IBSA ANTI-DOPING RULES

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IBSA ANTI-DOPING RULES

INTRODUCTION

Preface

At the IBSA General Assembly held on 3rd April 2009 in Turkey, IBSA accepted the revised (2009) World Anti-Doping *Code* (the "*Code*"). These Anti-Doping Rules are adopted and implemented in conformance with IBSA's responsibilities under the *Code*, and are in furtherance of IBSA's continuing efforts to eradicate doping in blind sports.

Anti-Doping Rules, like *Competition* rules, are sport rules governing the conditions under which sport is played. *Athletes* and other *Persons* accept these rules as a condition of participation and shall be bound by them. These sport-specific rules and procedures, aimed at enforcing anti-doping principles in a global and harmonized manner, are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal 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 the anti-doping rules in the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

Fundamental Rationale for the Code and IBSA'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 and Paralympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

International Blind Sports Federation (IBSA) is the worldwide governing body for sports for persons with a visual impairment. It is the recognised International Federation (IF) for a number of sports practised by blind and partially sighted athletes. IBSA sanctions and oversees world and continental championships and international cup and club events in its official sports.

As a founding member of the International Paralympic Committee (IPC), IBSA plays a full and active role in the governance of a number of multi-disability sports on the Paralympic programme. IBSA has agreed to accept the World Anti-Doping Rules and implement anti-doping regulations in accordance with the World Anti-Doping Code. IBSA, through the IBSA Anti-Doping Rules, is committed to the complete eradication of doping from sports for persons with a visual impairment in order to ensure fair competition among all visually impaired athletes.

IBSA has established and approved the IBSA Anti-Doping Rules (Rules) in accordance with the World Anti-Doping Code (WADC) and the International Paralympic Committee Anti-Doping Code in the expectation that, in the spirit of sport, it will lead the fight against doping in sport for athletes with a visual impairment.

The IBSA Anti-Doping Rules are complemented by other IBSA documents and International Standards referred to throughout.

As a condition of recognition, IBSA requires that the Rules shall apply to all competitions sanctioned by IBSA and to all sports practised within the context of IBSA. This is understood to include preparation time for Competition.

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. All participants (athletes and athlete support personnel) accept these rules as a condition of participation and are presumed to have agreed to comply with the Rules.

Scope

These Anti-Doping Rules shall apply to IBSA, and each *Participant* in the activities of IBSA or any of its *National Federation*s by virtue of the *Participant's* membership, accreditation, or participation in IBSA, its *National Federations*, or their activities or *Events*.

[To be eligible for participation in IBSA events, a competitor must have an IBSA licence issued by his or her National Federation. The IBSA licence will only be issued to competitors who have personally signed the Appendix 2 consent form, in the actual form approved by the IBSA Executive Board. All forms from under-age applicants must be counter-signed by their legal guardians.

The National Federation must guarantee that all athletes registered for an IBSA Licence accept the Rules of IBSA, including these IBSA Anti-Doping Rules.]

It is the responsibility of each *National Federation* to ensure that all national-level *Testing* on the *National Federation's Athletes* complies with these Anti-Doping Rules. In some countries, the *National Federation* itself will be conducting the *Doping Control* described in these Anti-Doping Rules. In other countries, many of the *Doping Control* responsibilities of the *National Federation* have been delegated or assigned by statute or agreement to a *National Anti-Doping Organization*. In those countries, references in these Anti-Doping Rules to the *National Federation* shall apply, as appropriate, to the *National Anti-Doping Organization*.

These Anti-Doping Rules shall apply to all *Doping Controls* over which IBSA and its *National Federations* have jurisdiction.

1 IBSA Classification Committee

1.1 The *IBSA Classification Committee* is responsible for all medical, anti-doping, classification and scientific general regulations including the IBSA Anti-Doping Rules (Rules).

1.2 The *IBSA Anti-Doping Subcommittee* is responsible for establishing policies, guidelines and procedures with respect to the fight against doping, including anti-doping rule violation management and compliance with internationally accepted regulations, including the *WADC*.

1.3 The IBSA Therapeutic Use Exemption Committee (TUEC) is the Panel appointed by the IBSA Classification Committee to assess each Therapeutic Use Exemption (TUE) application.

1.4 Unless specifically directed in the Rules, the *Person* responsible for the administration of the provisions thereof shall be the *IBSA Classification Director*.

The *IBSA Classification Director* may delegate specific responsibilities to such *Person* or *Person*s at his/her discretion.

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 2.8 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Athletes and 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:

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

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

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

[Comment to Article 2.1.1: For purposes of anti-doping violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), these Anti-Doping Rules adopt the rule of strict liability which was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, an Athlete is responsible, and an anti-doping rule violation occurs, whenever a Prohibited Substance is found in an Athlete's Sample. The violation occurs whether or not the Athlete intentionally or unintentionally used a Prohibited Substance or was negligent or otherwise at fault. If the positive Sample came from an In-Competition test, then the results of that Competition are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the Athlete then has the possibility to avoid or reduce sanctions if the Athlete can demonstrate that he or she was not at fault or significant fault (Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances)) or in certain circumstances did not intend to enhance his or her sport performance (Article 10.4 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)).

The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the exceptional circumstance

where a Prohibited Substance entered an Athlete's system through No Fault or Negligence or No Significant Fault or Negligence on the Athlete's part. It is important to emphasize that while the determination of whether the anti-doping rule violation has occurred is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in these Anti-Doping Rules has been consistently upheld in the decisions of CAS.]

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

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

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

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

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

[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2 (Methods of Establishing Facts and Presumptions), unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

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

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

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

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

2.3 Refusing or failing without compelling justification to submit to *Sample* collection after notification as authorized in these Anti-Doping Rules, or otherwise evading *Sample* collection.

[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an Athlete was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplates intentional conduct by the Athlete.]

2.4 Violation of applicable requirements regarding *Athlete* availability for *Out-of-Competition Testing*, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the *International Standard* for *Testing*. Any combination of three missed tests and/or filing failures within an eighteen-month period as determined by *Anti-Doping Organizations* with jurisdiction over the *Athlete* shall constitute an anti-doping rule violation.

[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under the rules of IF or any other Anti-Doping Organization with authority to declare whereabouts filing failures and missed tests in accordance with the International Standard for Testing shall be combined in applying this Article. In appropriate circumstances, missed tests or filing failures may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5.]

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

[Comment to Article 2.5: This Article prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, altering identification numbers on a Doping Control form during Testing, breaking the B Bottle at the time of B Sample analysis or providing fraudulent information to an Anti-Doping Organization.]

2.6 *Possession* of *Prohibited Substances* and *Methods*

2.6.1 *Possession* by an *Athlete In-Competition* of any *Prohibited Method* or any *Prohibited Substance*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is pursuant to a therapeutic use exemption ("TUE") granted in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.

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

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

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

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

2.8 Administration or *Attempted* administration to any *Athlete In-Competition* of any *Prohibited Method* or *Prohibited Substance*, or administration or *Attempted* administration to any *Athlete Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* that is prohibited *Out-of-Competition*, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any *Attempted* anti-doping rule violation.

[Comment to Article 2: The Code does not make it an anti-doping rule violation for an Athlete or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, IF may adopt its own specific policy which prohibit such conduct. [Please insert here specific rules to that effect if applicable]

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

IBSA and its *National Federations* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether IBSA or its *National Federation* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6, where the *Athlete* must satisfy a higher burden of proof.

[Comment to Article 3.1: This standard of proof required to be met by IBSA or its National Federation is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]

3.2 Methods of Establishing Facts and Presumptions

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

[Comment to Article 3.2: For example, IBSA or its National Federation may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to

Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples.]

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

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

[Comment to Article 3.2.1: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to IF or its National Federation to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

3.2.2 Departures from any other *International Standard* for Laboratories or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation occurred, then IBSA or its *National Federation* shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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

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

and to answer questions either from the hearing panel or from the *Anti-Doping Organization* asserting the anti-doping rule violation.

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

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by *WADA* as described in Article 4.1 of the *Code*. IBSA will make the current *Prohibited List* available to each *National Federation*, and each *National Federation* shall ensure that the current *Prohibited List* is available to its members and constituents.

[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. The Prohibited List in force is available on WADA's website at www.wada-ama.org.The Prohibited List is an integral part of the International Convention against Doping in Sport.

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 of the *Prohibited List* by *WADA* without requiring any further action by IBSA or its *National Federations.* As described in Article 4.2 of the *Code*, IBSA may request that *WADA* expand the *Prohibited List* for the sport for persons with a visual impairment. IBSA may also request that *WADA* include additional substances or methods, which have the potential for abuse in the sport for persons with a visual impairment, in the monitoring program described in Article 4.5 of the *Code*. As provided in the *Code*, *WADA* shall make the final decision on such requests by IBSA.

[Comment to Article 4.2.1: There will be one Prohibited List. The substances which are prohibited at all times would include masking agents and those substances which, when Used in training, may have long term performance enhancing effects such as anabolics. All substances and methods on the Prohibited List are prohibited In-Competition. Out-of-Competition Use (Article 2.2) of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse

Analytical Finding for the substance or its Metabolites is reported for a Sample collected In-Competition (Article 2.1).

There will be only one document called the "Prohibited List." WADA may add additional substances or methods to the Prohibited List for particular sports (e.g. the inclusion of beta-blockers for shooting) but this will also be reflected on the single Prohibited List. A particular sport is not permitted to seek exemption from the basic list of Prohibited Substances (e.g. eliminating anabolics from the Prohibited List for ''mind sports"). The premise of this decision is that there are certain basic doping agents which anyone who chooses to call himself or herself an Athlete should not take.]

4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all *Prohibited Substances* shall be "Specified Substances" except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.

[Comment to Article 4.2.2: In drafting the Code there was considerable debate among stakeholders over the appropriate balance between inflexible sanctions which promote harmonization in the application of the rules and more flexible sanctions which better take into consideration the circumstances of each individual case. This balance continued to be discussed in various CAS decisions interpreting the Code. After three years experience with the Code, the strong consensus of stakeholders is that while the occurrence of an anti-doping rule violation under Articles 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) and 2.2 (Use of a Prohibited Substance or Prohibited Method) should still be based on the principle of strict liability, the Code sanctions should be made more flexible where the Athlete or other Person can clearly demonstrate that he or she did not intend to enhance sport performance. The change to Article 4.2 and related changes to Article 10 provide this additional flexibility for violations involving many Prohibited Substances. The rules set forth in Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances) would remain the only basis for eliminating or reducing a sanction involving anabolic steroids and hormones, as well as the stimulants and the hormone antagonists and modulators so identified on the Prohibited List, or Prohibited Methods.]

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

As provided in Article 4.3.3 of the *Code*, *WADA's* determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* and the classification of substances into categories on the

Prohibited List is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

[Comment to Article 4.3: The question of whether a substance meets the criteria in Article 4.3 (Criteria for Including Substances and Methods on the Prohibited List) in a particular case cannot be raised as a defense to an anti-doping rule violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing in that particular sport. Rather, doping occurs when a substance on the Prohibited List is found in an Athlete's Sample. Similarly, it cannot be argued that a substance listed in the class of anabolic agents does not belong in that class.]

4.4 Therapeutic Use

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

4.4.2 *Athletes* included by IBSA in its *Registered Testing Pool* and other *Athletes* participating in an *International Event* identified by IBSA must obtain a TUE from or recognized by the IBSA. The application for a TUE must be made as soon as possible (in the case of an *Athlete* in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 30 days before the *Athlete's* participation in the *Event*. TUE granted by IBSA shall be reported to the *Athlete's National Federation,* and to *WADA through ADAMS*.

4.4.3 *Athletes* who are not included by IBSA in its *Registered Testing Pool* and/or who do not participate in an *International Event* identified by IBSA must obtain a TUE from their *National Anti-Doping Organization* or other body designated by their *National Federation*, as required under the rules of the *National Anti-Doping Organization* or the *National Federation*. The application for a TUE must be made as soon as possible (in the case of an *Athlete* in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 30 days before the *Athlete's* participation in the *Event*. *National Federations* shall promptly report any such TUE to IBSA, and *WADA through ADAMS*.

4.4.4 IBSA shall appoint a panel to consider requests for TUEs (the **"**TUE Panel**"**) in accordance with the *International Standard* for Therapeutic Use Exemptions. The TUE Panel member(s) shall promptly evaluate the request in accordance with the *International Standard* for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of IBSA.

4.4.5 *WADA*, on its own initiative, may review at any time the granting of a *TUE* to any *International-Level Athlete* or athlete entered in a international event for which a TUE pursuant to the International Federation's rules is required or national-level *Athlete* who is included in his or her *National Anti-Doping Organization or National Federation*'s *Registered Testing Pool*. Further, upon any request of any such *Athlete* who has been denied a *TUE*, *WADA* may review such denial. If *WADA* determines that such granting or denial of a TUE did not comply with the *International Standard* for Therapeutic Use Exemptions, *WADA* may reverse that decision. Decisions on TUE's are subject to further appeal as provided in Article 13.

ARTICLE 5 *TESTING*

5.1 Authority to *Test*

All *Athletes* under the jurisdiction of a *National Federation* shall be subject to *Testing* by IBSA, the *Athlete's National Federation*, and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* under the jurisdiction of a *National Federation*, including *Athletes* serving a period of ineligibility or a *Provisional Suspension*, shall be subject to *Testing* at any time or place, with or without advance notice, *In-Competition* or *Out-of-Competition* by IBSA, *WADA,* the *Athlete's National Federation*, the *National Anti-Doping Organization* of any country where the *Athlete* is present or of which the *Athlete* is national, resident, licence-holder or member of a sport organization, the IOC in connection with the Olympic Games, the IPC in connection with Paralympic Games, and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate.

All *Athlete*s must comply with any request for *Testing* by any *Anti-Doping Organization* with *Testing* jurisdiction.

5.2 Test Distribution Plan

In coordination with other *Anti-Doping Organization*s conducting *Testing* on the same *Athlete*s, and consistent with the *International Standard* for *Testing,* IBSA and its *National Federations* shall:

5.2.1 Plan and conduct an effective number of *In-Competition* and *Out-of-Competition* tests on *Athlete*s over whom they have

jurisdiction, including but not limited to *Athlete*s in their respective *Registered Testing Pools*.

5.2.2 Except in exceptional circumstances all *Out-of-Competition Testing* shall be *No Advance Notice*.

5.2.3 Make *Target Testing* a priority.

5.2.4 Conduct *Testing* on *Athlete*s serving a period of *Ineligibility* or a *Provisional Suspension.*

[Comment to Article 5.2.3: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested (e.g., world-class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purposes other than legitimate Doping Control. These anti-doping rules make it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, they do not impose any reasonable suspicion or probable cause requirement for Target Testing]

5.3 Standards for *Testing*

Testing conducted by IBSA and its *National Federations* shall be in substantial conformity with the *International Standard* for *Testing* in force at the time of *Testing*.

5.3.1 Blood (or other non-urine) *Samples* may be used to detect *Prohibited Substances* or *Prohibited Methods*, for screening procedure purposes, or for longitudinal hematological profiling ("the passport").

5.4 Coordination of *Testing*

5.4.1 *Event Testing*

The collection of *Sample*s for *Doping Control* shall take place at both *International Event*s and *National Event*s. However, except as otherwise provided below, only a single organization should be responsible for initiating and directing *Testing* during the *Event Period*. At *International Event*s, the collection of *Doping Control Sample*s shall be initiated and directed by the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, IBSA for a World Championship, and Pan-American Sports Organisation for the Pan American Games). At *National Event*s, the collection of *Doping Control Sample*s shall be initiated and directed by the designated *National Anti-Doping Organization* or *National Federation* of that country.

5.4.1.1 If IBSA or its *National Federations* nevertheless desires to conduct additional *Testing* of *Athlete*s at an *Event* for which they are not responsible for initiating and directing *Testing* during the *Event Period*, IBSA or its *National Federations* shall first confer with the ruling body of the *Event* to obtain permission to conduct, and to coordinate, any additional *Testing.* If IBSA or its *National Federations* are not satisfied with the response from the ruling body of the *Event*, IBSA or its *National Federations* may ask *WADA* for permission to conduct additional *Testing* and to determine how to coordinate such additional *Testing*.

[Comment to Article 5.4.1.1: The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]

5.4.2 *Out-of-Competition Testing*

Out-of-Competition Testing shall be initiated and directed by both international and national organizations. *Out-of-Competition Testing* may be initiated and directed by: (a) *WADA*; (b) the International Olympic Committee or International Paralympic Committee in connection with the Olympic Games or Paralympic Games; (c) IBSA or the *Athlete*'s *National Federation*; or (d) any other *Anti-Doping Organization* that has *Testing* jurisdiction over the *Athlete* as provided in Article 5.1 (Authority to Test). *Out-of-Competition Testing* shall be coordinated through *ADAMS* where reasonably feasible in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing* of individual *Athlete*s.

[Comment to Article 5.4.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories and governments.]

5.4.3 *Report*

IBSA and *National Federations* shall promptly report completed tests through the *WADA* clearinghouse in accordance with article 14.5 to avoid unnecessary duplication in *Testing*.

5.5 *Athlete* Whereabouts Requirements

5.5.1 IBSA shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of the *International Standard* for *Testing*, and shall publish the criteria for *Athletes* to be included in this *Registered Testing Pool* as well as a list of the *Athletes* meeting those criteria for the period in question. IBSA shall review and update as necessary its criteria for including *Athletes*

in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria. Each *Athlete* in the *Registered Testing Pool* (a) shall advise IBSA of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the *International Standard* for *Testing*; (b) shall update that information as necessary, in accordance with Article 11.4.2 of the *International Standard* for *Testing*, so that it remains accurate and complete at all times; and (c) shall make him/herself available for Testing at such whereabouts, in accordance with Article 11.4 of the *International Standard* for *Testing*.

[*Comment to Article 5.5.1: The purpose of the IBSA Registered Testing Pool is to identify top-level International Athletes who IBSA requires to provide whereabouts information to facilitate Out-of-Competition Testing by IBSA and other Anti-Doping Organizations with jurisdiction over the Athletes. IBSA will identify such Athletes in accordance with the requirements of Articles 4 and 11.2 of the International Standard for Testing.*

Examples for the criteria which could be used separately or in combination include:

- *[All medalists] [team members of Team medalists] from the previous [one][two] [world championships][continental championships][Olympic Games] [top 10][top 20] athletes in each discipline or [top 50] in World Ranking or World Cup.*
- *Any athlete whose performance (time or distance) is better than or equal to the fiftiest best performances in the preceding competition year.*
- *[All athletes who are members of the [top 8] teams in the Team Ranking]*

Every National Federation shall report to IBSA [the performances, names and addresses of all Athletes whose performances fall within the Registered Testing Pool criteria established by IBSA].]

5.5.2 An *Athlete's* failure to advise IBSA of his/her whereabouts shall be deemed a filing failure for purposes of Article 2.4 where the conditions of Article 11.3.5 of the *International Standard* for *Testing* are met.

5.5.3 An *Athlete's* failure to be available for *Testing* at his/her declared whereabouts shall be deemed a missed test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the *International Standard* for *Testing* are met.

5.5.4 Each *National Federation* shall also assist its *National Anti-Doping Organization* in establishing a national level *Registered Testing Pool* of top level national *Athletes* to whom the whereabouts requirements of the *International Standard* for *Testing* shall also apply. Where those *Athletes* are also in IBSA's *Registered Testing Pool*, IBSA

and the *National Anti-Doping Organization* will agree (with the assistance of *WADA* if required) on which of them will take responsibility for receiving whereabouts filings from the *Athlete* and sharing it with the other (and with other *Anti-Doping Organizations*) in accordance with Article 5.5.5.

5.5.5 Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with *WADA* and other *Anti-Doping Organizations* having jurisdiction to test an *Athlete* in accordance with Articles 11.7.1(d) and 11.7.3(d) of the *International Standard* for *Testing*, including the strict condition that it be used only for *Doping Control* purposes.

5.6 Retirement and Return to Competition

5.6.1 An *Athlete* who has been identified by IBSA for inclusion in IBSA's *Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the *International Standard* for *Testing* unless and until the *Athlete* gives written notice to IBSA that he or she has retired or until he or she no longer satisfies the criteria for inclusion in IBSA's *Registered Testing Pool* and has been so informed by IBSA.

5.6.2 An *Athlete* who has given notice of retirement to IBSA may not resume competing unless he or she notifies IBSA at least [six] [twelve] months before he or she expects to return to competition and makes him/herself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of the *International Standard* for *Testing*, at any time during the period before actual return to competition.

5.6.3 *National Federations/National Anti-Doping Organizations* may establish similar requirements for retirement and returning to competition for *Athletes* in the national *Registered Testing Pool*.

5.7 Selection of *Athletes* to be *Tested*

5.7.1 At *International Events*, IBSA shall determine the number of finishing placement tests, random tests and target tests to be performed.

The following *Athletes* shall be tested for each *Competition* at an *International Event*.

> **5.7.1.1** (For sports competed on an individual basis): Each *Athlete* finishing in one of the top three placements in random disciplines in the *Competition*, plus one other *Athlete* in the *Competition* selected at random.

5.7.1.1 (For Team Sports or other sports in which awards are given to teams): One *Athlete* selected at random from each of the top three finishing teams, plus one *Athlete* selected at random from a randomly-selected team outside the top three finishing teams.

5.7.1.2 Any *Athlete* that establishes or breaks a world record.

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

5.7.3 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 above, IBSA at *International Events*, and the *National Federation* at *National Events*, may also select *Athletes* or teams for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

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

5.8 IBSA and the organizing committees for IBSA *Events*, as well as the *National Federations* and the organizing committees for *National Federation Events,* shall provide access to independent observers at *Events* in accordance with the *Independent Observers Program*.

5.9 An *Athlete* who is not a regular member of IBSA or one of its *National Federations* will not be permitted to compete unless he or she is available for *Sample* collection and where applicable, he/she provides accurate and up-to-date whereabouts information as part of IBSA's a National Federation's *Registered Testing Pool* at least [three months] [two months] [one month] before he or she expects to compete.

ARTICLE 6 ANALYSIS OF *SAMPLES*

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

6.1 Use of Approved Laboratories

For purposes of Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), IBSA or its *National Federations* shall send *Samples* for analysis only to *WADA*-accredited laboratories or as otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory (or other laboratory or

method approved by *WADA*) used for the *Sample* analysis shall be determined exclusively by IBSA or its *National Federations*.

[Comment to Article 6.1: Violations of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) may be established only by Sample analysis performed by a WADA-approved laboratory or another laboratory specifically authorized by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

6.2 Purpose of Collection and Analysis of *Samples*

Samples shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *Code* or to assist IBSA or its *National Federations* in profiling relevant parameters in an *Athlete*'s urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use or Attempted Use of a Prohibited Substance), or both.]

6.3 Research on *Samples*

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

6.4 Standards for *Sample* Analysis and Reporting

Laboratories shall analyze *Doping Control Samples* and report results in conformity with the *International Standard* for Laboratories.

6.5 Retesting *Samples*

A *Sample* may be reanalyzed for the purposes described in Article 6.2 at any time exclusively at the direction of the *Anti-Doping Organization* that collected the *Sample* or *WADA*. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

[Comment to Article 6.5: Although this Article is new, Anti-Doping Organizations have always had the authority to reanalyze Samples. The International Standard for Laboratories or a new technical document which is made a part of the International Standard will harmonize the protocol for such retesting.]

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for Tests Initiated by IBSA

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

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

7.1.2 Upon receipt of an A *Sample Adverse Analytical Finding*, IBSA shall conduct an initial 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* or *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

7.1.2.1 On a case-by-case basis, the IBSA Anti-Doping Committee shall appoint a Doping Review Panel to conduct the review discussed in Articles 7.1.2 and 7.1.8 and to review any other potential violations of these Anti-Doping Rules as may be requested by the IBSA Anti-Doping Committee from time to time.

7.1.3 If the initial review of an *Adverse Analytical Finding* under Article 7.1.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the *International Standard* for Therapeutic Use Exemptions, or departure that caused the *Adverse Analytical Finding*, IBSA shall promptly notify the Athlete, in the manner set out in Article 19, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete*'s right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis if the *Athlete* or IBSA chooses to request an analysis of the B *Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete*'s representative to attend the B *Sample* opening and analysis within the time period specified in the *International Standard* for Laboratories if such analysis is requested; and (f) the *Athlete*'s right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the *International Standard* for Laboratories. IBSA shall also notify the *Athlete*'s *National Anti-Doping Organization* and *WADA*. If IBSA decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete*'s *National Anti-Doping Organization* and *WADA*.

7.1.4 Where requested by the *Athlete* or IBSA, arrangements shall be made for *Testing* the B *Sample* within the time period specified in the *International Standard* for *Laboratories*. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. IBSA may nonetheless elect to proceed with the B *Sample* analysis.

7.1.5 The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample* within the time period specified in the *International Standard* for Laboratories. Also a representative of the *Athlete*'s *National Federation* as well as a representative of IBSA shall be allowed to be present.

7.1.6 If the B *Sample* proves negative, then (unless IBSA takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, his *National Federation*, and IBSA shall be so informed.

7.1.7 If a *Prohibited Substance* or the *Use* of a *Prohibited Method* is identified, the findings shall be reported to the *Athlete*, his *National Federation*, IBSA, and to *WADA*.

7.1.8 IBSA shall conduct any follow-up investigation into a possible anti-doping rule violation not covered by Articles 7.1.1 to 7.1.8. At such time as IBSA is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* subject to sanction notice, in the manner set out in Article 19, of the anti-doping rule violated, and the basis of the violation. IBSA shall also notify the *Athlete*'s *National Anti-Doping Organization* and *WADA*.

7.2 Review of Atypical Findings

7.2.1 As provided in the *International Standards*, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously as *Atypical Findings* subject to further investigation.

7.2.2 Upon receipt of an A *Sample Atypical Finding*, IBSA shall conduct an initial review to determine whether: (a) an applicable *TUE* has been granted, or (b) there is any apparent departure from the *International Standard* for *Testing* or *International Standard* for Laboratories that caused the *Atypical Finding.*

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

7.2.4 If that initial review does not reveal an applicable *TUE* or departure that caused the *Atypical Finding*, IBSA shall conduct the required investigation. After the investigation is completed, the *Athlete, WADA* and the *Athlete*'s *National Anti-Doping Organization* shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Athlete* shall be notified as provided in Article 7.1.4.

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

(a) If IBSA determines the B *Sample* should be analyzed prior to the conclusion of its follow-up investigation, it may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.1.4(b) to (f).

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

7.3 Results Management for *Tests* Initiated During Other *International Events*

Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a Major Event Organization, shall be managed, as far as sanctions beyond Disqualification from the Event or the results of the Event, by IBSA.

7.4 Results Management for *Tests* initiated by *National Federations*

Results management conducted by *National Federations* shall be consistent with the general principles for effective and fair results management which are underlined in the detailed provisions set forth in this Article 7. *Adverse Analytical findings*, *Atypical Findings* and other asserted violations of anti-doping rules shall be reported by *National Federations* in accordance with the principles outlined in this Article 7 to the *Athlete*'s *National Anti-Doping Organization,* IBSA and *WADA* no later than the completion of the *National Federation's* results management process. Any apparent anti-doping rule violation by an *Athlete* who is a member of that *National Federation* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the *National Federation, National Anti-Doping Organization* or national law. Apparent anti-doping rule violations by *Athletes* who are members of

another *National Federation* shall be referred to the *Athlete's National Federation* for hearing.

7.5 Results Management for Whereabouts Violations

7.5.1 Results management in respect of an apparent *Filing Failure* by an *Athlete* in IBSA's *Registered Testing Pool* shall be conducted by IBSA in accordance with Article 11.6.2 of the *International Standard* for *Testing* (unless it has been agreed in accordance with Article 5.5.4 that the *National Federation* or *National Anti-Doping Organization* shall take such responsibility).

7.5.2 Results management in respect of an apparent Missed Test by an *Athlete* in IBSA's *Registered Testing Pool* as a result of an attempt to test the *Athlete* by or on behalf of IBSA shall be conducted by IBSA in accordance with Article 11.6.3 of the *International Standard* for Testing. Results management in respect of an apparent Missed Test by such *Athlete* as a result of an attempt to test the *Athlete* by or on behalf of another *Anti-Doping Organization* shall be conducted by that other *Anti-Doping Organization* in accordance with Article 11.7.6(c) of the *International Standard* for *Testing*.

7.5.3 Where, in any eighteen-month period, an *Athlete* in IBSA's *Registered Testing Pool* is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures or Missed Tests adding up to three in total, whether under these Anti-Doping Rules or under the rules of any other *Anti-Doping Organization*, IBSA shall bring them forward as an apparent anti-doping rule violation.

7.6 *Provisional Suspensions*

7.6.1 If analysis of an A *Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed promptly after the review and notification described in Article 7.1.

7.6.2 In any case not covered by Article 7.6.1 where IBSA decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, a *Provisional Suspension* may be imposed after the review and notification described in Article 7.1, but prior to the analysis of the *Athlete*'s B *Sample* or the final hearing as described in Article 8 (Right to a Fair Hearing).

7.6.3 However, a *Provisional Suspension* may not be imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, unless the *Athlete* or other *Person* is given either (a) an opportunity for a *Provisional Hearing* either before imposition of the *Provisional Suspension* or on a timely basis after

imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension. National Federations* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.6.

7.6.4 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or *Anti-Doping Organization*) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 of the *Code* (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers)*. In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in these anti-doping rules) has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Competition*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Competition*.

[Comment to Article 7.6: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, a Signatory imposing a Provisional Suspension is required to give the Athlete an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.

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

Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.9.3.]

7.7 Retirement from Sport

If an *Athlete* or other *Person* retires while a results management process is underway, IBSA or its *National Federations* conducting the results management process retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun and IBSA or its *National Federations* would have had results management jurisdiction over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, IBSA or its *National Federations* have jurisdiction to conduct results management.

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

ARTICLE 8 RIGHT TO A FAIR HEARING

[NOTE: According to article 8.1 of the *Code*, each *Anti-Doping Organization* with responsibility for results management shall provide a hearing process for any *Person* who is asserted to have committed an anti-doping rule violation. Each hearing process has however to be consistent with the principles outlined under article 8 of the *Code.*

The Model Rules hereafter suggest a basic set of rules applicable following IBSA or its National Federations' result management. IBSA may also decide that, following the initial result management by IBSA, all initial hearings take place at the *National Federation* level with a possibility for IBSA to appeal to the Court of Arbitration for Sport.]

8.1 Hearings following IBSA's result management

8.1.1 In the event that the Results Management process performed by IBSA in accordance with Article 7 has concluded that there may be a violation of these Anti-Doping Rules, the case shall be assigned to the Doping Hearing Panel. Such Doping Hearing Panel to be appointed by the Anti-Doping Committee and to comprise of at least three members.

The Doping Hearing shall address whether an Anti-Doping Rule Violation has been committed and if so, the appropriate Consequences (including when relevant, whether a Provisional Suspension is warranted). Once the Doping Panel has reached a decision on a case, it shall make a recommendation on the Consequences in accordance with the Anti-Doping Rules to the Executive Committee.

The Executive Committee shall in turn adjudicate and make a final decision on the Consequences in a timely manner. Following its decision, the Executive Committee shall be responsible for notifying the person in breach of the Anti-Doping Rules of any Consequences. If the Executive Committee concludes that there should not be any Consequences, the Executive Committee should also notify the Athlete or Athlete Support Personnel in writing of such decision. Any notification from the Executive Committee to the Athlete or Athlete Support Personnel shall set out the reasons behind the decision.

[Comment to Article 8.1.1: This reporting structure mirrors that of the International Paralympic Committee. In effect, only the IBSA Executive Committee has the authority to (for example) disqualify an athlete's results

from the IBSA World Games or impose a period of ineligibility on an athlete under IBSA's Jurisdiction.]

8.1.2 Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. Hearings held in connection with *Events* may be conducted on an expedited basis. If the *Athlete* has been imposed a *Provisional Suspension* as per Article 7.6, the *Athlete* has the right to request that the hearing be conducted on an expedited basis.

[Comment to Article 8.1.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

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

8.1.4 IBSA shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.1.5 An *Athlete* or other *Person* may forego a hearing by acknowledging the Anti-Doping Rule violation and accepting *Consequences* consistent with Articles 9 and 10 as proposed by IBSA. The right to a hearing may be waived either expressly or by the *Athlete*'s or other *Person*'s failure to challenge IBSA's assertion that an anti-doping rule violation has occurred within [Period of Time]. Where no hearing occurs, IBSA shall submit to the *Persons* described in Article 13.2.3 a reasoned decision explaining the action taken.

8.1.6 Decisions of the IBSA Doping Hearing Panel [insert the name of the competent body] may be appealed to the Court of Arbitration for Sport as provided in Article 13.

8.2 Hearings following National Federations result management

8.2.1 When it appears, following the Results Management process performed by National Federations in accordance with Article 7, that these Anti-Doping Rules have been violated in connection, the *Athlete* or other *Person* involved shall be brought before a disciplinary panel of the *Athlete* or other *Person's National Federation* or *National Anti-Doping Organization* in accordance with the rules of the *National Federation* or the *National Anti-Doping Organization* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *Consequences* should be imposed.

8.2.2 Hearings pursuant to this Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with *Events* may be conducted by an expedited process. If the *Athlete* has been imposed a *Provisional Suspension* as per Article 7.6, the *Athlete* has the right to request that the hearing be conducted on an expedited basis. If the completion of the hearing is delayed beyond three months, IBSA may elect to bring the case directly before the IBSA Doping Hearing Panel [insert the name of the competent body] at the responsibility and at the expense of the *National Federation*.

8.2.3 *National Federations* shall keep IBSA and *WADA* fully apprised as to the status of pending cases and the results of all hearings.

8.2.4 IF and *WADA* shall have the right to attend hearings as an observer.

8.2.5 The *Athlete* or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the *National Federation*. The right to a hearing may be waived either expressly or by the *Athlete*'s or other *Person*'s failure to challenge the *National Federation*'s assertion that an anti-doping rule violation has occurred within [Period of Time]. Where no hearing occurs, the *National Federation* shall submit to the *Persons* described in Article 13.2.3 a reasoned decision explaining the action taken.

8.2.6 Decisions by *National Federations* or *National Anti-Doping Organizations*, whether as the result of a hearing or the *Athlete* or other *Person's* acceptance of *Consequences*, may be appealed as provided in Article 13.

8.3 Principles for a Fair Hearing

All hearings pursuant to either Article 8.1 or 8.2 shall respect the following principles:

- a timely hearing;
- fair and impartial hearing panel;
- the right to be represented by counsel at the *Person*'s own expense;
- the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;
- the right to respond to the asserted anti-doping rule violation and resulting *Consequences*;

- the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission);

- the *Person*'s right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost of the interpreter; and

- a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.]

ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS

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

[Comment to Article 9: When an Athlete wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Athletes in that Competition regardless of whether the gold medalist was at fault in any way. Only a "clean" Athlete should be allowed to benefit from his or her competitive results. For Team Sports, see Article 11 (Consequences to Teams).

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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

[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.]

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

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

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

First violation: Two (2) years' *Ineligibility*.

[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between IBSA and National Anti-Doping Organizations.]

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

The period of *Ineligibility* for violations of these Anti-Doping Rules other than as provided in Article 10.2 shall be as follows:

10.3.1 For violations of Article 2.3 (Refusing or Failing to Submit to *Sample* collection) or Article 2.5 (*Tampering* with *Doping Control*),

the *Ineligibility* period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met.

10.3.2 For violations of Article 2.7 (*Trafficking*) or Article 2.8 (Administration or *Attempted* Administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility* unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than Specified Substances referenced in Article 4.2.2 shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Articles 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

[Comment to Article 10.3.2: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

10.3.3 For violations of Article 2.4 (Whereabouts Filing Failures and/ or Missed Tests), the period of *Ineligibility* shall be at a minimum one (1) year and at a maximum two (2) years based on the *Athlete*'s degree of fault.

[Comment to Article 10.3.3: The sanction under Article 10.3.3 shall be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the circumstances of the case.]

10.4 Elimination or Reduction of the Period of *Ineligibility* for Specified Substances under Specific Circumstances

Where an *Athlete* or other *Person* can establish how a Specified Substance entered his or her body or came into his or her *Possession* and that such Specified Substance was not intended to enhance the *Athlete*'s sport performance or mask the *Use* of a performance-enhancing substance, the period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, two (2) years of *Ineligibility*.

To justify any elimination or reduction, the *Athlete* or other *Person* must produce corroborating evidence in addition to his or her word which establishes

to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the *Use* of a performance enhancing substance. The *Athlete*'s or other *Person*'s degree of fault shall be the criterion considered in assessing any reduction of the period of *Ineligibility*.

[Comment to Article 10.4: Specified Substances as now defined in Article 4.2.2 are not necessarily less serious agents for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance could be very effective to an Athlete in competition); for that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation.

This Article applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the Athlete in taking or Possessing a Prohibited Substance did not intend to enhance his or her sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the Specified Substance; and a contemporaneous medical records file substantiating the non-sport-related prescription for the Specified Substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of an intent to enhance sport performance.

While the absence of intent to enhance sport performance must be established to the comfortable satisfaction of the hearing panel, the Athlete may establish how the Specified Substance entered the body by a balance of probability.

In assessing the Athlete's or other Person's degree of fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]

10.5 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances

10.5.1 *No Fault or Negligence*

If an *Athlete* establishes in an individual case that he or she bears *No Fault or Negligence*, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 10.7.

10.5.2 *No Significant Fault or Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Significant Fault or Negligence,* then the otherwise applicable period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

[Comment to Articles 10.5.1 and 10.5.2: IBSA's Anti-Doping Rules provide for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Athlete can establish that he or she had No Fault or Negligence, or No Significant Fault or Negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those Anti-Doping Organizations that argue for a much narrower exception, or none at all, and those that would reduce a two year suspension based on a range of other factors even when the Athlete was admittedly at fault. These Articles apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.

Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.

To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a

mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements.)

For purposes of assessing the Athlete's or other Person's fault under Articles 10.5.1 and 10.5.2, the evidence considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article.

While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Athlete's or other Person's fault under Article 10.5.2, as well as Articles 10.3.3, 10.4 and 10.5.1.

Article 10.5.2 should not be applied in cases where Articles 10.3.3 or 10.4 apply, as those Articles already take into consideration the Athlete or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]

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

IBSA or its *National Federations* 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 where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*. After a final appellate decision under Article 13 or the expiration of

time to appeal, IBSA may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA*. After a final appellate decision under Article 13 or the expiration of time to appeal, *National Federations* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of IBSA and *WADA*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. If IBSA or its *National Federations* suspend any part of the otherwise applicable period of *Ineligibility* under this Article, they shall promptly provide a written justification for its decision to each *Anti-Doping Organization* having a right to appeal the decision. If IBSA or its *National Federations* subsequently reinstate any part of the suspended period of *Ineligibility* because the *Athlete* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Athlete* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

[Comment to Article 10.5.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.

Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.

If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), IBSA or its National Federations shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Article at

the same time the hearing panel decides whether the Athlete or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to IBSA or its National Federations to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA (and IBSA if the suspension of the otherwise applicable period of Ineligibility is decided by a National Federation). If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, IBSA or its National Federations shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by IBSA or its National Federations under this Article may be appealed pursuant to Article 13.2.

This is the only circumstance under these Anti-Doping Rules where the suspension of an otherwise applicable period of Ineligibility is authorized.]

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

[Comment to Article 10.5.4: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught.]

10.5.5 Where an *Athlete* or Other *Person* Establishes Entitlement to Reduction in Sanction under More than One Provision of this Article

Before applying any reduction or suspension under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two or more of Articles

10.5.2, 10.5.3 or 10.5.4, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the hearing panel establishes whether there is a basis for suspension, elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing panel, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Athlete's or other Person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the Athlete or other Person is entitled to elimination, reduction or suspension under more than one provision of Article 10.5. Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9. The following four examples demonstrate the proper sequence of analysis:

Example 1.

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; the Athlete promptly admits the anti-doping rule violation as asserted; the Athlete establishes No Significant Fault (Article 10.5.2); and the Athlete provides Substantial Assistance (Article 10.5.3).

Application of Article 10:

1. The basic sanction would be two years under Article 10.2. (Aggravating Circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.)

2. Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.

3. Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.

4. Under Article 10.9.2, 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 (minimum three months) after the date of the hearing decision.

Example 2.

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Athlete is unable to establish that he did not knowingly commit the anti-doping rule violation; the Athlete does not promptly admit the anti-doping rule violation as alleged; but the Athlete does provide important Substantial Assistance (Article 10.5.3).

Application of Article 10:

1. The basic sanction would be between two and four years Ineligibility as provided in Article 10.6.

2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.

3. Article 10.5.5 does not apply.

4. Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.

Example 3.

Facts: An Adverse Analytical Finding involves the presence of a Specified Substance; the Athlete establishes how the Specified Substance entered his body and that he had no intent to enhance his sport performance; the Athlete establishes that he had very little fault; and the Athlete provides important Substantial Assistance (Article 10.5.3).

Application of Article 10:

1. Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing panel would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)

2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]

3. Article 10.5.5 does not apply.

4. Under Article 10.9.2, 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 half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)

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 he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides Substantial Assistance (Article 10.5.3).

Application of Article 10:

1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.

2. Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced up to one-half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reduced up to three-quarters of the two years.

3. Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)

4. If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six month period of Ineligibility at step 3, the period of Ineligibility would start on the date the hearing panel imposed the sanction. If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

If IBSA or its *National Federations* establishes in an individual case involving an anti-doping rule violation other than violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*) and 2.8 (Administration or *Attempted* Administration) that aggravating circumstances are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of

Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the *Athlete* or other *Person* can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation.

An *Athlete* or other *Person* can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by IBSA or its *National Federations*.

[Comment to Article 10.6: Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods or Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation.

For the avoidance of doubt, the examples of aggravating circumstances described in this Comment to Article 10.6 are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility. Violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) are not included in the application of Article 10.6 because the sanctions for these violations (from four years to lifetime Ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.]

10.7 Multiple Violations

10.7.1 Second Anti-Doping Rule Violation

For an *Athlete's* or other *Person*'s first anti-doping rule violation, the period of *Ineligibility* is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction or suspension under Articles 10.4 or 10.5, or to an increase under Article 10.6). For a second anti-doping rule violation the period of Ineligibility shall be within the range set forth in the table below.

Second Violation / First Violation	**RS**	**FFMT**	**NSF**	**St**	**AS**	**TRA**
RS	1-4	2-4	2-4	4-6	8-10	10-life
FFMT	1-4	4-8	4-8	6-8	10-life	life
NSF	1-4	4-8	4-8	6-8	10-life	life

St	2-4	6-8	6-8	8-life	life	life
AS	4-5	10-life	10-life	life	life	life
TRA	8-life	life	life	life	life	life

Definitions for purposes of the second anti-doping rule violation table:

RS (Reduced sanction for Specified Substance under Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a Specified Substance and the other conditions under Article 10.4 were met.

FFMT (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).

NSF (Reduced sanction for *No Significant Fault* or *Negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because *No Significant Fault* or *Negligence* under Article 10.5.2 was proved by the *Athlete*.

St (Standard sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1.

AS (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the *Anti-Doping Organization* established the conditions set forth under Article 10.6.

TRA (*Trafficking* or *Attempted Trafficking* and administration or *Attempted* administration): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2.

[Comment to Article 10.7.1: The table is applied by locating the Athlete's or other Person's first anti-doping rule violation in the left-hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume an Athlete receives the standard period of Ineligibility for a first violation under Article 10.2 and then commits a second violation for which he receives a reduced sanction for a Specified Substance under Article 10.4. The table is used to determine the period of Ineligibility for the second violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a Specified Substance, thus resulting in a 2-4 year range for the period of Ineligibility for the second violation. The Athlete's or other Person's degree of fault shall be the criterion considered in assessing a period of Ineligibility within the applicable range.]

[Comment to Article 10.7.1 RS Definition: See Article 25.4 with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]

10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation

Where an *Athlete* or other *Person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of *Ineligibility* under Article 10.5.3 or Article 10.5.4, the hearing panel shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of *Ineligibility*. The remaining period of *Ineligibility*, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of *Ineligibility*.

10.7.3 Third Anti-Doping Rule Violation

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 involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of *Ineligibility* shall be from eight (8) years to life ban.

10.7.4 Additional Rules for Certain Potential Multiple Violations

- For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if IBSA (or its *National Federation*) can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7 (Results Management), or after IBSA (or its *National Federation*) made reasonable efforts to give notice, of the first anti-doping rule violation; if IBSA (or its *National Federation*) 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; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).

- If, after the resolution of a first anti-doping rule violation, IBSA (*or its National Federations*) discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then IBSA (*or its National Federations*) shall impose an additional sanction based on the sanction

that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8. To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the *Athlete* or other *Person* must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when IBSA (*or its National Federations*) discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an anti-doping rule violation on January 1, 2008 which IBSA (or its National Federations) does not discover until December 1, 2008. In the meantime, the Athlete commits another anti-doping rule violation on March 1, 2008 and the Athlete is notified of this violation by IBSA (or its National Federations) on March 30, 2008 and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for aggravating circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]

10.7.5 Multiple Anti-Doping Rule Violations during an Eight-Year Period

For purposes of Article 10.7, each anti-doping rule violation must take place within the same eight (8) year period in order to be considered multiple violations.

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9 (Automatic *Disqualification* of Individual Results), all other competitive results 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.

10.8.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the *Athlete* must first repay all prize money forfeited under this Article.

10.8.2 Allocation of Forfeited Prize Money.
Forfeited prize money shall be reallocated to other *Athletes*.

[Comment to Article 10.8.2: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

10.9 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* imposed.

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the *IF* or *Anti-Doping Organization* imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred.

10.9.2 Timely Admission

Where the *Athlete* promptly (which, in all events, means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by IBSA *or its National Federations*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.

[Comment to Article 10.9.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]

10.9.3 If a *Provisional Suspension* is imposed and respected by the *Athlete*, then the *Athlete* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed.

10.9.4 If an *Athlete* voluntarily accepts a *Provisional Suspension* in writing from IBSA *or its National Federations* and thereafter refrains from competing, the *Athlete* shall receive a credit for such period of

voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete*'s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.

[Comment to Article 10.9.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]

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

[Comment to Article 10.9: The text of Article 10.9 has been revised to make clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the hearing decision. This amendment corrects inconsistent interpretation and application of the previous text.]

10.10 Status During *Ineligibility*

10.10.1 Prohibition against Participation during *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by IBSA or any *National Federation* or a club or other member organization of IBSA or any *National Federation*, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport events in a sport other than the sport in which the *Athlete* or other *Person* committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

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

[Comment to Article 10.10.1: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the consequences set forth in Article 10.10.2. Sanctions in one sport will also be recognized by other sports (see Article 15 Mutual Recognition).]

10.10.2 Violation of the Prohibition of Participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.10.1, the results of such participation shall be *Disqualified* and the period of *Ineligibility* which was originally imposed shall start over again as of the date of the violation. The new period of *Ineligibility* may be reduced under Article 10.5.2 if the *Athlete* or other *Person* establishes he or she bears *No Significant Fault or Negligence* for violating the prohibition against participation. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by IBSA *or its National Federations*.

[Comment to Article 10.10.2: If an Athlete or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, IBSA or its National Federations shall determine whether the Athlete or other Person violated the prohibition and, if so, whether the Athlete or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by IBSA or its National Federations under this Article may be appealed pursuant to Article 13.2.

Where an Athlete Support Personnel or other Person substantially assists an Athlete in violating the prohibition against participation during Ineligibility, IBSA or its National Federations may appropriately impose sanctions under its own disciplinary rules for such assistance.]

10.10.3 Withholding of Financial Support during *Ineligibility*

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

10.11 Reinstatement *Testing*

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by IBSA, the applicable *National Federation*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must, if requested, provide current and accurate whereabouts information. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified IBSA and the applicable *National Federation* and has been subject to *Out-of-Competition Testing* for a period of time equal to the **[**longer of (a) the period set forth in Article 5.6 and (b)**]** period of *Ineligibility* remaining as of the date the *Athlete* had retired. During such remaining period of *Ineligibility*, a minimum of [2] [3] [4] tests must be conducted on the *Athlete* with at least three months between each test. The *National Federation* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organization* may be used to satisfy the requirement. The results of such tests shall be reported to IBSA. In addition, immediately prior to the end of the period of *Ineligibility*, an *Athlete* must undergo *Testing* by IBSA *or its National Federations* for the *Prohibited Substance*s and *Methods* that are prohibited in *Out-of-Competition Testing*. Once the period of an *Athlete*'s *Ineligibility* has expired, and the *Athlete* has fulfilled the conditions of reinstatement, then the *Athlete* will become automatically re-eligible and no application by the *Athlete* or by the *Athlete's National Federation* will then be necessary.

[10. 12 Imposition of Financial Sanctions

IF may insert here provisions for financial sanctions]

[Comment to Article 10.12: For example, if a hearing panel were to find in a case that the cumulative effect of the sanction applicable under these anti-doping rules and a financial sanction provided in this Article 10.12 would result in too harsh a consequence, then the financial sanction, not the other sanctions of these anti-doping rules (e.g., Ineligibility and loss of results), would give way.]

ARTICLE 11 *CONSEQUENCES* TO TEAMS

[NOTE: This Article may be entirely inapplicable for some IFs that have no *Competitions* where *Athletes* compete together as a team. For those IFs, this Article should simply read "Article 11 intentionally left blank." Alternative 1 below addresses *Team Sports* as defined by the *Code*, i.e. a sport in which the substitution of players is permitted during a *Competition (e.g. football, Ice Hockey)*. For *Team Sports* article 11 is mandatory. Alternative 2 below addresses the situation in sports where *Athletes* may also compete in teams, without being defined as *Team Sports* by the *Definitions* (e.g., track relay events, tennis doubles and rowing events except for singles). There may be

other team situations which are not addressed in this model. Furthermore, some IF will need to include both alternatives in their rules.]

11.1 *Testing* of *Team Sports*.

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

11.2 *Consequences* for *Team Sports*.

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athlete*s 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 Sport*s stricter than those in Article 11.2 for purposes of the *Event*.

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

11.1 *Testing* of teams

Where one member of a team (outside of *Team Sports*) 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 all members of the team during the *Event Period*.

11.2 *Consequences* for teams.

11.2.1 An anti-doping rule violation committed by a member of a team in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* by the team with all resulting consequences for the team and its members, including forfeiture of any medals, points and prizes.

11.2.2 An anti-doping rule violation committed by a member of a team occurring during or in connection with an *Event* may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all consequences for

the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.2.3.

11.2.3 If the *Athlete* member of a team, who committed an anti-doping rule violation occurring during or in connection with an *Event,* establishes that he or she bears *No Fault or Negligence* for the violation, the results of the team in the other *Competition* shall not be *Disqualified* unless the results of the team in *Competition* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

11.3 *Event* Ruling Body May Establish Stricter *Consequences* for teams.

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

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST *NATIONAL FEDERATIONS*

[NOTE : Under this article, IBSA may integrate provisions for imposing sanctions on its *National Federations* or any other sporting body over which IBSA has authority; article 12.1 derivates from article 20.3.8 of the Code]

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

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

12.3 IBSA may elect to take additional disciplinary action against National Federations with respect to recognition, the eligibility of its officials and athletes to participate in International Events and fines based on the following:

12.3.1 Four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by IBSA or Anti-Doping Organizations other than the *National Federation* or its *National Anti-Doping Organization*. [In such event IBSA may in its discretion elect to: (a) ban all officials from that *National Federation* for participation in any IF activities for a period of up to two years and/or (b) fine the *National Federation* in an amount up to $_____ U.S. Dollars. (For purposes of

this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed in addition to the violations described in Article 12.3.1 by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by IBSA or Anti-Doping Organizations other than the *National Federation* or its *National Anti-Doping Organization,* then IBSA may suspend that *National Federation's* membership for a period of up to 4 years.

12.3.2 More than one *Athlete* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event.* [In such event IBSA may fine that *National Federation* in an amount up to $_____ U.S. Dollars.]

12.3.3 A *National Federation* has failed to make diligent efforts to keep IBSA informed about an *Athlete's* whereabouts after receiving a request for that information from IBSA. [In such event IF may fine the National Federation in an amount up to $_____ U.S. Dollars per *Athlete* in addition to all of IBSA costs incurred in *Testing* that *National Federation's Athletes*.]

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules. 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 these rules or in the rules of the *Anti-Doping Organization* conducting the hearing process as per article 8 must be exhausted (except as provided in Article 13.1.1).

13.1.1 *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 IBSA or its *National Federation*'s process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in IBSA or its *National Federation*'s process.

[Comment to Article 13.1.1: Where a decision has been rendered before the final stage of IBSA or its National Federation's process (for example, a first hearing) and no party elects to appeal that decision to the next level of IBSA or its National Federation's process (e.g., the Managing Board), then WADA may bypass the

remaining steps in IBSA or its National Federation's internal process and appeal directly to CAS.]

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

A decision that an anti-doping rule violation was committed, a decision 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 under Article 10.10.2 (Violation of the Prohibition of Participation during *Ineligibility*); a decision that IBSA or its *National Federation* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.4; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or in violation of Article 7.5 may be appealed exclusively as provided in this Article 13.2.

13.2.1 Appeals Involving *International-Level Athletes*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.

[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

13.2.2 Appeals Involving National-Level *Athletes*

In cases involving *national-level Athletes* as defined by each *National Anti-Doping Organization* who do not have a right to appeal under Article 13.2.1, the decision may be appealed to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization*. 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 *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) IBSA; (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 reviewing body shall be as provided in the *National Anti-Doping Organization*'s rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) IBSA; (d) the *National Anti-Doping Organization* of the *Person*'s country of residence; and (e) *WADA*. For cases under Article 13.2.2, *WADA* and the International Federation shall also have the right to appeal to *CAS* with respect to the decision of the national-level reviewing 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 *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

13.3 Failure to Render a Timely Decision by IBSA and its *National Federations*

Where, in a particular case, IBSA or its *National Federations* fail 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 IBSA or its *National Federations* 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 attorneys fees in prosecuting the appeal shall be reimbursed to *WADA* by IBSA or its *National Federations*.

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

13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

Decisions by *WADA* reversing the grant or denial of a TUE may be appealed exclusively to CAS by the *Athlete* or the *Anti-Doping Organization* whose decision was reversed. Decisions by Anti-Doping Organizations other than WADA denying *TUE*'s, which are not reversed by *WADA*, may be appealed by *International-Level Athletes* to CAS and by other *Athletes* to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a *TUE*, that decision may be appealed to *CAS* by *WADA*.

When IBSA, *National Anti-Doping Organizations* or other bodies designated by *National Federations* fail to take action on a properly submitted TUE application within a reasonable time, their failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.

13.5 Appeal from Decisions Pursuant to Article 12

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

13.6 Time for Filing Appeals

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

a) Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;

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

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

ARTICLE 14 REPORTING AND RECOGNITION,

14.1 Notice, Confidentiality and Reporting

14.1.1 Notice to *Athlete*s and Other *Person*s.

Notice to *Athletes* or other *Persons* shall occur as provided under Article 7. Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

14.1.2 Notice to *National Anti-Doping Organizations,* IBSA and *WADA*.

Notice to *National Anti-Doping Organizations,* IBSA and *WADA* shall occur as provided under Article 7.

14.1.3 Content of Notification.

Notification to the *Athlete*'s *National Anti-Doping Organization*, *IBSA* and *WADA* according to Article 7 shall include: the *Athlete*'s name, country, sport and discipline within the sport, the *Athlete*'s competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory.

14.1.4 Status Reports.

The same *Person*s and *Anti-Doping Organization*s shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals) 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 *Person*s with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until the *Anti-Doping Organization* with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.

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

14.2 Public Disclosure.

14.2.1 The identity of any *Athlete* or other *Person* who is asserted by IF or its *National Federations* to have committed an anti-doping rule violation, may be *publicly disclose*d by IBSA or its *National Federations* only after notice has been provided to the *Athlete* or other *Person* in accordance with Articles 7.1, 7.2 or 7.4, and to the applicable *Anti-Doping Organization*s in accordance with Article 14.1.2.

14.2.2 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, IBSA or its *National Federations* must publicly report the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. IBSA or its *National Federations* must also publicly report within twenty (20) days appeal decisions concerning anti-doping rule violations. IBSA or its *National Federations* shall also, within the time period for publication, send all hearing and appeal decisions to *WADA*.

14.2.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the *Athlete* or other *Person* who is the subject of the decision. IBSA and its *National Federations* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

14.2.4 For purposes of Article 14.2, publication shall be accomplished at a minimum by placing the required information on the IBSA or its *National Federations*' Web site and leaving the information up for at least one (1) year.

14.2.5 Neither IBSA, nor its National Federation, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* or their representatives.

14.3 *Athlete* Whereabouts Information.

As further provided in the *International Standard* for *Testing*, *Athlete*s who have been identified by IBSA or its *National Federations* for inclusion in a *Registered Testing Pool* shall provide accurate, current location information. IBSA and *National Anti-Doping Organization*s shall coordinate the identification of *Athlete*s and the collecting of current location information and shall submit these to *WADA*. This information will be accessible, through *ADAMS* where reasonably feasible, to other *Anti-Doping Organization*s having

jurisdiction to test the *Athlete*. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Testing*; and shall be destroyed after it is no longer relevant for these purposes.

14.4 Statistical Reporting.

IBSA or its *National Federations* shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities with a copy provided to *WADA*. IBSA or its *National Federations* may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

14.5 *Doping Control* Information Clearinghouse.

WADA shall act as a central clearinghouse for *Doping Control Testing* data and results for *International-Level Athlete*s and national-level *Athlete*s who have been included in their *National Anti-Doping Organization*'s *Registered Testing Pool*. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organization*s, IBSA or its *National Federations* shall report all *In-Competition* and *Out-of-Competition* tests on such *Athlete*s to the *WADA* clearinghouse as soon as possible after such tests have been conducted. This information will be made accessible to the *Athlete*, the *Athlete*'s National Federation, *National Olympic Committee* or National Paralympic Committee, *National Anti-Doping Organization*, IBSA, and the International Olympic Committee or International Paralympic Committee.

To enable it to serve as a clearinghouse for *Doping Control Testing* data, *WADA* has developed a database management tool, *ADAMS*, that reflects emerging data privacy principles. Private information regarding an *Athlete, Athlete Support Personnel,* or others involved in anti-doping activities shall be maintained by *WADA,* which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the *International Standard* for the protection of privacy.

14.6 Data Privacy.

When performing obligations under these rules, IBSA or its *National Federations* may collect, store, process or disclose personal information relating to *Athlete*s and third parties. IBSA or its *National Federations* shall ensure that they comply with applicable data protection and privacy laws with respect to their handling of such information, as well as the *International Standard* for the protection of privacy that *WADA* shall adopt to ensure *Athlete*s and non-athletes are fully informed of and, where necessary, agree to the handling of their personal information in connection with anti-doping activities arising under the *Code and these anti-doping rules*.

ARTICLE 15 MUTUAL RECOGNITION

15.1 Subject to the right to appeal provided in Article 13, *Testing*, TUE's and hearing results or other final adjudications of any *National Federation* or *Signatory* which are consistent with the *Code* and are within the *National Federation* or *Signatory's* authority, shall be recognized and respected by IBSA and all *National Federations*.

[Comment to Article 15.1: There has in the past been some confusion in the interpretation of this Article with regard to therapeutic use exemptions. Unless provided otherwise by the rules of IBSA or an agreement with IBSA, National Anti-Doping Organizations do not have "authority" to grant therapeutic use exemptions to International-Level Athletes.]

15.2 IBSA and its *National Federations* shall recognize the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

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

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

ARTICLE 16 INCORPORATION OF IF ANTI-DOPING RULES

All *National Federation*s shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Federations* Rules. All *National Federation*s shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules.

ARTICLE 17 STATUTE OF LIMITATIONS

No action may be commenced against an *Athlete* or other *Person* for an anti-doping rule violation contained in these Anti-Doping Rules unless such action is commenced within eight (8) years from the date the violation is asserted to have occurred.

ARTICLE 18 IF COMPLIANCE REPORTS TO *WADA*

The IBSA will report to *WADA* on its compliance with the *Code* every second year and shall explain reasons for any non-compliance.

ARTICLE 19 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

19.1 These Anti-Doping Rules may be amended from time to time by *IBSA*.

19.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes, except as provided in Article 18.5.

19.3 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.

19.4 The INTRODUCTION, the APPENDIX I, DEFINITIONS and the *International Standards* issued by WADA shall be considered integral parts of these Anti-Doping Rules.

19.5 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*.

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

19.7 These Anti-Doping Rules have come into full force and effect on 1 January 2009 (the "Effective Date"). They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:

19.7.1 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.

19.7.2 Any Article 2.4 whereabouts violation (whether a filing failure or a missed test) declared by IBSA under rules in force prior to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts violation under Article 11 of the *International Standard* for *Testing* shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standards* for *Testing.*

19.7.3 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of 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 anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

19.7.4 Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Rules, for which a period of *Ineligibility* of less than two years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1.

ARTICLE 20: ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETES* AND OTHER *PERSONS*

20.1 Roles and Responsibilities of *Athlete*s.

20.1.1 To be knowledgeable of and comply with these anti-doping rules

20.1.2 To be available for *Sample* collection.

20.1.3 To take responsibility, in the context of anti-doping, for what they ingest and use.

20.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substance*s and *Prohibited Method*s and to take responsibility to make sure that any medical treatment received does not violate these anti-doping rules.

20.2 Roles and Responsibilities of *Athlete Support Personnel*

20.2.1 To be knowledgeable of and comply with these anti-doping rules.

20.2.2 To cooperate with the *Athlete Testing* program.

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

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.

Adverse Analytical Finding. A report from a laboratory or other *WADA*-approved *Testing* entity 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*.

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

Athlete. Any *Person* who participates in sport at the international level (as defined by each International Federation), the national level (as defined by each *National Anti-Doping Organization*, including but not limited to those *Persons* in its *Registered Testing Pool*), and any other competitor in sport who is otherwise subject to the jurisdiction of any *Signatory* or other sports organization accepting the *Code*. All provisions of the *Code*, including, for example, *Testing*, and TUE's must be applied to international and national-level competitors. Some *National Anti-Doping Organizations* may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. *National Anti-Doping Organizations* are not required, however, to apply all aspects of the *Code* to such *Persons*. Specific national rules may be established for Doping Control for non-international-level or non-national-level competitors without being in conflict with the *Code*. Thus, a country could elect to test recreational-level competitors but not require TUE's or whereabouts information. In the same manner, a *Major Event Organization* holding an *Event* only for masters-level competitors could elect to test the competitors but not require advance TUE or whereabouts information. For purposes of Article 2.8 (Administration or *Attempted* Administration) and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

[Comment to Athlete: This definition makes it clear that all international and national-caliber athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of IBSA and National Anti-Doping Organizations, respectively. At the national level, anti-doping rules adopted pursuant to the Code shall apply, at a minimum, to all persons on national teams and all persons qualified to compete in

any national championship in any sport. That does not mean, however, that all such Athletes must be included in a National Anti-Doping Organization's Registered Testing Pool. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond national-caliber athletes to competitors at lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]

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

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

Atypical Finding. A report from a laboratory or other *WADA*-approved entity 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*.

CAS. The Court of Arbitration for Sport.

Code. The World Anti-Doping *Code*.

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

Consequences of Anti-Doping Rule Violations. An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.10; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

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, TUE's, results management and hearings.

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

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

In-Competition. Unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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

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

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

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

International-Level Athlete. *Athletes* designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

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 Committee*s 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 parameter(s) that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method.*

Metabolite. Any substance produced by a biotransformation process.

Minor. A natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

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, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organization* for such countries. 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* involving international or national-level *Athletes* that is not an *International Event*.

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

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 Advance Notice. A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

No Fault or Negligence. The *Athlete'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.*

No Significant Fault or Negligence. The *Athlete'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.

Out-of-Competition. Any *Doping Control* which is not *In-Competition*.

Participant. Any *Athlete* or *Athlete Support Personnel*.

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 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 P*ossession* 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.

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

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 so described on the *Prohibited List*.

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

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

Publicly Disclose or Publicly Report. To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14.

Registered Testing Pool. The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or National Anti-Doping Organization's test distribution plan.

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

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

Signatories. Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committee*s, National Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations*, and *WADA*.

Specified Substances. As defined in Article 4.2.2.

Substantial Assistance. For purposes of Article 10.5.3, 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; or providing fraudulent information to an *Anti-Doping Organization*.

Target Testing. Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

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

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

Trafficking. Selling, giving, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Personnel* 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.

TUE. As defined in Article 2.6.1.

TUE Panel. As defined in Article 4.4.4.

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

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

WADA. The World Anti-Doping Agency.

APPENDIX 2 - Confirmation

I, as a member of [National Federation] and/or participant in a [National Federation or IBSA] authorized or recognized event, hereby declare as follows:

1. I confirm that I shall comply with and be bound by all of the provisions of the IBSA Anti-Doping Rules, including but not limited to, all amendments to the Anti-Doping Rules and all International Standards as issued by the World Anti-Doping Agency and permanently published on its website.

2. I acknowledge that [National Federations, IBSA and National Anti-Doping Organisations] have jurisdiction to impose sanctions as provided in the IF Anti-Doping Rules.

3. I have read and understand the present declaration.

_____	_____
Date	Print Name (Last Name, First Name)
_____	_____
Date of Birth (Day/Month/Year)	Signature (or, if a minor, signature of legal guardian)