

# World Anti-Doping Code



~~2009~~

**2015**

## **World Anti-Doping Code**

The World Anti-Doping Code was first adopted in ~~2003~~2003, ~~took effect in 2004,~~ and ~~became~~was then amended effective ~~in 2004.~~1 January 2009. ~~The enclosed~~The following document incorporates revisions to the World Anti-Doping Code that were approved by the World Anti-Doping Agency Foundation Board ~~on~~in Johannesburg, South Africa on 15 November ~~17, 2007.~~2013. The revised 2015 World Anti-Doping Code is effective as of 1 January ~~1, 2009~~2015.

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World Anti-Doping Agency  
Stock Exchange Tower  
800 Place Victoria (Suite 1700)  
PO Box 120  
Montreal, Quebec,  
Canada H4Z 1B7

URL: [www.wada-ama.org](http://www.wada-ama.org)

Tel: +1 514 904 9232  
Fax: +1 514 904 8650  
E-mail: [code@wada-ama.org](mailto:code@wada-ama.org)

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

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

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

[Comment: The Olympic Charter ~~in force as from July 7, 2007~~, and the ~~UNESCO~~ International Convention against Doping in Sport 2005 adopted in Paris on ~~19 October 19, 2005, 2005~~ ("UNESCO Convention"), both recognize the prevention of and the fight against doping in sport as a critical part of the mission of the International Olympic Committee and UNESCO, and also recognize the fundamental role of the Code.]

### **The Code**

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

### **The World Anti-Doping Program**

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

Level 1: The *Code*

Level 2: *International Standards*

Level 3: Models of Best Practice and Guidelines

### ***International Standards***

*International Standards* for different technical and operational areas within the anti-doping program have been and will be developed in consultation with the *Signatories* and governments and approved by WADA. The purpose of the

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

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

## **Models of Best Practice and Guidelines**

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

[*Comment: Following the adoption of the 2009 Code, WADA will prepare amended model anti-doping rules and regulations tailored to the needs of each of the major groups of Signatories (e.g., International Federations and National Anti-Doping Organizations, etc.). These model rules and regulations will conform with and be based on the Code, will be state of the art examples of best practices and will contain all of the detail (including reference to International Standards) necessary to conduct an effective anti-doping program. These model rules and regulations will* These model documents may provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the model rules and ~~regulations and~~ other models of best practices verbatim. Others may decide to adopt the models with modifications. Still other stakeholders may choose to develop their own rules ~~and regulations~~ consistent with the general principles and specific requirements set forth in the *Code*.

~~Other model~~ Model documents or guidelines for specific parts of ~~the~~ anti-doping work ~~may have been developed and may continue to~~ be developed based on generally recognized stakeholder needs and expectations. ~~This could include models or guidelines for national anti-doping programs, results management, Testing (beyond the specific requirements set forth in the International Standard for Testing), education programs, etc. All models of best practice will be reviewed and approved by WADA before they are included in the World Anti-Doping Program.~~]

## FUNDAMENTAL RATIONALE FOR THE WORLD ANTI-DOPING CODE

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

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

Doping is fundamentally contrary to the spirit of sport.

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

# **PART ONE**

## *DOPING CONTROL*

### **INTRODUCTION**

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

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

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

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

*International Federations and different national bodies. The Code does not require absolute uniformity in results management and hearing procedures; it does, however, require that the diverse approaches of the Signatories satisfy principles stated in the Code.]*

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

~~*[Comment:—By their participation in sport, Athletes are bound by the competitive rules of their sport.—In the same manner, Athletes and Athlete Support Personnel should be bound by anti-doping rules based on Article 2 of the Code by virtue of their agreements for membership, accreditation, or participation in sports organizations or sports Events subject to the Code.—Each Signatory, however, shall take the necessary steps to ensure that all Athletes and Athlete Support Personnel within its authority are bound by the relevant Anti-Doping Organization's anti-doping rules.]—*~~

Each *Signatory* shall establish rules and procedures to ensure that all *Athletes* or other *Persons* under the authority of the *Signatory* and its member organizations consent to the dissemination of their private data as required or authorized by the *Code*,<sup>4</sup> and are bound by and compliant with *Code* anti-doping rules, and that the appropriate *Consequences* are imposed on those *Athletes* or other *Persons* who are not in conformity with those rules. These sport-specific rules and procedures,<sup>4</sup> aimed at enforcing anti-doping rules in a global and harmonized way,<sup>4</sup> are distinct in nature from [criminal](#) and [civil proceedings](#). They are, ~~therefore,~~ not intended to be subject to or limited by any national requirements and legal standards applicable to ~~criminal proceedings or employment matters~~ [such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights](#). When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware [of](#) and respect the distinct nature of the anti-doping rules in the *Code* and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

## **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~~[2.10](#) of the *Code*.

## **ARTICLE 2 ANTI-DOPING RULE VIOLATIONS**

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

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

The following constitute anti-doping rule violations:

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

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

~~[Comment to Article 2.1.1: *For purposes of anti-doping rule violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), the Code adopts 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)). An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.*]~~

~~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 the Code 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 any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

[Comment to Article 2.1.2: *The Anti-Doping Organization with results management responsibility may ~~in,~~ at 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 ~~"b"~~ 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), 3.2,~~ unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.*

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



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

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

[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the *Athlete's* part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the ~~strict liability~~*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 Evading, Refusing or ~~failing~~*Failing to Submit to Sample Collection*.

Evading Sample collection, or without compelling justification, refusing or failing to submit to *Sample* collection after notification as authorized in applicable 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~~*For* example, it would be an anti-doping rule violation of "evading *Sample* collection" if it were established that an *Athlete* was ~~hiding from~~*deliberately avoiding* 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"~~ "evading" or "refusing" *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.~~ 2.4 Whereabouts Failures.

~~[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under the rules of the Athlete's International Federation or any other Anti-Doping Organization with authority to declare whereabouts filing failures and missed tests in accordance with~~

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

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

~~[Comment to Article 2.5: This Article prohibits conduct~~ Conduct ~~which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organization or intimidating or attempting to intimidate a potential witness.~~

~~[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B Bottle~~ bottle ~~at the time of B Sample analysis or providing fraudulent information to an Anti-Doping Organization, or altering a Sample by the addition of a foreign substance.~~

~~Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]~~

2.6 Possession of a Prohibited Substance or a Prohibited Method.

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

2.6.2 Possession by an Athlete Support ~~Personnel~~ Person In-Competition of any ~~Prohibited Method~~ Substance or any ~~Prohibited Substance~~ Method, or Possession by an Athlete Support ~~Personnel~~ Person

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

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

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

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

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

## 2.9 Complicity.

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

## 2.10 Prohibited Association.

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

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

2.10.2 If not subject to the authority of an Anti-Doping Organization, and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant

rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

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

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

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

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

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

~~[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, a sport organization may adopt its own rules which prohibit such conduct.]~~

## ARTICLE 3 PROOF OF DOPING

### 3.1 Burdens and Standards of Proof.

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

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

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

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

[Comment to Article ~~3.2.1~~3.2.2: The burden is on the *Athlete* or other *Person* to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* does so, the burden shifts to the *Anti-Doping Organization* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.]

~~3.2.2~~3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the Code or Anti-Doping Organization rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes ~~that~~ a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused ~~the~~an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation ~~occurred~~, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

~~3.2.3~~3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

~~3.2.4~~3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and

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

~~[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 Publication and Revision of the *Prohibited List*.

WADA shall, as often as necessary and no less often than annually, publish the *Prohibited List* as an *International Standard*. The proposed content of the *Prohibited List* and all revisions shall be provided in writing promptly to all *Signatories* and governments for comment and consultation. Each annual version of the *Prohibited List* and all revisions shall be distributed promptly by WADA to each *Signatory*, WADA-accredited or approved laboratory, and government, and shall be published on WADA's ~~Web site~~website, and each *Signatory* shall take appropriate steps to distribute the *Prohibited List* to its members and constituents. The rules of each *Anti-Doping Organization* shall specify that, unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under the *Anti-Doping Organization's* rules three ~~(3)~~ months after publication of the *Prohibited List* by WADA without requiring any further action by the *Anti-Doping Organization*.

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

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

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

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

~~[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) Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition (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); 10, all Prohibited Substances shall be "Specified Substances" except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. ~~Prohibited Methods shall not be~~ The category of Specified Substances shall not include Prohibited Methods.

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



#### 4.2.3 New Classes of *Prohibited Substances*.

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1, WADA's Executive Committee shall determine whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered *Specified Substances* under Article 4.2.2.

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

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

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

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

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

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

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

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

~~*[Comment to Article 4.3.2: A substance shall be considered for inclusion on the Prohibited List if the substance is a masking agent or meets two of the following three criteria: (1) it has the potential to enhance or enhances sport performance; (2) it*~~

~~represents a potential or actual health risk; or (3) it is contrary to the spirit of sport. None of the three criteria alone is a sufficient basis for adding a substance to the Prohibited List. Using the potential to enhance performance as the sole criterion would include, for example, physical and mental training, red meat, carbohydrate loading and training at altitude. Risk of harm would include smoking. Requiring all three criteria would also be unsatisfactory. For example, the Use of genetic transfer technology to dramatically enhance sport performance should be prohibited as contrary to the spirit of sport even if it is not harmful. Similarly, the potentially unhealthy abuse of certain substances without therapeutic justification based on the mistaken belief they enhance performance is certainly contrary to the spirit of sport regardless of whether the expectation of performance enhancement is realistic. As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the Prohibited List.]~~

4.3.3 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*, and the classification of a substance as prohibited at all times or In-Competition only, is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

~~[Comment to Article 4.3.3:—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 Exemptions ("TUEs").

#### ~~4.4 Therapeutic Use.~~

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

~~WADA has adopted an *International Standard* for the process of granting therapeutic use exemptions.—~~

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

exclusively to the national-level appeal body described in Articles 13.2.2 and 13.2.3.

~~Each International Federation shall ensure, for *International-Level Athletes* or any other *Athlete* who is entered in an *International Event*, that a process is in place whereby *Athletes* with documented medical conditions requiring the *Use of a Prohibited Substance* or a *Prohibited Method* may request a therapeutic use exemption. *Athletes* who have been identified as included in their International Federation's *Registered Testing Pool* may only obtain therapeutic use exemptions in accordance with the rules of their International Federation. Each International Federation shall publish a list of those *International Events* for which a therapeutic use exemption from the International Federation is required. Each *National Anti-Doping Organization* shall ensure, for all *Athletes* within its jurisdiction that have not been included in an International Federation *Registered Testing Pool*, that a process is in place whereby *Athletes* with documented medical conditions requiring the *Use of a Prohibited Substance* or a *Prohibited Method* may request a therapeutic use exemption. Such requests shall be evaluated in accordance with~~

4.4.3 An *Athlete* who is an *International-Level Athlete* should apply to his or her International Federation.

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

4.4.3.2 If the *Athlete* does not already have a *TUE* granted by his or her *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to his or her International Federation for a *TUE* as soon as the need arises. If the International Federation (or the *National Anti-Doping*

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

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

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

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

4.4.4.1 The Major Event Organization must ensure a process is available for an Athlete to apply for a TUE if he or she does not already have one. If the TUE is granted, it is effective for its Event only.

4.4.4.2 Where the Athlete already has a TUE granted by his or her National Anti-Doping Organization or International Federation, if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, the Major Event Organization must recognize it. If the Major Event Organization decides the TUE does not meet those criteria and so refuses to recognize it, it must notify the Athlete promptly, explaining its reasons.

4.4.4.3 A decision by a Major Event Organization not to recognize or not to grant a TUE may be appealed by the Athlete

exclusively to an independent body established or appointed by the Major Event Organization for that purpose. If the Athlete does not appeal (or the appeal is unsuccessful), he or she may not Use the substance or method in question in connection with the Event, but any TUE granted by his or her National Anti-Doping Organization or International Federation for that substance or method remains valid outside of that Event.

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

4.4.5 If an Anti-Doping Organization chooses to collect a Sample from a Person who is not an International-Level or National-Level Athlete, and that Person is Using a Prohibited Substance or Prohibited Method for therapeutic reasons, the Anti-Doping Organization may permit him or her to apply for a retroactive TUE.

~~WADA, on its own initiative, may review at any time the granting of a therapeutic use exemption to any International-Level Athlete or national-level Athlete who is included in his or her~~

4.4.6 WADA must review an International Federation's decision not to recognize a TUE granted by the National Anti-Doping Organization's Registered Testing Pool. Further, upon the request of any such Athlete who has been denied a therapeutic use exemption, WADA may review such denial. If WADA determines that such granting or denial of a therapeutic use exemption did not comply with that is referred to it by the Athlete or the Athlete's National Anti-Doping Organization. In addition, WADA must review an International Federation's decision to grant a TUE that is referred to it by the Athlete's National Anti-Doping Organization. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA may reverse the decision. will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

~~If, contrary to the requirement of this Article, an International Federation does not have a process in place where Athletes may request therapeutic use exemptions, an International-Level Athlete may request WADA to review the application as if it had been denied.~~

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

~~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 and 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 therapeutic use exemption issued pursuant to the International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.~~

4.4.7 Any TUE decision by an International Federation (or by a National Anti-Doping Organization where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's National Anti-Doping Organization, exclusively to CAS.

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

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

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

#### 4.5 Monitoring Program.

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

## ARTICLE 5 **TESTING** AND INVESTIGATIONS

### ~~5.1 Test Distribution Planning.~~ 5.1 Purpose of Testing and Investigations.

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

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

5.1.2 Investigations shall be undertaken:

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

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

### 5.2 Scope of Testing.

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

5.2.1 Each National Anti-Doping Organization shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that National Anti-Doping Organization's country.

5.2.2 Each International Federation shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are subject to its rules, including those who participate in International Events or who participate in Events governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.

5.2.3 Each Major Event Organization, including the International Olympic Committee and the International Paralympic Committee, shall

have *In-Competition Testing* authority for its *Events* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of the *Major Event Organization* for a future *Event*.

5.2.4 *WADA* shall have *In-Competition and Out-of-Competition Testing* authority as set out in Article 20.

5.2.5 *Anti-Doping Organizations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.

~~5.2.6 Subject to the jurisdictional limitations for *In-Competition Testing* in Article 15.1, each *National Anti-Doping Organization* shall have *Testing* jurisdiction over all *Athletes* who are present in that *National Anti-Doping Organization's* country or who are nationals, residents, license holders or members of sport organizations of that country. Each *International Federation* shall have *Testing* jurisdiction over all *Athletes* who are members of their member *National Federations* or who participate in their *Events*. All *Athletes* must comply with any request for *Testing* by any *Anti-Doping Organization* with *Testing* jurisdiction. In coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Athletes*, and consistent with the *International Standard for Testing*, each *Anti-Doping Organization* shall:~~  
If an *International Federation* or *Major Event Organization* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* (directly or through a *National Federation*), that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, the *International Federation* or *Major Event Organization* shall be notified.

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

~~5.1.1 Plan and conduct an effective number of *In-Competition* and *Out-of-Competition* tests on *Athletes* over whom they have jurisdiction, including but not limited to *Athletes* in their respective *Registered Testing Pools*. Each *International Federation* shall establish a~~



~~Registered Testing Pool for International Level Athletes in its sport, and each National Anti-Doping Organization shall establish a national Registered Testing Pool for Athletes who are present in that National Anti-Doping Organization's country or who are nationals, residents, license holders or members of sport organizations of that country. In accordance with Article 14.3, any Athlete included in a Registered Testing Pool shall be subject to the whereabouts requirements set out in the International Standard for Testing.~~

### 5.3 Event Testing.

~~5.1.2 Except in exceptional circumstances all Out-of-Competition Testing shall be No Advance Notice.~~

5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by the international organization which is the ruling body for the Event (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-American Sports Organization for the Pan American Games). At National Events, the collection of Samples shall be initiated and directed by the National Anti-Doping Organization of that country. At the request of the ruling body for an Event, any Testing during the Event Period outside of the Event Venues shall be coordinated with that ruling body.

~~5.1.3 Make Target Testing a priority.~~

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

~~5.1.4 Conduct Testing on Athletes serving a period of Ineligibility or a Provisional Suspension.~~

5.3.2 If an Anti-Doping Organization which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of the Event to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization may, in accordance with procedures published by WADA, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing the ruling body for the Event. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organization

initiating the test unless provided otherwise in the rules of the ruling body of the Event.

~~[Comment to Article 5.1.3: 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.).]~~ 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]

#### 5.4 Test Distribution Planning.

5.4.1 WADA, in consultation with International Federations and other Anti-Doping Organizations, will adopt a Technical Document under the International Standard for Testing and Investigations that establishes by means of a risk assessment which Prohibited Substances and/or Prohibited Methods are most likely to be abused in particular sports and sport disciplines.

5.4.2 Starting with that risk assessment, each Anti-Doping Organization with Testing authority shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. Each Anti-Doping Organization shall provide WADA upon request with a copy of its current test distribution plan.

~~Obviously, Target Testing must not be used for any purpose other than legitimate Doping Control. The Code makes it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for Target Testing.]~~

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

~~5.2 Standards for~~

5.5 Testing Requirements.

~~Anti-Doping Organizations with All Testing jurisdiction~~ shall ~~conduct such Testing~~ be conducted in conformity with the International Standard for Testing and Investigations.

## 5.6 Athlete Whereabouts Information.

Athletes who have been included in a Registered Testing Pool by their International Federation and/or National Anti-Doping Organization shall provide whereabouts information in the manner specified in the International Standard for Testing and Investigations. The International Federations and National Anti-Doping Organizations shall coordinate the identification of such Athletes and the collection of their whereabouts information. Each International Federation and National Anti-Doping Organization shall make available, through ADAMS or another system approved by WADA, a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria. Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool. The whereabouts information they provide while in the Registered Testing Pool will be accessible, through ADAMS or another system approved by WADA, to WADA and to other Anti-Doping Organizations having authority to test the Athlete as provided in Article 5.2. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information.

## 5.7 Retired Athletes Returning to Competition.

5.7.1 If an International- or National-Level Athlete in a Registered Testing Pool retires and then wishes to return to active participation in sport, the Athlete shall not compete in International Events or National Events until the Athlete has made himself or herself available for Testing, by giving six months prior written notice to his or her International Federation and National Anti-Doping Organization. WADA, in consultation with the relevant International Federation and National Anti-Doping Organization, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13.

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

5.7.2 If an Athlete retires from sport while subject to a period of Ineligibility and then wishes to return to active competition in sport, the Athlete shall not compete in International Events or National Events until the Athlete has made himself or herself available for Testing by giving six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) to his or her International Federation and National Anti-Doping Organization.

## 5.8 Investigations and Intelligence Gathering

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

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

### ~~5.3 Retired Athletes Returning to Competition.~~

5.8.2 Investigate Atypical Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively; and

~~Each Anti-Doping Organization shall establish a rule addressing eligibility requirements for Athletes who are not Ineligible and retire from sport while included in a Registered Testing Pool and then seek to return to active participation in sport.~~

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

## **ARTICLE 6 ANALYSIS OF SAMPLES**

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories.

For purposes of Article ~~2.1 (Presence of a Prohibited Substance or its Metabolites or Markers)~~, 2.1, Samples shall be analyzed only in WADA-accredited laboratories or ~~as~~ laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory ~~(or other laboratory or method approved by WADA)~~ used for the Sample analysis shall be

determined exclusively by the *Anti-Doping Organization* responsible for results management.

*[Comment to Article 6.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA.*

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

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

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

## 6.3 Research on Samples.

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

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

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

6.4.1 Anti-Doping Organizations may request that laboratories analyze their Samples using more extensive menus than those described in the Technical Document.

6.4.2 Anti-Doping Organizations may request that laboratories analyze their Samples using less extensive menus than those described in the Technical Document only if they have satisfied WADA that, because of the particular circumstances of their country or sport, as set out in their test distribution plan, less extensive analysis would be appropriate.

6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

[Comment to Article 6.4: The objective of this Article is to extend the principle of "intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]

#### 6.5 ~~Retesting~~ Further Analysis of Samples.

Any Sample may be subject to further analysis by the Anti-Doping Organization responsible for results management at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the Anti-Doping Organization to the Athlete as the asserted basis for an Article 2.1 anti-doping rule violation.

~~A-Sample~~ Samples may be ~~reanalyzed~~ stored and subjected to further analyses for the purpose of 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~~ initiated and directed Sample collection or WADA. (Any Sample storage or further analysis initiated by WADA shall be at WADA's expense.) Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

~~[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

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

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

### 7.1 Responsibility for Conducting Results Management.

Except as provided in Articles 7.1.1 and 7.1.2 below, results management and hearings shall be the responsibility of, and shall be governed by, the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organization which first provides notice to an Athlete or other Person of an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation). Regardless of which organization conducts results management or hearings, the principles set forth in this Article and Article 8 shall be respected and the rules identified in Article 23.2.2 to be incorporated without substantive change must be followed.

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

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

be considered the *Anti-Doping Organization* that initiated and directed *Sample collection*.

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

7.1.1 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person who is not a national, resident, license holder*, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, results management shall be conducted by the applicable International Federation or by a third party as directed by the rules of the International Federation. Results management and the conduct of hearings for a test conducted by *WADA* on its own initiative, or an anti-doping rule violation discovered by *WADA*, will be conducted by the *Anti-Doping Organization* designated by *WADA*. Results management and the conduct of hearings for a test conducted by the *International Olympic Committee, the International Paralympic Committee, or another Major Event Organization*, or an anti-doping rule violation discovered by one of those organizations, shall be referred to the applicable International Federation in relation to *Consequences* beyond exclusion from the *Event, Disqualification of Event results, forfeiture of any medals, points, or prizes from the Event, or recovery of costs* applicable to the anti-doping rule violation.

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

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



~~7.1~~ ~~Initial~~ 7.2 Review Regarding Adverse Analytical Findings.

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

~~7.2~~ 7.3 Notification After ~~Initial~~ Review Regarding Adverse Analytical Findings.

If the ~~initial~~ review of an Adverse Analytical Finding under Article ~~7.1~~ 7.2 does not reveal an applicable ~~therapeutic use exemption~~ TUE or entitlement to a ~~therapeutic use exemption~~ TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure that caused the Adverse Analytical Finding, the Anti-Doping Organization shall promptly notify the Athlete, in the manner set out in Articles 14.1.1 and 14.1.3 and its own rules, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; and (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or Anti-Doping Organization chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis within the time period specified in the International Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. ~~The Anti-Doping Organization shall also notify the other Anti-Doping Organizations described in Article 14.1.2.~~ If the Anti-Doping Organization decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete and the Anti-Doping Organizations as described in Article 14.1.2.

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

~~7.3~~ 7.4 Review of Atypical Findings.

As provided in the International ~~Standards~~ Standard for Laboratories, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation. Upon receipt of an ~~A Sample~~ Atypical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable ~~therapeutic use~~

~~exemption~~TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*. If that review does not reveal an applicable ~~therapeutic use exemption~~TUE or departure that caused the *Atypical Finding*, the *Anti-Doping Organization* shall conduct the required investigation. After the investigation is completed, the *Athlete* and other *Anti-Doping Organizations* identified in Article 14.1.2 shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Athlete* shall be notified as provided in Article ~~7.2.~~7.3.

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

~~7.3.1~~7.4.1 The *Anti-Doping Organization* will not provide notice of an *Atypical Finding* until it has completed its investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances ~~exist~~exists:

(a) If the *Anti-Doping Organization* determines the *B Sample* should be analyzed prior to the conclusion of its investigation under Article ~~7.3,7.4.~~ the *Anti-Doping Organization* may conduct the *B Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article ~~7.2~~7.3(~~b~~)-(f).

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

[Comment to Article ~~7.3.1~~7.4.1(b): Under the circumstance described in Article ~~7.3.1~~7.4.1(b), the option to take action would be left to the Major Event Organization or sport organization consistent with its rules.]

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

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the *Anti-Doping*

Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.2.

#### 7.6 Review of Whereabouts Failures.

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

#### **7.4~~7.4~~7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–~~7.3~~7.6.**

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

[Comment to ~~Article 7.4:—As an~~Articles 7.1, 7.6 and 7.7: For example, an *International Federation* typically would notify the *Athlete* through the *Athlete's national sports federation*National Federation.]

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

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

#### ~~7.5~~7.9 Principles Applicable to *Provisional Suspensions*.

~~7.5.1~~7.9.1 Mandatory *Provisional Suspension* after ~~A~~Samplean *Adverse Analytical Finding*.

The Signatories shall adopt rules, applicable to any Event for which listed below shall adopt rules providing that when an Adverse Analytical

Finding is received for a Prohibited Substance or a Prohibited Method, other than a Specified Substance, a Provisional Suspension shall be imposed promptly after the review and notification described in Article 7.2, 7.3 or 7.5: where the Signatory is the ruling body or for any team selection process for which of an Event (for application to that Event); where the Signatory is responsible or for team selection (for application to that team selection); where the Signatory is the applicable International Federation or; or where the Signatory is another Anti-Doping Organization which has results management authority over the alleged anti-doping rule violation, providing that when an A Sample Adverse Analytical Finding is received for a Prohibited Substance, other than a Specified Substance, a Provisional Suspension shall be imposed promptly after the review and notification described in Articles 7.1 and 7.2. A mandatory Provisional Suspension may be eliminated if the Athlete demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing body's decision not to eliminate a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Product shall not be appealable.

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

~~7.5.2-7.9.2~~ Optional Provisional Suspension based on A Sample Adverse Analytical Finding for Specified Substances, Contaminated Products, or other anti-doping rule violations Anti-Doping Rule Violations.

A *Signatory* may adopt rules, applicable to any *Event* for which the *Signatory* is the ruling body or ~~for~~ to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has results management authority over the alleged anti-doping rule violation, permitting *Provisional Suspensions* to be imposed for anti-doping rule violations ~~other than an Adverse Analytical Finding, or after the review and notification described in Articles 7.1 and 7.2 for Specified Substances, but prior to the~~ not covered by Article 7.9.1 prior to analysis of the *Athlete's* B Sample or ~~the~~ final hearing as described in Article ~~8 (Right to a Fair Hearing)~~. 8.

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

*Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 (~~Right to a Fair Hearing~~) on a timely basis after imposition of a *Provisional Suspension*.

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

[Comment to Article ~~7.5.7.9~~: Before a *Provisional Suspension* can be unilaterally imposed by an *Anti-Doping Organization*, the internal review specified in the Code must first be completed. In addition, ~~at the~~ Signatory imposing a *Provisional Suspension* ~~is required to give~~ shall ensure that the *Athlete* is given an opportunity for a *Provisional Hearing* either before or promptly after the imposition of the *Provisional Suspension*, or an expedited final hearing under Article 8 promptly after imposition of the *Provisional Suspension*. The *Athlete* has a right to appeal under Article ~~13.2.13.2.3~~. 13.2.3.

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

*Athletes* and other Persons shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed or accepted as provided in Article ~~10.9.3.10.11.3 or 10.11.4~~.]

## 7.10 Notification of Results Management Decisions.

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

### 7.67.11 Retirement from Sport.

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

[Comment to Article ~~7.67.11~~: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the jurisdiction of any *Anti-Doping Organization* would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or other *Person* membership in a sports organization.]

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

### 8.1 Fair Hearings.

~~Each~~For any *Person* who is asserted to have committed an anti-doping rule violation, each *Anti-Doping Organization* with responsibility for results management shall provide ~~a hearing process for any *Person* who is asserted to have committed an anti-doping rule violation. Such hearing process shall address whether an anti-doping rule violation was committed and, if so, the appropriate Consequences. The hearing process shall respect the following principles:~~ at a minimum, a fair hearing within a reasonable time by a fair and impartial hearing panel. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* shall be Publicly Disclosed as provided in Article 14.3.

- ~~• a timely hearing;~~
- ~~• a 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*.~~

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

## 8.2 Event Hearings.

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

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

## 8.3 Waiver of Hearing.

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation has occurred within the specific time period provided in the *Anti-Doping Organization's* rules. ~~Where no hearing occurs,~~

#### 8.4 Notice of Decisions.

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

#### 8.5 Single Hearing Before CAS.

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

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

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



## ARTICLE 10 SANCTIONS ON INDIVIDUALS

10.1 *Disqualification* of Results in the *Event* ~~During~~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.

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

[*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 (e.g., the 100 meter backstroke), this Article may lead to *Disqualification* of all results in all races during the *Event* (e.g., the FINA World Championships). ~~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 *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

10.2 ~~10.2—*Ineligibility* for Presence, Use or Attempted Use, or Possession of a Prohibited *Substances* and *Substance* or Prohibited *Methods*~~Method.

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 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Article 10.4, 10.5 or 10.6:

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

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

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

~~First violation:—Two (2) years~~

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

~~[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 International Federations and National Anti-Doping Organizations.]~~

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

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

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

~~10.3.1~~ ~~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 or Article 2.5, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met years.

10.3.2 ~~For violations of Articles 2.7 (Trafficking or Attempted Trafficking) or 2.8 (Administration or Attempted Administration of Prohibited Substance or Prohibited Method),~~ For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* 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, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for Specified Substances referenced in Article 4.2.2, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of ~~Articles~~ Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

[Comment to Article ~~10.3.2~~ 10.3.3: Those who are involved in doping *Athletes* or covering up doping should be subject to sanctions which are more severe than the *Athletes* who test positive. Since the authority of sport organizations is generally limited to *Ineligibility* for credentials accreditation, membership and other sport benefits, reporting *Athlete Support Personnel* to competent authorities is an important step in the deterrence of doping.]

~~10.3.3~~ 10.3.4 For violations of Article 2.4 (~~Whereabouts Filing Failures and/or Missed Tests~~), 2.9, the period of *Ineligibility* imposed shall be at a minimum one (1) year and at a maximum two (2) years based on the

~~Athlete's degree of fault of two years, up to four years, depending on the seriousness of the violation.~~

~~[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 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 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.—~~

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

~~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.]~~

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

~~10.5~~10.4 Elimination or Reduction of the Period of *Ineligibility* Based on Exceptional Circumstances.—~~10.5.1~~ where there is *No Fault* or *Negligence*.

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

[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation 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: The Code provides 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 has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, ~~a sanction could not be completely eliminated on the basis of~~ No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the ~~administration~~ Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence. ~~(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.)~~]~~

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

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

#### 10.5.1.1 Specified Substances.

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

#### 10.5.1.2 Contaminated Products.

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

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

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

~~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.~~

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

~~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~~

[Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation, except those Articles where intent is an element of the anti-doping rule

violation (e.g., Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's fault under Article 10.5.2, as well as Articles 10.3.3, 10.4 and 10.5.1. degree of Fault.]

~~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's or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]~~

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

##### ~~10.5.3~~ 10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations.

10.6.1.1 An *Anti-Doping Organization* with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or ~~establishing~~bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or ~~establishing~~bringing forward a criminal offense or the breach of professional rules ~~by another Person.~~ committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the Anti-Doping Organization with results management responsibility. After a final appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this ~~section~~Article must be no less than eight ~~(8)~~ years. ~~If the Anti-Doping Organization suspends any part of the otherwise applicable period of Ineligibility under this Article, the Anti-Doping Organization shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision. If the Anti-Doping Organization subsequently reinstates any part of the suspended~~



~~period of Ineligibility because~~ If the Athlete or other Person has failed to continue to cooperate and to provide the complete and credible Substantial Assistance upon which ~~was anticipated, the Athlete or other Person may appeal the reinstatement pursuant to Article 13.2;~~ a suspension of the period of Ineligibility was based, the Anti-Doping Organization that suspended the period of Ineligibility shall reinstate the original period of Ineligibility. If an Anti-Doping Organization decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13.

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

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

[Comment to Article ~~10.5.3~~10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.

~~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 detectable 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's or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), the Anti-Doping Organization 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 the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation 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 the applicable International Federation. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the Anti-Doping Organization with results management authority shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by Anti-Doping Organizations under this Article may be appealed pursuant to Article 13.2. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.]~~

~~10.5.4~~ 10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence.

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before

receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

[Comment to Article ~~10.5.4~~10.6.2: *This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he or she not come forward voluntarily.*]

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

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

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

~~10.5.5~~ — Where an *Athlete* or ~~Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision~~ other Person establishes entitlement to reduction in sanction under more than one provision of ~~this Article. Before 10.4, 10.5 or 10.6, before~~ applying any reduction or suspension under ~~Articles 10.5.2, 10.5.3 or 10.5.4, Article 10.6,~~ the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, ~~10.4~~10.4, and ~~10.6.~~ 10.5. 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, Article 10.6,~~ then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

[Comment to Article ~~10.5.5~~10.6.4: *The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, ~~Article 10.3, Article 10.4 or Article 10.6~~) applies 10.4, or 10.5 apply 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~~Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of ~~fault.~~ Fault. In a third step, the hearing panel ~~determines under Article 10.5.5 whether the Athlete or other Person is entitled to~~establishes whether there is a basis for elimination, ~~reduction or suspension under more than one provision of Article 10.5.—, or reduction of the sanction (Article 10.6).~~ Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article ~~10.9.—~~10.11.

~~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 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 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 the Anti-Doping Organization establishes in an individual case involving an anti-doping rule violation other than violations under Articles 2.7 (Trafficking or Attempted Trafficking) 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 or she 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 an Anti-Doping Organization.~~

~~[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	<b>RS</b>	<b>FFMT</b>	<b>NSF</b>	<b>St</b>	<b>AS</b>	<b>TRA</b>
<b>RS</b>	1-4	2-4	2-4	4-6	8-10	10-life
<b>FFMT</b>	1-4	4-8	4-8	6-8	10-life	life
<b>NSF</b>	1-4	4-8	4-8	6-8	10-life	life
<b>St</b>	2-4	6-8	6-8	8-life	life	life
<b>AS</b>	4-5	10-life	10-life	life	life	life
<b>TRA</b>	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).~~

[Several examples of how Article 10 is to be applied are found in Appendix 2.\]](#)

~~**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*~~

### 10.7 Multiple Violations.

~~**St** (Standard sanction under Articles 10.2 or 10.3.1):—The 10.7.1 For an *Athlete* or other *Person's* second 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.~~, the period of *Ineligibility* shall be the greater of:~~

~~**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.~~

~~(a) six months;~~

~~**TRA** (Trafficking or Attempted Trafficking and Administration or Attempted Administration):—The~~

~~(b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation ~~was or should be sanctioned by a sanction without taking into account any reduction~~ under Article ~~10.3.2, 10.6; or~~~~

~~[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.]~~

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

~~[Comment to Article 10.7.1 RS Definition: See Article 25.4 with respect to The period of Ineligibility established above may then be further reduced by the application of Article 10.7.1 to pre-Code anti-doping rule violations.]~~10.6.

#### ~~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 10.5, or involves a violation of Article ~~2.4 (Filing Failures and/or and Missed Tests)~~.2.4. In these particular cases, the period of *Ineligibility* shall be from eight ~~(8)~~ years to ~~life ban~~lifetime Ineligibility.

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

#### 10.7.4 Additional Rules for Certain Potential Multiple Violations.

~~•~~10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organization* 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)~~,7, or after the *Anti-Doping Organization* made reasonable efforts to give notice, of the first anti-doping rule violation; ~~if.~~ If the *Anti-Doping*

*Organization* 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).~~

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

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

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

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

~~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:~~

~~Unless the rules of the International Federation provide that forfeited prize money shall be reallocated to other Athletes, it shall be allocated first to reimburse the collection expenses of the Anti-Doping Organization that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the Anti-Doping Organization that conducted results management in the case, with the balance, if any, allocated in accordance with the International Federation's rules.~~

[Comment to Article ~~10.8.2~~10.8: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

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

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable International Federation; and third, reimbursement of the expenses of the Anti-Doping Organization that conducted results management in the case.

## 10.10 Financial Consequences.

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

financial sanction may be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under the Code.

#### 10.11 Commencement of *Ineligibility* Period.

Except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise ~~imposed~~. ~~Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* imposed.~~

~~10.9.1~~ 10.11.1 Delays Not Attributable to the *Athlete* or other *Person*.

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

[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

~~10.9.2~~ 10.11.2 Timely Admission.

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the *Anti-Doping Organization*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. ~~[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).]~~ 10.6.3.

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

~~10.9.3~~—10.11.3.1 If a *Provisional Suspension* is imposed and respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

~~10.9.4~~—10.11.3.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organization* with results management authority and thereafter ~~refrains from competing~~respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person*'s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of ~~a potential~~an asserted anti-doping rule violation under Article 14.1.

[Comment to Article ~~10.9.4~~10.11.3.2: An *Athlete*'s voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way ~~as~~ to draw an adverse inference against the *Athlete*.]

~~10.9.5~~—10.11.3.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by his or her team.

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

[Comment to Article ~~10.9~~:—~~The text of~~10.11: Article ~~10.9~~ ~~has been revised to make~~10.11 makes clear that delays not attributable to the *Athlete*, timely admission by the *Athlete* and *Provisional Suspension* are the only justifications for starting the period of *Ineligibility* earlier than the date of the final hearing decision.—~~This amendment corrects inconsistent interpretation and application of the previous text.~~]

~~10.10~~—10.12 Status During *Ineligibility*.

~~10.10.1~~ 10.12.1 Prohibition Against Participation During *Ineligibility*.

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

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

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

[Comment to Article ~~10.10.1~~10.12.1: For example, ~~an *ineligible*~~ subject to Article 10.12.2 below, an *Ineligible* *Athlete* cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an ~~ineligible~~ *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.~~ Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. *Ineligibility* imposed in one sport shall also be recognized by other sports (see Article ~~15.4~~15.1, Mutual Recognition).]

10.12.2 Return to Training.

As an exception to Article 10.12.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory's* member organization during the shorter of: (1) the last two

months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.

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

~~10.10.2~~ 10.12.3 Violation of the Prohibition of Participation During Ineligibility.

Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article ~~10.10.1~~, 10.12.1, the results of such participation shall be Disqualified and ~~thea new~~ a new period of Ineligibility ~~which was originally imposed shall start over again as of the date of the violation. equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility.~~ The new period of Ineligibility may be ~~reduced under Article 10.5.2 if~~ adjusted based on the Athlete or other Person ~~establishes he or she bears No Significant Fault or Negligence for violating the prohibition against participation.~~ 's degree of Fault and other circumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether ~~a reduction under Article 10.5.2 an~~ adjustment is appropriate, shall be made by the Anti-Doping Organization whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.

~~[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, the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation which resulted in the period of Ineligibility 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 Anti-Doping Organizations under this Article may be appealed pursuant to Article 13.2.]~~

Where an Athlete Support ~~Personnel~~ Person or other Person ~~substantially~~ assists ~~an Athlete~~ a Person in violating the prohibition against participation during Ineligibility, an Anti-Doping Organization with jurisdiction over such Athlete Support ~~Personnel~~ Person or other Person ~~may appropriately~~ shall impose sanctions ~~under its own disciplinary rules~~ for a violation of Article 2.9 for such assistance.]

~~10.10.3~~ 10.12.4 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, 10.4 or 10.5~~, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories'* member organizations and governments.

#### ~~10.11 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 any 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 relevant Anti-Doping Organizations and has been subject to Out-of-Competition Testing for a period of time equal to the period of Ineligibility remaining as of the date the Athlete had retired.~~

#### ~~10.12 Imposition of Financial Sanctions.~~

#### 10.13 Automatic Publication of Sanction.

~~Anti-Doping Organizations may, in their own rules, provide for financial sanctions on account of anti-doping rule violations. However, no financial sanction may be considered a basis for reducing the period of Ineligibility or other sanction which would otherwise be applicable under the Code.~~

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

~~[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 the Code and a financial sanction provided in the rules of an Anti-Doping Organization would result in too harsh a consequence, then the Anti-Doping Organization's financial sanction, not the other Code sanctions (e.g., Ineligibility and loss of results), would give way.]~~[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has

often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

### 11.1 *Testing of Team Sports.*

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

### 11.2 *Consequences for Team Sports.*

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

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

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

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

## **ARTICLE 12 SANCTIONS AGAINST SPORTING BODIES**

Nothing in the *Code* precludes any *Signatory* or government accepting the *Code* from enforcing its own rules for the purpose of imposing sanctions on another sporting body over which the *Signatory* or a member of the Signatory or government has authority.

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

## ARTICLE 13 APPEALS

### 13.1 Decisions Subject to Appeal.

Decisions made under the *Code* or rules adopted pursuant to the *Code* may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the *Code* or *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article ~~13.1.1~~13.1.3).

#### 13.1.1 Scope of Review Not Limited.

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

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

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

[Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

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

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

[Comment to Article ~~13.1.1~~13.1.3: Where a decision has been rendered before the final stage of an *Anti-Doping Organization's* process (for example, a first hearing) and no party elects to appeal that decision to the next level of the *Anti-Doping Organization's* process (e.g., the Managing Board), then WADA may bypass the remaining steps in the *Anti-Doping Organization's* internal process and appeal directly to CAS.]

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision ~~under Article 10.10.2 (Violation of the Prohibition of Participation during *Ineligibility*)~~; ~~a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences* by WADA not to grant an exception to the six months notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1; a decision by WADA assigning results management under Article 7.1~~; 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 7.7~~; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* ~~or in violation of Article 7.5~~; ~~an *Anti-Doping Organization's* failure to comply with Article 7.9; a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by an *Anti-Doping Organization* not to recognize another *Anti-Doping Organization's* decision under Article 15~~ may be appealed exclusively as provided in this Article 13.2.

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

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~~ Other Athletes or Other Persons.

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

- a timely hearing;

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

[Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by ~~giving its national-level Athletes~~ providing for the right to appeal directly to CAS.]

### 13.2.3 Persons Entitled to Appeal.

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level ~~reviewing~~ appeal body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence; ~~and (e) WADA.~~ (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, ~~WADA and the~~ the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level ~~reviewing~~ appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

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.

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

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

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

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

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

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

*[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 an Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]*

#### 13.4 Appeals ~~from Decisions Granting or Denying a Therapeutic Use Exemption~~Relating to TUEs.

~~Decisions by WADA reversing the grant or denial of a therapeutic use exemption~~TUE decisions may be appealed exclusively ~~to CAS by the Athlete or the~~as provided in Article 4.4.

#### 13.5 Notification of Appeal Decisions.

~~Any Anti-Doping Organization whose decision was reversed. Decisions by that~~is a party to an appeal shall promptly provide the appeal decision to the Athlete or other Person and to the other Anti-Doping Organizations other than WADA denying therapeutic use exemptions, 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 therapeutic use exemption, that decision may be appealed to CAS by WADA. When an Anti-Doping Organization fails to take action on a properly submitted therapeutic use exemption application within a reasonable time, the Anti-Doping Organization's failure to decide may be considered a denial for purposes of the appeal rights provided in thisthat would have been entitled to appeal under Article 13.2.3 as provided under Article ~~14.2.~~

#### ~~13.5~~13.6 Appeals from Decisions under Part Three and Part Four of the Code.

With respect to a WADA report of ~~noncompliance~~non-compliance under Article ~~23.4.5~~23.5.4, or any *Consequences* imposed under Part Three (Roles and Responsibilities) of the Code, the entity to which the WADA report pertains or upon which *Consequences* are imposed under Part Three of the Code shall have the right to appeal exclusively to CAS in accordance with the provisions applicable before such court.

#### ~~13.6~~13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation.

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

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

## ARTICLE 14 CONFIDENTIALITY AND REPORTING

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy ~~interests of individuals alleged to have violated anti-doping rules are~~ of all Athletes or other Persons are as follows:

14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings,* and ~~Other Potential~~ other Asserted Anti-Doping Rule Violations.

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

~~An Athlete whose Sample is brought forward as an Adverse Analytical Finding after the initial review under Articles 7.1 or 7.3, or an Athlete or other Person who is asserted to have committed an~~ The form and manner of notice of an asserted anti-doping rule violation ~~after the initial review under Article 7.4,~~ shall be ~~notified by~~ as provided in the rules of the *Anti-Doping Organization* with results management responsibility ~~as provided in Article 7 (Results Management).~~

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

~~The same~~ *Anti-Doping Organization* with results management responsibility shall also notify the *Athlete's National Anti-Doping Organization, International Federation* and *WADA* ~~not later than the completion of the process described in Articles 7.1 through 7.4 of the~~ assertion of an anti-doping rule violation simultaneously with the notice to the Athlete or other Person.

14.1.3 Content of ~~Notification~~ an Anti-Doping Rule Violation Notice.

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

14.1.4 Status Reports.

~~The same Persons and~~ Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, the *Anti-Doping Organizations* referenced in Article 14.1.2 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to ~~Articles 7 (Results Management), 8~~



~~(Right to a Fair Hearing)~~ [Article 7, 8](#) 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 *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until the *Anti-Doping Organization* with results management responsibility has made ~~public disclosure~~ [Public Disclosure](#) or has failed to make ~~public disclosure~~ [Public Disclosure](#) as required in Article ~~14.2 below~~. [14.3](#).

[*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 [Notice of Anti-Doping Rule Violation Decisions and Request for Files.](#)

[14.2.1](#) [Anti-doping rule violation decisions rendered pursuant to Article 7.10, 8.4, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the Anti-Doping Organization shall provide a short English or French summary of the decision and the supporting reasons.](#)

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

#### [14.3](#) [Public Disclosure.](#)

~~14.2.1~~ [14.3.1](#) The identity of any *Athlete* or other *Person* who is asserted by an *Anti-Doping Organization* to have committed an anti-doping rule violation, may be ~~publicly disclosed~~ [Publicly Disclosed](#) by the *Anti-Doping Organization* with results management responsibility only after notice has been provided to the *Athlete* or other *Person* in accordance with ~~Articles 7.2, 7.3 or~~ [Article 7.3](#), 7.4, [7.5, 7.6 or 7.7](#), and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.2.

~~14.2.2~~ [14.3.2](#) No later than twenty ~~(20)~~ days after it has been determined in a [final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a](#) hearing in accordance with Article 8 ~~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 otherwise been timely challenged, the *Anti-Doping Organization* responsible for results management must ~~publicly report~~Publicly Report the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. The same *Anti-Doping Organization* must also ~~publicly report~~Publicly Report within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations. ~~The Anti-Doping Organization shall also, within the time period for publication, send all hearing and appeal decisions to WADA, including the information described above.~~

~~14.2.3~~14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be ~~disclosed publicly~~Publicly Disclosed only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall ~~publicly disclose~~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~~14.3.4 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* ~~Web site~~website and leaving the information up for ~~at least one (1) year.~~ the longer of one month or the duration of any period of Ineligibility.

~~14.2.5~~14.3.5 No *Anti-Doping Organization* or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* or their representatives.

### ~~14.3 Athlete Whereabouts Information.~~

~~As further provided in the International Standard for Testing, Athletes who have been identified by their International Federation or National Anti-Doping Organization for inclusion in a Registered Testing Pool shall provide accurate, current location information. The International Federations and National Anti-Doping Organizations shall coordinate the identification of Athletes 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 Organizations having jurisdiction to test the Athlete as provided in Article 15. 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.~~

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

#### 14.4 Statistical Reporting.

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

#### 14.5 Doping Control Information Clearinghouse.

WADA shall act as a central clearinghouse for *Doping Control Testing* data and results, including, in particular, Athlete Biological Passport data for International-Level Athletes and national-level Athletes who have been included in their National Anti-Doping Organization's National-Level Athletes and whereabouts information for Athletes including those in Registered Testing Pool. Pools. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by ~~the~~ various *Anti-Doping Organizations*, each *Anti-Doping Organization* shall report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* to the WADA clearinghouse, using ADAMS or another system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the ~~Athlete's National Federation, National Olympic Committee or National Paralympic Committee, National Anti-Doping Organization,~~ and International Federation, and ~~the International Olympic Committee or International Paralympic Committee.~~ any other Anti-Doping Organizations with Testing authority over the Athlete.

To enable it to serve as a clearinghouse for *Doping Control Testing* data and results management decisions, WADA has developed a database management tool, ADAMS, that reflects ~~emerging~~ data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an *Athlete*, *Athlete Support Personnel*, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the ~~protection of privacy.~~ WADA shall, at least annually, publish statistical reports summarizing the information that it receives, ~~ensuring at all times that the privacy of Athletes is fully respected and~~

~~make itself available for discussions with national and regional data privacy authorities.~~ [Protection of Privacy and Personal Information.](#)

#### 14.6 Data Privacy.

~~When performing obligations under the Code, Anti-Doping Organizations may collect, store, process or disclose personal information relating to Athletes and third parties. Each Anti-Doping Organization shall ensure that it complies 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 Athletes and non-athletes are fully informed of and, where necessary, agree to the handling of their personal information in connection with~~ [other Persons where necessary and appropriate to conduct their](#) anti-doping activities ~~arising~~ [under the Code and International Standards \(including specifically the International Standard for the Protection of Privacy and Personal Information\), and in compliance with applicable law.](#)

## **ARTICLE 15—CLARIFICATION OF DOPING CONTROL RESPONSIBILITIES**

~~[Comment to Article 15:—To be effective, the anti-doping effort must involve many Anti-Doping Organizations conducting strong programs at both the international and national levels. Rather than limiting the responsibilities of one group in favor of the exclusive competency of the other, the Code manages potential problems associated with overlapping responsibilities, first by creating a much higher level of overall harmonization and, second, by establishing rules of precedence and cooperation in specific areas.]~~ [14.6: Note that Article 22.2 provides that "Each government will put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code."](#)

#### ~~15.1—Event Testing~~

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

~~15.1.1 — If an Anti-Doping Organization which is not responsible for initiating and directing Testing at an Event nevertheless desires to conduct additional Testing of Athletes at the Event during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of the Event to obtain permission to conduct, and to coordinate, any additional Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization may ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event.~~

~~[Comment to Article 15.1.1: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]~~

### ~~15.2 — 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) the Athlete's International Federation; or (d) any other Anti-Doping Organization that has Testing jurisdiction over the Athlete as provided in Article 5.1 (Test Distribution Planning). 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 Athletes.~~

~~[Comment to Article 15.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories and governments.]~~

### ~~15.3 — Results Management, Hearings and Sanctions.~~

~~Except as provided in Article 15.3.1 below, results management and hearings shall be the responsibility of and shall be governed by the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the organization which discovered the violation). If that Anti-Doping Organization does not have the authority to conduct results management, then results management authority shall default to the applicable International Federation. Regardless of which organization~~

~~conducts results management or hearings, the principles set forth in Articles 7 and 8 shall be respected and the rules identified in the Introduction to Part One to be incorporated without substantive change must be followed.~~

~~[Comment to Article 15.3:— In some cases, the procedural rules of the Anti-Doping Organization which initiated and directed the Sample collection may specify that results management will be handled by another organization (e.g., the Athlete's National Federation).— In such event, it shall be the Anti-Doping Organization's responsibility to confirm that the other organization's rules are consistent with the Code.]~~

~~The Athlete's or other Person's International Federation has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management.— Of course, an International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's National Federation shall conduct results management.]~~

~~15.3.1—— Results management and the conduct of hearings for an anti-doping rule violation arising from a test by, or discovered by, a National Anti-Doping Organization involving an Athlete who is not a national, resident, license holder or member of a sport organization of that country shall be administered as directed by the rules of the applicable International Federation.— 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 referred to the applicable International Federation as far as sanctions beyond Disqualification from the Event or the results of the Event.—~~

~~[Comment to Article 15.3.1:— No absolute rule is established for managing results and conducting hearings where a National Anti-Doping Organization tests a foreign national Athlete over whom it would have had no jurisdiction but for the Athlete's presence in the National Anti-Doping Organization's country.— Under this Article, it is left to the International Federation to determine under its own rules whether, for example, management of the case should be referred to the Athlete's National Anti-Doping Organization, remain with the Anti-Doping Organization that collected the Sample, or be taken over by the International Federation.]~~

## **ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS**

~~15.4— Mutual Recognition.~~

~~15.4.1~~ 15.1 Subject to the right to appeal provided in Article 13, *Testing, therapeutic use exemptions and* hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be applicable worldwide and shall be recognized and respected by all other *Signatories*.

~~[Comment to Article 15.4.1: 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 an International Federation or an agreement with an International Federation, National 15.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations do not have "authority" to grant therapeutic use exemptions to International Level Athletes shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]~~

~~15.4.2-15.2~~ Signatories shall recognize the ~~same actions of~~ measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

~~[Comment to Article 15.4.2-15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]~~

## **ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT**

16.1 In any sport that includes animals in *Competition*, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of *Prohibited Substances*, appropriate *Testing* procedures and a list of approved laboratories for *Sample* analysis.

16.2 With respect to determining anti-doping rule violations, results management, fair hearings, *Consequences*, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the Code.

## **ARTICLE 17 STATUTE OF LIMITATIONS**

No ~~action~~ anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* ~~for an~~ unless he or she has been notified of the anti-doping rule violation ~~contained in the Code unless such action is commenced within eight (8) as~~

provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.



## **PART TWO**

### EDUCATION AND RESEARCH

#### **ARTICLE 18 EDUCATION**

##### 18.1 Basic Principle and Primary Goal.

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

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

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

##### 18.2 Programs and Activities.

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

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

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

~~These~~ Prevention programs ~~should~~ shall be primarily directed at young people, appropriate to their stage of development, in school and sports clubs, parents, adult ~~athletes~~ Athletes, sport officials, coaches, medical personnel and the media. ~~-(The media should also cooperate in supporting and diffusing this information.)~~

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

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

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

*These principles are consistent with the UNESCO Convention with respect to education and training.]*

### 18.3 Professional Codes of Conduct.

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

### 18.4 Coordination and Cooperation.

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

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

## ARTICLE 19 RESEARCH

### 19.1 Purpose and Aims of Anti-Doping Research.

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

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

### 19.2 Types of Research.

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

### 19.3 Coordination of Research and Sharing of Results.

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

### 19.4 Research Practices.

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

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

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

### 19.6 Misuse of Results.

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

## **PART THREE**

### **ROLES AND RESPONSIBILITIES**

*[Comment: Responsibilities for Signatories and Athletes or other Persons are addressed in various Articles in the Code and the responsibilities listed in this part are additional to these responsibilities.]*

All *Signatories* shall act in a spirit of partnership and collaboration in order to ensure the success of the fight against doping in sport and the respect of the *Code*.

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

20.1 Roles and Responsibilities of the International Olympic Committee.

20.1.1 To adopt and implement anti-doping policies and rules for the Olympic Games which conform with the *Code*.

20.1.2 To require as a condition of recognition by the International Olympic Committee, that International Federations within the Olympic Movement are in compliance with the *Code*.

20.1.3 To withhold some or all Olympic funding of sport organizations that are not in compliance with the *Code*.

20.1.4 To take appropriate action to discourage ~~noncompliance~~non-compliance with the *Code* as provided in Article 23.5.

20.1.5 To authorize and facilitate the *Independent Observer Program*.

20.1.6 To require all *Athletes* and each *Athlete Support Personnel*Person who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Olympic Games to agree to be bound by anti-doping rules in conformity with the *Code* as a condition of such participation.

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

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

20.1.9 To promote anti-doping education.

20.1.10 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.

## 20.2 Roles and Responsibilities of the International Paralympic Committee.

20.2.1 To adopt and implement anti-doping policies and rules for the Paralympic Games which conform with the *Code*.

20.2.2 To require as a condition of recognition by the International Paralympic Committee, that National Paralympic Committees within the Paralympic Movement are in compliance with the *Code*.

20.2.3 To withhold some or all Paralympic funding of sport organizations that are not in compliance with the *Code*.

20.2.4 To take appropriate action to discourage ~~noncompliance~~non-compliance with the *Code* as provided in Article 23.5.

20.2.5 To authorize and facilitate the *Independent Observer Program*.

20.2.6 To require all *Athletes* and each *Athlete Support Personnel*Person who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Paralympic Games to agree to be bound by anti-doping rules in conformity with the *Code* as a condition of such participation.

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

20.2.8 To promote anti-doping education.

20.2.9 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.

## 20.3 Roles and Responsibilities of International Federations.

20.3.1 To adopt and implement anti-doping policies and rules which conform with the *Code*.

20.3.2 To require as a condition of membership that the policies, rules and programs of their National Federations and other members are in compliance with the *Code*.

20.3.3 To require all *Athletes* and each *Athlete Support Personnel*~~Person~~ who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by the International Federation or one of its member organizations to agree to be bound by anti-doping rules in conformity with the *Code* as a condition of such participation.

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

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

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

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

20.3.7 To take appropriate action to discourage ~~noncompliance~~non-compliance with the *Code* as provided in Article 23.5.

~~20.3.7~~20.3.8To authorize and facilitate the *Independent Observer Program* at *International Events*.

~~20.3.8~~20.3.9To withhold some or all funding to its member National Federations that are not in compliance with the *Code*.

~~20.3.9~~20.3.10 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, to ensure proper enforcement of Consequences, and to conduct an automatic investigation of Athlete Support Personnel in the case of any anti-doping rule violation involving a Minor or Athlete Support Person who has provided support to more than one Athlete found to have committed an anti-doping rule violation.

~~20.3.10~~—~~After 1 January 2010, to~~20.3.11 To do everything possible to award World Championships only to countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee*, *National Paralympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code*.

~~20.3.11~~20.3.12 To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable National Anti-Doping Organization.

~~20.3.12~~20.3.13 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.

20.3.14 To cooperate fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.10.

20.3.15 To have disciplinary rules in place and require National Federations to have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes within the International Federation's or National Federation's authority.

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

20.4.1 To ensure that their anti-doping policies and rules conform with the *Code*.

20.4.2 To require as a condition of membership or recognition that *National Federations'* anti-doping policies and rules are in compliance with the applicable provisions of the *Code*.

20.4.3 To ~~require~~respect the autonomy of the National Anti-Doping Organization in its country and not to interfere in its operational decisions and activities.

20.4.4 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their National

[Anti-Doping Organization and International Federation and to cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation.](#)

[20.4.5](#) [To require as a condition of participation in the Olympic Games and Paralympic Games that, at a minimum, Athletes who are not regular members of a National Federation to be available for Sample collection and to provide accurate and up-to-date whereabouts information as part of the National Registered Testing Pool during the year before the Olympic Games and Paralympic Games as a condition of participation in the Olympic Games and](#)[required by the International Standard for Testing and Investigations as soon as the Athlete is identified on the long list or subsequent entry document submitted in connection with the Olympic Games or Paralympic Games.](#)

~~20.4.4 To cooperate with their~~[20.4.6](#) [To cooperate with their National Anti-Doping Organization and to work with their government to establish a National Anti-Doping Organization where one does not already exist, provided that in the interim, the National Olympic Committee or its designee shall fulfill the responsibility of a National Anti-Doping Organization.](#)

[20.4.6.1](#) [For those countries that are members of a Regional Anti-Doping Organization, the National Olympic Committee, in cooperation with the government, shall maintain an active and supportive role with their respective Regional Anti-Doping Organizations.](#)

~~20.4.5~~[20.4.7](#)[To require each of its National Federations to establish rules requiring each Athlete Support Personnel/Person who participates as a coach, trainer, manager, team staff, official, medical or para-medical personnel in a Competition or activity authorized or organized by a National Federation or one of its member organizations to agree to be bound by anti-doping rules and Anti-Doping Organization results management authority in conformity with the Code as a condition of such participation.](#)

~~20.4.6~~[20.4.8](#)[To withhold some or all funding, during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel/Person who has violated anti-doping rules.](#)

~~20.4.7~~[20.4.9](#)[To withhold some or all funding to its member or recognized National Federations that are not in compliance with the Code.](#)

~~20.4.8~~[20.4.10](#) [To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether](#)



*Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.

~~20.4.9~~20.4.11 To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable National Anti-Doping Organization.

~~20.4.10~~20.4.12 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.

20.4.13 To have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes within the National Olympic Committee's or National Paralympic Committee's authority.

## 20.5 Roles and Responsibilities of *National Anti-Doping Organizations*.

20.5.1 To be independent in their operational decisions and activities.

20.5.2 To adopt and implement anti-doping rules and policies which conform with the *Code*.

~~20.5.2~~20.5.3To cooperate with other relevant national organizations and agencies and other *Anti-Doping Organizations*.

~~20.5.3~~20.5.4To encourage reciprocal *Testing* between *National Anti-Doping Organizations*.

~~20.5.4~~20.5.5To promote anti-doping research.

~~20.5.5~~20.5.6Where funding is provided, to withhold some or all funding, during any period of his or her *Ineligibility*, to any *Athlete* or *Athlete Support Personnel* ~~Person~~ who has violated anti-doping rules.

~~20.5.6~~20.5.7To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of Consequences.

~~20.5.7~~20.5.8To promote anti-doping education.

20.5.9 To conduct an automatic investigation of Athlete Support Personnel within its jurisdiction in the case of any anti-doping rule violation by a Minor and to conduct an automatic investigation of any Athlete Support Person who has provided support to more than one Athlete found to have committed an anti-doping rule violation.

20.5.10 To cooperate fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.10.

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

## 20.6 Roles and Responsibilities of *Major Event Organizations*.

20.6.1 To adopt and implement anti-doping policies and rules for their *Events* which conform with the *Code*.

20.6.2 To take appropriate action to discourage ~~noncompliance~~non-compliance with the *Code* as provided in Article 23.5.

20.6.3 To authorize and facilitate the *Independent Observer Program*.

20.6.4 To require all *Athletes* and each *Athlete Support Personnel*Person who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in the *Event* to agree to be bound by anti-doping rules in conformity with the *Code* as a condition of such participation.

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

20.6.6 ~~After 1 January 2010, to~~To do everything possible to award *Events* only to countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee*, *National Paralympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code*.

20.6.7 To promote anti-doping education.

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

## 20.7 Roles and Responsibilities of *WADA*.

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

20.7.2 To monitor *Code* compliance by *Signatories*.

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

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

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

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

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

20.7.8 To conduct, in exceptional circumstances and at the direction of the WADA Director General, Doping Controls as-authorized on its own initiative or as requested by other *Anti-Doping Organizations*, and to cooperate with relevant national and international organizations and agencies, including but not limited to, facilitating inquiries and investigations.

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

20.7.9 To approve, in consultation with International Federations, National Anti-Doping Organizations, and Major Event Organizations, defined Testing and Sample analysis programs.

20.7.10 To initiate its own investigations of anti-doping rule violations and other activities that may facilitate doping.

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

21.1 Roles and Responsibilities of *Athletes*.

21.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*.

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

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

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

21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances and Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.

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

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

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

## 21.2 Roles and Responsibilities of *Athlete Support Personnel*.

21.2.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.

21.2.2 ~~21.2.2~~—To cooperate with the *Athlete Testing* program.

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

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

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

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

21.2.6 *Athlete Support Personnel* shall not *Use or Possess any Prohibited Substance or Prohibited Method* without valid justification.

[Comment to Article 21.2.6: In those situations where Use or personal Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Person without justification is not an anti-doping rule violation under the Code, it should be subject to other sport disciplinary rules. Coaches and other Athlete Support Personnel are often role models for Athletes. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Athletes not to dope.]

### 21.3 Roles and Responsibilities of Regional Anti-Doping Organizations.

21.3.1 To ensure member countries adopt and implement rules, policies and programs which conform with the Code.

21.3.2 To require as a condition of membership that a member country sign an official *Regional Anti-Doping Organization* membership form which clearly outlines the delegation of anti-doping responsibilities to the *Regional Anti-Doping Organization*.

21.3.3 To cooperate with other relevant national and regional organizations and agencies and other *Anti-Doping Organizations*.

21.3.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations* and *Regional Anti-Doping Organizations*.

21.3.5 To promote anti-doping research.

~~21.2.3 To use their influence on Athlete values and behavior to foster~~  
21.3.6 To promote anti-doping attitudes education.

## **ARTICLE 22 INVOLVEMENT OF GOVERNMENTS**

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

22.1 Each government will take all actions and measures necessary to comply with the *UNESCO Convention*.

22.2 Each government will ~~encourage all of its public services or agencies to share~~ put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with *Anti-Doping Organizations* and sharing of data among *Anti-Doping Organizations* as provided in the Code.

22.3 Each government will encourage cooperation between all of its public services or agencies and *Anti-Doping Organizations* to timely share information

with *Anti-Doping Organizations* which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited.

~~22.3~~22.4 Each government will respect arbitration as the preferred means of resolving doping-related disputes, subject to human and fundamental rights and applicable national law.

~~22.4—All other governmental involvement with anti-doping will be brought into harmony with the Code.~~

~~22.5—Governments should meet the expectations of this Article by January 1, 2010.~~22.5 Each government that does not have a *National Anti-Doping Organization* in its country will work with its *National Olympic Committee* to establish one.

22.6 Each government will respect the autonomy of a *National Anti-Doping Organization* in its country and not interfere in its operational decisions and activities.

22.7 A government should meet the expectations of Article 22.2 no later than 1 January 2016. The other sections of this Article should already have been met.

~~22.6~~22.8 Failure by a government to ratify, accept, approve or accede to the *UNESCO Convention* ~~by January 1, 2010,~~ or to comply with the *UNESCO Convention* thereafter may result in ineligibility to bid for *Events* as provided in Articles ~~20.1.8 (International Olympic Committee), 20.3.10 (International Federation), and 20.6.6 (Major Event Organizations)~~20.1.8, 20.3.11, and 20.6.6 and may result in additional consequences, e.g., forfeiture of offices and positions within *WADA*; ineligibility or non-admission of any candidature to hold any *International Event* in a country, cancellation of *International Events*; symbolic consequences and other consequences pursuant to the Olympic Charter.

*[Comment to Article 22: Most governments cannot be parties to, or be bound by, private non-governmental instruments such as the Code. For that reason, governments are not asked to be Signatories to the Code but rather to sign the Copenhagen Declaration and ratify, accept, approve or accede to the UNESCO Convention. Although the acceptance mechanisms may be different, the effort to combat doping through the coordinated and harmonized program reflected in the Code is very much a joint effort between the sport movement and governments.]*

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

## **PART FOUR**

### ACCEPTANCE, COMPLIANCE, MODIFICATION AND INTERPRETATION

#### **ARTICLE 23 ACCEPTANCE, COMPLIANCE AND MODIFICATION**

##### 23.1 Acceptance of the Code.

23.1.1 The following entities shall be *Signatories* accepting the Code: WADA, ~~The~~the International Olympic Committee, International Federations, ~~The~~the International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, and *National Anti-Doping Organizations*. These entities shall accept the Code by signing a declaration of acceptance upon approval by each of their respective governing bodies.

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

23.1.2 Other sport organizations that may not be under the control of a *Signatory* may, upon WADA's invitation, also ~~accept~~become a Signatory by accepting the Code.

*[Comment to Article 23.1.2: Those professional leagues that are not currently under the jurisdiction of any government or International Federation will be encouraged to accept the Code.]*

23.1.3 A list of all acceptances will be made public by WADA.

##### 23.2 Implementation of the Code.

23.2.1 The *Signatories* shall implement applicable Code provisions through policies, statutes, rules or regulations according to their authority and within their relevant spheres of responsibility.

23.2.2 The following Articles ~~(and corresponding Comments)~~ as applicable to the scope of the anti-doping activity which the *Anti-Doping Organization* performs must be implemented by *Signatories* without substantive change (allowing for any non-substantive changes to the

language in order to refer to the organization's name, sport, section numbers, etc.):

- Article 1 (Definition of Doping)
- Article 2 (Anti-Doping Rule Violations)
- Article 3 (Proof of Doping)
- Article 4.2.2 (*Specified Substances*)
- Article 4.3.3 (*WADA's Determination of the Prohibited List*)
- Article ~~7.6~~[7.11](#) (Retirement from Sport)
- Article 9 (*Automatic Disqualification of Individual Results*)
- Article 10 (Sanctions on Individuals)
- Article 11 (*Consequences to Teams*)
- Article 13 (Appeals) with the exception of ~~13.2.2~~[13.2.2](#), [13.6](#), and ~~13.5~~[13.7](#)
- Article ~~15.4~~[15.1](#) (~~Mutual~~ [Recognition of Decisions](#))
- Article 17 (Statute of Limitations)
- Article 24 (Interpretation of the *Code*)
- Appendix 1 - Definitions

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

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

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



### 23.3 Implementation of Anti-Doping Programs.

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

### 23.4 Compliance with the Code.

~~23.3.1~~ ~~————~~ *Signatories* shall not be considered in compliance with the Code until they have accepted and implemented the Code in accordance with Articles ~~23.1~~23.1, 23.2, and ~~23.2.~~ 23.3. They shall no longer be considered in compliance once acceptance has been withdrawn.

### ~~23.4~~23.5 Monitoring Compliance with the Code and UNESCO Convention.

~~23.4.1~~23.5.1 Compliance with the Code shall be monitored by WADA or as otherwise agreed by WADA. Compliance of anti-doping programs as required in Article 23.3 shall be monitored based on criteria specified by the WADA Executive Committee. Compliance with the commitments reflected in the UNESCO Convention will be monitored as determined by the Conference of Parties to the UNESCO Convention, following consultation with the ~~state parties~~State Parties and WADA. WADA shall advise governments on the implementation of the Code by the Signatories and shall advise Signatories on the ratification, acceptance, approval or accession to the UNESCO Convention by governments.

~~23.4.2~~23.5.2 To facilitate monitoring, each Signatory shall report to WADA on its compliance with the Code ~~every second year~~as required by the WADA Foundation Board and shall explain reasons for ~~noncompliance~~non-compliance.

~~23.4.3~~23.5.3 Failure by a Signatory to provide compliance information requested by WADA for purposes of Article ~~23.4.2~~23.5.2, or failure by a Signatory to submit information to WADA as required by other ~~articles~~Articles of the Code, may be considered ~~noncompliance~~non-compliance with the Code.

~~23.4.4~~23.5.4 All WADA compliance reports shall be approved by the WADA Foundation Board. WADA shall dialog with a Signatory before reporting that Signatory ~~noncompliant.~~ non-compliant. Any WADA report which concludes that a Signatory is ~~noncompliant~~non-compliant must be approved by the WADA Foundation Board at a meeting held after the Signatory has been given an opportunity to submit its written arguments to the Foundation Board. The conclusion by the WADA Foundation Board that a Signatory is ~~noncompliant~~non-compliant may be appealed pursuant to Article ~~13.5.~~13.6.

~~23.4.5~~23.5.5 WADA shall make reports on compliance to the International Olympic Committee, the International Paralympic Committee, International Federations, and *Major Event Organizations*. These reports shall also be made available to the public.

~~23.4.6~~23.5.6 WADA shall consider explanations for ~~noncompliance~~non-compliance and, in extraordinary situations, may recommend to the International Olympic Committee, International Paralympic Committee, International Federations, and *Major Event Organizations* that they provisionally excuse the ~~noncompliance-~~non-compliance.

[Comment to Article ~~23.4.6~~23.5.6: WADA recognizes that amongst Signatories and governments, there will be significant differences in anti-doping experience, resources, and the legal context in which anti-doping activities are carried out. In considering whether an organization is compliant, WADA will consider these differences.]

~~23.5~~23.6 Additional Consequences of a Signatory's ~~Noncompliance~~Non-compliance with the Code.

~~Noncompliance~~Non-compliance with the Code by any Signatory may result in consequences in addition to ineligibility to bid for *Events* as set forth in Articles 20.1.8 (International Olympic Committee), ~~20.3.10~~20.3.11 (International Federations) and 20.6.6 (*Major Event Organizations*), for example: forfeiture of offices and positions within WADA; ~~ineligibility~~Ineligibility or non-admission of any candidature to hold any *International Event* in a country; cancellation of *International Events*; symbolic consequences and other consequences pursuant to the Olympic Charter.

The imposition of such consequences may be appealed to CAS by the affected Signatory pursuant to Article ~~13.5.~~13.6.

~~23.6~~23.7 Modification of the Code.

~~23.6.1~~23.7.1 WADA shall be responsible for overseeing the evolution and improvement of the Code. Athletes and ~~all—Signatories~~other stakeholders and governments shall be invited to participate in such process.

~~23.6.2~~23.7.2 WADA shall initiate proposed amendments to the Code and shall ensure a consultative process to both receive and respond to recommendations and to facilitate review and feedback from Athletes, ~~Signatories~~and other stakeholders and governments on recommended amendments.

~~23.6.3~~23.7.3 Amendments to the Code shall, after appropriate consultation, be approved by a two-thirds majority of the WADA

Foundation Board including a majority of both the public sector and Olympic Movement members casting votes. Amendments shall, unless provided otherwise, go into effect three ~~(3)~~ months after such approval.

~~23.6.4~~23.7.4 *Signatories* shall modify their rules to incorporate the ~~2009~~2015 *Code* on or before 1 January ~~1, 2009, 2015,~~ to take effect on 1 January ~~1, 2009.~~ 2015. *Signatories* shall implement any subsequent applicable amendment to the *Code* within one year of approval by the WADA Foundation Board.

~~23.7~~23.8 Withdrawal of Acceptance of the *Code*.

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

## ARTICLE 24 INTERPRETATION OF THE CODE

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

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

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

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

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

24.6 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and ~~APPENDIX I-DEFINITIONS~~Appendix 1, Definitions and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

## ARTICLE 25 TRANSITIONAL PROVISIONS

25.1 General Application of the ~~2009~~2015 Code.

~~The 2015 Code~~~~The 2009 Code~~ shall apply in full ~~after~~as of 1 January ~~1,~~20092015 (the "Effective Date").

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

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

25.3 Application to Decisions Rendered Prior to the ~~2009~~2015 Code.

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the ~~2009~~2015 Code. Such application must be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2. The ~~2009~~2015 Code shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

25.4 ~~Application to Specific Pre-Code~~Multiple Violations Where the First Violation Occurs Prior to 1 January 2015.

For purposes of ~~applying Article 10.7.1, a pre-Code anti-doping rule violation where the violation involved a substance which is categorized as a Specified Substance under the 2009 Code and~~assessing the period of *Ineligibility* ~~imposed was less than two (2) years, the pre-Code violation shall be considered a Reduced Sanction (RS)~~for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on pre-2015 Code rules, the period of Ineligibility which would have been assessed for that first violation had 2015 Code rules been applicable, shall be applied.

*[Comment to Article 25.4: Other than the situation described in Article ~~25.3~~,25.4, where a final decision finding an anti-doping rule violation has been rendered prior to the existence of the Code or under the Code in force before the ~~2009~~2015 Code and the period of Ineligibility imposed has been completely served, the ~~2009~~2015 Code may not be used to re-characterize the prior violation.]*

#### 25.5 Additional Code Amendments<sub>u</sub>

Any additional Code Amendments shall go into effect as provided in Article ~~23.6~~23.7.

## APPENDIX 1 - DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

Atypical Passport Finding: [A report described as an Atypical Passport Finding as described in the applicable International Standards.](#)

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

Consequences of Anti-Doping ~~Rules~~Rule Violations ("Consequences"): An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred [on account of an anti-doping rule violation](#) for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article ~~10.9~~[10.12.1](#); and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* [or activity](#) prior to the final decision at a hearing conducted under Article 8 ~~(Right to a Fair Hearing)~~; (d) *Financial Consequences* means [a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation](#); and (e) *Public Disclosure or Public Reporting* means [the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11.](#)

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

Disqualification: See *Consequences of Anti-Doping ~~Rules~~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, ~~therapeutic-use exemptions~~ *TUEs*, 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 Venues*: Those venues so designated by the ruling body for the Event.

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

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

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

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

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

[Comment: An International Federation or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.]

*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.

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

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

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

*International Event:* An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event 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 *Athletes who compete in sport at the international level, as defined by each* International Federation, consistent with the *International Standard for Testing and Investigations*.~~

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

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

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

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

*Metabolite:* Any substance produced by a biotransformation process.

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

*National Anti-Doping Organization:* The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results,

and the conduct of hearings, ~~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* or *Competition* involving ~~international or national level~~ *International- or National-Level Athletes* that is not an *International Event*.

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

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

~~No 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: Fault or Negligence: The Athlete<sup>1</sup> or other Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

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

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

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

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

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

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

*[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. [The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.](#)]*

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

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

***Prohibited Substance:*** Any substance, [or class of substances](#), so described on the *Prohibited List*.

***Provisional Hearing:*** For purposes of Article ~~7.5, 7.9~~, an expedited abbreviated hearing occurring prior to a hearing under Article 8 ~~(Right to a Fair Hearing)~~ that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

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

Registered Testing Pool: The pool of ~~top-level~~highest-priority *Athletes* established separately at the international level by ~~each~~ International ~~Federation and~~Federations and at the national level by *National Anti-Doping Organization*Organizations, who are subject to ~~both~~focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan. ~~Each International Federation shall publish a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria, and therefore are required to provide whereabouts information as provided in Article 5.6 and the International Standard for Testing and Investigations.~~

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

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

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*, ~~including the International Olympic Committee, International Federations, International Paralympic Committee, National Olympic Committees, National Paralympic Committees, Major Event Organizations, National Anti-Doping Organizations, and WADA,~~as provided in Article 23.

Specified Substance: See Article 4.2.2.

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

Substantial Assistance: For purposes of Article ~~10.5.3, 10.6.1,~~ a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to

do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

*Tampering*: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; ~~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~~ for Testing based on criteria set forth in the International Standard for Testing and Investigations.

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

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

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

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

*UNESCO Convention*: The International Convention against Doping in Sport adopted by the 33<sup>rd</sup> session of the UNESCO General Conference on 19 October 19, 2005 ~~19, 2005~~ 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.

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

## APPENDIX 2 - EXAMPLES OF THE APPLICATION OF ARTICLE 10

### EXAMPLE 1.

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

#### Application of Consequences:

1. The starting point would be Article 10.2. Because the Athlete is deemed to have No Significant Fault that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of Ineligibility would thus be two years, not four years (Article 10.2.2).

2. In a second step, the panel would analyze whether the Fault-related reductions (Articles 10.4 and 10.5) apply. Based on No Significant Fault or Negligence (Article 10.5.2) since the anabolic steroid is not a Specified Substance, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of Ineligibility within this range based on the Athlete's degree of Fault. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of 16 months.)

3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to Fault). In this case, only Article 10.6.1 (Substantial Assistance) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of Ineligibility is already below the two-year minimum set forth in Article 10.6.3.) Based on Substantial Assistance, the period of Ineligibility could be suspended by three-quarters of 16 months.\* The minimum period of Ineligibility would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of Ineligibility would thus be six months.)

4. Under Article 10.11, the period of Ineligibility, in principle, starts on the date of the final hearing decision. However, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (i.e., three months) after the date of the hearing decision (Article 10.11.2).

5. Since the Adverse Analytical Finding was committed in a Competition, the panel would have to automatically Disqualify the result obtained in that Competition (Article 9).

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

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

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

#### EXAMPLE 2.

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

#### Application of Consequences:

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

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

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

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

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



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

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

### EXAMPLE 3.

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

#### Application of *Consequences*:

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

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

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

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

5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of

a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one month before the end of the period of *Ineligibility*.

#### EXAMPLE 4.

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

#### Application of *Consequences*:

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

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

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

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

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

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

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

*Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility.*

#### EXAMPLE 5.

##### Facts:

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

##### Application of Consequences:

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

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

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

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

#### EXAMPLE 6.

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

##### Application of Consequences:

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.

2. Under Article 10.7.1, the period of Ineligibility would be the greater of:

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

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

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

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

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

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

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

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



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