



# **IPC HANDBOOK**

## **SECTION 2 CHAPTER 1.2**

### **IPC ANTI-DOPING CODE**

The IPC Anti-Doping Code is the revised version of the IPC Anti-Doping Code first published in 2004 and amended in 2006, 2009, 2011, 2015 and 2020. This version of the IPC Anti-Doping Code has been approved by the IPC Governing Board and is effective as of 1 July 2020.

WADA has approved this version as compliant with the 2015 World Anti-Doping Code and with the amendments adopted by the WADA Foundation Board in 2017.

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## Preamble

The International Paralympic Committee (*IPC*) is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games and Paralympic Winter Games. Its members are National Paralympic Committees (*NPCs*), International Organisations of Sport for the Disabled (*IOSDs*), International Federations (*IFs*) and Regional Paralympic Committees (*Members*). *IFs* and *IOSDs* are collectively referred to as *IFs* in this document. In addition to these Members, this Code also applies to IPC Recognised International Federations. The Anti-Doping roles attributed to *NPCs* or National Federations (*NF*) in this Code may be taken over by their corresponding National Anti-Doping Organisations depending on the country.

The *IPC* supervises and co-ordinates the Paralympic Games and Paralympic Winter Games. The *IPC* has the additional role of being itself an International Federation for several sports (*IPC Sports*).

The *IPC* has established the *IPC Anti-Doping Code (Code)* in compliance with the general principles of the World Anti-Doping Code (*WADC*), including the *WADC International Standards*, expecting that, in the spirit of sport, it will lead the fight against doping in sport for *Athletes* with an impairment.

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

The *Code* is complemented by other *IPC* documents that so identify themselves in the *IPC Handbook*.

As a condition of recognition by the *IPC*:

- Members within the Paralympic Movement, as *Anti-Doping Organisations* and as *Signatories* to the *WADC*, shall comply with the *Code*, and

- All members shall have anti-doping rules consistent with and reflecting the provisions of this Code.

## **FUNDAMENTAL RATIONALE FOR THE *IPC'S* ANTI-DOPING *CODE***

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

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

Doping is fundamentally contrary to the spirit of sport.

## **APPLICATION OF THIS *CODE***

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. The *Code*, or anti-doping rules that are *WADC* compliant and consistent with the *Code*, shall apply to the Paralympic Games and to all *Events* and *Competitions* under the jurisdiction of the *IPC* and for which the *IPC* has anti-doping authority including the time of preparation for competition.

All *Athletes* and each *Athlete Support Personnel* who participate in any of those *Events* or *Competitions* as coach, trainer, manager, *Team* staff, official, medical or paramedical personnel agrees to be bound by this *Code* as a condition of such participation.

### **To organisations**

This *Code* applies when the *IPC* is acting as the global governing body for the Paralympic Movement. These *IPC* Members will put in place or be

subject to their own anti-doping rules implementing the WADC and consistent with this Code:

- NPCs and those NFs to which an NPC has transferred jurisdiction,
- Regional Committees,
- IFs and IOSDs, and
- the IPC acting as an International Federation for a particular sport.

This Code applies when the IPC is acting as a *Major Event Organiser*, for example with respect to the Paralympic Games and Paralympic Winter Games. Article 20.3 sets out those additional provisions that apply when the IPC is acting as a *Major Event Organiser*.

### To individuals

This Code shall apply to the following *Athletes, Athlete Support Personnel* and other individuals, who are deemed to have accepted and to be bound by this Code (and to have submitted to the authority of the IPC to enforce this Code and to the jurisdiction of the hearing bodies specified in Article 8 and Article 13 to hear and determine cases and appeals brought under this Code), as a condition of their membership, accreditation and/or participation in the sport:

- a) all *Athletes* and *Athlete Support Personnel* who are members of the IPC, or of any Member of the IPC, or of any member or affiliate organisation of any Member (including any clubs, *Teams*, associations or leagues);
- b) all *Athletes* and *Athlete Support Personnel* participating in such capacity in *Events, Competitions* and other activities under the jurisdiction of the IPC and for which the IPC has anti-doping authority, or any Member, or any member affiliate organisation of any NPC (including any clubs, *Teams*, associations or leagues), wherever held;
- c) any other *Athlete* or *Athlete Support Personnel* or other individual who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the jurisdiction of the IPC, or any Member, or of any NPC, or of any member or affiliate organisation of any NPC (including any clubs, *Teams*, associations or leagues), for purposes of anti-doping; and
- d) *Athletes* who are not regular members of the IPC or of one of its NPCs but who want to be eligible to compete in a particular *International Event*. The IPC may include such *Athletes* in its *Registered Testing Pool* so that they are required to provide information about their whereabouts for purposes of *Testing* under this Code.

To be eligible for participation in *Events* where the *IPC* has jurisdiction, an *Athlete* must have an *IPC* license issued by his or her *NPC*. The *IPC* license will only be issued to competitors who have personally signed the *IPC Eligibility Code Form*, in the actual form approved by the *IPC*. All forms from *Minors* must be counter-signed by their legal guardians.

*[Comment: To be eligible for participation in the Paralympic Games and Paralympic Winter Games, an Athlete in a non-IPC Sport must have signed the IPC Eligibility Code Form for that particular Games.]*

## ***IPC ANTI-DOPING CODE ADMINISTRATION***

### ***IPC Governing Board***

The *IPC* Governing Board shall approve the *Code* and any amendments to it, and shall exercise any further responsibilities specified by the *Code*.

### ***IPC Anti-Doping Department***

The *IPC* Anti-Doping Department is responsible for the administration of the *Code's* provisions and establishing policies, guidelines and procedures with respect to the fight against doping, including anti-doping rule violation management and compliance with internationally accepted regulations, including the *WADC*.

### ***IPC Medical Committee***

The *IPC* Medical Committee is responsible to assess or review each Therapeutic Use Exemption (*TUE*) application submitted in accordance with the *Code* and to administer the requirements of Article 4.4 of the *Code*.

### **Independent Anti-Doping Hearing Panel**

The *IPC* will appoint individuals with the necessary skills and experience to an Independent Anti-Doping Hearing Panel and will designate one of those individuals to act as chair of the Independent Anti-Doping Hearing Panel. Members of the Independent Anti-Doping Hearing Panel will sit as a hearing body for the purposes of the *Code*.

## Notice

Notice under this Code to an *Athlete* or other *Person* who is a member of an *NPC* may be accomplished by delivery of the notice to the applicable *NPC* as provided in Articles 14.1.1 and 20.2.6.

# 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of this Code.

# 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

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

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

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the

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

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

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

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

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

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

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

doping rule violation for *Use of a Prohibited Substance or a Prohibited Method*.

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

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

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

- 2.3** **Evading, refusing or failing to submit to *Sample* collection**

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

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

- 2.4** **Whereabouts failures**

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

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

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

to an *Anti-Doping Organisation*, or intimidating or attempting to intimidate a potential witness.

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

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

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

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

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

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

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

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

## 2.9 Complicity

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

## 2.10 Prohibited association

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

- 2.10.1 if subject to the authority of an *Anti-Doping Organisation*, is serving a period of *Ineligibility*; or
- 2.10.2 if not subject to the authority of an *Anti-Doping Organisation* and where *Ineligibility* has not been addressed in a results management process pursuant to the *WADC*, 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 (a) that the *Athlete* or other *Person* has previously been advised in writing by the *IPC*, or by *WADA*, of the *Athlete Support Personnel's* disqualifying status and the potential *Consequence* of prohibited association; and (b) that the *Athlete* or other *Person* can reasonably avoid the association. The *IPC* shall also use reasonable efforts to advise the *Athlete Support Personnel* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Personnel* may, within 15 days, come forward to the *IPC* 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 Personnel's* disqualifying conduct occurred prior to the Effective Date provided in Article 22.7.)

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

*Anti-Doping Organisations that are aware of Athlete Support Personnel who meet the criteria described in Articles 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.]*

## **3 PROOF OF DOPING**

### **3.1 Burdens and standards of proof**

The IPC shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the IPC has established an anti-doping rule violation to the comfortable satisfaction of the hearing body 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 this 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.

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

### **3.2 Methods of establishing facts and presumptions**

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

*[Comment to Article 3.2: For example, the IPC may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]*

**3.2.1** Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which 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 IPC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

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

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

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

## 4 THE PROHIBITED LIST

### 4.1 Incorporation of the *Prohibited List*

This Code incorporates the *Prohibited List* which is published and revised by *WADA* as described in Article 4.1 of the *WADC*. The *IPC* will make the current *Prohibited List* available to each Member and *NPC*, and each *NPC* shall ensure that the current *Prohibited List* is available to its members and constituents.

[Comment to Article 4.1: The current *Prohibited List* is available on *WADA's* website at [www.wada-ama.org](http://www.wada-ama.org).]

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

#### 4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under this Code three months after publication of the *Prohibited List* by *WADA* without requiring any further action by the *IPC* or its *NPCs*. All *Participants* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Participants* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

#### 4.2.2 Specified Substances

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone

antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

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

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

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

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

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

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

**4.4.2.1** Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organisation* for the substance or method in question, then that *TUE* is not automatically valid for international-level *Competition*. However, the *Athlete* may apply to the *IPC* to recognise that *TUE*, in accordance with Article 7 of the *International Standard for Therapeutic Use Exemptions*. If that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the *IPC* shall recognise it for purposes of international-level *Competition* as well. If the *IPC* considers that the *TUE* does not meet those criteria and so refuses to recognise it, the *IPC* shall notify the *Athlete* and his/her *National Anti-Doping Organisation* promptly, with reasons. The *Athlete* and/or the *National Anti-Doping Organisation* 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 Organisation*

remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

*[Comment to Article 4.4.2.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, the IPC may publish notice on its website ([www.paralympic.org](http://www.paralympic.org)) that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognized TUEs, then he or she does not need to apply to the IPC for recognition of that TUE.*

*If the IPC refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction 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 IPC.]*

#### 4.4.2.2

If the Athlete does not already have a TUE granted by his or her National Anti-Doping Organisation for the substance or method in question, the Athlete must apply directly to the IPC for a TUE in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* using the form posted on IPC's website ([www.paralympic.org](http://www.paralympic.org)). If the IPC denies the Athlete's application, it must notify the Athlete promptly, with reasons. If the IPC grants the Athlete's application, it shall notify not only the Athlete but also his/her National Anti-Doping Organisation. If the National Anti-Doping Organisation 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 Organisation refers the matter to WADA for review, the TUE granted by the IPC 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 Organisation does not refer the matter to WADA for review, the TUE granted by the IPC becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

*[Comment to Article 4.4.2: the IPC may agree with a National Anti-Doping Organisation that the National Anti-Doping Organisation will consider TUE applications on behalf of the IPC.]*

**4.4.3** If the IPC chooses to test an Athlete who is not an *International-Level Athlete*, the IPC shall recognise a TUE granted to that Athlete by his or her *National Anti-Doping Organisation*. If the IPC chooses to test an Athlete who is not an *International-Level* or a *National-Level Athlete*, the IPC shall permit that Athlete to apply for a retroactive TUE for any *Prohibited Substance* or *Prohibited Method* he or she is using for therapeutic reasons.

**4.4.4** An application to the IPC for grant or recognition of a TUE must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the *International Standard* for Therapeutic Use Exemptions applies) at least 30 days before the Athlete's next *Competition*. The IPC Medical Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard* for Therapeutic Use Exemptions. Its decision shall be the final decision of the IPC, and shall be reported to WADA and other relevant *Anti-Doping Organisations*, including the Athlete's *National Anti-Doping Organisation*, through ADAMS, in accordance with the *International Standard* for Therapeutic Use Exemptions.

*[Comment to Article 4.4.4: The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5.*

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

**4.4.5** Expiration, cancellation, withdrawal or reversal of a TUE

**4.4.5.1** A TUE granted pursuant to this Code: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the IPC Medical Committee upon grant of the TUE; (c) may be withdrawn by the IPC Medical Committee if it is

subsequently determined that the criteria for grant of a *TUE* are not in fact met; or (d) may be reversed on review by *WADA* or on appeal.

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

**4.4.6** Reviews and appeals of *TUE* decisions

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

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

*[Comment to Article 4.4.6.2: In such cases, the decision being appealed is the IPC'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 deadline 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.]*

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

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.

## **5 TESTING AND INVESTIGATIONS**

### **5.1 Purpose of *Testing* and investigations**

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

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

**5.1.2** Investigations shall be undertaken:

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

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

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

## 5.2 Authority to conduct *Testing*

5.2.1 Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *WADC*, the *IPC* shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Athletes* specified in the Preamble to this Code.

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

*[Comment to Article 5.2.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the IPC will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether the IPC had sufficient suspicion for Testing in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.]*

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

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

## 5.3 *Event Testing*

5.3.1 Except as provided in Article 5.3 of the *WADC*, only a single organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events* which are under jurisdiction of the *IPC* and for which the *IPC* has anti-doping authority, the collection of *Samples* shall be initiated and directed by the *IPC* (or any other member organisation which is the ruling body for the *Event*). 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.

5.3.2 If an *Anti-Doping Organisation* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* under jurisdiction of the *IPC* and for which the *IPC* has anti-doping authority, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with the *IPC* or ruling body of the *Event* to obtain permission to conduct

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

#### **5.4 Test distribution planning**

Consistent with the *International Standard for Testing and Investigations*, and in co-ordination with other *Anti-Doping Organisations* conducting *Testing* on the same *Athletes*, the *IPC* shall develop and implement an effective, intelligent and proportionate Test Distribution Plan that prioritises 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*. The *IPC* shall provide *WADA* upon request with a copy of its current Test Distribution Plan.

#### **5.5 Co-ordination of *Testing***

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

#### **5.6 *Athlete* whereabouts information**

- 5.6.1** The *IPC* shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of the *International Standard for Testing and Investigations*, and shall make available through *ADAMS*, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. The *IPC* shall co-ordinate with *National Anti-Doping Organisations* the identification of such *Athletes* and the collecting of their whereabouts information. The *IPC* shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria.

*Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Athlete* in the *Registered Testing Pool* shall do the following, in each case in accordance with the *International Standard for Testing and Investigations*: (a) advise the *IPC* of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for *Testing* at such whereabouts.

- 5.6.2 For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing and Investigations* shall be deemed a filing failure or a missed test (as defined in the *International Standard for Testing and Investigations*) where the conditions set forth in the *International Standard for Testing and Investigations* for declaring a filing failure or missed test are met.
- 5.6.3 An *Athlete* in the *IPC's Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements of the *International Standard for Testing and Investigations* unless and until (a) the *Athlete* gives written notice to the *IPC* that he or she has retired or (b) the *IPC* has informed him or her that he or she no longer satisfies the criteria for inclusion in the *IPC's Registered Testing Pool*.
- 5.6.4 Whereabouts information relating to an *Athlete* shall be shared (through *ADAMS*) with *WADA* and other *Anti-Doping Organisations* having authority to test that *Athlete*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the *Code*, and shall be destroyed in accordance with the *International Standard for the Protection of Privacy and Personal Information* once it is no longer relevant for these purposes.
- 5.6.5 *Athlete* whereabouts information at *IPC Events*
- 5.6.5.1 For *Events* which are under the jurisdiction of the *IPC* and for which the *IPC* has anti-doping authority, where an *Athlete* is in a *Registered Testing Pool*, the *IPC* or Member ruling body of the *Event* may access his/her *Whereabouts Filings* (as defined in the *International Standard for Testing and Investigations*) for the period for which the *Athlete* is subject to ruling body's *Testing* authority. The ruling body will access the *Athlete's Whereabouts Filings* not via the *Athlete* but rather via the *International Federation* or *National Anti-Doping Organisation* that is receiving the *Athlete's Whereabouts Filings*. The ruling body will not require the *Athlete* to file any different whereabouts information with it.

**5.6.5.2** For Events which under the jurisdiction of the *IPC* and for which the *IPC* has anti-doping authority, where an *Athlete* is not in a *Registered Testing Pool* in the period for which the *Athlete* is subject to the ruling body's *Testing* authority, the ruling body may require him/her to provide such information about his/her whereabouts in that period as it deems necessary and proportionate in order to conduct *Testing* upon him/her, up to and including information equivalent to the *Whereabouts Filings* that an *Athlete* would have to make in accordance with the *International Standard for Testing and Investigations* if he/she were in a *Registered Testing Pool*. Where an *Athlete* who is not in a *Registered Testing Pool* is required to submit whereabouts information to the ruling body, or an *NPC* is required to do so, the ruling body may impose consequences upon him or her, or the *NPC*, for failure to do so.

## **5.7 Retired *Athletes* returning to *Competition***

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

**5.7.2** 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 him/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 the *IPC* and to his/her *National Anti-Doping Organisation*.

## **5.8 Ineligible *Athletes* returning to *Competition***

### **5.8.1 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 the *IPC*, and must, if requested, provide current and accurate whereabouts information. The *Athlete* must give at least six months prior written notice to the *IPC* and to his/her *National Anti-Doping Organisation* of the intention to return to competition.

#### 5.8.2 Request for reinstatement

*Athletes* or other *Persons* sanctioned under the Code who wish to resume their eligibility must request in writing reinstatement of sport eligibility upon completion of the *Ineligibility* period.

## 6 ANALYSIS OF SAMPLES

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

### 6.1 Use of accredited and approved laboratories

For purposes of Article 2.1, *Samples* shall be analysed only in laboratories accredited or otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by the *IPC*.

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

### 6.2 Purpose of analysis of *Samples*

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

*[Comment to Article 6.2.1: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]*

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

### 6.3 Research on *Samples*

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

### 6.4 Standards for *Sample* analysis and reporting

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

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

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

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

*[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 recognised 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 analysed.]*

### 6.5 Further analysis of *Samples*

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

*International Standard for Laboratories and the International Standard for Testing and Investigations.*

## **7 RESULTS MANAGEMENT**

### **7.1 Responsibility for conducting results management**

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

### **7.2 Review of *Adverse Analytical Findings* from tests initiated by the *IPC***

Results management in respect of the results of tests initiated by the *IPC*, including at *Events* which are under the jurisdiction of the *IPC* for which the *IPC* has anti-doping authority, and including tests performed by *WADA* pursuant to agreement with the *IPC*, shall proceed as follows:

**7.2.1** The results from all analyses must be sent to the *IPC* in encoded form, in a confidential report of the laboratory. All communication must be conducted in confidentiality and in conformity with *ADAMS*.

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

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

### **7.3 Notification after review regarding *Adverse Analytical Findings***

**7.3.1** If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the *International Standard for Therapeutic Use Exemptions*, or departure from the *International Standards for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, the *IPC* shall promptly notify the *Athlete*, and simultaneously the *Athlete's National Anti-Doping Organisation* and

WADA, in the manner set out in Article 14.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *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 the *IPC* 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 in accordance with 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. If the *IPC* decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA*.

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

**7.3.3** The *Athlete* and/or his representative shall be allowed to be present at the analysis of the *B Sample*. Also, a representative of the *IPC* and a representative of the *Athlete's NPC* shall be allowed to be present.

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

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

## **7.4 Review of Atypical Findings**

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

**7.4.2** Upon receipt of an *Atypical Finding*, the *IPC* shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard* for Therapeutic Use

Exemptions, or (b) there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Atypical Finding*.

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

**7.4.4** If that review does not reveal an applicable *TUE* or departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, the *IPC* shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

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

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

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

## **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 *IPC* is satisfied that an anti-doping rule violation has occurred, it

shall promptly give the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organisation* and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

#### **7.6 Review of whereabouts failures**

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

#### **7.7 Review of other anti-doping rule violations not covered by Articles 7.2-7.6**

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

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

#### **7.9 Provisional Suspensions**

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

**7.9.2** *Optional Provisional Suspension*: In case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Article 7.9.1, the *IPC* may impose

a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2-7.7 and prior to the final hearing as described in Article 8.

**7.9.3** A *Provisional Suspension* may not be imposed, whether pursuant to Article 7.9.1 or Article 7.9.2, unless the *Athlete* or other *Person* is given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2.

**7.9.3.1** The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the Independent Anti-Doping Hearing Panel that the violation is likely to have involved a *Contaminated Product*. A decision of the Independent Anti-Doping Hearing Panel not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

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

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

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

*[Comment to Article 7.9: Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Articles 10.11.3 and 10.11.4.]*

## **7.10 Resolution without a hearing**

- 7.10.1** An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by this *Code* or (where some discretion as to sanction exists under this *Code*) that have been proposed by the *IPC*.

- 7.10.2** If the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the *IPC* asserting the violation, then he or she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by this *Code* or (where some discretion as to the *Consequences* exists under this *Code*) that have been proposed by the *IPC*.

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

## **7.11 Notification of results management decisions**

In all cases where the *IPC* 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 *Consequences* without a hearing, the *IPC* shall give notice thereof in accordance with Article 14.2.1 to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

#### 7.12 Retirement from sport

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

*[Comment to Article 7.12: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.]*

## 8 RIGHT TO A FAIR HEARING

### 8.1 Hearing

Unless the *Athlete* or other *Person* has waived their right to a hearing, and a hearing is not required in accordance with Article 7.10, the hearing body shall address whether an anti-doping rule violation has been committed and if so the appropriate *Consequences*.

- 8.1.1 The hearing body will normally comprise of no fewer than three (3) members of the Independent Anti-Doping Hearing Panel, and has the right to be accompanied by counsel. The Independent Anti-Doping Hearing Panel shall be fair and impartial towards all parties at all times.
- 8.1.2 The Independent Anti-Doping Hearing Panel shall determine the procedure to be followed for the hearing.
- 8.1.3 The *Athlete* or other *Person* has the right to be represented by counsel and the right to an interpreter, approved by the *IPC* and at the *Athlete's* own expense.
- 8.1.4 Not more than two (2) representatives of the *Athlete's* or other *Person's NPC* and one (1) representative from the applicable sport concerned shall be invited.

- 8.1.5 The *IPC* will present its assertion of the anti-doping rule violation(s). Each party has the right to present evidence, including provision of written material and the right to call witnesses, and the right to make submissions based on the evidence.
- 8.1.6 Hearings shall be conducted by telephone or video conference call, unless the Independent Anti-Doping Hearing Panel determines otherwise.
- 8.1.7 *WADA* may attend the hearing as observer. In any event, the *IPC* shall keep *WADA* fully apprised as to the status of pending cases and the result of all hearings.

## 8.2 Provisional hearing

- 8.2.1 The Independent Anti-Doping Hearing Panel shall address whether the *Provisional Suspension* is warranted, pursuant to the terms of Article 7.9.3.
- 8.2.2 The procedures in Article 8.1 shall apply *mutatis mutandis* in relation to the *Provisional Suspension*, pursuant to the terms of Article 7.9.3.

## 8.3 *Event* hearings

Hearings held in connection with *Events* may be conducted by an expedited process.

*[Comment to Articles 8.2 and 8.3: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation or application of a Provisional Suspension 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.]*

## 8.4 Decisions

- 8.4.1 At the end of the hearing, or on a timely basis thereafter, the hearing body shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential sanction was not imposed.
- 8.4.2 The decision may be appealed to the CAS as provided in Article 13. Copies of the decision shall be provided to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.
- 8.4.3 If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.3.2; but (b) if the decision is

that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *IPC* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve. The principles contained at Article 14.3.6 shall be applied in cases involving a *Minor*.

#### 8.5 Single hearing before CAS

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

*[Comment to Article 8.5: 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 to incur the extra expense of two hearings. An Anti-Doping Organisation 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.]*

## 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: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the Team will be as provided in Article 11.]*

## 10 SANCTIONS ON INDIVIDUALS

### 10.1 *Disqualification* of results in the *Event* during which an anti-doping rule violation occurs

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

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 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 IPC Swimming World Championships).*]

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

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

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

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

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

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

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

*Competition* shall not be considered intentional if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

### 10.3 *Ineligibility* for other anti-doping rule violations

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

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

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

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

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

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

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

*[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.]*

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

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

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

**10.5 Reduction of 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 Articles 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 favourable for the Athlete if the Athlete had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.]*

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

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

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

### 10.6 Elimination, reduction, or suspension of period of *Ineligibility* or other *Consequences* for reasons other than *Fault*

#### 10.6.1 *Substantial Assistance* in discovering or establishing anti-doping rule violations

##### 10.6.1.1 The *IPC* may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Athlete* or other *Person* has

provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in: (i) an *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to an *Anti-Doping Organisation*.

After a final appellate decision under Article 13 or the expiration of time to appeal, the *IPC* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this section must be no less than eight years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *IPC* shall reinstate the original period of *Ineligibility*. If the *IPC* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

- 10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of the *IPC* or at the request of the *Athlete* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of sanction, as otherwise provided in this Article.

Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other *Anti-Doping Organisation*.

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

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

- 10.6.2** Admission of an anti-doping rule violation in the absence of other evidence

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

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

- 10.6.3** Prompt admission of an anti-doping rule violation after being confronted with a violation sanctionable under Article 10.2.1 or 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 the *IPC*, and also upon the approval and at the discretion of both *WADA* and the *IPC*, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

#### 10.6.4 Application of multiple grounds for reduction of a sanction

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

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

### 10.7 Multiple violations

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

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

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

- 10.7.2** A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.
- 10.7.3** An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault or Negligence* shall not be considered a 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 *IPC* 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, or after the *IPC* made reasonable efforts to give notice, of the first anti-doping rule violation; if the *IPC* cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.
- 10.7.4.2** If, after the imposition of a sanction for a first anti-doping rule violation, the *IPC* 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 *IPC* shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.
- 10.7.5** Multiple anti-doping rule violations during ten-year period
- For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.
- 10.8** ***Disqualification of results in Competitions subsequent to Sample collection or commission of an anti-doping rule violation***
- In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness

requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

*[Comment to Article 10.8: Nothing in this 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*; and third, reimbursement of the expenses of the *IPC*.

#### **10.10 Financial consequences**

The *IPC* may impose a financial sanction for anti-doping rule violations. The imposition of a financial sanction or the *IPC*'s recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under this *Code* or the *WADC*.

#### **10.11 Commencement of *Ineligibility* period**

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

##### **10.11.1 Delays not attributable to the *Athlete* or other *Person***

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the *IPC* 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 the IPC to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]*

##### **10.11.2 Timely admission**

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

**10.11.3** Credit for Provisional Suspension or period of Ineligibility served

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

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

*[Comment to Article 10.11.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]*

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

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

the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Team Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

*[Comment to Article 10.11: Article 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.]*

## **10.12 Status during *Ineligibility***

### **10.12.1 Prohibition against participation during *Ineligibility***

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

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction of a *WADC Signatory* or member of a *WADC 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 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organised by his or her NPC or a club which is a member of that NPC or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer,*

*employee, or volunteer of the organisation described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]*

#### **10.12.2** Return for training

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

*[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., athletics or alpine skiing for some athletes with a visual impairment), an Athlete cannot effectively train on his/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.]*

#### **10.12.3** Violation of the prohibition of participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *IPC*. This decision may be appealed under Article 13. Where an *Athlete Support Personnel* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, the *IPC* shall impose sanctions for a violation of Article 2.9 for such assistance.

#### **10.12.4** Withholding of financial support during *Ineligibility*

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

#### **10.13** Automatic publication of sanction

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

*[Comment to Article 10: Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation 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 favour of harmonisation 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 organisations 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 Organisations.]*

## **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 team shall be disqualified from the *Event* 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 IPC could establish rules which would require Disqualification of a Team from the Paralympic Games*

*based on a lesser number of anti-doping rule violations during the period of the Games.]*

#### 11.4 Testing of teams in *Individual Sports*

Where one member of a *Team* in an *Individual 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 all members of the *Team* during the *Event Period*.

#### 11.5 Consequences for Teams in Individual Sports

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

11.5.2 An anti-doping rule violation committed by a member of a *Team* occurring during or in connection with an *Event*, not covered until Article 11.5.1, may lead to *Disqualification* of all of the results obtained by the *Team* in that *Event* with all consequences for the *Team* and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.5.3.

11.5.3 Where an *Athlete* who is a member of a *Team* committed an anti-doping rule violation during or in connection with one *Competition* in an *Event*, if the other member(s) of the *Team* establish(es) that he/she/they bear(s) *No Fault or Negligence* for that violation, the results of the *Team* in any other *Competition(s)* in that *Event* shall not be *Disqualified* unless the results of the *Team* in the *Competition(s)* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

## 12 DISCIPLINARY MEASURES AGAINST SPORTING BODIES

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

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

over which it has authority to comply with, implement, uphold and enforce the WADC within that body's area of competence. The IPC Governing Board has adopted an addendum ("Addendum on Disciplinary measures with respect to Anti-Doping Rule Violations") to Chapter 3.9 of the IPC Handbook ("Policy on Disciplinary Measures for Breaching IPC Qualification, Entry and Participation Rules"). This addendum represents a set of rules of the type covered by Article 12 of the WADC.

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

## 13 APPEALS

### 13.1 Decisions subject to appeal

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

#### 13.1.1 Scope of review not limited

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

#### 13.1.2 CAS shall not defer to the findings being appealed

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

*[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 IPC's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the IPC's process.

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

## **13.2 Appeals from decisions regarding anti-doping rule violations, Consequences, Provisional Suspensions, recognition of decisions and jurisdiction**

These decisions may be appealed: (a) 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; (b) a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); (c) a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1; (d) a decision by WADA assigning results management under Article 7.1 of the *Code*; (e) a decision by the *IPC* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; (f) a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; (g) *The IPC's* or an *NPC's* failure to comply with Article 7.9; (h) a decision that the *IPC* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; (i) 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; (j) a decision under Article 10.12.3; and (k) a decision by the *IPC* not to recognize another *Anti-Doping Organisation's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 - 13.7.

### **13.2.1 Appeals involving International-Level Athletes 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.

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

### **13.2.2 Appeals involving other Athletes or other Persons**

In cases where Article 13.2.1 is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the

*National Anti-Doping Organisation or NPC* having jurisdiction over the *Athlete* or other *Person*. The rules for such appeal shall respect the following principles: a timely hearing; a fair and impartial hearing body; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision. If the *National Anti-Doping Organisation or NPC* has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

### 13.2.3 *Persons entitled to appeal*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the *IPC*; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder; and (e) *WADA*.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the *National Anti-Doping Organisation'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 *IPC*; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence; and (e) *WADA*. For cases under Article 13.2.2, *WADA* and the *IPC* shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.

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

### 13.2.4 *Cross appeals and other subsequent appeals allowed*

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

*[Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organisation appeals a decision after the*

*Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*

### **13.3 Failure to render a timely decision**

Where, in a particular case, the *IPC* 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 *IPC* had rendered a decision finding no anti-doping rule violation. If the *CAS* hearing panel determines that an anti-doping rule violation was committed and that *WADA* acted reasonably in electing to appeal directly to *CAS*, then *WADA*'s costs and attorneys' fees in prosecuting the appeal shall be reimbursed to *WADA* by the *IPC*.

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

### **13.4 Appeals relating to TUEs**

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

### **13.5 Notification of appeal decisions**

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

### **13.6 Appeal from decisions pursuant to Article 12**

Decisions by the *IPC* pursuant to Article 12 may be appealed exclusively to *CAS* by the *NPC*.

### **13.7 Time for filing appeals**

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

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

- a) Within 15 days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) If such a request is made within the 15-day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to CAS.

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

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

### 13.7.2 Appeals under Article 13.2.2

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

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

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

## 14 CONFIDENTIALITY AND REPORTING

### 14.1 Information concerning *Adverse Analytical Findings, Atypical Findings*, and other asserted anti-doping rule violations

#### 14.1.1 Notice of anti-doping rule violations to *Athletes* and other *Persons*

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

#### 14.1.2 Notice of anti-doping rule violations to *National Anti-Doping Organisations* and WADA

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

#### 14.1.3 Content of an anti-doping rule violation notice

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

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

#### 14.1.4 Status reports

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

#### 14.1.5 Confidentiality

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Anti-Doping Organisation*, *NPC*, and *Team* in a *Team Sport*) until the *IPC* has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3 below.

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

#### 14.2 Notice of anti-doping rule violation decisions and request for files

- 14.2.1** Anti-doping rule violation decisions rendered pursuant to Articles 7.10, 8, 10.2, 10.3, 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.
- 14.2.2** An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt of the decision, request a copy of the full case file pertaining to the decision.
- 14.3 Public disclosure**
- 14.3.1** The identity of any *Athlete* or other *Person* who is asserted by the *IPC* to have committed an anti-doping rule violation may be *Publicly Disclosed* by the *IPC* only after notice has been provided to the *Athlete* or other *Person* in accordance with Articles 7.3 - 7.7, and simultaneously to *WADA* and the *National Anti-Doping Organisation of the Athlete* or other *Person* in accordance with Article 14.1.2.
- 14.3.2** No later than 20 days after it has been determined in a final appellate decision under Articles 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the *IPC* must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. The *IPC* must also *Publicly Report* within 20 days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.
- 14.3.3** In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *IPC* shall use reasonable efforts to obtain such consent. If consent is obtained, the *IPC* shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.4** Publication shall be accomplished at a minimum by placing the required information on the *IPC's* website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.3.5** Neither the *IPC*, nor its *Members*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to

public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

- 14.3.6** 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**

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

#### **14.5 *Doping Control* information clearinghouse**

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

#### **14.6 Data privacy**

- 14.6.1** The *IPC* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *WADC*, the *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information) and this *Code*.
- 14.6.2** Any *Participant* who submits information including personal data to any *Person* in accordance with this *Code* shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of these *Rules*, in accordance with the *International Standard* for the Protection of Privacy and Personal Information and otherwise as required to implement this *Code*.

## 15 APPLICATIONS AND RECOGNITION OF DECISIONS

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

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

- 15.2 The *IPC* and its Members shall recognise the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

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

- 15.3 Subject to the right to appeal provided in Article 13, any decision of the *IPC* regarding a violation of this *Code* shall be recognised by all Members, which shall take all necessary action to render such decision effective.

## 16 INCORPORATION OF THE *IPC* ANTI-DOPING *CODE* AND OBLIGATIONS OF MEMBERS

- 16.1 All Members of the *IPC* shall comply with this *Code*. All Members shall include in their regulations the provisions necessary to ensure that the *IPC* may enforce this *Code* directly as against *Athletes* and *Athlete Support Personnel* under their anti-doping jurisdiction (including *National-Level Athletes*). This *Code* shall also be incorporated either directly or by

reference into each Member's rules so that the Member may enforce them itself directly as against *Athletes* and *Athlete Support Personnel* under its anti-doping jurisdiction (including *National-Level Athletes*).

- 16.2** All Members shall establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, *Team* staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organised by a Member or one of its member organisations to agree to be bound by this *Code* and to submit to *IPC's* results management authority under this *Code* as a condition of such participation.
- 16.3** All Members shall report any information suggesting or relating to an anti-doping rule violation to the *IPC* and to their *National Anti-Doping Organisations*, and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.
- 16.4** All Members shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of the *IPC* or the *NPC*.
- 16.5** All Members shall be required to conduct anti-doping education in coordination with their *National Anti-Doping Organisations*.

## **17 STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within 10 years from the date the violation is asserted to have occurred.

## **18 THE *IPC* COMPLIANCE REPORTS TO *WADA***

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

# 19 EDUCATION

## 19.1 Basic principle and primary goal

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

Information programmes should focus on providing basic information to *Athletes* as described in Article 19.2. Education programmes should focus on prevention. Prevention programmes should be values-based and directed towards *Athletes* and *Athlete Support Personnel* with a particular focus on young people through implementation in school curricula.

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

## 19.2 Programmes and activities

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

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

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

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

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

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

*[Comment to Article 19.2: Anti-doping informational and educational programmes should not be limited to National- or International-Level Athletes but should include all Persons, including youth, who participate in sport under the authority of any Signatory, government or other sports organisation accepting the Code. (See definition of Athlete.) These programmes should also include Athlete Support Personnel. These principles are consistent with the UNESCO Convention with respect to education and training.]*

### **19.3 Professional Codes of Conduct**

The *IPC* shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport on at least the issues listed at Article 19.2 of the Code, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programmes.

All *Signatories* shall co-operate 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.

### **19.4 Co-ordination and co-operation**

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

All *Signatories* and *Athletes* and other *Persons* shall co-operate 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 programmes in preventing doping in sport.

## 20 ADDITIONAL ROLES AND RESPONSIBILITIES

### 20.1 Additional responsibilities of the *IPC*

- 20.1.1 The *IPC* will withhold some or all Paralympic funding and/or other benefits from any sport organisation not in compliance with the *Code* where required under Article 23.5 of the *WADC*.
- 20.1.2 The *IPC* will authorise and facilitate the Independent Observer Programme and facilitate Athlete Outreach Programmes.
- 20.1.3 The *IPC* will require as a condition of membership that *International Federations* within the Paralympic Movement are in compliance with the *Code*.
- 20.1.4 The *IPC* will require *Major Event Organisations* for *Events* which are under the jurisdiction of the *IPC* to act in compliance with the *WADC*.
- 20.1.5 To take appropriate action to discourage non-compliance with the *Code* in accordance with the International Standard for Code Compliance by *Signatories*.

### 20.2 Additional responsibilities of *NPCs* and other Members

- 20.2.1 To ensure that their anti-doping policies and rules conform to the *Code*.
- 20.2.2 To require as a condition of membership or recognition that *NFs'* anti-doping policies and rules are in compliance with the applicable provisions of the *Code* and to take appropriate action to enforce that condition.
- 20.2.3 To require as a condition of participation in the Paralympic Games that, at a minimum, *Athletes* who are not regular members of the *NPC* or Member to be available for *Sample* collection and to provide accurate and up-to-date whereabouts information as required by the *International Standard for Testing and Investigations* as soon as the *Athlete* is identified on the long list or subsequent entry document submitted in connection with the Paralympic Games.
- 20.2.4 To co-operate with their *National Anti-Doping Organisation*, respect its autonomy in their country, and not to interfere in its operational decisions and activities.
- 20.2.5 To require each of their *NFs* to establish rules (or other means) requiring each *Athlete Support Personnel* who participates as coach, trainer, manager, *Team* staff, official, medical or para-medical personnel in an *Event* or activity authorized or organised by an *NF* or one of its member

organisations to agree to be bound by anti-doping rules in conformity with the *Code* as a condition of such participation.

- 20.2.6 To notify the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation as provided in Article 14.1.1.
- 20.2.7 To enforce any sanction imposed by the *IPC*.
- 20.2.8 To withhold some or all funding and/or other benefits, during any period of his or her Ineligibility, to any *Athlete* or *Athlete Support Personnel* who has violated anti-doping rules.
- 20.2.9 To withhold some or all funding to their members or recognised *NFs* that are not in compliance with the *Code*.
- 20.2.10 To vigorously pursue all potential anti-doping rule violations within their jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.2.11 To be prepared to represent *Athletes* or other Individuals before an *IPC* hearing body addressing whether an anti-doping rule violation has been committed during an *Event* for which the *IPC* has results management authority.
- 20.2.12 To promote anti-doping education.
- 20.2.13 To co-operate with relevant national organisations and agencies and other *Anti-Doping Organisations*.

**20.3 Additional roles and responsibilities of the *IPC* as a *Major Event Organisation***

These additional provisions apply to the *IPC* as a *Major Event Organisation* and take precedence over the other provisions of the *Code* dealing with the same subject matters.

*[Comment to Article 20.3: As set out in the preamble to the Code, the IPC has multiple functions as global governing body of the Paralympic Movement, as an International Federation for some sports and as a Major Event Organisation which sanctions Events such as the Paralympic Games. These provisions set out those requirements which must be substituted for other provisions of the Code when the IPC is acting as a Major Event Organisation. They include particular Event-related requirements for TUE administration, for testing, for results management and for education and prevention.]*

- 20.3.1 To adopt and implement anti-doping policies and rules for its *Events* which conform to the *Code*.

- 20.3.2** To require the transfer of governance from other *International Federations* to the *IPC* relating to all anti-doping matters for an *Event* which is under jurisdiction of the *IPC* for which the *IPC* is the *Major Event Organiser*, such as a Paralympic Games, in which those *International Federations* are participating.
- 20.3.3** To take appropriate action to discourage noncompliance with the *Code* as provided in *WADC* Article 23.5, and the *International Standard for Code Compliance by Signatories*.
- 20.3.4** To require all *Athletes*, and each *Athlete Support Personnel* 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.
- 20.3.5** *TUE* administration during *Events*
- 20.3.5.1** *Athletes* who wish to *Use* a *Prohibited Substance* or a *Prohibited Method* in connection with the *Event* and do not already have a *TUE* should apply to the *IPC* Medical Committee for a *TUE* as soon as the need arises and in any event (save in emergency or exceptional circumstances) at least 30 days before the *Event*. The *IPC* Medical Committee shall promptly evaluate the application in accordance with the *International Standard for Therapeutic Use Exemptions* and render a decision as quickly as possible. Those decisions shall be reported via *ADAMS*. The provisions of the *International Standard for Therapeutic Use Exemptions* and the specific protocols of the *IPC* shall be complied with during the whole process and applied automatically. *TUEs* granted by the *IPC* Medical Committee shall be effective for the *IPC's* *Events* only, except where the *IPC* is the *International Federation for the sport*.
- [Comment to Article 20.3.5.1: Article 4.4.4.1 of the WADC requires a Major Event Organisation to ensure a process is available for an Athlete to apply for a TUE if he or she does not already have one. The IPC may use its own therapeutic use exemption committee, the IPC Medical Committee, or may outsource this function to a suitably qualified third party].*
- 20.3.5.2** A decision by the *IPC* not to recognise or not to grant a *TUE* may be appealed by the *Athlete* exclusively to the independent body appointed by the *IPC* for that purpose. If the *Athlete* does not appeal (or *WADA* decides to uphold the refusal to grant/recognize the *TUE* and so rejects the appeal), the *Athlete* may not *Use* the substance or method in question in connection with the *Event*, but any *TUE*

granted by his/her *National Anti-Doping Organisation* or *International Federation* for that substance or method remains valid outside of that *Event*.

20.3.5.3 WADA may review the *IPC's* decisions on *Event TUEs* at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, WADA will not interfere with it. If the *TUE* decision does not meet those criteria, WADA will reverse it.

20.3.5.4 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.

### 20.3.6 Testing during Events

20.3.6.1 This Code shall apply to all *Doping Controls* over which the *IPC* has jurisdiction.

#### 20.3.6.2 Authority to conduct *Testing*

20.3.6.2.1 Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *WADC*, the *IPC* shall have *In-Competition Testing* authority for the *Event Period* 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 *IPC* for a future *Event*. At the request of the *IPC*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with the *IPC*.

20.3.6.2.2 The *IPC* may require any *Athlete* over whom it has *Testing* authority to provide a *Sample* at any time and at any place.

*[Comment to Article 20.3.6.2.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the IPC will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether the IPC had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]*

20.3.6.2.3 Subject to Article 5.3.1 of the *WADC*, the *IPC* shall have exclusive authority to initiate and direct *Testing* at the *Event Venue* during the *Event Period*. In accordance with Article 5.3.1 of the *WADC*, not only the *IPC* but also other *Anti-Doping Organisations* with *Testing* authority over *Athletes* participating at the *Event* may test such *Athletes* during the *Event Period* outside of the *Event Venues*. Such

*Testing* shall be coordinated with *IPC*. Results management related to such testing shall be the responsibility of the *IPC* in accordance with Article 20.3.7.

- 20.3.6.2.4 *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *WADC*.
- 20.3.6.3 Delegation of responsibility, overseeing and monitoring of *Doping Control*
- 20.3.6.3.1 The *IPC* has the authority to appoint any *Sample Collection Authority* (as defined in the *International Standard for Testing and Investigations*) it deems appropriate to collect *Samples* on its behalf. Such *Sample Collection Authority* shall comply with the *Code* and the *International Standard for Testing and Investigations* in respect of such *Testing*.
- 20.3.6.4 *Athlete* whereabouts information
- 20.3.6.4.1 Where an *Athlete* is in a *Registered Testing Pool*, the *IPC* may access his/her *Whereabouts Filings* (as defined in the *International Standard for Testing and Investigations*) for the period for which the *Athlete* is subject to the *IPC's Testing* authority. The *IPC* will access the *Athlete's Whereabouts Filings* not via the *Athlete* but rather via the *International Federations* or *National Anti-Doping Organisation* that is receiving the *Athlete's Whereabouts Filings*. The *IPC* will not require the *Athlete* to file any different whereabouts information with it.
- 20.3.6.4.2 Where an *Athlete* is not in a *Registered Testing Pool* in the period for which the *Athlete* is subject to the *IPC's Testing* authority, the *IPC* may require him/her to provide such information about his/her whereabouts in that period as it deems necessary and proportionate in order to conduct *Testing* upon him/her, up to and including information equivalent to the *Whereabouts Filings* that an *Athlete* would have to make in accordance with the *International Standard for Testing and Investigations* if he/she were in a *Registered Testing Pool*.
- 20.3.6.4.3 Whereabouts information relating to an *Athlete* shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the *WADC*, and shall be destroyed in accordance with the *International Standard for the Protection of Privacy and Personal Information* once it is no longer relevant for these purposes.

#### 20.3.6.4.4 Review of whereabouts failures

20.3.6.4.4.1 The *IPC* shall refer potential Filing Failures and Missed Tests (as defined in the *International Standard for Testing and Investigations*) to whichever of the *Athlete's International Federation* and *National Anti-Doping Organisation* receives that *Athlete's Whereabouts Filings* and so has responsibility for results management of whereabouts failures by that *Athlete*.

20.3.6.4.4.2 Where an *Athlete* who is not in a *Registered Testing Pool* is required to submit whereabouts information to the *IPC* in accordance with Article 20.3.6.4.2, the *IPC* may consider those non-compliances as whereabouts failures under Article 2.4.

#### 20.3.7 Results management during Events

20.3.7.1 The *IPC* will be responsible for conducting all results management relating to *Doping Control* conducted by the *IPC* and/or any *Sample* collection authority collecting *Samples* under its authority.

20.3.7.2 Results management conducted in connection with *Events* shall only determine if a period of *Ineligibility* is to be imposed in those cases for which the *IPC* is the *International Federation* for the *Athlete's* or other *Person's* sport.

20.3.7.3 The *Consequences of Anti-doping Rule Violations* over and above those relating to the *Event* and the conduct of additional hearings as a consequence of hearings and decisions by the *IPC*, in cases where the *IPC* is not the *International Federation* for the sport, shall be managed by the relevant *International Federation*.

#### 20.3.7.4 Event hearings

Hearings held in connection with *Events* shall be conducted by the expedited process under Article 8.3 above.

*[Comment to Articles 20.3.7: All hearings shall be expedited, except when the laboratory results are not received in time before the close of the Event.]*

20.3.8 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.

20.3.9 To accept bids for *Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO*

*Convention and the National Olympic Committee and National Anti-Doping Organisation are in compliance with the WADC.*

- 20.3.10** To promote anti-doping education. The *IPC* shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport for the *Event* on at least the issues listed at Article 19.2 of the *Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programmes.
- 20.3.11** To co-operate with relevant national organisations and agencies and other *Anti-Doping Organisations*.
- 20.4 Roles and responsibilities of IFs**
- 20.4.1** To adopt and implement anti-doping policies and rules which conform with the *Code*.
- 20.4.2** To require as a condition of membership that the policies, rules and programmes of *NFs* are in compliance with the *Code* and to take appropriate action to enforce that condition.
- 20.4.3** To require all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in an *Event* or activity authorised or organised by the *IF* or one of its member organisations to agree to be bound by anti-doping rules in conformity with the *Code* as a condition of such participation.
- 20.4.4** To require *Athletes* who are not regular members of the *IF* or one of its member *NFs* be available for *Sample* collection and to provide accurate and up-to-date whereabouts information as part of the *IF's Registered Testing Pool* consistent with the conditions for eligibility established by the *IF* or, as applicable, the *Major Event Organisation*.
- 20.4.5** To require each of its *NFs* to establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, *Team* staff, official, medical or paramedical personnel in an *Event* or activity authorised or organised by a *NF* or one of its member organisations to agree to be bound by anti-doping rules in conformity with the *Code* as a condition of such participation.
- 20.4.6** To take appropriate action to discourage non-compliance with the *Code* as provided in *WADC* in accordance with Article 23.5, and the International Standard for Code Compliance by *Signatories*.
- 20.4.7** To authorise and facilitate the Independent Observer Programme at *International Events*.
- 20.4.8** To withhold some or all funding to their member *NFs* that are not in compliance with the *Code*.

- 20.4.9 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.
- 20.4.10 To accept bids for World Championships and other International Events only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee* and *National Anti-Doping Organisation* are in compliance with the Code.
- 20.4.11 To promote anti-doping education.
- 20.4.12 To co-operate with relevant national organisations and agencies and other *Anti-Doping Organisations*.

## 20.5 Roles and responsibilities of *Athletes*

- 20.5.1 To be knowledgeable of and comply with this Code.
- 20.5.2 To be available for *Sample* collection at all times.  
*[Comment to Article 20.5.2: 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.]*
- 20.5.3 To take responsibility, in the context of anti-doping, for what they ingest and Use.
- 20.5.4 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 this Code.
- 20.5.5 To disclose to their *National Anti-Doping Organisation* and to the *IPC* any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.
- 20.5.6 To co-operate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 20.5.7 Failure by any *Athlete* to co-operate in full with the *IPC's* investigating anti-doping rule violations may result in a charge of misconduct under the *IPC's* Code of Ethics.

## 20.6 Roles and responsibilities of *Athlete Support Personnel*

- 20.6.1 To be knowledgeable of and comply with this Code.
- 20.6.2 To co-operate with the *Athlete Testing* programme.
- 20.6.3 To use their influence on *Athlete* values and behaviour to foster anti-doping attitudes.
- 20.6.4 To disclose to his or her *National Anti-Doping Organisation* and to the *IPC* any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous 10 years.
- 20.6.5 To co-operate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 20.6.6 Failure by any *Athlete Support Personnel* to co-operate in full with the *IPC's* investigating anti-doping rule violations may result in a charge of misconduct under the *IPC's* Code of Ethics.
- 20.6.7 *Athlete Support Personnel* shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.
- [Comment to article 20.6.7: 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. In those situations where Use of a Prohibited substance or a 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.]*
- 20.6.8 Use or Possession of a Prohibited Substance or Prohibited Method by an *Athlete Support Personnel* without valid justification may result in a charge of misconduct under the *IPC's* Code of Ethics.

## 21 INTERPRETATION OF THE *WADC*

- 21.1 The official text of the *WADC* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 21.2 The comments annotating various provisions of the *WADC* shall be used to interpret the *WADC*.
- 21.3 The *WADC* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.

- 21.4 The headings used for the various parts and Articles of the *WADC* are for convenience only and shall not be deemed part of the substance of the *WADC* or to affect in any way the language of the provisions to which they refer.
- 21.5 The *WADC* shall not apply retroactively to matters pending before the date the *WADC* is accepted by a *Signatory* and implemented in its rules. However, pre-*WADC* 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-*WADC* violations.
- 21.6 The Purpose, Scope and Organisation of the World Anti-Doping Programme and the *WADC* and the *WADC*'s APPENDIX 1, DEFINITIONS and APPENDIX 2, EXAMPLES OF THE APPLICATION OF ARTICLE 10, shall be considered integral parts of the *WADC*.

## **22 AMENDMENT AND INTERPRETATION OF THE *CODE***

- 22.1 This *Code* may be amended from time to time by the *IPC*.
- 22.2 This *Code* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes, except for the *WADC*.
- 22.3 The headings used for the various parts and Articles of this *Code* are for convenience only and shall not be deemed part of the substance of this *Code* or to affect in any way the language of the provisions to which they refer.
- 22.4 The *WADC* and the *International Standards* shall be considered integral parts of this *Code* and shall prevail in case of conflict.
- 22.5 This *Code* has been adopted pursuant to the applicable provisions of the *WADC* and shall be interpreted in a manner that is consistent with applicable provisions of the *WADC*. The Preamble shall be considered an integral part of this *Code*.
- 22.6 The comments annotating various provisions of the *WADC* and this *Code* shall be used to interpret this *Code*.
- 22.7 **Transitional provisions**
- This *Code* has come into full force and effect on 1 January 2015 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

- 22.7.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
- 22.7.2 The retrospective period in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the body hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.
- 22.7.3 Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the *International Standard for Testing and Investigations*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Testing and Investigation*, but it shall be deemed to have expired 12 months after it occurred.
- 22.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *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 Organisation* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of this *Code*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. This *Code* shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.
- 22.7.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had this *Code* been applicable, shall be applied.

## **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 entity that, consistent with the *International Standard* for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

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

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

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

Consequences set forth in the Code (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any Person who competes in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is an Athlete.

*[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping programme beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation 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 Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]*

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

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

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

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

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

*CAS*: The Court of Arbitration for Sport.

*Code*: The *IPC Anti-Doping Code*.

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

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

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

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

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

*Event*: A series of individual *Competitions* conducted together under one ruling body (e.g., the Paralympic Games, the Parapan 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 behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2.

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

**In-Competition:** "*In-Competition*" means the period commencing 12 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 Programme:** A group of observers, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process at certain *Events* and report on their observations.

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

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

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

**International-Level Athlete:** *Athletes* from *IPC* sports that meet the performance standards as defined by their International Federation. These performance standards are published on the respective *IPC* sport websites under the anti-doping section and will be updated annually. *Athletes* from sports for which the *IPC* is not the International Federation and who are participating at a Paralympic Games or any other major multi-sport event under *IPC* jurisdiction, are considered *International-Level Athletes* only for the purposes of those *Events*.

*[Comment: Consistent with the International Standard for Testing and Investigations, the IPC 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 WADC. 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*.

**IPC:** International Paralympic Committee.

**IPC Eligibility Code Form:** The official IPC document that outlines the rules and regulations that Athletes and Athlete Support Personnel shall observe, comply and abide with at IPC Events and Paralympic Games and Paralympic Winter Games.

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

**Marker:** A compound, group of compounds or biological 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 18 years.

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

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

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

**National Olympic Committee:** The organisation recognised by the International Olympic Committee. The term *National Olympic Committee* shall also include the

National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

*National Paralympic Committee (NPC)*: A national organisation recognised by the *IPC* as the sole representative of the Paralympic Movement in that country or territory to the *IPC*, and recognized as such by the respective National Sports Council or similar highest sports authority within a country.

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

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

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

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

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

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

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

purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

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

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

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

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

*Provisional Hearing*: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 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 final 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 Violations* above.

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

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

*Registered Testing Pool*: The pool of highest-priority *Athletes* established separately at the international level by the *IPC*, by International Federations and at the national level by *National Anti-Doping Organisations*, who are subject to

focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organisation's* Test Distribution Plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the Code and the *International Standard for Testing and Investigations*.

*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 WADC and agreeing to comply with the WADC, as provided in Article 23 of the WADC.

*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 Organisation* in order to establish an anti-doping rule violation.

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

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

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

*Team*: A combination of *Participants* playing as one entity in a sport. This definition of *Team* includes for example not only those of *Team Sports* but also others where substitution of players is not permitted, a double, pair, relay, crew, horse and rider and visually impaired *Athlete* with guide and/or pilot.

*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 Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

TUE: Therapeutic Use Exemption, as described in Article 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 October 19, 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

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

WADA: The World Anti-Doping Agency.

WADC: The World Anti-Doping Code.

## **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 body would analyse 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 body 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 body would otherwise impose a period of *Ineligibility* of 16 months.)
3. In a third step, the body 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 body 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 body 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 organisation 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 Organisation* 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 Organisation* 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 Article 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 body 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 organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

### **EXAMPLE 3**

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

### **APPLICATION OF CONSEQUENCES:**

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

2. In a second step, the panel would analyse 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 organisation 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 organisation 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 Organisation*.

#### **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 organisation 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.