2015~~2021 Code rules been applicable, shall be applied. ⁸⁶⁹⁸

25.5 Additional Code Amendments

Any additional Code Amendments shall go into effect as provided in Article 23.7.

⁸⁶⁹⁸ [Comment to Article 25.4: Other than the situation described in Article 25.4, where a final decision finding an anti-doping rule violation has been rendered prior to the existence of the Code or under the Code in force before the ~~2015~~2021 Code and the period of *Ineligibility* imposed has been completely served, the ~~2015~~2021 Code may not be used to re-characterize the prior violation.]



APPENDIX 1

DEFINITIONS

DEFINITIONS⁸⁷⁹⁹

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

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

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

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

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 standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person* failed to respect a *Provisional Suspension*; the *Athlete* or other *Person* Used or Possessed multiple *Prohibited Substances* or *Prohibited Methods* or Used or Possessed a *Prohibited Substance* or *Prohibited Method* on multiple occasions; 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 *Athlete* or *Person* engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during results management or the hearing process. 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 Organization: A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, WADA, International Federations, and *National Anti-Doping Organizations*.

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, or are Recreational Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article

⁸⁷⁹⁹ [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

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*.⁸⁸¹⁰⁰

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

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

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

Consequences of Anti-Doping Rule Violations ("Consequences"): An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article ~~10.12.1~~^{10.13.1}; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* or *Public Reporting* means the dissemination or distribution of information to the general public or *Persons*

⁸⁸¹⁰⁰ [Comment to Athlete: This definition makes it clear that all International and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]

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

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

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between ~~such as provision of~~ including but not limited to, *Testing*, *investigation*, whereabouts *information*, *TUEs*, *Sample* collection and handling, laboratory analysis, *TUEs*, results management ~~and~~, hearings and appeals.

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

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

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2. ⁸⁹[10.1](#)

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

In-Competition: Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. ⁹⁰[10.2](#)

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

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

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

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

⁹⁰[10.2](#) [Comment to *In-Competition*: An International Federation or ruling body for an *Event* may establish an "*In-Competition*" period that is different than the *Event Period*.]

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* and Investigations.⁹⁴¹⁰³

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

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.

Minor: A natural *Person* who has not reached the age of ~~eighteen years~~¹¹⁶⁴²³¹⁶⁻⁴sixteen years; or a natural *Person* who has not reached the age of eighteen years and, at the time of the anti-doping rule violation, is not included in any Registered Testing Pool and had never competed in any International Event in the open category.

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

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

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

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.

No Fault or *Negligence*: The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping

⁹⁴¹⁰³ [Comment to International-Level Athlete: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]

rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

No Significant Fault or Negligence: The *Athlete* or other *Person's* establishing that his or her *Fault* or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault* or *Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.⁹²¹⁰⁴

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

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

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.⁹³¹⁰⁵

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

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

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

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article ⁸⁹ that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.⁹⁴¹⁰⁶

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

⁹²¹⁰⁴ [Comment to No Significant Fault or Negligence: For Cannabinoids, or cocaine in the case of a Minor or Recreational Athlete, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.]

⁹³¹⁰⁵ [Comment to Possession: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

⁹⁴¹⁰⁶ [Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule.]

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

Recreational Athlete: A natural Person who is not (and has not been for the prior five years) an *International-Level* or *National-Level Athlete* and who for the five previous years (either as an individual or team member) has not represented any country in an *International Event* and at the time of the anti-doping rule violation was not ranked in the top fifty (50) in the national rankings as an individual or team member in any *Competition* category and was not included in any *Registered Testing Pool* or other whereabouts information pool maintained by an International Federation or *National Anti-Doping Organization*.

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

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

Sample or Specimen: Any biological material collected for the purposes of *Doping Control*.⁹⁵¹⁰⁷

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

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.

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

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

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

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

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

⁹⁵¹⁰⁷ [Comment to *Sample or Specimen*: It has sometimes been claimed that the collection of blood *Samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

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

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

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

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

WADA: The World Anti-Doping Agency.



APPENDIX TWO

EXAMPLES OF THE APPLICATION OF ARTICLE 10

[Drafting Note: Examples will be updated and included in the third draft of the 2021 Code.]

EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1

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

~~Application of Consequences:~~

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

EXAMPLE 2

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

~~Application of Consequences:~~

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

EXAMPLE 3

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

~~Application of Consequences:~~

- ~~1. The starting point would be Article 10.2. Because the Athlete can establish through corroborating evidence that he did not **commit the anti-doping rule violation** intentionally, i.e., he had No Significant Fault in Using a Contaminated Product (Articles 10.2.1.1 and 10.2.3), the period of Ineligibility would be two years (Article 10.2.2).~~
- ~~2. In a second step, the panel would analyze the Fault-related possibilities for reductions (Articles 10.4 and 10.5). Since the Athlete can establish that the anti-doping rule violation was caused by a Contaminated Product and that he acted with No Significant Fault or Negligence based on Article 10.5.1.2, the applicable range for the period of Ineligibility would be reduced to a range of two years to a reprimand. The panel~~

~~would determine the period of Ineligibility within this range, based on the Athlete's degree of Fault. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of four months.)~~

- ~~3. According to Article 10.8, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would be Disqualified unless fairness requires otherwise.~~
- ~~4. The information referred to in Article 14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.13).~~
- ~~5. The Athlete is not allowed to participate in any capacity in a Competition or other sport related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 10.12.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training one month before the end of the period of Ineligibility.~~

EXAMPLE 4

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

Application of Consequences:

- ~~1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of Ineligibility imposed would be four years.~~
- ~~2. There is no room for Fault-related reductions of the period of Ineligibility (no application of Articles 10.4 and 10.5).~~
- ~~3. Based on the Athlete's spontaneous admission (Article 10.6.2) alone, the period of Ineligibility could be reduced by up to one-half of the four years. Based on the Athlete's Substantial Assistance (Article 10.6.1) alone, the period of Ineligibility could be suspended up to three quarters of the four years.* Under Article 10.6.4, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced or suspended would be up to three quarters of the four years. The minimum period of Ineligibility would be one year.~~
- ~~4. The period of Ineligibility, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of Ineligibility, an early start of the period of Ineligibility under Article 10.11.2 would not be permitted. The provision seeks to prevent an Athlete from benefitting twice from the same set of circumstances. However, if the period of Ineligibility was suspended solely on the basis of Substantial Assistance, Article 10.11.2 may still be applied, and the period of Ineligibility started as early as the Athlete's last Use of the anabolic steroid.~~
- ~~5. According to Article 10.8, all results obtained by the Athlete subsequent to the date of the anti-doping rule violation until the start of the period of Ineligibility would be Disqualified unless fairness requires otherwise.~~
- ~~6. The information referred to in Article 14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.13).~~
- ~~7. The Athlete is not allowed to participate in any capacity in a Competition or other sport related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article~~

~~10.12.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility.~~

EXAMPLE 5

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

Application of Consequences:

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

EXAMPLE 6

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

Application of Consequences:

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

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

- ~~3. In a next step, the panel would assess the possibility for suspension or reduction under Article 10.6 (non-Fault related reductions). In the case of the second violation, only Article 10.6.1 (Substantial Assistance) applies. Based on Substantial Assistance, the period of Ineligibility could be suspended by three-quarters of 32 months.* The minimum period of Ineligibility would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of Ineligibility for Substantial Assistance, thus reducing the period of Ineligibility imposed to two years.)~~
- ~~4. Since the Adverse Analytical Finding was committed in a Competition, the panel would automatically Disqualify the result obtained in the Competition.~~
- ~~5. According to Article 10.8, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.~~
- ~~6. The information referred to in Article 14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.13).~~
- ~~7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 10.12.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility.~~

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