



**INTERNATIONAL CANOE FEDERATION**

# **ANTI-DOPING RULES**

(Based upon the 2015 revised WADA Code)

Taking effect from 1st January 2017

# TABLE OF CONTENTS

Article	Page
<b>Table of Contents</b>	
INTRODUCTION .....	3
PREFACE .....	3
SCOPE OF THESE ANTI-DOPING RULES .....	4
ARTICLE 1 DEFINITION OF DOPING .....	6
ARTICLE 2 ANTI-DOPING RULE VIOLATIONS INTRODUCTION.....	6
ARTICLE 3 PROOF OF DOPING .....	12
ARTICLE 4 THE PROHIBITED LIST .....	15
ARTICLE 5 TESTING AND INVESTIGATION .....	19
ARTICLE 6 ANALYSIS OF SAMPLES .....	26
ARTICLE 7 RESULTS MANAGEMENT .....	28
ARTICLE 8 RIGHT TO A FAIR HEARING .....	36
ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS .....	38
ARTICLE 10 SANCTIONS ON INDIVIDUALS .....	38
ARTICLE 11 CONSEQUENCES TO TEAMS/CREW BOATS/RELAY TEAMS .....	54
ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS	54
ARTICLE 13 APPEALS .....	55
ARTICLE 14 NATIONAL FEDERATIONS' INCORPORATION OF ICF RULES, REPORTING AND RECOGNITION .....	61
ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS .....	66
ARTICLE 16 INCORPORATION OF ICF ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS .....	66
ARTICLE 17 STATUTE OF LIMITATIONS .....	67
ARTICLE 18 THE ICF COMPLIANCE REPORT TO WADA .....	68
ARTICLE 19 EDUCATION .....	68
ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES .....	68
ARTICLE 21 INTERPRETATION OF THE CODE .....	70
ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS .....	71
APPENDIX 1 - DEFINITIONS .....	73
APPENDIX 2 - CONSENT FORM CODE .....	84

# ICF ANTI-DOPING RULES

## INTRODUCTION

### Preface

At the International Canoe Federation (ICF) Board of Directors Meeting held on November 6-9, 2014 in Warsaw, the ICF accepted the revised (2015) World Anti-Doping *Code* (the "*Code*"). These Anti-Doping Rules are adopted and implemented in conformance with the ICF's responsibilities under the *Code*, and are in furtherance of the ICF's continuing efforts to eradicate doping in the sport of Canoeing.

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

### Fundamental Rationale for the *Code* and ICF's Anti-Doping Rules

Anti-doping programmes seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterised by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws

- Respect for self and other participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport. The International Canoe Federation has shared the Fundamental Rationale of the Code since doping controls were initiated in the 1980s. The ICF was the second International Federation committed to initiate Out-of-competition testing.

## Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to ICF, all affiliated *National Federations*, participants and stake holders and/or involved in the sport. The Anti-Doping Rules are binding for:

a. all *Athletes* and *Athlete Support Personnel* who are members of ICF, *National Federation*, or associated member (including any clubs, teams, associations or leagues);

b. all *Athletes* and *Athlete Support Personnel* participating in such capacity in *Events*, *Competitions* and other activities organised, convened, authorised or recognised by ICF, or any *National Federation*, or associated member (including any clubs, teams, associations or leagues), wherever held;

c. any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of ICF, or of any *National Federation*, or associated member (including any clubs, teams, associations or leagues), for purposes of anti-doping;

Within the overall pool of *Athletes* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Athletes* shall be considered to be *International-Level Athletes* for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to *International-Level Athletes* (as regards *Testing* but also as regards

*TUEs*, whereabouts information, results management, and appeals) shall apply to such *Athletes*:

a. *Athletes* who compete in any of the *International Events* organised by the ICF or where the ICF is the ruling body.

## 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 these Anti-Doping Rules.

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

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

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

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analysed; or, where the *Athlete's B Sample* is analysed

and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

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

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

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

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

*[Comment to Article 2.2: As noted in Article 3 (Proof of Doping), 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. 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 ICF provides a satisfactory*

*explanation for the lack of confirmation in the other Sample.]*

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

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

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

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

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

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

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample*

*collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of " failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]*

## **2.4 Whereabouts Failures**

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

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

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

*[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis , or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.]*

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

**2.6.1** *Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete*

establishes that the *Possession* is consistent with a Therapeutic Use Exemption (“TUE”) granted in accordance with Article 4.4 or other acceptable justification.

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

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

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

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

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

## **2.9 Complicity**

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

## 2.10 Prohibited Association

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

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

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

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

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

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support*

*Personnel* described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

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

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

## ARTICLE 3      PROOF OF DOPING

### 3.1 Burdens and Standards of Proof

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

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

### 3.2 Methods of Establishing Facts and Presumptions

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

*[Comment to Article 3.2: For example, the ICF 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 .]*

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

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

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the ICF shall have the burden to establish

that such departure did not cause the *Adverse Analytical Finding*.

*[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 ICF to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

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

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

**3.2.5** The ICF Doping Control 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 tribunal) and to answer questions from the ICF Doping Control Panel or the ICF.

*[Comment to Article 3.2.4: Drawing an adverse inference under these circumstances has been recognised in numerous CAS decisions.]*

## ARTICLE 4 THE PROHIBITED LIST

### 4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the Code. *[Comment to Article 4.1: The current Prohibited List is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).*

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

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

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

#### 4.2.2 Specified Substances

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

*[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.]*

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

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

### 4.4 Therapeutic Use Exemptions ("*TUEs*")

4.4.1 *Athletes* with a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must first obtain a *TUE*. The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1) and/or the *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), *Possession* of *Prohibited Substances* or *Prohibited Methods* (Article 2.6) or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* (Article 2.8) consistent with the provisions of an applicable *TUE* issued pursuant to the International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.

4.4.2 Subject to Article 4.4.3, *Athletes* included by the ICF in its *Registered Testing Pool* and other *Athletes* participating in any *International Event* must obtain a *TUE* from the ICF.

4.4.3 Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organisation* for the substance or method in question, that *TUE* is not automatically valid for international-level *Competition*. However, the *Athlete* may apply to ICF to recognise that *TUE*, in accordance with Article 7 of the

International Standard for Therapeutic Use Exemptions. If that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then ICF shall recognise it for purposes of international-level *Competition* as well. If ICF considers that the *TUE* does not meet those criteria and so refuses to recognise it, ICF shall notify the *Athlete* and his or her *National Anti-Doping Organisation* promptly, with reasons. The *Athlete* and the *National Anti-Doping Organisation* shall have 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.6. If the matter is referred to *WADA* for review, the *TUE* granted by the *National Anti-Doping Organisation* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA*'s decision. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

The application for a *TUE* must be made as soon as possible (in the case of an *Athlete* in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 30 days before the *Athlete*'s participation in the *Event*.

An *Athlete* may only be granted retroactive approval for his/her Therapeutic Use of a *Prohibited Substance* or *Prohibited Method* (i.e., a retroactive *TUE*) if:

- a. Emergency treatment or treatment of an acute medical condition was necessary; or
- b. Due to other exceptional circumstances, there was insufficient time or opportunity for the *Athlete* to submit, or for the *TUEC* to consider, an application for the *TUE* prior to *Sample* collection; or
- c. The applicable rules required the *Athlete* or permitted the *Athlete* (see *Code* Article 4.4.5) to apply for a retroactive *TUE*; or
- d. It is agreed, by *WADA* and by the *Anti-Doping Organisation* to whom the application for a retroactive *TUE* is or would be made, that fairness requires the grant of a retroactive *TUE*.

*[Comment to Article 4.4.3.: If ICF refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are*

*missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to ICF.*

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

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

4.4.4 TUEs granted by the ICF shall be reported to the Athlete's National Federation and to WADA. Athletes who are not *International-Level Athletes* who need to Use a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons must obtain a TUE from their *National Anti-Doping Organisation* or other body designated by their *National Federation*, as required under the rules of the *National Anti-Doping Organisation/other body*. *National Federations* shall promptly report any such TUEs to the ICF and WADA.

4.4.5 The ICF shall appoint a panel of physicians from the ICF Medical and Anti-Doping Committee to consider requests for TUE's. Upon the ICF's receipt of a TUE request, the Chair of the ICF Medical and Anti-Doping Committee shall appoint one or more members of the ICF Medical and Anti-Doping Committee (which may include the Chair) to consider such request. The ICF Medical and Anti-Doping Committee member(s) so designated shall promptly evaluate such request in accordance with the International Standard for Therapeutic Use Exemptions and render a decision on such request, which subject to Article 4.4.6 of these Rules, shall be the final decision of the ICF.

#### 4.4.6            **Reviews and Appeals of TUE Decisions**

4.4.6.1 WADA shall review any decision by ICF not to recognise a *TUE* granted by the *National Anti-Doping Organisation* that is referred to WADA by the *Athlete* or the *Athlete's National Anti-Doping Organisation*. In addition, WADA shall review any decision by ICF to grant a *TUE* that is referred to WADA by the *Athlete's National Anti-Doping Organisation*. 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. Decisions on *TUEs* are subject to further appeal as provided in Article 13.

4.4.7 Any *TUE* decision by ICF (or by a *National Anti-Doping Organisation* where it has agreed to consider the application on behalf of ICF) 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 Organisation* first to the ICF Court of Arbitration and subsequently to CAS, in accordance with Article 13.

## ARTICLE 5 TESTING AND INVESTIGATION

### 5.1 Purpose of *Testing* and Investigations

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

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

accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such *Testing*.

#### 5.1.2 Investigations shall be undertaken:

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

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

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

### 5.2 Authority to conduct *Testing*

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

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

*[Comment to Article 5.2.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented*

*to Testing during that period, ICF will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether ICF had sufficient suspicion for Testing in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.]*

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

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

### 5.3 *Event Testing*

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

5.3.2 If an *Anti-Doping Organisation* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with ICF (or any other international organisation which is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from ICF (or any other international organisation which is the ruling body of the *Event*), the

*Anti-Doping Organisation* may ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the International Standard for Testing and Investigations. *WADA* shall not grant approval for such *Testing* before consulting with and informing ICF (or any other international organisation which is the ruling body for the *Event*). *WADA*'s decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

5.3.3 Every organiser of selected ICF's International *Competitions*, (the list of those *Competitions* is published each year on the ICF's website) must plan for *Doping Controls* to take place and must ensure that, during the *Competition* or *Event*, the necessary facilities, *Sample* collection materials and doping control personnel are available, and the *Testing* procedures are correctly applied in accordance with the International Standard for Testing and Investigation and conducted by qualified persons so authorised.

5.3.4 At those ICF International *Competitions* or *Events* the ICF's Anti-Doping Administrator or its delegate shall be responsible for co-ordinating all *Testing*.

5.3.7 The overall costs of *Doping Controls* and *Competition* and/or *Event Testing* is the responsibility of the organising committee and/or the *National Federation* of the country in which the *Competition* or *Event* is taking place. ICF may, at its own discretion, decide to take responsibility for those costs.

## 5.4 Responsibility for ICF *Testing*

### Test Distribution Plan

The ICF Medical and Anti-Doping Committee shall be responsible for drawing up a test distribution plan for the sport of Canoeing in accordance with Article 4 of the International Standard for Testing, and for the

implementation of that plan, including overseeing all *Testing* conducted by or on behalf of the ICF. *Testing* may be conducted by members of the ICF Medical and Anti-Doping Committee or by other qualified persons so authorised by the ICF.

## 5.5 Coordination of *Testing*

The ICF and *National Federations* shall promptly report completed tests preferably through the WADA clearinghouse to avoid unnecessary duplication in *Testing*.

## 5.6 *Athlete Whereabouts Requirements*

5.6.1 The ICF shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigation, and shall publish the criteria on its website or through ADAMS for *Athletes* to be included in this *Registered Testing Pool* as well as a list of the *Athletes* meeting those criteria for the period in question. The ICF shall coordinate with *National Anti-Doping Organisations* the identification of such *Athletes* and the collection of their whereabouts information. The ICF shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Athlete* in the *Registered Testing Pool* (a) shall advise the ICF of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the *International Standard for Testing*; (b) shall update that information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing and Investigation*, so that it remains accurate and complete at all times; and (c) shall make him/herself available for Testing at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

5.6.2 For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the International

Standard for Testing and Investigations shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.

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

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

5.6.5 Each *National Federation* shall use its best efforts to ensure that *Athletes* in the ICF's *Registered Testing Pool* submit whereabouts information as required. However, the ultimate responsibility for providing whereabouts information rests with each *Athlete*.

## 5.7 Retirement and Return to *Competition*

5.7.1 An *Athlete* who has been identified by the ICF for inclusion in the ICF's *Registered Testing Pool* shall comply with the whereabouts requirements of the *International Standard for Testing* until he or she receives written notice from the ICF that he or she is no longer included in the ICF *Registered Testing Pool* for reasons of retirement (the *Athlete* has to give written notice to the ICF that he or she has retired) or non-fulfilment of the criteria for inclusion in the ICF *Registered Testing Pool*.

5.7.2 An *Athlete* in the ICF's *Registered Testing Pool* who has given notice of retirement to the ICF may not resume competing in *International Events* or *National Events* until he or she 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 Organisation*. WADA, in consultation with ICF, and the *Athlete's National Anti-Doping Organisation*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.

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

## 5.7 Selection of *Athletes* to be *Tested*

5.7.1 At *International Events*, the ICF Medical and Anti-Doping Committee shall determine the number of finishing placement tests, random tests and target tests to be performed.

5.7.2 At *National Events*, each *National Federation* shall determine the number of *Athletes* selected for *Testing* in each *Competition* and the procedures for selecting the *Athletes* for *Testing*.

5.7.3 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 above, the ICF Medical and Anti-Doping Committee at *International Events*, and the *National Federation* at *National Events*, may also select *Athletes* or teams for *Target Testing* so long as such

*Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

5.7.4 *Athletes* shall be selected for *Out-of-Competition Testing* by the ICF Medical and Anti-Doping Committee and by *National Federations* through a process that substantially complies with the International Standard for Testing in force at the time of selection.

### 5.8 *Independent Observer Programme*

ICF and the organising committees for International events and the Organising Committee and *National Federation for National Events* shall authorise and facilitate *Independent Observer Programme* at such *Events* as directed by the ICF.

## ARTICLE 6 ANALYSIS OF SAMPLES

*Doping Control Samples* collected under these Anti-Doping Rules shall be analysed in accordance with the following principles:

### 6.1 Use of Accredited and Approved Laboratories

*Samples* shall be analysed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by the ICF.

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

### 6.2.1 Purpose of Analysis of Samples

*Samples* shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* and other substances as may be directed by WADA pursuant to the Monitoring Programme described in Article 4.5 of the *Code* or to assist the ICF 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.

*[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.]*

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

### 6.3 Research on *Samples*

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

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

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

6.4.1 ICF may request that laboratories analyse its *Samples* using more extensive menus than those described in the Technical Document.

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

6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample*

analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

## 6.5 Further Analysis of *Samples*

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by *WADA* at any time; and/or (b) by ICF 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 ICF to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## ARTICLE 7 RESULTS MANAGEMENT

### 7.1 Results Management for Tests Initiated by the ICF

Results management for tests initiated by the ICF (including tests performed by *WADA* pursuant to agreement with the ICF) shall proceed as set forth below:

7.1.1 The results from all analyses must be sent to the ICF in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with *ADAMS*, a database management tool developed by *WADA*. *ADAMS* is consistent with data privacy statutes and norms applicable to *WADA* and other organisations using it.

7.1.2 Upon receipt of an *Adverse Analytical Finding*, the ICF Anti-Doping Administrator shall conduct a review to determine whether: (a) the *Adverse Analytical Finding* is consistent with an applicable *TUE*, or (b) there is any apparent departure from the International Standard for Testing and Investigation or

International Standard for Laboratories that caused the *Adverse Analytical Finding*.

## 7.2 Notification After Review Regarding *Adverse Analytical Findings*

7.2.1 If the review of an *Adverse Analytical Finding* under Article 7.1.2 does not reveal an applicable *TUE*, or departure from the International Standard for Testing and Investigation or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the ICF shall promptly notify the *Athlete* of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis (which shall be within the time period specified in the International Standard for Laboratories) if the *Athlete* or the ICF chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis at the scheduled date, time and place if such analysis is requested; and (f) the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation package which includes information as required by the *International Standard* for Laboratories.. If the ICF decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA*.

7.2.2 Where requested by the *Athlete* or the ICF, arrangements shall be made to analyse the *B Sample* in accordance with the *International Standard* for *Testing*. An *Athlete* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. The ICF may nonetheless elect to proceed with the *B Sample* analysis.

7.2.3 The *Athlete* and/or his representative shall be allowed to be present at the analysis of the *B Sample*. Also a representative of the *Athlete's National Federation* as well as a representative of the ICF shall be allowed to be present.

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

7.2.5 If the *B Sample* confirms the *A Sample* analysis, the findings shall be reported to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and to *WADA*.

### 7.3 Review of *Atypical Findings*

7.3.1 As provided in the International Standard for Laboratories, in certain circumstances laboratories are directed to report the presence of *Prohibited Substances* that may also be produced endogenously as *Atypical Findings* that should be investigated further.

7.3.2 If a laboratory reports an *Atypical Finding* in respect of a *Sample* collected from an *Athlete* by or on behalf of the ICF, the ICF Anti-Doping Administrator shall conduct a review to determine whether: (a) the *Atypical Finding* is consistent with an applicable *TUE* that has been 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 Investigation or International Standard for Laboratories that caused the *Atypical Analytical Finding*.

7.3.3 If the review of an *Atypical Finding* under Article 7.2.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigation or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative [and the *Athlete*, his *National Federation*, and *WADA* shall be so informed].

7.3.4 If the review of an *Atypical Finding* does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigation or the International Standard for Laboratories that caused the *Atypical Finding*, ICF shall conduct the follow-up investigation or cause it to be conducted. If, once that

investigation is completed, it is concluded that the *Atypical Finding* should be considered an *Adverse Analytical Finding*; the ICF shall pursue the matter in accordance with Article 7.1.3. Otherwise, the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

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

(a) If the ICF determines the *B Sample* should be analysed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.2.1(d) to (f).

(b) If the ICF receives a request, either from a *Major Event Organisation* shortly before one of its *International Events* or from a sports organisation responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided but the *Major Event Organisation* or sports organisation has a pending *Atypical Finding*, the ICF shall *advise the Major Event Organisation or sports organisation* after first providing notice of the *Atypical Finding* to the *Athlete*.

#### **7.4 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 ICF Anti-Doping Administrator or its delegate is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organisation* and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

## 7.5 Review of Whereabouts Failures

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

## 7.6 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.3-7.6

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

## 7.7 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, ICF shall refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organisations* to determine whether any prior anti-doping rule violation exists.

## 7.8 Provisional Suspensions

**7.8.1 Mandatory Provisional Suspension** If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance* or for a *Prohibited Method*, and a review in accordance with Article 7.1.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigation or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the ICF shall *Provisionally*

*Suspend the Athlete* promptly after the review and notification described in Articles 7.1, 7.2 and 7.4 and pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.

**7.8.2 Optional *Provisional Suspension*:** In case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Article 7.8.1 where ICF decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, the ICF Executive Committee, after consultation with the ICF Anti-Doping Administrator, may *Provisionally Suspend* the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.1-7.6 and prior to the final hearing as described in Article 8.

**7.8.3** Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.8.1 or Article 7.8.2, the *Athlete* shall be given either (a) an opportunity for a *Provisional Hearing* 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 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension*. *National Federations* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.6. The *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set forth in Article 7.8.3.1).

**7.8.3.1** The *Provisional Suspension* may be lifted if the *Athlete* or other *Persons* demonstrates to the competent hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable. In case where the *Athlete* or Other *Person* will request the provisional hearing the competent hearing panel will be an ad-hoc panel appointed by ICF.

**7.8.4** If a *Provisional Suspension* is imposed based on an *Adverse Analytical Finding* in respect of an *A Sample*,

and any subsequent analysis of the B *Sample* analysis does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 of the *Code* (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*). In circumstances where the *Athlete* or the *Athlete's* team have 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, the ICF, 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*.

## 7.9 Resolution Without a Hearing

### 7.9.1 Agreement between parties

At any time during the results management process the *Athlete* or other *Person* may agree with ICF on the *Consequences* which are either mandated by the *Code* or which ICF's Anti-Doping Administrator or its delegate considers appropriate where flexibility in sanctioning is permitted. The agreement should state the full reasons for any period of *Ineligibility* agreed, including (if applicable) a justification for why the flexibility in sanction was applied.

Such agreement shall be considered as a decision for the case which 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

### 7.9.2 Waiver of hearing

An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may waive a hearing expressly. Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to request the hearing and/or to dispute that assertion within the deadline specified in the notice sent by the ICF Anti-Doping Administrator or its delegate asserting the violation, then he/she shall be deemed to have waived a hearing.

### 7.9.3 Process in case of *Athlete's* waiving of hearing

In cases where Article 7.9.2 applies, a hearing before a hearing panel shall not be required. Instead ICF's Anti-Doping Administrator or its delegate will refer the case to the ICF Anti-Doping Hearing Panel for adjudication, transmitting all the available documents of the case.

The ICF's Doping Control Panel shall promptly issue a written decision (in accordance with art 8.2) about the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. ICF shall send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3, and shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

## 7.10 Notification of Results Management Decisions

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

## 7.11 Retirement from Sport

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

*[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 Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying*

*the Athlete or other Person membership in a sports organisation.]*

## ARTICLE 8      RIGHT TO A FAIR HEARING

### 8.1 Principles for a Fair Hearing

8.1.1 When ICF sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 7.9.1 or 7.9.2, then the case shall be referred to the ICF Doping Control Panel for hearing and adjudication.

8.1.2 Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.

8.1.3 The Chair of the ICF Doping Control Panel shall summon the panel to hear each case. The members of the Doping Control Panel shall be impartial. If one member of the Doping Control Panel declares a lack of impartiality, the remaining two members shall take the decision on the case. Should more than one member be constrained new members shall be appointed to hear the respective case.

8.1.4 Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. Hearings held in connection with *Events* may be conducted on an expedited basis.

8.1.5 The *National Federation* of the *Athlete* or other *Person* alleged to have violated these Anti-Doping Rules may attend the hearing as an observer.

8.1.6 The ICF shall keep *WADA* fully apprised as to the status of pending cases and the result of all hearings.

## 8.2 Decisions

8.2.1 The ICF Doping Control Panel shall issue a written decision within 30 days from the date of the hearing or from the date the case has been referred to the panel. The written decision will include the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.

8.2.2 Decisions of the ICF Doping Control Panel may be appealed to the ICF Court of Arbitration and, subsequently, and where applicable, to CAS in accordance with Article 13. Copies of the decision shall be provided to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.

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

The principles contained at Article 14.3.6 shall be applied in cases involving a *Minor*.

## 8.3 Single Hearing Before CAS

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

## ARTICLE 9            AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these Anti-Doping Rules 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.

*[Comment to Article 9: 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 ICF.]*

## ARTICLE 10            SANCTIONS ON INDIVIDUALS

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

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

*[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event.]*

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

## 10.2 *Ineligibility* for Presence, Use or Attempted Use, or Possession of Prohibited Substances or Prohibited Methods

10.2.1 The period of *Ineligibility* imposed for a violation of Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 2.2 (Use or Attempted Use of *Prohibited Substance* or *Prohibited Method*) or Article 2.6 (Possession of *Prohibited Substances* and *Methods*) shall be as follows, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of *Ineligibility*, as provided in Article 10.6, are met:

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

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

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

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

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

*Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

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

The period of *Ineligibility* for violations of these Anti-Doping Rules other than as provided in Article 10.2 shall be as follows unless Articles 10.5 or 10.6 are applicable:

10.3.1 For violations of Article 2.3 (refusing or failing to submit to *Sample* collection) or Article 2.5 (*Tampering* with *Doping Control*), the *Ineligibility* period shall be four (4) years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.

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

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

*[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 organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

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

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

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

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

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

*(Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.]*

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

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

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

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

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

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

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

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

If an *Athlete* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable that he or

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

*[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.]*

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

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

**10.6.1.1** ICF may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering 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 ICF. After a final appellate decision under Article 13 or the expiration of time to appeal, ICF may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA*. The extent to which the

otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 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, ICF shall reinstate the original period of *Ineligibility*. If ICF decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

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

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

determines that it would be in the best interest of anti-doping, WADA may authorise ICF to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

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

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

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

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

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

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

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

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

### 10.7 Multiple Violations

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

six months;

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

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

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

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

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

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

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, the ICF 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 ICF shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

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

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

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

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

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; and second, reimbursement of the expenses of ICF

## 10.10

## Financial Consequences

Where an *Athlete* or other *Person* commits an anti-doping rule violation, ICF may, in its discretion and subject to the principle of proportionality, elect to a) recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or b) fine the *Athlete* or other *Person* in an amount up to 5000 Euros, only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

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

## 10.11 Commencement of *Ineligibility* Period

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

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

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

*[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility*

*provided in this Article to start the sanction at an earlier date should not be used.]*

### **10.11.2 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 ICF, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.

*This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3*

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

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

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

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

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

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

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

## 10.12 Status During *Ineligibility*

### 10.12.1 Prohibition against Participation during *Ineligibility*

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

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

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

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organised by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. Ineligibility imposed in one sport shall also be recognised by other sports (see Article 15).]*

### 10.12.2 Return to Training

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

*[Comment to Article 10.12.2: During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.12.1 other than training.]*

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

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of Fault and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organisation* whose results management led to the imposition 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*, the ICF shall impose sanctions for a violation of Article 2.9 for such assistance.

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

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

## **10.13 Automatic Publication of Sanction**

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

## ARTICLE 11      CONSEQUENCES TO TEAMS/CREW BOATS/RELAY TEAMS

11.1 If one or more than one member of a team in a *Team Sport* has been notified of a possible Anti-Doping Rule violation under Article 7 in connection with an *Event*, the Team ruling body for the Event shall conduct appropriate *Target Testing* of the team during the *Event Period*.

11.2 If one or more than one member 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 *Athlete(s)* committing the Anti-Doping Rule violation.

11.3 If a member of a Crew Boat/Relay Team is found to have committed a violation of these Anti-Doping Rules during an *Event*, the Crew Boat/Relay Team shall be *Disqualified* from the *Event*.

## ARTICLE 12      SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS

12.1 The ICF Executive Committee has the authority to withhold some or all funding or other non financial support to *National Federations* that are not in compliance with these Anti-Doping Rules.

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

12.3 The ICF may elect to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and *Athletes*

to participate in *International Events* and fines based on the following:

12.3.1 Four or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period in *Testing* conducted by the ICF or Anti-Doping Organisations other than the *National Federation* or its *National Anti-Doping Organisation*. In such event the ICF may in its discretion elect to: (a) ban all officials from that *National Federation* for participation in any ICF activities for a period of up to two years and/or (b) fine the *National Federation* in an amount up to € 15.000 Euros. (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

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

12.3.2 More than one *Athlete* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event*. In such event the ICF may fine that *National Federation* in an amount up to € 15.000 Euros.

12.3.3 A *National Federation* has failed to make diligent efforts to keep the ICF informed about an *Athlete's* whereabouts after receiving a request for that information from the ICF. In such event ICF may fine the *National Federation* in an amount up to € 5.000 Euros per *Athlete* in addition to all of the ICF costs incurred in *Testing* that *National Federation's Athletes*.

## ARTICLE 13 APPEALS

### 13.1 Decisions Subject to Appeal

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

### 13.1.1 Scope of Review Not Limited

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

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

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

*[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.]*

### 13.1.3 WADA Not Required to Exhaust Internal Remedies

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

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by ICF 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 7.6; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* ; ICF's failure to comply with Article 7.9; a decision that ICF lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by ICF not to recognise another *Anti-Doping Organisation's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2-13.7

### 13.2.1 Appeals Involving *International-Level Athletes*

In cases arising from competition in an *International Event* or in cases involving *International-Level Athletes*, the decision of the ICF Doping Control Panel may be appealed to the ICF Court of Arbitration (Internal Appeals Body) as provided in Chapter V of the ICF Statutes. Decisions of the ICF Court of Arbitration may be appealed exclusively to CAS.

*[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.]*

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

In cases involving *Athletes* or other *Persons* who do not have a right to appeal under Article 13.2.1, each *National Federation* shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by a counsel at the *Person's* expense; and a timely, written, reasoned decision. In cases where no independent national-level reviewing body exists, the *Athlete* or other *Person* who is the subject of the decision shall have the right to appeal exclusively to the ICF Court of Arbitration (Internal Appeals Body). Decisions rendered by the ICF Doping Control Panel according to article 8.2.8 may also be appealed to the ICF Court of Arbitration.

### 13.2.3 *Persons* Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to the ICF Court of Arbitration and in the next instance 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 ICF and any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed; (d) the *National Anti-Doping Organisation* 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 and in the next instance to the ICF Court of Arbitration shall be as provided in the *National Federation's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the ICF; and (d) the *National Anti-Doping Organisation* 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 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 ICF shall also have the right to appeal to CAS with respect to the decision of the ICF Court of Arbitration. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.

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

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

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

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

#### 13.3 Failure to Render a Timely Decision

Where, in a particular case, the ICF 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 ICF 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 ICF.

*[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the ICF to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the ICF and give the ICF an opportunity to explain why it has not yet rendered a decision. .]*

### 13.4 Appeals Relating to TUEs

TUE decisions may be appealed exclusively as provided in Article 4.4

### 13.5 Notification of Appeal Decisions

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

### 13.6 Appeal from Decisions Pursuant to Article 12

Decisions by the ICF pursuant to Article 12 may be appealed exclusively to CAS by the *National Federation*.

### 13.7 Time for Filing Appeals

#### 13.7.1 Appeals to CAS or the ICF Court of Arbitration

The time to file an appeal to the ICF Court of Arbitration or to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

a) Within fifteen days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the case file on which such body relied;

b) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to the ICF Court of Arbitration or CAS.

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

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

### Appeals Under Article 13.2.2

The time to file an appeal to the appeal body established by *National Federations* as indicated in Article 13.2.2 shall be indicated by the rules of the *National Federation*.

The above notwithstanding, the filing deadline for an appeal or intervention filed by WADA shall be the later of: (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

## **ARTICLE 14      NATIONAL FEDERATIONS' INCORPORATION OF ICF RULES, REPORTING AND RECOGNITION**

### **14.1 Incorporation of the ICF Anti-Doping Rules**

All *National Federations* shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Federations* Rules. All *National Federations* shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each *National Federation* shall obtain the written acknowledgement and agreement, in the form attached as Appendix 1, of all *Athletes* subject to *Doping Control* and *Athlete Support Personnel* for such *Athletes*. Notwithstanding whether or not the required form has been signed, the Rules of each *National Federation*

shall specifically provide that all *Athletes, Athlete Support Personnel* and other *Persons* under the jurisdiction of the *National Federation* shall be bound by these Anti-Doping Rules.

## 14.2 Statistical Reporting

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

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

## 14.3 *Doping Control* Information Clearinghouse

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

## 14.4 *Public Disclosure*

### 14.4.1

The identity of any *Athlete* or other *Person* who is asserted by ICF to have committed an anti-doping rule violation may be *Publicly Disclosed* by ICF only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the *National Anti-Doping Organisation* of the *Athlete* or other *Person* in accordance with Article 14.5.

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

14.4.3 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. ICF shall use reasonable efforts to obtain such consent. If consent is obtained, ICF shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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

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

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

14.4.7 Except where expressly stated otherwise, a notice under these Anti-Doping Rules shall only be effective if it is in writing. Faxes and email are permitted.

14.4.8 Any notice given under these Anti-Doping Rules shall, in the absence of earlier receipt, be deemed to have been duly given as follows:

- a) if delivered personally, on delivery;
- b) if sent by first class post, two clear business days after the date of posting;
- c) if sent by airmail, six clear business days after the date of posting;
- d) if sent by facsimile, at the expiration of 48 hours after the time it was sent;
- e) if sent by email, at the time at which it was sent.

14.4.9 Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

#### Article 14.5 14.5.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

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

#### 14.5.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organisations* and *WADA*

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

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

Notification of an anti-doping rule violation under Article 2.1 shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection,

the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

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

#### 14.5.4 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, *National Anti-Doping Organisations* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.5.1 Confidentiality

The recipient organisations 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 ICF has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3.

### 14.6 Data Privacy

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

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

the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

## ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

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

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

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

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

## ARTICLE 16 INCORPORATION OF ICF ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS

16.1 All *National Federations* and their members shall comply with these Anti-Doping Rules. All *National Federations* and other members shall include in their regulations the provisions necessary to ensure that ICF may enforce these Anti-Doping Rules directly as against

*Athletes* under their anti-doping jurisdiction (including *National-Level Athletes*). These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Federation's* rules so that the *National Federation* may enforce them itself directly as against *Athletes* under its anti-doping jurisdiction (including *National-Level Athletes*).

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

16.3 All *National Federations* shall report any information suggesting or relating to an anti-doping rule violation to ICF and to their *National Anti-Doping Organisations*, and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

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

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

## ARTICLE 17 STATUTE OF LIMITATIONS

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

## ARTICLE 18      The ICF COMPLIANCE REPORT TO WADA

The ICF will report to *WADA* on the ICF's compliance with the *Code* every second year and shall explain reasons for any noncompliance.

## ARTICLE 19      EDUCATION

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

19.1 ICF may decide to request *Athletes* to perform educational activities before and/or during their participation at select *Events* (ex: Youth World Championships). The list of *Events* for which *Athletes* will be required to perform educational activities as a condition of participation will be published on the ICF website.

The *Athletes* who have not performed the educational activities will be asked to provide valid justifications to have failed to participate in the educational activity.

ICF Anti-Doping Administrator or its delegate should evaluate those justifications on a case by case basis and may decide to request to impose disciplinary sanctions if deemed appropriate.

## ARTICLE 20      AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

20.1 These Anti-Doping Rules may be amended from time to time by the ICF Executive Committee.

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

20.3 The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience

only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

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

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

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

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

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

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

mitior” appropriately applies under the circumstances of the case.

20.7.3 Any Article 2.4 whereabouts violation (whether a filing failure or a missed test) declared by the ICF under rules in force prior to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.

20.7.4 Where a period of *Ineligibility* imposed by the ICF under rules in force prior to the Effective Date has not yet expired as of the Effective Date, the *Person* who is *Ineligible* may apply to the ICF for a reduction in the period of *Ineligibility* in light of the amendments made to the *Code* as from the Effective Date. To be valid, such application must be made before the period of *Ineligibility* has expired.

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

## ARTICLE 21 INTERPRETATION OF THE CODE

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

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

21.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the

existing law or statutes of the *Signatories* or governments.

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

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

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

## ARTICLE 22      ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

### 22.1 Roles and Responsibilities of *Athletes*

22.1.1 To be knowledgeable of and comply with these Anti-Doping Rules.

22.1.2 To be available for *Sample* collection at all times.

*[Comment to Article 22.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.]*

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

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

22.1.5 To disclose to their *National Anti-Doping Organisation* and to ICF any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.

22.1.6 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

22.1.7 Failure by any *Athlete* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under ICF's disciplinary rules/code of conduct.

## 22.2 Roles and Responsibilities of *Athlete Support Personnel*

22.2.1 To be knowledgeable of and comply with these Anti-Doping Rules.

22.2.2 To cooperate with the *Athlete Testing* programme.

22.2.3 To use his or her influence on *Athlete* values and behavior to foster anti-doping attitudes.

22.2.4 To disclose to his or her *National Anti-Doping Organisation* and to ICF any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.

22.2.5 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

## APPENDIX 1 - DEFINITIONS

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

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

**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 that identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

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

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

WADA, International Federations, and *National Anti-Doping Organisations*.

*Athlete*: Any *Person* who competes in sport at international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organisation*, An *Anti-Doping Organisation* has discretion to apply anti doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "Athlete." In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to: conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code* is an *Athlete*.

For purpose of communication on Anti-doping issues involving an *Athlete*, the ICF will contact the *National Federation* responsible for that *Athlete*. Thereafter communication can be directly with the *Athlete* or through their *National Federation*.

[*Comment: Competitors at all levels of competition should receive the benefit of anti-doping information and education.*]

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

*Athlete Support Personnel*: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person*

working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

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

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

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

CAS: The Court of Arbitration for Sport.

*Code*: The World Anti-Doping Code.

*Competition*: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter dash 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; and

(c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or *activity* prior to the final decision at a hearing conducted under Article 8 ); (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

*Crew Boat*: A sport where more than one canoeist is in the same boat during a *Competition*.

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

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

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

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

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

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

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

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

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

*ICF Event:* An Event where the ICF is the ruling body for the Event and/or appoints the technical officials for the Event.

*In-Competition:* "In-Competition" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

*Independent Observer Programme:* A team of observers, under the supervision of WADA, who observe and may 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.

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

*International-Level Athlete:* *Athletes* in the ICF Registered Testing Pool (RTP) and those *Athletes* competing in *International Events* as defined in the Scope section of these Anti-Doping Rules.

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

*Marker:* A compound, group of compounds or biological parameter(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 eighteen years.

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

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

*National Federation:* A national or regional entity which is a member (including provisional members) of or is recognised by the ICF as the entity governing the ICF's sport in that nation or region.

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

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

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

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

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

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

*Participant: Any Athlete or Athlete Support Person.*  
*Person.* A natural *Person* or an organisation or other entity.

*Possession:* The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have possession and has renounced possession by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

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

*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 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

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

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

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

5.6 of the *Code* and the International Standard for Testing and Investigations.

*Relay Team*: A sport where Teams of canoeists each run a course and the result is based on the team's total time.

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

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

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

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

*Specified Substances*: As defined in Article 4.2.2.

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

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

*Tampering*: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or

engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

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

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

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

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

*TUE:* Therapeutic Use Exemption, as described in Article

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

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

*WADA:* The World Anti-Doping Agency.

## APPENDIX 2 CONSENT FORM

I, as a member of [National Federation] and/or a participant in a [National Federation or ICF] authorised or recognised event, hereby acknowledge and agree as follows:

1. I have received and had an opportunity to review the ICF Anti-Doping Rules.

2. I consent and agree to comply with and be bound by all of the provisions of the ICF Anti-Doping Rules, including but not limited to, all amendments to the Anti-Doping Rules and all International Standards incorporated in the Anti-Doping Rules.

3. I consent and agree to the creation of my profile in the WADA Doping Control Clearing House (ADAMS), as requested under the Code to which ICF is a Signatory, and/or any other authorised National Anti-Doping Organisation's similar system for the sharing of information and to the entry to my doping control, whereabouts and Therapeutic Use Exemptions related data in such system.

3. I acknowledge the authority of the ICF and its member National Federation or National Anti-doping organisations under the ICF Anti-doping Rules to enforce, to manage results under, and to impose sanctions in accordance with the ICF Anti-doping Rules.

4. I also acknowledge and agree that any dispute arising out of a decision made pursuant to the ICF Anti-Doping Rules, after exhaustion of the process expressly provided for in the ICF Anti-Doping Rules, may be appealed exclusively as provided in Article 13 of the ICF Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of International-Level Athletes is the Court of Arbitration for Sport.

5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.

6. I have read and understand this Acknowledgement and Agreement.

\_\_\_\_\_  
Date  
(Last Name, First Name)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date of Birth  
(Day/Month/Year)

\_\_\_\_\_  
Signature (or, if a minor,  
signature of legal guardian)