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# **INTERNATIONAL KENDO FEDERATION**

## **ANTI-DOPING RULES**

**Version 1.0**

(Based upon the  
2015 revised WADA Code)

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## FIK ANTI-DOPING RULES

### INTRODUCTION

#### Preface

The concept of Kendo is "to discipline the human character through the application of the principles of the Katana". On the basis of the concept of Kendo, the purpose of International Kendo Federation ("FIK"), KENDO SHIAI (Match) Regulations and refereeing rules are stipulated (Article 1). These Anti-Doping Rules, like KENDO SHIAI (Match) Regulations, and Refereeing rules, are in furtherance of FIK's continuing efforts to prevent doping in Kendo, Iaido and Jodo (the "Disciplines").

The use of performance enhancing drugs ("dope") conflicts with *Shiai-sha's* health, the concept of Kendo and the purpose of SHIAI (Match) Regulations and Refereeing rules for the Disciplines. *Shiai-sha* is synonymous with the term "Athlete" in the revised 2015 World Anti-Doping Code (*Code*); *Shiai* is synonymous with the term "*Competition*" in the Code.

Since this FIK's position is harmonized with the philosophy provided by the World Anti-Doping Association (*WADA*), FIK accepts the *Code*, condemns competitors' doping, and makes any effort to prevent it.

In the FIK Board of Directors Meeting by Correspondence held on 31/12/2014, FIK accepted the revised 2015 *Code*. The present Anti-Doping Rules are adopted and implemented in conformity with FIK's responsibilities under the *Code*.

These Anti-Doping Rules are sport rules governing the conditions under which the Disciplines are played. Aimed at enforcing anti-doping principles in a global and harmonized 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 or employment matters. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules implementing the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

A *Shiai-sha* who does not observe these Anti-Doping Rules or who is found to have been guilty of doping is sanctioned and disqualified from a *Shiai*.

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

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism, the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the

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

- 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.

### **Scope of these Anti-Doping Rules**

These Anti-Doping Rules shall apply to FIK and to each *Union* and each *National Federation* of FIK. They also apply to the following *Shiai-sha*, *Shiai-sha Support Personnel* and other *Persons*, each of whom is deemed, as a condition of his/her membership, accreditation and/or participation in the sport, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of FIK to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules:

- a. all *Shiai-sha* and *Shiai-sha Support Personnel* who are members of FIK, or of any *Union* or *National Federation*, or of any member or affiliate organization of any *Union* or *National Federation* (including any clubs, teams, associations or leagues);
- b. all *Shiai-sha* and *Shiai-sha Support Personnel* participating in such capacity in *Events*, *Shiai* and other activities organized, convened, authorized or recognized by FIK, or any *Union* or *National Federation*, or any member or affiliate organization of any *Union* or *National Federation* (including any clubs, teams, associations or leagues), wherever held;
- c. any other *Shiai-sha* and *Shiai-sha 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 FIK, or of any *Union* or *National Federation*, or of any member or affiliate organization of any *Union* or *National Federation* (including any clubs, teams, associations or leagues), for purposes of anti-doping;
- d. *Shiai-sha* who are not regular members of FIK or of one of its *Unions* or *National Federations* but who want to be eligible to compete in a particular

*International Event.* FIK may include such *Shiai-sha* in its *Registered Testing Pool* so that they are required to provide information about their whereabouts for purposes of *Testing* under these Anti-Doping Rules for at least one month prior to the *International Event* in question.

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

- a. *Shiai-sha* who compete in the World Kendo Championships;
- b. All *Shiai-sha* included in the FIK's Registered Testing Pool and Testing Pool.

## **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.

*Shiai-sha* 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 a *Shiai-sha's Sample***

**2.1.1** It is each *Shiai-sha's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Shiai-sha* 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 *Shiai-sha's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

**2.1.2** Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Shiai-sha's A Sample* where the *Shiai-sha* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Shiai-sha's B Sample* is analyzed and the analysis of the *Shiai-sha's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Shiai-sha's A Sample*; or, where the *Shiai-sha's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

**2.1.3** Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Shiai-sha'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 a *Shiai-sha* of a *Prohibited Substance* or a *Prohibited Method***

**2.2.1** It is each *Shiai-sha'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 *Shiai-sha'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.

## **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 authorized in these Anti-Doping Rules or other applicable anti-doping rules.

## **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 a *Shiai-sha* 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 Organization*, or intimidating or attempting to intimidate a potential witness.

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

**2.6.1** *Possession* by a *Shiai-sha In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by a *Shiai-sha Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method*

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

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

## **2.8 Administration or Attempted Administration to any Shiai-sha In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Shiai-sha 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 a *Shiai-sha* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Shiai-sha Support Person* who:

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

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



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

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

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

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

## **ARTICLE 3 PROOF OF DOPING**

### **3.1 Burdens and Standards of Proof**

FIK shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FIK 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 *Shiai-sha* 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.

### **3.2 Methods of Establishing Facts and Presumptions**

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

**3.2.1** Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Shiai-sha* 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 *Shiai-sha* 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 *Shiai-sha* 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 FIK shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Shiai-sha* 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 FIK shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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

**3.2.5** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Shiai-sha* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Shiai-sha's* or other *Person's* refusal, after a request made in a

reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or FIK.

## **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*.

### **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 FIK or its *Unions* or *National Federations*. All *Shiai-sha* 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 *Shiai-sha* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

#### **4.2.2 *Specified Substances***

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

### **4.3 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 a *Shiai-sha* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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

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

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

4.4.2.1 Where the *Shiai-sha* already has a *TUE* granted by his or her *National Anti-Doping Organization* for the substance or method in question, that *TUE* is not automatically valid for international-level *Competition*. However, the *Shiai-sha* may apply to FIK to recognize 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 FIK shall recognize it for purposes of international-level *Competition* as well. FIK may publish notice on its website [<https://www.kendo-fik.org/>] that it will automatically recognize *TUE* decisions (or categories of such decisions, e.g., as to particular substances or methods) made by *National Anti-Doping Organizations*. If FIK considers that the *TUE* does not meet those criteria and so refuses to recognize it, FIK shall notify the *Shiai-sha* and his or her *National Anti-Doping Organization* promptly, with reasons. The *Shiai-sha* and the *National Anti-Doping Organization* 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 Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA*'s decision. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

4.4.2.2 If the *Shiai-sha* does not already have a *TUE* granted by his/her *National Anti-Doping Organization* for the substance or method in question, the *Shiai-sha* must apply directly to FIK for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions using the form posted on FIK's website at <https://www.kendo-fik.org/>. If FIK denies the *Shiai-sha*'s application, it must notify the *Shiai-sha* promptly, with reasons. If FIK grants the *Shiai-sha*'s application, it shall notify not only the *Shiai-sha* but also his/her *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by FIK does not

meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the *National Anti-Doping Organization* refers the matter to WADA for review, the TUE granted by FIK remains valid for international-level *Shiai* and *Out-of-Competition Testing* (but is not valid for national-level *Shiai*) pending WADA's decision. If the *National Anti-Doping Organization* does not refer the matter to WADA for review, the TUE granted by FIK becomes valid for national-level *Shiai* as well when the 21-day review deadline expires.

**4.4.3** If FIK chooses to test a *Shiai-sha* who is not an *International-Level Shiai-sha*, FIK shall recognize a TUE granted to that *Shiai-sha* by his or her *National Anti-Doping Organization*. If FIK chooses to test a *Shiai-sha* who is not an *International-Level* or a *National-Level Shiai-sha*, FIK shall permit that *Shiai-sha* to apply for a retroactive TUE for any *Prohibited Substance* or *Prohibited Method* that he/she is using for therapeutic reasons.

**4.4.4** An application to FIK for grant or recognition of a TUE must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Shiai-sha's* next *Shiai*. FIK shall appoint a panel to consider applications for the grant or recognition of TUEs (the "TUE Committee"). The TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific FIK's protocols eventually posted on its website. Its decision shall be the final decision of FIK, and shall be reported to WADA and other relevant *Anti-Doping Organizations*, including the *Shiai-sha's National Anti-Doping Organization*, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.

#### **4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE**

4.4.5.1 A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the *Shiai-sha* does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

4.4.5.2 In such event, the *Shiai-sha* shall not be subject to any *Consequences* based on his/her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 7.2 of any subsequent *Adverse Analytical Finding* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

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

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

4.4.6.2 Any *TUE* decision by *FIK* (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of *FIK*) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Shiai-sha* and/or the *Shiai-sha's National Anti-Doping Organization* exclusively to *CAS*, in accordance with Article 13.

4.4.6.3 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Shiai-sha*, the *National Anti-Doping Organization* and/or *FIK* exclusively to *CAS*, in accordance with Article 13.

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

## **ARTICLE 5 TESTING AND INVESTIGATIONS**

### **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 FIK supplementing that International Standard.

**5.1.1** *Testing* shall be undertaken to obtain analytical evidence as to the *Shiai-sha'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 FIK shall be in conformity with the International Standard for Testing and Investigations. FIK 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** FIK 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*, FIK shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Shiai-sha* specified in

the Introduction to these Anti-Doping Rules (under the heading "Scope").

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

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

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

### **5.3 Event Testing**

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

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



be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

#### **5.4 Test Distribution Planning**

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Shiai-sha*, FIK shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Shiai-sha*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. FIK shall provide *WADA* upon request with a copy of its current test distribution plan.

#### **5.5 Coordination of Testing**

Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* or another system approved by *WADA* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

#### **5.6 Shiai-sha Whereabouts Information**

**5.6.1** FIK shall identify a *Registered Testing Pool* of those *Shiai-sha* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, and shall make available through *ADAMS*, a list which identifies those *Shiai-sha* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. FIK shall coordinate with *National Anti-Doping Organizations* the identification of such *Shiai-sha* and the collection of their whereabouts information. FIK shall review and update as necessary its criteria for including *Shiai-sha* 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. *Shiai-sha* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Shiai-sha* in the *Registered Testing Pool* shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise FIK of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for *Testing* at such whereabouts.

**5.6.2** For purposes of Article 2.4, an *Shiai-sha'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** A *Shiai-sha* in FIK'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 *Shiai-sha* gives written notice to FIK that he/she has retired or (b) FIK has informed him or her that he/she no longer satisfies the criteria for inclusion in FIK's *Registered Testing Pool*.

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

## **5.7 Retired *Shiai-sha* Returning to *Shiai***

**5.7.1** A *Shiai-sha* in FIK's *Registered Testing Pool* who has given notice of retirement to FIK may not resume competing in *International Events* or *National Events* until he/she has given FIK written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months before returning to *Shiai*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with FIK and the *Shiai-sha's National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to a *Shiai-sha*. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.

**5.7.2** If a *Shiai-sha* retires from sport while subject to a period of *Ineligibility*, the *Shiai-sha* shall not resume competing in *International Events* or *National Events* until the *Shiai-sha* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Shiai-sha* retired, if that period was longer than six months) to FIK and to his/her *National Anti-Doping Organization* 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.

## **5.8 Independent Observer Program**

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

## **ARTICLE 6 ANALYSIS OF SAMPLES**

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

### **6.1 Use of Accredited and Approved Laboratories**

For purposes of Article 2.1, *Samples* shall be analyzed 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 FIK.

### **6.2 Purpose of Analysis of *Samples***

**6.2.1** *Samples* shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *Code*; or to assist FIK in profiling relevant parameters in an *Shiai-sha's* urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

**6.2.2** FIK shall ask laboratories to analyze *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 *Shiai-sha'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 *Shiai-sha*.

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

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

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

**6.4.2** FIK may request that laboratories analyze 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 analyze *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 FIK 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 FIK to the *Shiai-sha* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform to the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Responsibility for Conducting Results Management**

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

**7.1.2** The FIK Executive shall appoint a Doping Review Panel consisting of a Chair and 4 (four) other members with experience in anti-doping. Each panel member shall serve a term of four years. When a potential violation is referred to the Doping Review Panel by FIK, the Chair of the Doping Review Panel shall appoint one or more members of the Panel (which may include the Chair) to conduct the review discussed in this Article 7.

## **7.2 Review of *Adverse Analytical Findings* From Tests Initiated by FIK**

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

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

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

**7.2.3** If the review of an *Adverse Analytical Finding* under Article 7.2.2 reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the entire test shall be considered negative and the *Shiai-sha*, the *Shiai-sha's National Anti-Doping Organization* and WADA shall be so informed.

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

**7.3.1** If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, FIK shall promptly notify the *Shiai-sha*, and simultaneously the *Shiai-sha's National Anti-Doping Organization* and WADA, in the manner set out in Article 14.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Shiai-sha's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis if the *Shiai-sha* or FIK chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Shiai-sha* and/or the *Shiai-sha's* representative to attend the *B Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the *Shiai-sha'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 FIK decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Shiai-sha*, the *Shiai-sha's National Anti-Doping Organization* and WADA.

**7.3.2** Where requested by the *Shiai-sha* or FIK, arrangements shall be made to analyze the B *Sample* in accordance with the International Standard for Laboratories. A *Shiai-sha* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. FIK may nonetheless elect to proceed with the B *Sample* analysis.

**7.3.3** The *Shiai-sha* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. Also, a representative of FIK shall be allowed to be present.

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

**7.3.5** If the B *Sample* analysis confirms the A *Sample* analysis, the findings shall be reported to the *Shiai-sha*, the *Shiai-sha's National Anti-Doping Organization* and to WADA.

#### **7.4 Review of Atypical Findings**

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

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

**7.4.3** If the review of an *Atypical Finding* under Article 7.4.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Shiai-sha*, the *Shiai-sha's National Anti-Doping Organization* and WADA shall be so informed.

**7.4.4** If that review does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical*

*Finding*, FIK shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Shiai-sha*, the *Shiai-sha's National Anti-Doping Organization* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

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

7.4.5.1 If FIK determines the *B Sample* should be analyzed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis after notifying the *Shiai-sha*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3.1(d)-(f).

7.4.5.2 If FIK is asked (a) by a *Major Event Organization* shortly before one of its *International Events*, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Shiai-sha* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, FIK shall so advise the *Major Event Organization* or sports organization after first providing notice of the *Atypical Finding* to the *Shiai-sha*.

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

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as FIK is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Shiai-sha* (and simultaneously the *Shiai-sha's National Anti-Doping Organization* and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

## **7.6 Review of Whereabouts Failures**

FIK shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Shiai-sha* who file their whereabouts information with FIK, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as FIK is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Shiai-sha* (and simultaneously the *Shiai-sha's National Anti-*

*Doping Organization and WADA*) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

### **7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2–7.6**

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

### **7.8 Identification of Prior Anti-Doping Rule Violations**

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

### **7.9 Provisional Suspensions**

**7.9.1 Mandatory Provisional Suspension:** If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5.

**7.9.2 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 7.9.1, FIK may impose a *Provisional Suspension* on the *Shiai-sha* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2–7.7 and prior to the final hearing as described in Article 8.

**7.9.3** Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2, the *Shiai-sha* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Shiai-sha* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).



7.9.3.1 The *Provisional Suspension* may be lifted if the *Shiai-sha* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Shiai-sha's* assertion regarding a *Contaminated Product* shall not be appealable.

7.9.3.2 The *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Shiai-sha* or other *Person* establishes that: (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Shiai-sha* or other *Person*; or (b) the *Shiai-sha* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4; or (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Shiai-sha* or other *Person* participating in a particular *Shiai* or *Event* shall not qualify as exceptional circumstances for these purposes.

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

**7.9.5** In all cases where a *Shiai-sha* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Shiai-sha* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

## **7.10 Resolution Without a Hearing**

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

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

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

## **7.11 Notification of Results Management Decisions**

In all cases where FIK 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 a *Shiai-sha* or other *Person* on the imposition of *Consequences* without a hearing, FIK shall give notice thereof in accordance with Article 14.2.1 to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.

## **7.12 Retirement from Sport**

If a *Shiai-sha* or other *Person* retires while FIK is conducting the results management process, FIK retains jurisdiction to complete its results management process. If a *Shiai-sha* or other *Person* retires before any results management process has begun, and FIK would have had results management authority over the *Shiai-sha* or other *Person* at the time the *Shiai-sha* or other *Person* committed an anti-doping rule violation, FIK has authority to conduct results management in respect of that anti-doping rule violation.

## ARTICLE 8 RIGHT TO A FAIR HEARING

### 8.1 Principles for a Fair Hearing

**8.1.1** When FIK sends a notice to a *Shiai-sha* or other *Person* asserting an anti-doping rule violation, and the *Shiai-sha* or other *Person* does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the FIK Doping Hearing Panel for hearing and adjudication.

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

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

**8.1.4** WADA and the *Union* or *National Federation* of the *Shiai-sha* or other *Person* may attend the hearing as observers. In any event, FIK shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

**8.1.5** The FIK Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times.

### 8.2 Decisions

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

**8.2.2** The decision may be appealed to the CAS as provided in Article 13. Copies of the decision shall be provided to the *Shiai-sha* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.

**8.2.3** If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.3.2; 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 *Shiai-sha* or other *Person* who is the subject of the decision. FIK 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 *Shiai-sha* 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 *Shiai-sha*, FIK, WADA, and any other *Anti-Doping Organization* that would have had a right to appeal a first instance hearing decision to CAS.

## **ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

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

## **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 *Shiai-sha's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

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

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

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

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

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

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Shiai-sha* 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 FIK 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 *Shiai-sha* who cheat. The term therefore requires that the *Shiai-sha* 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 *Shiai-sha* 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 *Shiai-sha* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

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

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

**10.3.1** For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be **four years** unless, in the case of failing to submit to *Sample* collection, the *Shiai-sha* 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 *Shiai-sha's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Shiai-sha* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Shiai-sha* 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 *Shiai-sha Support Personnel* for violations other than for *Specified Substances*, shall result in **lifetime *Ineligibility*** for *Shiai-sha 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.

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

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

**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 *Shiai-sha* 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 *Shiai-sha's* or other *Person's* degree of *Fault*.

#### 10.5.1.2 *Contaminated Products*

In cases where the *Shiai-sha* 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 *Shiai-sha's* or other *Person's* degree of *Fault*.

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

If a *Shiai-sha* 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 *Shiai-sha* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than **one-half** of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than **eight years**.

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

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

10.6.1.1 FIK 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 *Shiai-sha* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to FIK. After a final appellate decision under Article 13 or the expiration of time to appeal, FIK 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 *Shiai-sha* or other *Person* and the significance of the *Substantial Assistance*

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

10.6.1.3 If FIK suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize FIK to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

Where a *Shiai-sha* 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.

**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

A *Shiai-sha* 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 FIK, and also upon the approval and at the discretion of both WADA and FIK, 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 *Shiai-sha* or other *Person's* degree of *Fault*.

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

Where a *Shiai-sha* 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 *Shiai-sha* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

**10.7 Multiple Violations**

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

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

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

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

**10.7.3** An anti-doping rule violation for which a *Shiai-sha* 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 FIK can establish that the *Shiai-sha* or other *Person* committed the second anti-doping rule violation after the *Shiai-sha* or other *Person* received notice pursuant to Article 7, or after FIK made reasonable efforts to give notice of the first anti-doping rule violation. If FIK 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, FIK discovers facts involving an anti-doping rule violation by the *Shiai-sha* or other *Person* which occurred prior to notification regarding the first violation, then FIK shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Shiai* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

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

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

In addition to the automatic *Disqualification* of the results in the *Shiai* which produced the positive *Sample* under Article 9, all other competitive results of the *Shiai-sha* 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.

#### **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 FIK.

#### **10.10 Financial Consequences**

Intentionally left blank.

#### **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 *Shiai-sha* or other *Person***

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

### **10.11.2** Timely Admission

Where the *Shiai-sha* or other *Person* promptly (which, in all events, for a *Shiai-sha* means before the *Shiai-sha* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by FIK, 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 *Shiai-sha* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Shiai-sha* 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 *Shiai-sha* or other *Person*, then the *Shiai-sha* 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 *Shiai-sha* 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 a *Shiai-sha* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from FIK and thereafter respects the *Provisional Suspension*, the *Shiai-sha* 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 *Shiai-sha* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

10.11.3.3 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 *Shiai-sha* elected not to compete or was suspended by his or her team.

10.11.3.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any

period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

## **10.12 Status During *Ineligibility***

### **10.12.1 Prohibition Against Participation During *Ineligibility***

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

A *Shiai-sha* 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 a *Shiai-sha* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Shiai-sha* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Shiai-sha* or other *Person* working in any capacity with *Minors*.

A *Shiai-sha* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

### **10.12.2 Return to Training**

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

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

Where a *Shiai-sha* 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 *Shiai-sha* or other *Person's* degree of *Fault* and other circumstances of

the case. The determination of whether a *Shiai-sha* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where a *Shiai-sha Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, FIK 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 FIK and its *Unions* or *National Federations*.

### **10.13 Automatic Publication of Sanction**

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

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

### **11.1 Testing of Team Sports**

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

### **11.2 Consequences for Team Sports**

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

### **11.3 Event Ruling Body may Establish Stricter Consequences for Team Sports**

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

## **ARTICLE 12        SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES**

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## **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 Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

#### **13.1.1 Scope of Review Not Limited**

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

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

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

#### **13.1.3 WADA Not Required to Exhaust Internal Remedies**

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Shiai-sha* to return to *Shiai* under Article 5.7.1; a decision by WADA

assigning results management under Article 7.1 of the *Code*; a decision by FIK not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; FIK's failure to comply with Article 7.9; a decision that FIK 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 FIK not to recognize another *Anti-Doping Organization's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

### **13.2.1** Appeals Involving *International-Level Shiai-sha* or *International Events*

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

### **13.2.2** Appeals Involving Other *Shiai-sha* or Other *Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the *National Anti-Doping Organization* having jurisdiction over the *Shiai-sha* or other *Person*. The rules for such appeal shall respect the following principles: a timely hearing; a fair and impartial hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision. If the *National Anti-Doping Organization* has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

### **13.2.3** *Persons* Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Shiai-sha* 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) FIK; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the *National*



*Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *Shiai-sha* 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) FIK; (d) the *National Anti-Doping Organization* of the *Person's* country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including 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 FIK shall also have the right to appeal to *CAS* with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from *CAS* to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if *CAS* so directs.

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

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

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

### **13.3 Failure to Render a Timely Decision**

Where, in a particular case, FIK 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 FIK 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 FIK.

### **13.4 Appeals Relating to TUEs**

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

### **13.5 Notification of Appeal Decisions**

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

### **13.6 Appeal from Decisions Pursuant to Article 12**

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

### **13.7 Time for Filing Appeals**

#### **13.7.1 Appeals to CAS**

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

- a) Within **fifteen days** from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) If such a request is made within the fifteen-day period, then the party making such request shall have **twenty-one days** from receipt of the file to file an appeal to *CAS*.

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

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

#### **13.7.2 Appeals Under Article 13.2.2**

The time to file an appeal to an independent and impartial body established at national level in accordance with rules established by the *National Anti-Doping Organization* shall be indicated by the same rules of the *National Anti-Doping Organization*.

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

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

## ARTICLE 14 CONFIDENTIALITY AND REPORTING

### 14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations*

#### 14.1.1 Notice of Anti-Doping Rule Violations to *Shiai-sha* and other *Persons*

Notice to *Shiai-sha* 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 a *Shiai-sha* or other *Person* who is a member of a *Union* or *National Federation* may be accomplished by delivery of the notice to the *Union* or *National Federation*.

#### 14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations* and *WADA*

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

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

Notification of an anti-doping rule violation under Article 2.1 shall include: the *Shiai-sha's* name, country, sport and discipline within the sport, the *Shiai-sha'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.

#### 14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, *National Anti-Doping Organizations* 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.

#### 14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*,

*Union or National Federation, and team in a Team Sport*) until FIK has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3.

FIK shall ensure that information concerning *Adverse Analytical Findings, Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3, and shall include provisions in any contract entered into between FIK and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

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

**14.2.1** Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, FIK shall provide a short English or French summary of the decision and the supporting reasons.

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

## **14.3 Public Disclosure**

**14.3.1** The identity of any *Shiai-sha* or other *Person* who is asserted by FIK to have committed an anti-doping rule violation may be *Publicly Disclosed* by FIK only after notice has been provided to the *Shiai-sha* 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 Organization* of the *Shiai-sha* or other *Person* in accordance with Article 14.1.2.

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

**14.3.3** In any case where it is determined, after a hearing or appeal, that the *Shiai-sha* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Shiai-sha* or other *Person* who is the subject of the decision. FIK shall use reasonable efforts to obtain such consent. If consent is obtained, FIK shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Shiai-sha* or other *Person* may approve.

**14.3.4** Publication shall be accomplished at a minimum by placing the required information on the FIK'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*.

**14.3.5** Neither FIK, nor its *Unions* or *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 *Shiai-sha* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

**14.3.6** The mandatory *Public Reporting* required in Article 14.3.2 shall not be required where the *Shiai-sha* 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 Statistical Reporting**

FIK shall publish at least annually a general statistical report of its *Doping Control* activities, with a copy provided to *WADA*. FIK may also publish reports showing the name of each *Shiai-sha* tested and the date of each *Testing*.

#### **14.5 Doping Control Information Clearinghouse**

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organizations*, FIK shall report all *In-Competition* and *Out-of-Competition* tests on such *Shiai-sha* to the *WADA* clearinghouse, 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 *Shiai-sha*, the *Shiai-sha's National Anti-Doping Organization* and any other *Anti-Doping Organizations* with *Testing* authority over the *Shiai-sha*.

#### **14.6 Data Privacy**

**14.6.1** FIK may collect, store, process or disclose personal information relating to *Shiai-sha* 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, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority shall be applicable worldwide and shall be recognized and respected by FIK and all its *Unions* or *National Federations*.

**15.2** FIK and its *Unions* or *National Federations* shall recognize 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 FIK regarding a violation of these Anti-Doping Rules shall be recognized by all *Unions* and *National Federations*, which shall take all necessary action to render such decision effective.

## **ARTICLE 16 INCORPORATION OF FIK ANTI-DOPING RULES AND OBLIGATIONS OF UNIONS AND NATIONAL FEDERATIONS**

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

**16.2** All *Unions* and *National Federations* shall establish rules requiring all *Shiai-sha* and each *Shiai-sha Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a

*Shiai* or activity authorized or organized by a *Union* or *National Federation* or one of its member organizations to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the *Anti-Doping Organization* responsible under the *Code* as a condition of such participation.

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

**16.4** All *Unions* and *National Federations* shall have disciplinary rules in place to prevent *Shiai-sha Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Shiai-sha* under the jurisdiction of FIK or the *Union* or *National Federation*.

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

## **ARTICLE 17        STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against a *Shiai-sha* 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        FIK COMPLIANCE REPORTS TO WADA**

FIK will report to *WADA* on FIK's compliance with the *Code* in accordance with Article 23.5.2 of the *Code*.

## **ARTICLE 19        EDUCATION**

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

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

**20.1** These Anti-Doping Rules may be amended from time to time by FIK.

**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* are incorporated by reference into these Anti-Doping Rules, shall be treated as if set out in full herein, and 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 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** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Shiai-sha* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Shiai-sha* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and 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 Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, and Appendix 2,

Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

## **ARTICLE 22        ADDITIONAL ROLES AND RESPONSIBILITIES OF SHIAI-SHA AND OTHER PERSONS**

### **22.1 Roles and Responsibilities of *Shiai-sha***

**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.

**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 Organization* and to FIK any decision by a non-*Signatory* finding that the *Shiai-sha* committed an anti-doping rule violation within the previous ten years.

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

### **22.2 Roles and Responsibilities of *Shiai-sha Support Personnel***

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

**22.2.2** To cooperate with the *Shiai-sha Testing* program.

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

**22.2.4** To disclose to his or her *National Anti-Doping Organization* and to FIK 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 Organizations* investigating anti-doping rule violations.

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**22.2.6** *Shiai-sha Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

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

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

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.

Consequences of Anti-Doping Rule Violations ("Consequences"): A *Shiai-sha's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Shiai-sha's* results in a particular *Shiai* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Shiai-sha* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Shiai* or other activity or funding as provided in Article 10.12.1; (c) Provisional Suspension means the *Shiai-sha* or other *Person* is barred temporarily from participating in any *Shiai* 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.

Disciplines: Kendo, Iaido and Jodo.

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 *Shiai* conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

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

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a *Shiai-sha* or other

*Person's degree of Fault* include, for example, the *Shiai-sha's* or other *Person's* experience, whether the *Shiai-sha* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Shiai-sha* and the level of care and investigation exercised by the *Shiai-sha* in relation to what should have been the perceived level of risk. In assessing the *Shiai-sha's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Shiai-sha's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that a *Shiai-sha* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Shiai-sha* 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.

FIK: International Kendo Federation.

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

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

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

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

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

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

International-Level Shiai-sha: *Shiai-sha* who compete in the World Kendo Championships.

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

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

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

National Federation: A national or regional entity which is a member of or is recognized by FIK as the entity governing FIK's sport in that nation or region.

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

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

No Fault or Negligence: The *Shiai-sha* 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 *Shiai-sha* must also establish how the *Prohibited Substance* entered his or her system.

No Significant Fault or Negligence: The *Shiai-sha* 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 *Shiai-sha* must also establish how the *Prohibited Substance* entered his or her system.

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

Participant: Any *Shiai-sha* or *Shiai-sha Support Person*.

Person: A natural *Person* or an organization or other entity.

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

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

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

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

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Shiai-sha* with notice and an opportunity to be heard in either written or oral form.

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

Registered Testing Pool: The pool of highest-priority *Shiai-sha* established separately at the international level by International Federations and at the national



level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the *Code* and the International Standard for Testing and Investigations.

*Sample or Specimen*: 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.*]

*Shiai*: Synonymous with the term "Competition" in the *Code*. A match where an individual or a team competes with each other for wins and losses subject to FIK SHIAI Regulations and Refereeing Rules for the Disciplines or the regulations and refereeing rules stipulated by each *National Federation* or *Event Committee*.

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

*Shiai-sha Support Personnel*: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting a *Shiai-sha* participating in or preparing for *Shiai*.

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

*Specified Substance*: See Article 4.2.2.

*Strict Liability*: The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, negligence, or knowing *Use* on the *Shiai-sha's* part

be demonstrated by the *Anti-Doping Organization* in order to establish an anti-doping rule violation.

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

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

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

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

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

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

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

*UNESCO Convention*: The International Convention against Doping in Sport adopted by the 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.

*Union*: A *Union* consists of *National Federations* to which FIK has granted approval.

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

WADA: The World Anti-Doping Agency.

**APPENDIX 2    EXAMPLES OF THE APPLICATION OF ARTICLE 10**

## EXAMPLE 1.

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

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Athlete* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Article 10.2.2).
2. In a second step, the panel would analyze whether the *Fault*-related reductions (Articles 10.4 and 10.5) apply. Based on *No Significant Fault or Negligence* (Article 10.5.2) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)
3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to *Fault*). In this case, only Article 10.6.1 (*Substantial Assistance*) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Article 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months.\*The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)
4. Under Article 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Athlete* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Athlete* would have to serve at least one-half of the *Ineligibility* period (i.e., three months) after the date of the hearing decision (Article 10.11.2).
5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically *Disqualify* the result obtained in that *Competition* (Article 9).

6. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

7. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

8. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one and one-half months before the end of the period of *Ineligibility*.

#### EXAMPLE 2.

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

#### Application of Consequences:

1. The starting point would be Article 10.2. Because the *Anti-Doping Organization* can establish that the anti-doping rule violation was committed intentionally and the *Athlete* is unable to establish that the substance was permitted *Out-of-Competition* and the *Use* was unrelated to the *Athlete's* sport performance (Article 10.2.3), the period of *Ineligibility* would be four years (Article 10.2.1.2).

2. Because the violation was intentional, there is no room for a reduction based on *Fault* (no application of Articles 10.4 and 10.5). Based on *Substantial Assistance*, the sanction could be suspended by up to three-quarters of the four years.\*The minimum period of *Ineligibility* would thus be one year.

3. Under Article 10.11, the period of *Ineligibility* would start on the date of the final hearing decision.

4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

#### EXAMPLE 3.

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

#### Application of Consequences:

1. The starting point would be Article 10.2. Because the *Athlete* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault* in *Using a Contaminated Product* (Articles 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two years (Articles 10.2.2).

2. In a second step, the panel would analyze the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the *Athlete* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)

3. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

4. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one month before the end of the period of *Ineligibility*.

#### EXAMPLE 4.

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

#### Application of Consequences:

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.

2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).

3. Based on the *Athlete's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete's Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.\* Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.

4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last *Use* of the anabolic steroid.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

#### EXAMPLE 5.

##### Facts:

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

##### Application of Consequences:

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)

2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).

3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)

4. The information referred to in Article 14.3.2 must be *Publicly Disclosed* unless the *Athlete Support Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).



## EXAMPLE 6.

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

Application of Consequences:

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

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

3. In a next step, the panel would assess the possibility for suspension or reduction under Article 10.6 (non-*Fault*-related reductions). In the case of the second violation, only Article 10.6.1 (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months.\* The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years.)

4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*

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