

**2027 ANTI-DOPING RULES FOR
SLOVAK ANTI-DOPING AGENCY (SADA)**

EFFECTIVE AS OF 1 JANUARY 2027
VERSION 1.0

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SADA ANTI-DOPING RULES

INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented in accordance with SADA's responsibilities under the *Code*, and in furtherance of SADA's continuing efforts to eradicate doping in sport in Slovakia.

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

As provided in the *Code*, SADA shall be responsible for conducting all aspects of *Doping Control*. Subject to the requirements in Article 20 of the *Code*, any aspect of *Doping Control* or anti-doping *Education* may be delegated by SADA to a *Delegated Third Party*, however, SADA shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code*, *International Standards*, and these Anti-Doping Rules. Furthermore, SADA shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*. When SADA has delegated its responsibilities to implement part or all of *Doping Control* to the *Delegated Third Party*, any reference to SADA in these Rules should be intended as a reference to that *Delegated Third Party*, where applicable and within the context of the aforementioned delegation. SADA may delegate its *Results Management* adjudication responsibilities to the CAS Anti-Doping Division or other *Delegated Third Party*.

Notwithstanding the foregoing, SADA shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *Delegated Third Party* where such delegation could reasonably lead to a potential or actual conflict of interest. Moreover, due to the potential conflict of interest, SADA shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *National Federation*, or any other national sports governing body or other national sports organization.

Italicized terms in these Anti-Doping Rules are defined terms in Appendix 1.

Unless otherwise specified, references to Articles are references to Articles of these Anti-Doping Rules.

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

Anti-doping is primarily an ethical position based on a vision of the spirit of sport.

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is known as "the spirit of sport": the ethical pursuit of athletic excellence through the dedicated perfection of each *Athlete's* natural talents.

Anti-doping endeavors to preserve the spirit of sport.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for the rules, and other competitors, the right to fair competition, and the value of clean sport to the world.

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

- Community
- Equality
- Fun and joy
- Respect
- Solidarity

Therefore, in the spirit of sport, *Athletes* demonstrate values such as:

- Accomplishment
- Commitment
- Courage
- Discipline
- Excellence in performance
- Fair play
- Honesty
- Personal responsibility

Equally, *Athlete Support Personnel* have a fundamental role to both demonstrate and promote these values, including the fun and joy of sport, to ensure positive sporting experiences for *Athletes*.

Anti-doping programs seek both to protect the health of *Athletes* and to provide the opportunity for *Athletes* to develop and express their athletic abilities without the *Use of Prohibited Substances and Methods*.

Values embedded in anti-doping programs include:

- *Athletes'* rights and responsibilities as set forth in the *Code*
- Cooperation with others
- *Education* and knowledge
- Fairness
- Health
- Respect for human rights
- Respect for rules, laws and justice

The spirit of sport is expressed in how we 'Play True'.

Doping is fundamentally contrary to the spirit of sport.

The National Anti-Doping Program

SADA was established under Act No. 440/2015 Coll. on Sport, as amended (hereinafter referred to as the "**Sports Act**"), with the objective of acting as the *National Anti-Doping Organization* for Slovakia. As such, and in accordance with Article 20.5.1 of the *Code* and the requirements of *National Anti-Doping Organization Operational Independence*, SADA notably has the necessary authority and responsibility to be independent in its operational decisions and activities from sport and government. Without limitation, this includes the requirement to establish sufficient legal, organizational, procedural and/or contractual safeguards in order to prevent any undue influence, interference, or involvement in its management or operational activities to ensure the independent implementation of its anti-doping program. It also includes the prohibition of any involvement in its management or operational activities by any *Person* who has a real or potential conflict of interest regarding the implementation of SADA's operational activities, including, without limitation, when such *Person* is concurrently involved in the management or operations of SADA and the management or operational activities of a *National Federation* or other national sports organization or government department with responsibility for sport or anti-doping.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to:

- (a) SADA, including its board members, directors, officers, senior executives and employees, and employees of *Delegated Third Parties*, who are involved in any aspect of *Doping Control*;
- (b) *National Federations* of Slovakia, including their board members, directors, officers, senior executives and employees;
- (c) the following *Athletes*, *Athlete Support Personnel* and other *Persons* (including *Protected Persons*), in each case, whether or not such *Person* is a national or resident of Slovakia:
 - (i) all *Athletes* and *Athlete Support Personnel* who are members or license-holders of any *National Federation* in Slovakia, or of any member or affiliate organization of any *National Federation* in Slovakia (including any clubs, teams, associations, or leagues);
 - (ii) all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions*, and other activities organized, convened, authorized or recognized by any *National Federation* in Slovakia, or by any member or affiliate organization of any *National Federation* in Slovakia (including any clubs, teams, associations or leagues), wherever held;
 - (iii) any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of any *National Federation* in Slovakia, or of any member or affiliate organization of any *National Federation* in Slovakia (including any clubs, teams, associations or leagues), for purposes of anti-doping; and
 - (iv) all *Athletes* and *Athlete Support Personnel* who participate in any capacity in any activity organized, held, convened or authorized by the organizer of a *National Event* or of a national league that is not affiliated with a *National Federation*.¹
 - (v) *Recreational Athletes*, i.e., any *Person* who engages or participates in sport or fitness activities for recreational purposes but who would not otherwise compete in *Competitions* or *Events* organized, recognized, or hosted by a *National Federation*, or by any affiliated or non-affiliated association, organization, club, team, or league and who, within the five (5) years prior to committing any anti-doping rule violation has, in the same sport, not been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing*) or *National-Level Athlete* (as defined by SADA or other *National Anti-Doping Organization* consistent with the *International Standard for Testing*); has not participated in the sport in a professional capacity;² has competed in an *International Event* or *National Event*; has not represented Slovakia or any other country in an *International Event* in an open category³ ; or has not been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation, SADA or other *National Anti-Doping Organization*.

1 [Comment to point (iv): These organizing bodies shall be incorporated into the national anti-doping program.]

2 [Comment to Recreational Athlete: With respect to the term “professional capacity,” further guidance may be provided in the *International Standard for Results Management* or guidelines.]

3 [Comment to Recreational Athletes: The term “open category” is meant to exclude competition that is limited to junior or age group categories. Those circumstances where a *Protected Person*, *Minor* or *Recreational Athlete* is to be treated differently than other *Persons* or *Athletes* have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]

- (d) all other *Persons* over whom the *Code* gives SADA authority, including all *Athletes* who are nationals or residents of Slovakia, and all *Athletes* who are present in Slovakia, whether to compete or to train or otherwise.

Each of the abovementioned *Persons* is deemed, as a condition of their participation or involvement in sport in Slovakia, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of SADA to enforce these Anti-Doping Rules, including any *Consequences* for the breach thereof, and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules.⁴

Within the overall pool of *Athletes* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Athletes* shall be considered to be *National-Level Athletes* for the purposes of these Anti-Doping Rules, and, therefore, the specific provisions in these Anti-Doping Rules applicable to *National-Level Athletes* (e.g., *Testing*, *Therapeutic Use Exemptions*, whereabouts, and *Results Management*) shall apply to such *Athletes*:

- (a) *Athletes* who are members or license holders of any *National Federation* in Slovakia or any other organization affiliated with a *National Federation* including associations, clubs, teams or leagues.
- (b) *Athletes* who train or compete at any *Competitions*, *Events*, or activities, which are organized, recognized, or hosted by a *National Federation*, by any affiliated association, organization, club, team, or league or by the government in Slovakia.
- (c) Any other *Athlete* who by virtue of an accreditation, a license or any other contractual arrangement, falls within the competence of a *National Federation* in Slovakia or any affiliated association, organization, club, team, or league in Slovakia for the purposes of fighting doping in sport in Slovakia.
- (d) *Athletes* who participate in any activity organized, recognized, or hosted by a *National Event* organizer or any other national league and which is not otherwise affiliated with a *National Federation*.

However, if any such *Athletes* are classified by their respective International Federations as *International-Level Athletes* then they shall be considered to be *International-Level Athletes* (and not *National-Level Athletes*) for purposes of these Anti-Doping Rules.

⁴ [Comment: Where the *Code* requires a *Person* other than an *Athlete* or *Athlete Support Person* to be bound by the *Code*, such *Person* would of course not be subject to Sample collection or *Testing*, and would not be charged with an anti-doping rule violation under the *Code* for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such *Person* would only be subject to discipline for a violation of *Code* Articles 2.5 (Tampering), 2.7 (Trafficking), 2.8 (Administration), 2.9 (Complicity), 2.10 (Prohibited Association) and 2.11 (Retaliation). Furthermore, such *Person* would be subject to the additional roles and responsibilities according to *Code* Article 21.3. Also, the obligation to require an employee to be bound by the *Code* is subject to applicable law.

SADA shall ensure that, as per Article 18 of these Anti-Doping Rules, any arrangements with their board members, directors, officers, senior executives, and specified employees, as well as with the Delegated Third Parties and their employees – either employment, contractual or otherwise – have explicit provisions incorporated according to which such *Persons* are bound by, agree to comply with these Anti-Doping Rules, and agree on SADA's authority to solve anti-doping cases.]

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *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 2.1.⁵

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 analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or where the *Athlete's A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.⁶

2.1.3 Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported 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*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

5 [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. An anti-doping rule violation for Presence is established when a *Prohibited Substance* is detected in the *Sample* of an *Athlete* who was subject to rules adopted pursuant to the Code at the time of *Sample* collection, regardless of whether the *Athlete* was subject to the Code at the time the *Prohibited Substance* was Used.]

6 [Comment to Article 2.1.2: The Anti-Doping Organization with Results Management authority may, at its discretion, choose to have the *B Sample* analyzed even if the *Athlete* does not request the analysis of the *B Sample*.]

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method⁷

2.2.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies 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.⁸

2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.⁹

2.4 Whereabouts Failures by an Athlete

Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard for Results Management*, 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 by an Athlete or Other Person¹⁰

⁷ [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 Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other *Sample*.]

⁸ [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.)

To establish an anti-doping rule violation under this Article 2.2, the alleged *Use* or *Attempted Use* shall have occurred when the *Athlete* was bound by rules adopted pursuant to the Code. However, this does not preclude an Anti-Doping Organization or other sport organization from adopting and enforcing eligibility rules that allow the organization to deny or revoke the membership of a *Person* who engaged in conduct, before being bound by rules adopted pursuant to the Code, where such conduct would have constituted an anti-doping rule violation had it occurred while the *Person* was bound by rules adopted pursuant to the Code.]

⁹ [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*.]

¹⁰ [Comment to Article 2.5: the mere failure by an *Athlete*, *Athlete Support Person* or other *Person* to cooperate with Anti-Doping Organizations investigating anti-doping rule violations or violations of Article 10.14.1 does not constitute

2.6 Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person

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* 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 *Therapeutic Use Exemption* granted to an Athlete in accordance with Article 4.4 or other acceptable justification.¹¹

2.7 Trafficking or Attempted Trafficking by an Athlete or Other Person

2.8 Administration or Attempted Administration by an Athlete or Other Person

2.9 Complicity or Attempted Complicity by an Athlete or Other Person

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another Person.¹²

2.10 Prohibited Association by an Athlete or Other Person

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

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

2.10.1.2 If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such Person. The disqualifying status of such Person shall be in

Tampering under Article 2.5. Such failure to cooperate may, however, be the basis for disciplinary action under a Signatory's rules where such rules include appropriate procedural safeguards.]

¹¹ [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 Articles 2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a Therapeutic Use Exemption.]

¹² [Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]

force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2 To establish a violation of Article 2.10, an *Anti-Doping Organization* shall establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping Organizations that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.¹³

2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation, an alleged violation of Article 10.14.1, or an alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.

2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation, an alleged violation of Article 10.14.1, or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.¹⁴

¹³ [Comment to Article 2.10: *Athletes and other Persons shall 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. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. 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.*

While Article 2.10 does not require the *Anti-Doping Organization* to notify the *Athlete* or other *Person* about the *Athlete Support Person's* disqualifying status, such notice, if provided, would be important evidence to establish that the *Athlete* or other *Person* knew about the disqualifying status of the *Athlete Support Person*.]

¹⁴ [Comment to Article 2.11.2: *This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.*]

[Comment to Article 2.11.2: *Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organization asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Article*

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

SADA shall have the burden of establishing that an anti-doping rule violation, or a violation of Article 10.14.1 has occurred. The standard of proof shall be whether SADA has established an anti-doping rule violation, or a violation of Article 10.14.1 to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. **15** Where these Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation, or violation of Article 10.14.1 to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations, or violations of Article 10.14.1 may be established by any reliable means, including admissions. **16** The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or *Decision Limits* approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or 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. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. **17**

2.11, a report is not made in good faith where the Person making the report knows the report to be false.]

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

16 [Comment to Article 3.2: For example, SADA 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. The results of lie-detector tests shall not be considered reliable analytical or scientific evidence.]

17 [Comment to Article 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]

- 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 SADA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.¹⁸

- 3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation;¹⁹ provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then SADA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or whereabouts failure:²⁰

- (i) a departure from the *International Standard* for *Testing* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case SADA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (ii) a departure from the *International Standard* for *Results Management* or *International Standard* for *Testing* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case SADA shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the *International Standard* for *Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case

¹⁸ [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*. Thus, once the *Athlete* or other *Person* establishes the departure by a balance of probability, the *Athlete* or other *Person*'s burden on causation is the somewhat lower standard of proof– “could reasonably have caused.” If the *Athlete* or other *Person* satisfies these standards, the burden shifts to SADA to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.]

¹⁹ [Comment to Article 3.2.3: Departures from an *International Standard* or other rule unrelated to *Sample* collection or handling, *Adverse Passport Finding*, or *Athlete* notification relating to whereabouts failure or B *Sample* opening – e.g., the *International Standard* for Education, *International Standard* for Data Protection, *International Standard* for Intelligence and Investigations or *International Standard* for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the *Athlete* committed an anti-doping rule violation. Similarly, a Signatory's violation of its anti-doping Education responsibilities under Article 20 of the *Code* shall not constitute a defense to an anti-doping rule violation.]

²⁰ [Comment to Article 3.2.3: For the avoidance of doubt, an *Athlete*'s assertion of an alleged “fundamental” breach of any *International Standard* or other anti-doping rule or policy set forth in the *Code* or in an Anti-Doping Organization's rules cannot invalidate an *Adverse Analytical Finding* or anti-doping rule violation unless the *Athlete* can also establish that the breach could reasonably have caused the *Adverse Analytical Finding* or anti-doping rule violation.]

SADA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;²¹

- (iv) a departure from the *International Standard for Results Management* related to *Athlete* notification or attempts to locate the *Athlete* which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case SADA shall have the burden to establish that such departure did not cause the whereabouts failure.

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 (and who has been charged with an anti-doping rule violation or violation of Article 10.14.1) of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.²²

3.2.5 The hearing panel in a hearing on an anti-doping rule violation, or a violation of Article 10.14.1 may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation, or a violation of Article 10.14.1 based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or SADA.

ARTICLE 4 THE PROHIBITED LIST & THERAPEUTIC USE EXEMPTIONS

4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as an *International Standard* as described in Article 4.1 of the *Code*.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication by WADA without requiring any further action by SADA. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

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

4.2.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The

²¹ [Comment to Article 3.2.3 (iii): SADA would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.]

²² [Comment to Article 3.2.4: For the avoidance of doubt, this provision shall not apply to decisions on provisional suspensions.]

Prohibited List may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.²³

4.2.2 Specified Substances or Specified Methods

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*. *Specified Substances* and *Specified Methods* identified in this Article should not in any way be considered less important or less dangerous than other doping *Substances* or *Methods*. Rather, they are simply *Substances* and *Methods* which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.²⁴

4.2.3 Substances of Abuse

For purposes of applying Article 10, *Substances of Abuse* are those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are more frequently abused in society outside of the context of sport.

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*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge 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

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 *Therapeutic Use Exemption* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.

4.4.2 Therapeutic Use Exemption Applications

4.4.2.1 Any *Athlete* who is not an *International-Level Athlete* shall apply to SADA for a *Therapeutic Use Exemption*. Applications should be made as soon as possible, save where Article 4.3 of the

²³ [Comment to Article 4.2.1: Out-of-Competition Use of a Substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the Substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]

²⁴ [Comment to Article 4.2.2: Prohibited Substances which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance would include, for example, marijuana or prohibited stimulants found in cold medications.]

International Standard for Therapeutic Use Exemptions applies. The application shall be made in accordance with the *International Standard for Therapeutic Use Exemptions*.

4.4.2.2 SADA shall establish a panel (*Therapeutic Use Exemption Committee* ("TUEC")) to consider applications for the grant of *Therapeutic Use Exemptions* in accordance with Article 4.4.2.2(a)-(f) below:

- (a) The TUEC shall consist of a physician Chair and a pool of at minimum three (3) other members with experience in the care and treatment of *Athletes* and sound knowledge of clinical, sports and exercise medicine. Each appointed member shall serve a term of three (3) years, which may be renewed.
- (b) Before serving as a member of the TUEC, each member shall sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of SADA.
- (c) When an application to SADA for the grant of a *Therapeutic Use Exemption* is made, the Chair of the TUEC shall appoint three (3) members (which may include the Chair) from the pool of TUEC members to consider the application.
- (d) Before considering a *Therapeutic Use Exemption* application, each member shall disclose to the Chair any circumstances likely to affect their impartiality with respect to the *Athlete* making the application. If a member appointed by the Chair to consider an application is unwilling or unable to assess the *Athlete's Therapeutic Use Exemption* application, for any reason, the Chair may appoint a replacement member or appoint a new TUEC (e.g., from the pre-established pool of candidates). The Chair cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the *Therapeutic Use Exemption* decision.
- (e) When assessing a *Therapeutic Use Exemption* application, the TUEC may seek the assistance of such other medical or scientific experts as it deems appropriate.
- (f) Decisions on *Therapeutic Use Exemption* applications should ideally be reached through consensus of the TUEC, with further input from other physicians and/or experts, if necessary. If consensus cannot be reached, a majority decision will be made.

4.4.2.3 The TUEC shall evaluate and decide upon the *Therapeutic Use Exemption* application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and, unless exceptional circumstances apply, as soon as possible, and usually within no more than twenty-one (21) days of receipt of a complete application. Where the *Therapeutic Use Exemption* application is made in a reasonable time prior to an *Event*, the TUEC shall use its best endeavors to issue its decision before the start of the *Event*.

4.4.2.4 The TUEC decision shall be the final decision of SADA and may be appealed in accordance with Article 4.4.6. SADA TUEC decision shall be notified in writing to the *Athlete*, and to WADA and other *Anti-Doping Organizations* in accordance with the *International Standard for Therapeutic Use Exemptions*. SADA shall ensure that all decisions are promptly entered into ADAMS and, in any event, usually no later than twenty-one (21) days from the date of receipt of the decision.²⁵

4.4.3 Retroactive *Therapeutic Use Exemption* Applications

Retroactive *Therapeutic Use Exemptions* may be granted under the criteria described in the *International Standard for Therapeutic Use Exemptions*.²⁶

4.4.4 *Therapeutic Use Exemption* Recognition

A *Therapeutic Use Exemption* granted by SADA is valid at the national level on a global basis and does not need to be formally recognized by any other *National Anti-Doping Organization*.

If an *Athlete* becomes subject to the *Therapeutic Use Exemption* requirements of an International Federation or a *Major Event Organization*, they should not submit an application for a new *Therapeutic Use Exemption* to the International Federation or *Major Event Organization*. Instead, and unless WADA has granted an exemption under Article 7.2(b) of the *International Standard for Therapeutic Use Exemptions*, all *Therapeutic Use Exemption* decisions that are made pursuant to Code Article 4.4 and are reported in accordance with Article 5.9 of the *International Standard for Therapeutic Use Exemptions* will be automatically recognized by the International Federation or *Major Event Organization*.

If WADA grants an exemption to an International Federation or a *Major Event Organization* pursuant to Article 7.2(b) of the *International Standard for Therapeutic Use Exemptions*, the *Athlete* shall apply for recognition of their *Therapeutic Use Exemption* to the relevant International Federation or *Major Event Organization* in accordance with the *International Standard for Therapeutic Use Exemptions* as follows:

4.4.4.1 Where the *Athlete* already has a *Therapeutic Use Exemption* granted by SADA for the substance or method in question, unless their *Therapeutic Use Exemption* will be automatically recognized by the International Federation or *Major Event*

²⁵[Comment to Article 4.4.2: In accordance with Article 5.2(d) of the *International Standard for Therapeutic Use Exemptions*, SADA may decline to consider advance applications for *Therapeutic Use Exemptions* from National-Level Athletes in sports that are not prioritized by SADA in its test distribution planning. In that case it shall permit any such Athlete who is subsequently tested to apply for a retroactive *Therapeutic Use Exemption*. Additionally, SADA shall publicize such a policy on its website for the benefit of affected Athletes.

The submission of falsified documents to a TUEC or SADA, offering or accepting a bribe to a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or attempted interference with any aspect of the *Therapeutic Use Exemption* process shall result in a charge of Tampering or Attempted Tampering under Article 2.5.

An Athlete should not assume that their application for the grant of a *Therapeutic Use Exemption* (or for renewal of a *Therapeutic Use Exemption*) 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.]

²⁶[Comment to Article 4.4.3: If an Athlete is not granted a retroactive *Therapeutic Use Exemption* in the context of proceedings for an anti-doping rule violation, Article 10.2.4 should also be considered in relation to any period of Ineligibility to be imposed.]

Organization, the *Athlete* shall apply to their International Federation or to the *Major Event Organization* to recognize that *Therapeutic Use Exemption*. If that *Therapeutic Use Exemption* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the International Federation or *Major Event Organization* shall recognize it.

If the International Federation or *Major Event Organization* considers that the *Therapeutic Use Exemption* granted by SADA does not meet those criteria and so refuses to recognize it, the International Federation shall promptly notify the *Athlete* and SADA with reasons. The *Athlete* and/or SADA shall have twenty-one (21) days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6.

If the matter is referred to WADA for review in accordance with Article 4.4.6, the *Therapeutic Use Exemption* granted by SADA 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 within the twenty-one (21) day deadline, SADA shall determine whether the original *Therapeutic Use Exemption* that it granted should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending SADA's decision, the *Therapeutic Use Exemption* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).²⁷

- 4.4.4.2** If the *Athlete* does not already have a *Therapeutic Use Exemption* granted by SADA for the substance or method in question, the *Athlete* shall apply directly to the International Federation for a *Therapeutic Use Exemption* in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* and should do so as soon as possible.

If the International Federation denies the *Athlete's* application, it shall notify the *Athlete* promptly, with reasons.

If the International Federation grants the *Athlete's* application, it shall notify the *Athlete* and SADA. If SADA considers that the *Therapeutic Use Exemption* granted by the International Federation does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to WADA for review.

If SADA refers the matter to WADA for review, the *Therapeutic Use Exemption* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition*

²⁷ [Comment to Article 4.4.4.1: In accordance with the requirements of the *International Standard for Therapeutic Use Exemptions*, SADA will help *Athletes* determine when they need to submit *Therapeutic Use Exemptions* granted by SADA to an International Federation or *Major Event Organization* for recognition and will guide and support those *Athletes* through the recognition process.]

Testing (but is not valid for national-level *Competition*) pending WADA's decision.

If SADA does not refer the matter to WADA for review, the *Therapeutic Use Exemption* granted by the International Federation becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

4.4.5 Expiration, Withdrawal or Reversal of a *Therapeutic Use Exemption*

4.4.5.1 A *Therapeutic Use Exemption* granted pursuant to these Anti-Doping Rules and the *International Standard for Therapeutic Use Exemptions*: (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) will be withdrawn by the TUEC if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *Therapeutic Use Exemption* and/or due to a change in circumstances the *Therapeutic Use Exemption* criteria are no longer met; or (c) 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 their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *Therapeutic Use Exemption* prior to the effective date of expiry, withdrawal, or reversal of the *Therapeutic Use Exemption*. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *Therapeutic Use Exemption* expiry, withdrawal, or reversal, 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 *Therapeutic Use Exemption* Decisions

4.4.6.1 If SADA denies an application for a *Therapeutic Use Exemption*, the *Athlete* may appeal exclusively to the appellate body described in Article 13.2.2, unless provided otherwise in the *International Standard for Therapeutic Use Exemptions*.

4.4.6.2 WADA shall review an International Federation's decision not to recognize a *Therapeutic Use Exemption* granted by SADA that is referred to WADA by the *Athlete* or SADA. In addition, WADA shall review an International Federation's decision to grant a *Therapeutic Use Exemption* that is referred to WADA by SADA. WADA may review any other *Therapeutic Use Exemption* decisions at any time, whether upon request by those affected or on its own initiative. If the *Therapeutic Use Exemption* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, WADA will not interfere with it. If the *Therapeutic Use Exemption* decision does not meet those criteria, WADA will reverse it.²⁸

²⁸ [Comment to Article 4.4.6.2: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

- 4.4.6.3** Unless provided otherwise in the *International Standard for Therapeutic Use Exemptions*, any *Therapeutic Use Exemption* decision by an International Federation that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Athlete* and/or SADA, exclusively to CAS.²⁹
- 4.4.6.4** A decision by WADA to reverse a *Therapeutic Use Exemption* decision may be appealed by the *Athlete*, SADA and/or the International Federation affected, exclusively to CAS.
- 4.4.6.5** A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *Therapeutic Use Exemption* or for review of a *Therapeutic Use Exemption* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of Testing

- 5.1.1** *Testing* may be undertaken for any anti-doping purpose. It shall be conducted in conformity with the provisions of the *International Standard for Testing*.
- 5.1.2** *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (Use or Attempted Use by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*), and for the purposes described in Article 6.2 of the *Code*.

5.2 Authority to Test

- 5.2.1** Subject to the limitations for *Event Testing* set out in Article 5.3, SADA shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").
- 5.2.2** SADA may require any *Athlete* over whom it has *Testing* authority who has not retired (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.³⁰
- 5.2.3** WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.8.11 of the *Code*.

²⁹ [Comment to Article 4.4.6.3: In such cases, the decision being appealed is the International Federation's *Therapeutic Use Exemption* decision, not WADA's decision not to review the *Therapeutic Use Exemption* decision or (having reviewed it) not to reverse the *Therapeutic Use Exemption* decision. However, the time to appeal the *Therapeutic Use Exemption* 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.]

³⁰ [Comment to Article 5.2.2: SADA may obtain additional authority to conduct *Testing* by means of bilateral or multilateral agreements with other Signatories. Unless the *Athlete* has identified a sixty-minute *Testing* window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to *Testing* during that period, SADA 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 SADA had sufficient suspicion for *Testing* during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

5.2.4 If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to SADA, SADA may collect additional *Samples* or direct the laboratory to perform additional types of analysis at SADA's expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organization* shall be notified.

5.2.5 Except where expressly allowed by the *Code* or an *International Standard*, SADA shall not take any action that unduly impedes or interferes with the ability of any other *Anti-Doping Organization* to conduct *Testing*, whether performed directly or through delegation, that is authorized by Article 5 of the *Code* or any other *Code Article* or the *International Standard for Testing*.

5.3 Event Testing

5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in Slovakia, the international organization which is the ruling body for the *Event* shall have authority to conduct *Testing*. At *National Events* held in Slovakia, SADA shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* conducted during the *Event Period* outside of the *Event Venues* shall be coordinated with the ruling body of the *Event*.

5.3.2 If an *Anti-Doping Organization*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures described in the *International Standard for Testing*, ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*. WADA shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be under the authority of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.³¹

5.4 Testing Requirements

5.4.1 SADA shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing* and use ADAMS to coordinate *Testing* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.5 Athlete Whereabouts Information

³¹ [Comment to Article 5.3.2: Before giving approval to SADA to initiate and conduct *Testing* at an *International Event*, WADA shall consult with the international *Anti-Doping Organization* which is the ruling body for the *Event*. Before giving approval to an *International Federation* to initiate and conduct *Testing* at a *National Event*, WADA shall consult with SADA. The *Anti-Doping Organization* "initiating and directing *Testing*" may, if it chooses, enter into agreements with a *Delegated Third Party* to which it delegates responsibility for *Sample collection* or other aspects of the *Doping Control process*.]

- 5.5.1** SADA has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing*. SADA shall coordinate with International Federations to identify such *Athletes* and to collect their whereabouts information.
- 5.5.2** *Athletes* included in a *Registered Testing Pool* shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2.
- 5.5.3** SADA shall make available through ADAMS a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. SADA shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically review the list of *Athletes* in its *Registered Testing Pool* in accordance with the *International Standard for Testing* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing*.
- 5.5.4** Where an *Athlete* is included in a *Registered Testing Pool* by their International Federation and in a *Registered Testing Pool* by SADA, SADA and the International Federation shall agree between themselves which of them shall be the whereabouts custodian; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.
- 5.5.5** Each *Athlete* in the *Registered Testing Pool* shall comply with the whereabouts requirements as set out in the *International Standard for Testing*, including, without limitation: (a) advising SADA of their whereabouts on a quarterly basis; (b) updating that information as necessary so that it remains accurate and complete at all times; and (c) making themselves available for *Testing* at such whereabouts.
- 5.5.6** For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing* shall be deemed a filing failure or a missed test, as defined in Annex B of the *International Standard for Results Management*, where the conditions set forth in Annex B are met.
- 5.5.7** An *Athlete* in SADA's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set out in the *International Standard for Testing* unless and until (a) the *Athlete* gives written notice to SADA that they have retired, in which case SADA shall confirm in writing the *Athlete's* retirement and removal from the *Registered Testing Pool*; or (b) SADA has informed the *Athlete* that they are no longer included in the *Registered Testing Pool*.
- 5.5.8** Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* will be available and accessible through ADAMS to WADA and to other *Anti-Doping Organizations* having authority to test that *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard for Data Protection*.

- 5.5.9** In accordance with the *International Standard for Testing*, SADA may establish an individual *Testing Pool* and or a *Team Sport Testing Pool*.
- 5.5.10** SADA shall notify *Athletes* before they are included in the *Testing Pool* and when they are removed and/or teams before they are included in the *Team Sport Testing Pool* and when they are removed. Such notification shall include the relevant whereabouts requirements as outlined in the *International Standard for Testing* and the consequences that apply if the *Athlete* and/or team, as applicable, fails to comply with those requirements.
- 5.5.11** *Athletes* included in the individual *Testing Pool* shall provide SADA with whereabouts information in ADAMS, Teams included in the *Team Sport Testing Pool* should provide SADA with whereabouts information in ADAMS.
- 5.5.11.1** For *Athletes* from *Individual Sport/disciplines* in an individual *Testing Pool* and teams in a *Team Sport Testing Pool*], the whereabouts information required is as follows:
- (a) *Individual Testing Pool*:
 - i. An overnight address;
 - ii. Primary training location (if an *Athlete* from an *Individual Sport/discipline* does not have a fixed training location, they shall provide the address of the location where they will start and finish their training activity);
 - iii. *Competition / Event* schedule; and
 - iv. As part of filing their whereabouts an accurate passport style photograph in accordance with the requirements in ADAMS to assist with validating the *Athlete's* identity when selected for a test.
 - (b) *Team Sports Testing Pool*:
 - i. List of *Athletes* who are part of the team roster/squad and who may be selected for a *Competition*;
 - ii. Team activities; and
 - iii. *Competition/Event* schedule.
 - (c) For an individual *Testing Pool* and/or a *Team Sport Testing Pool*, a complete mailing address and personal e-mail address where correspondence may be sent to the *Athlete* and/or the team, as applicable, for formal notice purposes. Any notice or other item mailed to that address will be deemed to have been received by the *Athlete* and/or the team at the latest seven (7) days after when it was deposited in the mail and immediately when an e-mail is sent (subject to applicable law).

5.5.11.2

In addition to the mandatory whereabouts requirements listed in Articles 5.5.11.1:

- (a) *Athletes* in an individual *Testing Pool* may file other alternative location(s) such as work or school where the *Athlete* may be located for *Testing* during the quarter. An *Athlete* may also provide travel information that may impact their availability for *Testing*.

- (b) Teams in a Team Sports *Testing Pool* may file other alternative location(s) such as *Athlete* residential address where the *Athlete* may be located outside of Team activities for *Testing* during the quarter.

5.5.11.3 In addition to the mandatory whereabouts requirements listed in this Article 5.5.11, SADA may require *Athletes* in the *Team Sport Testing Pool* to file other individualized location(s) such as their residential address in periods where there are no Team activities (e.g., the off season) or where the *Athlete* is not participating in Team activities (e.g., is rehabilitating after an injury) to enable no advance notice *Testing* of the *Athlete* during these periods. If the whereabouts information requested by SADA is insufficient to conduct no advance notice *Testing* during these periods, the *Athlete* shall be entered into the SADA's *Registered Testing Pool*. Such individualized whereabouts information shall be filed by *Athletes* included in a *Team Sport Testing Pool* in ADAMS to enable better *Testing* coordination with other *Anti-Doping Organizations*.

5.5.12 Where an *Athlete* in the SADA's individual *Testing Pool* and/or a team in the SADA's *Team Sport Testing Pool* fails to provide whereabouts information on or before the date required by SADA or fails to provide accurate whereabouts information in accordance with Article 5.5.11.1, the SADA shall consider elevating the *Athlete* or the *Athletes* on the relevant team, to the SADA's *Registered Testing Pool*. Without limiting the foregoing, three such failures within a twelve (12) month period shall result in the *Athlete* or *Athletes* on the relevant team being elevated to the SADA's *Registered Testing Pool* and the Article 2.4 whereabouts requirements shall apply.

5.6 Retired *Athletes* Returning to Competition

5.6.1 If an *International* or *National-Level Athlete* in SADA's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has agreed to be bound by applicable anti-doping rules and has made themselves available for *Testing*, by giving six-months prior written notice to their International Federation and SADA.

WADA, in consultation with SADA and the *Athlete's* International Federation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the *Athlete*.³² The exemption may be subject to one or more conditions that WADA and the relevant *Anti-Doping Organizations* may impose at their discretion including, without limitation, a minimum number of tests before participation in *International Events* or *National Events* or a restriction of the participation (during the exemption period) to specific *International Events* or *National Events*.

³² [Comment to Article 5.6.1: Where the *Athlete* wishes to return to active participation in a sport different than the sport from which the *Athlete* retired, the relevant International Federation shall be the International Federation for the sport to which the *Athlete* wishes to return.]

A decision by WADA not to grant an exemption may be appealed under Article 13.2.³³

Any competitive results obtained in violation of this Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that they could not have reasonably known that this was an *International Event* or a *National Event*.

- 5.6.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has agreed to be bound by applicable anti-doping rules and has made themselves available for *Testing* by giving prior written notice to SADA and to their *International Federation* for a period of time equal to the greater of (i) the period of *Ineligibility* not yet served as of the date of retirement or (ii) six (6) months.³⁴

5.7 Independent Observer Program

SADA and any organizing committees for *National Events* in Slovakia, shall authorize and facilitate the *Independent Observer Program* at such *Events*.

5.8 Investigations and Intelligence Gathering

SADA shall have the capability to conduct, and shall conduct, investigations and gather intelligence for any anti-doping purpose including, but not limited to, the purposes described in the *Code* and the *International Standard* for Intelligence and Investigations.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited, Approved Laboratories and Other Laboratories

- 6.1.1** For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by SADA.³⁵

- 6.1.2** As provided in Article 3.2, facts related to anti-doping rule violations, or violations of Article 10.14.1, may be established by any reliable means.

³³ [Comment to Article 5.6.1: Guidance for determining whether an exemption is warranted will be provided by WADA.]

³⁴ [Comment to Article 5.6.2: Nothing in the *Code* precludes an *Anti-Doping Organization* or other sport organization from adopting and enforcing eligibility rules that allow the organization to deny or revoke the membership of an *Athlete* who engaged in conduct, during a period of retirement when the *Athlete* was not subject to the *Code*, where such conduct would have constituted an anti-doping rule violation had it occurred while the *Person* was bound by rules adopted pursuant to the *Code*.]

³⁵ [Comment to Article 6.1.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by *Sample* analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other *Articles* may be established using analytical results from other laboratories so long as the results are reliable.]

This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

6.2 Analysis of Samples and Assessment of Analytical Data for Anti-Doping Purposes

Samples and related analytical data or *Doping Control* information shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the *Monitoring Program* described in Article 4.5 of the *Code*, or to assist SADA in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other anti-doping purpose.³⁶

In principle, all *Samples* collected shall be promptly analyzed. However, the *International Standard* for Laboratories or the *International Standard* for Testing may identify specific conditions under which *Samples* may be collected and stored for possible future analysis.

6.3 Research on Samples and Data

Samples, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used without the *Athlete's* written consent where the research involves re-analysis of the *Athlete's* *Sample(s)* for a purpose beyond Article 6.2. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*.³⁷ Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.

6.4 Standards for Sample Analysis and Reporting³⁸

³⁶ [Comment to Article Error: Reference source not found: Other anti-doping purposes would also include, and *Athlete* consent would not be required for, the following, without limitation, a) using *Testing* information to support an anti-doping rule violation proceeding under Article 2.2; b) *Testing* for non-*Prohibited Substances* or *Methods* that are included in the WADA *Monitoring Program* (see *Code* Article 4.5); c) *Testing* for non-*Prohibited Substances* for results interpretation purposes (e.g., confounding factors of the "steroid profile", non-*Prohibited Substances* that share *Metabolite(s)* or degradation products with *Prohibited Substances*); d) *Testing* for non-*Prohibited Substances* or *Methods* (including analyzing *Samples* collected Out-of-Competition for substances prohibited In-Competition only) requested as part of a *Results Management* process by an Anti-Doping Organization with *Results Management* authority, a hearing body or WADA; e) the use of information to direct *Target Testing*; f) the use of analytical data; and g) additional analysis for research or *Quality Assurance* processes as permitted by the *International Standard* for Laboratories, including without limitation: i) improvement of existing analytical methods; ii) development of new analytical methods for detection of presence or Use of substances or methods already prohibited at the time of *Sample* collection, or for substances including in the WADA *Monitoring Program* or targeted for results interpretation purposes; iii) application of methods for detection of presence or Use of substances or methods already prohibited at all time of *Sample* collection to new biological matrices (e.g., blood, DBS, hair, saliva); iv) use of *Samples* as reference collections/quality control samples; v) establishing reference population ranges or new/revised thresholds/Decision Limits for substances or methods already prohibited at the time of *Sample* collection or for other statistical purposes.]

³⁷ [Comment to Article 6.3: As is the case in most medical or scientific contexts, use of *Samples* and related information for *Quality Assurance*, quality improvement, method improvement and development or to establish reference populations is not considered research. *Samples* and related information used for such permitted non-research purposes shall also first be processed in such a manner as to prevent them from being traced back to the particular *Athlete*, having due regard to the principles set out in Article 19 of the *Code*, as well as the requirements of the *International Standard* for Laboratories and *International Standard* for Data Protection.]

³⁸ [Comment to Article 6.4: The objective of this Article is to extend the principle of "Intelligent Testing" to the *Sample* analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the *Sample* analysis menu may, in some sports and countries, reduce the number of *Samples* which can be analyzed.]

SADA shall ask laboratories to analyze *Samples* in conformity with the *International Standard* for Laboratories and Article 4.8 of the *International Standard* for Testing.

Laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by SADA. Results from any such analysis shall be reported to SADA and have the same validity and *Consequences* as any other analytical result.

6.5 Additional Analysis of a *Sample* Prior to or During Results Management

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time SADA notifies an *Athlete* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge or after that case has been finally resolved. If after such notification and before the case is finally resolved SADA wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

6.6 Further Analysis of a *Sample* after it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA. Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by WADA or another *Anti-Doping Organization* shall be at WADA's or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

6.7 Split of A or B *Sample*

Where WADA, an *Anti-Doping Organization* with *Results Management* authority, and/or a WADA-accredited laboratory (with approval from WADA or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

6.8 WADA's Right to Take Possession of *Samples* and Data

Notwithstanding Article 6.5, WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by WADA, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable WADA to take physical possession of the *Sample* or data. If WADA has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organization* whose *Samples* or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, WADA may direct another *Anti-Doping Organization* with authority to test

the *Athlete* to assume *Results Management* authority for the *Sample* or data if a potential anti-doping rule violation is discovered.³⁹

ARTICLE 7 *RESULTS MANAGEMENT: AUTHORITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS*

Results Management under these Anti-Doping Rules establishes a process designed to resolve alleged anti-doping rule violations or violations of Article 10.14.1 in a fair, expeditious and efficient manner.

7.1 *Authority to Conduct Results Management*

- 7.1.1** Except as otherwise provided in Articles 6.6, 6.8 and *Code* Article 7.1, *Results Management* shall be under the authority of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that violation). Disputes between *Anti-Doping Organizations* over which *Anti-Doping Organization* has *Results Management* authority shall be dealt with pursuant to Article 7.1.1 of the *Code*.
- 7.1.2** In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the applicable International Federation.
- 7.1.3** With respect to a potential whereabouts failure, *Results Management* shall be administered by SADA if it ordered the test that led to the discovery of the potential whereabouts failure; in all other instances, *Results Management* remains with the *Anti-Doping Organization* with which the *Athlete* files whereabouts information at the time of the potential whereabouts failure. As an exception to the foregoing, if SADA ordered the test, it may request that *Results Management* nevertheless be administered by the *Anti-Doping Organization* with which the *Athlete* files their whereabouts information; if the International Federation so agrees, it shall administer *Results Management* for the potential whereabouts failure. To the extent there is an issue as to which *Anti-Doping Organization* has *Results Management* authority for a potential whereabouts failure, SADA and the International Federation may resolve the issue between them. In the event that there is an unresolved dispute between SADA and the International Federation as to which organization should administer *Results Management* for a whereabouts failure, WADA shall determine that question in its entire discretion. For the avoidance of doubt, Article 7.1.1 of the *Code* shall apply by analogy. If SADA determines a filing failure

³⁹ [Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of Samples or data could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organization shall assist WADA in ensuring that the seized Sample or data are not delayed in exiting the applicable country.]

[Comment to Article 6.8: WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.

7.1.4 Other circumstances in which SADA shall take responsibility for conducting *Results Management* in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its authority shall be determined by reference to and in accordance with Article 7 of the *Code*.

7.1.5 WADA may direct SADA to conduct *Results Management* in a particular case. If SADA refuses to conduct *Results Management* within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* authority in place of SADA or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, SADA shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organization* designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations or Violations of Article 10.14.1

SADA shall carry out the review and notification with respect to any potential anti-doping rule violation or violation of Article 10.14.1 in accordance with the *International Standard for Results Management*.

7.3 Identification of Prior Anti-Doping Rule Violations

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

7.4 Provisional Suspensions⁴⁰

7.4.1 Mandatory *Provisional Suspension* after an *Adverse Analytical Finding* or *Adverse Passport Finding*

If SADA receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process)⁴¹ for a *Prohibited Substance* or a *Prohibited Method* other than a *Specified Substance*, *Specified Method*, or *Substance of Abuse*, it shall impose a *Provisional Suspension* on the *Athlete* (i) with respect to an *Adverse Analytical Finding*, upon sending the notification required by Article 7.2; and (ii) with respect to an *Adverse Passport Finding*, upon sending the notification of charge (after completion of the *Adverse Passport Finding* review process).

⁴⁰ [Comment to Article 7.4: Before a *Provisional Suspension* can be unilaterally imposed by SADA, the internal review specified in these *Anti-Doping Rules* and the *International Standard for Results Management* shall first be completed.]

⁴¹ [Comment to Article 7.4.1: For the avoidance of doubt, nothing prevents the *Results Management Authority* from imposing, an optional *Provisional Suspension* before the completion of the review process of the *Adverse Passport Finding*.]

A mandatory *Provisional Suspension* may be lifted if it is demonstrated to SADA or to the Hearing Panel, or on appeal that adjudication of the alleged violation is likely⁴² to result in a finding of no anti-doping rule violation, *No Fault or Negligence* under Article 10.5, a reprimand with no period of *Ineligibility* under Article 10.6.1.2 (*Contaminated Source*), or the time already served by the *Athlete* under the *Provisional Suspension* would exceed the period of *Ineligibility* asserted in the charging letter for the anti-doping rule violation.

7.4.1.1 Application to Lift Mandatory *Provisional Suspension*

As a prerequisite to filing an appeal to CAS against a mandatory *Provisional Suspension* imposed by SADA, an *Athlete* must follow the procedures detailed in this Article 7.4.1.1.⁴³

If SADA imposes a *Provisional Suspension* against an *Athlete* pursuant to Article 7.4.1, the *Athlete* may apply to lift the *Provisional Suspension* to SADA in writing within 7 days of receipt of the decision. Such application will be decided in accordance with an internal review process established by SADA by one or more *Persons* not previously involved in the decision to impose the *Provisional Suspension*. SADA shall render a decision on the *Athlete's* application promptly, and no later than seven (7) days after receipt of the application.

If SADA denies the *Athlete's* application, its decision may be appealed by the *Athlete* to CAS pursuant to Article 7.4.3 or challenged before the Hearing Panel in accordance with the process set out at Article 8, *mutatis mutandis*. Challenges before Hearing Panel shall be conducted under an expedited procedure and a decision shall be rendered promptly. If Hearing Panel denies the *Athlete's* application, that decision may be appealed by the *Athlete* to CAS pursuant to Article 7.4.3. If Hearing Panel lifts the *Athlete's Provisional Suspension*, that decision may be appealed by SADA to CAS in accordance with Article 7.4.3.

7.4.2 Optional *Provisional Suspension* Based on an Adverse Analytical Finding for Specified Substances, Specified Methods, or Other Anti-Doping Rule Violations or Violations of Article 10.14.1

SADA may impose a *Provisional Suspension* for alleged anti-doping rule violations prior to the analysis of the *Athlete's* B Sample or final hearing as described in Article 8, for violations of Article 10.14.1 or anti-doping rule violations where a mandatory *Provisional Suspension* is not required by Article 7.4.1.

An optional *Provisional Suspension* may be lifted at the discretion of SADA at any time prior to SADA's Hearing Panel decision under Article 8, unless provided otherwise in the *International Standard for Results Management*.

42 [Comment to Article 7.4.1: As used in this Article "likely" means a well-founded assertion. This standard is somewhat less than balance of probability but substantially more than mere possibility or plausibility; the assertion shall be supported by a good evidentiary foundation, including concrete evidentiary elements.]

43 [Comment to Article 7.4.1.1: For the avoidance of doubt, the *Athlete's* challenge of a mandatory *Provisional Suspension* before an Article 8 hearing panel, where contemplated by an Anti-Doping Organization's anti-doping rules, is not considered an "appeal" for purposes of Articles 7.4.3 or 13, and any party with the right to appeal a decision to lift a mandatory *Provisional Suspension* under Article 13.2.3 shall not be required to exhaust internal remedies, including without limitation requesting relief from the Article 8 hearing panel, before filing an appeal with CAS under Article 7.4.3.]

7.4.2.1 Application to Lift Optional *Provisional Suspension*

As a prerequisite to filing an appeal to CAS against an optional *Provisional Suspension* imposed by SADA, an *Athlete* or other *Person* must follow the procedures detailed in this Article 7.4.2.1.⁴⁴

If SADA imposes a *Provisional Suspension* against an *Athlete* or other *Person* pursuant to Article 7.4.2, the *Athlete* or other *Person* may apply to lift the *Provisional Suspension* to SADA in writing within 7 days of receipt of the decision. Such application will be decided in accordance with an internal review process established by SADA by one or more *Persons* not previously involved in the decision to impose the *Provisional Suspension*. SADA shall render a decision on the *Athlete* or other *Person's* application promptly, and no later than seven (7) days after receipt of the application.

If SADA denies the *Athlete* or other *Person's* application, its decision may be appealed by the *Athlete* or other *Person* to CAS pursuant to Article 7.4.3 or challenged before Hearing Panel in accordance with the process set out at Article 8, *mutatis mutandis*. Challenges before Hearing Panel shall be conducted under an expedited procedure and a decision shall be rendered promptly. If Hearing Panel denies the *Athlete* or other *Person's* application, that decision may be appealed by the *Athlete* or other *Person* to CAS pursuant to Article 7.4.3. If Hearing Panel lifts the *Athlete* or other *Person's Provisional Suspension*, that decision may be appealed by SADA to CAS in accordance with Article 7.4.3.

7.4.3 Appeals to CAS from Decisions regarding *Provisional Suspensions*

Any appeal taken by any *Person* entitled to appeal under Article 13.2.3 from a decision under 7.4.1.1 or 7.4.2.1 not to impose a *Provisional Suspension*, or to lift or not lift a *Provisional Suspension* shall be made exclusively to CAS to be decided by a sole arbitrator. WADA shall receive notice of the appeal from all parties to the appeal and CAS.⁴⁵ WADA shall have the right to file an intervention request in any appeal filed by an *Athlete* or other *Person* under this Article within ten (10) days after it has received notification of the answer as further provided in the *International Standard for Results Management*.

Appeals challenging *Provisional Suspension* decisions under this Article shall not justify any delay in the underlying case on the merits.

7.4.4 Voluntary Acceptance of *Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the B *Sample* (or waiver of the B *Sample*) or ten (10)

⁴⁴ [Comment to Article 7.4.2.1: For the avoidance of doubt, the *Athlete* or other *Person's* further challenge of an optional *Provisional Suspension* before an Article 8 hearing panel, where contemplated by an Anti-Doping Organization's anti-doping rules, is not considered an "appeal" for the purposes of Articles 7.4.3 or 13, and any party with the right to appeal a decision to lift an optional *Provisional Suspension* under Article 13.2.3 shall not be required to exhaust internal remedies, including without limitation requesting relief from the Article 8 hearing panel, before filing an appeal with CAS under Article 7.4.3.]

⁴⁵ [Comment to Article 7.4.3: As provided in Article 13.2.3.3, notice of the appeal to WADA is a condition to the admissibility of the appeal.]

days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

- 7.4.5** If a *Provisional Suspension* is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the *Athlete* or SADA) 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 an *Event* based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Event*.

7.5 Results Management Decisions

Results Management decisions or adjudications by SADA shall not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation or violation of Article 10.14.1 was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s) or violation(s) of Article 10.14.1, including applicable *Disqualifications* under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.⁴⁶

7.6 Notification of Results Management Decisions

SADA shall notify *Athletes*, other *Persons*, *Signatories* and WADA of *Results Management* decisions as provided in Article 14 and the *International Standard for Results Management*.

7.7 Retirement from Sport⁴⁷

⁴⁶[Comment to Article 7.5: *Results Management* decisions include *Provisional Suspensions*.

Each decision by SADA should address whether an anti-doping rule violation was committed and all *Consequences* flowing from the violation, including any *Disqualifications* other than *Disqualification* under Article 10.1 (which is left to the ruling body for an *Event*). Pursuant to Article 15, such decision and its imposition of *Consequences* shall have automatic effect in every sport in every country. For example, for a determination that an *Athlete* committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the *Athlete's* results obtained in the Competition would be *Disqualified* under Article 9 and all other competitive results obtained by the *Athlete* from the date the Sample was collected through the duration of the period of *Ineligibility* are also *Disqualified* under Article 10.10; if the Adverse Analytical Finding resulted from Testing at an *Event*, it would be the Major Event Organization's responsibility to decide whether the *Athlete's* other individual results in the *Event* prior to Sample collection are also *Disqualified* under Article 10.1.]

If an *Athlete* or other *Person* retires while SADA's *Results Management* process is underway, SADA retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and SADA 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 or violation of Article 10.14.1, SADA has authority to conduct *Results Management*. Any retired *Athlete* or other *Person* who during retirement tampers with the ongoing *Results Management* of an anti-doping rule violation or violation of Article 10.14.1 for which they have been charged, shall remain subject to the authority of all relevant *Signatories* for the violation of *Tampering* under Article 2.5.

7.8 Cases Subject to Review by *Independent Review Expert*

7.8.1 This Article 7.8 applies to rare cases where SADA is considering closing a case or not proceeding with normal *Results Management* processes after SADA has received notice of an *Adverse Analytical Finding* and has completed the initial review required under Article 7.2 (i.e., SADA has determined no *Therapeutic Use Exemption* has been granted, there is no apparent departure from the *International Standard for Testing* or *International Standard for Laboratories*, and it is not apparent that the *Adverse Analytical Finding* was caused by ingestion of a *Prohibited Substance* through a permitted route). In such cases, SADA shall:

7.8.1.1 provide notice of the *Adverse Analytical Finding* to the *Athlete* in accordance with Articles 7.2, 7.4.1 and 7.4.2.⁴⁷

7.8.1.2 promptly submit a request for an opinion from the *Independent Review Expert* as to whether public policy or other compelling reasons, taking into account the rights of and impact on clean *Athletes*, justify the departure from the normal *Results Management* process for addressing *Adverse Analytical Findings*.⁴⁸ A copy of the request shall be provided simultaneously to WADA and to each other party entitled to appeal the decision under Article 13. SADA shall provide its full file to, and fully cooperate with, the *Independent Review Expert*.

7.8.2 After reviewing the file, and obtaining any other information deemed necessary from SADA, WADA or third parties, the *Independent Review Expert* shall issue a written opinion and recommendation to SADA, with a copy to WADA, advising whether a departure from the normal *Results Management* process is justified in the particular circumstances of the case.

7.8.3 Upon receiving the *Independent Review Expert's* opinion and recommendation, SADA shall issue a written decision on whether it will proceed with normal *Results*

⁴⁷ [Comment to Article 7.7: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or other *Person* membership in a sports organization.]

⁴⁸ [Comment to Article 7.8.1.1: For the avoidance of doubt, the notice shall include the imposition of a mandatory Provisional Suspension where required by Article 7.4.1 or an optional Provisional Suspension if the Anti-Doping Organization determines an optional Provisional Suspension is merited.]

⁴⁹ [Comment to Article 7.8.1: For the avoidance of doubt, the *Independent Review Expert* process is intended to be reserved for exceptional cases where proceeding with the normal *Results Management* processes would be considered an unjustified and unconscionable result by most stakeholders. One example of such a case would be where an Anti-Doping Organization determines it is likely that *Adverse Analytical Findings* for multiple *Athletes* resulted from a Contaminated Source and that the *Athletes* have a reasonable likelihood of establishing No Fault or Negligence. For the avoidance of doubt, Article 7.8 does not apply to cases concluded by the Anti-Doping Organization in accordance with Article 10.8.]

Management processes or not move forward with the *Adverse Analytical Findings*. This decision shall be provided to WADA, and the decision along with the *Independent Review Expert's* opinion and recommendation shall be provided to each other party entitled to appeal the decision under Article 13. The decision is subject to appeal directly to CAS in accordance with the applicable provisions in Article 13. If a decision by SADA to not move forward with the *Adverse Analytical Findings* is set aside or reversed on appeal, CAS may maintain jurisdiction to rule on the merits of any alleged anti-doping rule violation related to the *Adverse Analytical Findings* or may direct SADA to proceed with the normal *Results Management* process.

- 7.8.4** Where SADA fails to go forward with the normal *Results Management* processes without seeking and obtaining an opinion and recommendation from the *Independent Review Expert*, or fails to go forward with the normal *Results Management* processes in contravention of the *Independent Review Expert's* opinion and recommendation, and it is ultimately determined on appeal that an anti-doping rule violation occurred, SADA may be subject to non-compliance proceedings under Article 24 of the *Code* and the *International Standard for Code Compliance by Signatories* and shall be required to reimburse the appealing part(y)(ies) for costs and reasonable legal fees incurred in connection with each level of the appellate process.

- 7.8.5** The process to be followed for cases under this Article 7.8 shall be described in greater detail in the *International Standard for Results Management*.

ARTICLE 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

For any *Person* who is asserted to have committed an anti-doping rule violation or a violation of Article 10.14.1, SADA shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard for Results Management*. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* and *Disqualification* of results under Article 10.10 shall be *Publicly Disclosed* by SADA as provided in Article 14.3.**50**

8.1 Fair Hearings

8.1.1 Fair, Impartial and *Operationally Independent* Hearing Panel

- 8.1.1.1** For the purposes of this Article 8, the hearing panel shall be the First Instance Commission for Doping Proceedings established under Sports Act (the "Hearing Panel"). Hearing Panel has jurisdiction to hear and determine whether an *Athlete* or other *Person*, subject to these Anti-Doping Rules, has committed an anti-doping rule violation, or a violation of Article 10.14.1, and, if applicable, to impose relevant *Consequences*.

- 8.1.1.2** SADA shall ensure that Hearing Panel is free of conflict of interest and that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements of the *International Standard for Results Management*.

50 [Comment to Article 8: This Article requires that at some point in the *Results Management* process, the *Athlete* or other *Person* shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the *Convention for the Protection of Human Rights and Fundamental Freedoms* and are principles generally accepted in international law. This Article is not intended to supplant each Anti-Doping Organization's own rules for hearings but rather to ensure that each Anti-Doping Organization provides a hearing process consistent with these principles.]

8.1.1.3 Board members, staff members, commission members, consultants and officials of SADA or its bodies, as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of Hearing Panel. In particular, no member shall have previously considered any *Therapeutic Use Exemption* application, *Results Management* decision, or appeals in the same given case.

8.1.1.4 The Hearing Panel shall consist of three (3) members and two (2) alternate members. One member of the Hearing Panel is in position of Chair.

The alternate members shall provide for replacement possibilities in the event of a conflict of interest or in other justified cases where a committee member is unable to hear the case.

8.1.1.5 Each member shall be appointed by Minister of Sports, taking into consideration their requisite anti-doping experience including their legal, sports, medical and/or scientific expertise. Each member shall be appointed for a renewable term of four (4) years.

8.1.1.6 Hearing Panel shall be in a position to conduct the hearing and decision-making process without interference from SADA or any third party.

8.1.1.7 Hearings shall not be conducted (whether by delegation or otherwise) by *Persons* appointed by, or under the authority of, a *National Federation*, or any other national sports governing bodies or other national sports organizations.

8.1.1.8 Hearings held in connection with *Events* in respect to *Athletes* and other *Persons* who are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the Hearing Panel.⁵¹

8.1.1.9 Participants in anti-doping proceedings are persons who are asserted to have committed an anti-doping rule violation or a violation of Article 10.14.1 and who are subject to SADA's jurisdiction under these Anti-Doping Rules. A representative of SADA shall have the right to be present at the hearing of the matter by the Hearing Panel.

8.1.1.10 WADA, the International Federation, and the *National Federation* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, SADA shall keep them fully apprised as to the status of pending cases and the result of all hearings.

8.1.2 Hearing Process

⁵¹ [Comment to Article 8.1.1.8: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

8.1.2.1 When SADA sends a notice to an *Athlete* or other *Person* charging them with an asserted anti-doping rule violation or violation of Article 10.14.1, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 8.3.1 or Article 8.3.2, then the case shall be referred to the Hearing Panel for hearing and adjudication, which shall be conducted in accordance with the principles described in Articles 8 and 9 of the *International Standard for Results Management*.

8.1.2.2 The Hearing Panel shall hear and determine the case in a composition of three (3) members. The Chair shall have at least a master's degree in law and no less than three (3) years of professional legal experience. Other two (2) members shall have at least three years of professional experience in the fields of law, natural sciences, medical sciences, pharmaceutical sciences, or physical education.

The Hearing Panel shall decide by vote, and the adoption of a decision shall require the consent of at least two (2) members.

8.1.2.3 Before hearing a case, each member of the Hearing Panel shall disclose any facts or circumstances which might call into question their impartiality or give rise to a conflict of interest and sign a corresponding declaration. If such facts or circumstances arise at a later stage of the hearing process, the relevant hearing panel member **(i)** shall promptly disclose them to the parties and **(ii)** shall not participate in the hearing or decision-making in that case, unless the Chair or other members in the case of the Chair, decide otherwise.

An excluded member shall be replaced by an alternate member.

8.1.2.4 If a member of the Hearing Panel is unwilling or unable to hear the case, for any reason, or is excluded due to a conflict of interest, that member shall be replaced by an alternate member.

8.1.2.5 The parties shall be notified of the identity of the members of the Hearing Panel who will hear and determine the matter and shall be provided with the declarations mentioned at Article 8.1.2.3 at the outset of the Hearing Process. The parties shall be informed of their right to challenge the participation of any member of the Hearing Panel if there are grounds for potential conflicts of interest within seven (7) days from the ground for the challenge having become known.

If the challenge against participation is raised, the challenged member of the Hearing Panel shall not participate in the hearing or decision-making in that case, unless the Chair or other members in the case of the Chair is challenged, decide otherwise.

8.1.2.6 The Hearing Panel has the power, at its absolute discretion, to appoint an expert to assist or advise the panel.

8.1.2.7 SADA shall present its case and the *Athlete* or other *Person* shall present his/her/their case(s) in reply.

8.1.2.8 If any party or their representative fails to attend a hearing after notification, the hearing may nevertheless proceed.

8.1.2.9 The hearing of the Hearing Panel is not public, unless the Athlete, Person or SADA requests a public hearing. The Hearing Panel shall decide on a request under the preceding sentence at the beginning of the hearing. The Hearing Panel:

- (a) shall reject a request if it was filed by the SADA and the *Athlete* or *Person* does not consent to a public hearing;
- (b) may reject the request if a public hearing of the case would:
 - 1. endanger public morals, public order, or public safety;
 - 2. if required by the interests of minors or the protection of the Athletes' or Parties' privacy;
 - 3. if publicity would prejudice the interests of justice; or
 - 4. if the hearing concerns exclusively legal issues.

8.1.2.10 Each party to the proceedings shall also have the right to:

- (a) Be represented by counsel at their own expense;
- (b) Access and present relevant evidence;
- (c) Submit written and oral submissions;
- (d) Call and examine witnesses; and
- (e) Have an interpreter at the hearing at their own expense.

8.2 Notice of Decisions

8.2.1 At the end of the hearing, or promptly thereafter, the Hearing Panel shall issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, if (and to what extent) any period of *Provisional Suspension* is credited against the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10, any forfeiture of medals or prizes, any other relevant *Consequences*, including *Financial Consequences*, appeal routes and deadline to appeal, and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

8.2.2 SADA shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS. The decision may be appealed as provided in Article 13.

8.3 Waiver of Hearing

8.3.1 An *Athlete* or other *Person* against whom an anti-doping rule violation or violation of Article 10.14.1 is asserted may waive a hearing expressly and agree with the *Consequences* proposed by SADA.

8.3.2 However, if the *Athlete* or other *Person* against whom an anti-doping rule violation or violation of Article 10.14.1 is asserted fails to dispute that assertion within twenty (20) days of the date of the notice sent by SADA asserting the

violation, then they shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.

8.3.3 In cases where Article 8.3.1 or 8.3.2 applies, a hearing before Hearing Panel shall not be required. Instead SADA shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, if (and to what extent) any period of *Provisional Suspension* is credited against the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10, any forfeiture of medals or prizes, any other relevant *Consequences*, including *Financial Consequences*, appeal routes and deadline to appeal, and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

8.3.4 SADA shall notify that decision to the *Athlete* or other *Person* and simultaneously to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS. SADA shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

8.4 Single Hearing Before CAS

Anti-doping rule violations or violations of Article 10.14.1 asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, SADA (where it has *Results Management* authority in accordance with Article 7) and WADA, be heard in a single hearing directly at CAS.⁵²

8.5 Empowering provisions

Further details regarding the conditions for the appointment of Hearing Panel members, termination of their function and the decision-making process shall be specified in accordance with these anti-doping rules by the Sports Act and the Hearing Panel Statutes.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test or violation of Article 10.14.1 by participation in a *Competition* automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.⁵³

52 [Comment to Article 8.4: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two (2) hearings. An Anti-Doping Organization may participate in the CAS hearing as an observer.]

53 [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. In sports which are not Team Sports but where awards are given to teams, Disqualification or lower placement of the Team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation. In cases where team points earned by an Athlete who committed anti-doping rule violations during the team Competition are taken away, resulting in a lower placement for the team, that shall not be considered a sanction or disciplinary action against either the team or the other Athletes participating in the team Competition who have not committed an anti-doping rule violation.]

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with any benefits awarded or advantages afforded based on those results to be vacated, including forfeiture of all medals, points and prizes awarded to the *Athlete* (whether individually or to a team of which the *Athlete* was a part) based on those results, except as provided in Article 10.1.1. **54**

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*.

10.1.1 If the *Athlete* establishes that they bear *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***

Article 10.2 provides the framework for determining the period of *Ineligibility* for violations of Articles 2.1 (Presence), 2.2 (Use or Attempted Use) or 2.6 (Possession). This determination is based on several variables such as: the substance or method involved (i.e., non-*Specified Substances/non-Specified Methods*, *Specified Substances/Specified Methods*, or *Substances of Abuse*); whether the *Athlete* or other *Person* committed the anti-doping rule violation intentionally; whether the context of the ingestion, *Use* or *Possession* was unrelated to sport performance; and whether the *Athlete* can establish how the *Prohibited Substance* entered their system.

Article 10.2.1 addresses the period of *Ineligibility* for violations of Article 2.1 or 2.2 involving non-*Specified Substances* and non-*Specified Methods*. Article 10.2.2 addresses the period of *Ineligibility* for violations of Article 2.1 or 2.2 involving *Specified Substances* or *Specified Methods*. Article 10.2.3 addresses the period of *Ineligibility* for violations of Article 2.1 or 2.2 involving *Substances of Abuse*. Article 10.2.4 addresses the period of *Ineligibility* in special circumstances involving criteria for *Therapeutic Use Exemptions*. Article 10.2.5 addresses the period of *Ineligibility* for violations of Article 2.6. Article 10.2.6 provides the definition of "intentional" for purposes of Article 10.2. **55**

10.2.1 Non-Specified Substances or Non-Specified Methods

For violations of Article 2.1 or 2.2 that involve a non-*Specified Substance* or a non-*Specified Method*, the period of *Ineligibility* shall, subject to Articles

54 [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 swimming World Championships).]

55 [Comment to Article 10.2: Before considering whether Article 10.5 or Article 10.6 apply, the Anti-Doping Organization (or hearing panel) shall first determine whether the *Athlete* has satisfied their burden of establishing that the violation was not intentional. To do that, the *Athlete* shall, except for the narrowest of corridors described in Article 10.2.1.3, show how the *Prohibited Substance* entered their system and also that the timing of such ingestion or *Use* is consistent with the analytical results from their *Sample*.]

10.2.3 and 10.2.4, be four (4) years. The four (4) year period of *Ineligibility* may be reduced as follows:

10.2.1.1 Where the *Athlete* can establish how the *Prohibited Substance* entered their system and that the violation was not intentional, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.1.2 Where the *Athlete* cannot establish that the violation was not intentional, but can establish how the *Prohibited Substance* entered their system and that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years. This period of *Ineligibility* is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.1.3 Where the *Athlete* cannot establish how the *Prohibited Substance* entered their system, but in exceptional cases can establish to the comfortable satisfaction of the decision making body that, based on reliable scientific evidence, the anti-doping rule violation was not compatible with intentional use of a *Prohibited Substance*, then the period of *Ineligibility* may be reduced to two (2) years.⁵⁶ This period of *Ineligibility* is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.1.4 For violations resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was ingested or *Used Out-of-Competition* in a context unrelated to sport performance, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.2 *Specified Substances or Specified Methods*

For violations of Article 2.1 or 2.2 that involve a *Specified Substance* or a *Specified Method*, the period of *Ineligibility*, subject to Articles 10.2.3 and 10.2.4, shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Article 10.5, 10.6 or 10.7.1 and is subject to increase as follows:

56 [Comment to Article 10.2.1.3: While it is theoretically possible for an *Athlete* to establish entitlement to a reduction under this Article without showing how the *Prohibited Substance* entered their system, this has been described in cases as the “narrowest of corridors.” In order to access this exceptionally narrow corridor, an *Athlete* shall present reliable scientific evidence establishing that the anti-doping rule violation was not compatible with intentional Use of a *Prohibited Substance*. For example, reliable scientific evidence could include the detection of a non-therapeutic amount of the *Prohibited Substance* in the *Athlete’s* Sample coupled with a metabolic profile indicating very recent Administration or prior or subsequent Samples from the *Athlete* which confirm that the *Prohibited Substance* detected was not the tail end of the excretion curve from a therapeutic dose or other doping regimen. Hair tests are unlikely to serve as reliable evidence to disprove intentional doping. With respect to results of lie-detector tests, see Comment to Article 3.2. Further, evidence in the form of negative Testing history, change, or lack of change, in body mass or competitive results, lack of motivation to dope and testimony of the *Athlete* and the *Athlete* supporters, shall not be sufficient to justify a reduction in the period of *Ineligibility*. For the avoidance of doubt, the *Athlete* may submit and the hearing body may consider non-scientific evidence as well, but reliable scientific evidence is a necessary element to establish entitlement to a reduction under this Article. As used in this Article, “exceptional case” is not intended to create an independent element that must be established by the *Athlete*, but rather indicates the rarity and uniqueness of cases where the required elements of proof will be met.]

10.2.2.1 Subject to Article 10.2.2.2, where SADA can establish that the violation was intentional, the period of *Ineligibility* shall be four (4) years; provided, however, if the *Athlete* can establish that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years. The period of *Ineligibility* imposed under this Article 10.2.2.1 is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.2.2 Where an anti-doping rule violation results from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was used *Out-of-Competition*, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.3 *Substances of Abuse*

Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves only a *Substance of Abuse*:

10.2.3.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be two (2) months.⁵⁷

For any subsequent violation involving any *Substance of Abuse*, the period of *Ineligibility* calculated under this Article 10.2.3.1 shall be four (4) months which may be reduced to two (2) months if the *Athlete* or other *Person* enters a *Substance of Abuse* treatment program approved by SADA. ⁵⁸

The period of *Ineligibility* established in this Article 10.2.3.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.3.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the period of *Ineligibility* shall be between six (6) months and two (2) years depending on the circumstances of the case.⁵⁹ This provision is

57 [Comment to Article 10.2.3.1: While the Code does not condition the two-month period of *Ineligibility* for a first violation on the *Athlete* or other *Person's* entering a treatment program, SADA should consider, in their discretion and to the extent of their expertise and resources, adopting policies that would encourage and facilitate the *Athlete* or other *Person's* to seek a professional medical evaluation after a first violation, and, if recommended, to enter a treatment or rehabilitation program as appropriate.]

58 [Comment to Article 10.2.3.1: The determinations as to whether the treatment program is approved shall be made in the sole discretion of SADA. This Article is intended to give SADA the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs. SADA may also impose a sanction of two (2) months if, in its sole discretion, it determines that treatment is not necessary, for example the *Adverse Analytical Finding* resulted from the ingestion of coca tea. This Article also applies to different routes by which a *Substance of Abuse* may be ingested, e.g., drinking coca tea.]

59 [Comment to Article 10.2.3.2: The "circumstances of the case" may include, for example, the specific nature of the *Use* or *Possession*, the type and quantity of the *Prohibited Substance* detected, the proximity in time between the ingestion and the *Athlete's* actually competing, the potential benefit (actual or perceived) to the *Athlete* of the ingestion in relation to the *Athlete's* performance in the *Competition*, the *Athlete* or other *Person's* level of anti-doping experience and education, and other fault-related considerations that might not otherwise satisfy the requirements for application of Article 10.5.]

without prejudice to the potential application of Article 10.5, 10.6 or 10.7.1.⁶⁰

10.2.3.3 Where neither 10.2.3.1 or 10.2.3.2 applies, then the period of *Ineligibility* shall be determined under the applicable provision in Article 10.2.1 or 10.2.2.

10.2.4 Therapeutic Use Exemption Criteria

10.2.4.1 Notwithstanding any other provision in Article 10.2, where the *Athlete* can establish that the presence, *Use* or *Attempted Use* or *Possession* met each of the criteria in Article 4.2 of the *International Standard for Therapeutic Use Exemptions* (except for the need to show there was no reasonable permitted Therapeutic⁶¹ alternative) at the time the presence, *Use* or *Attempted Use* or *Possession* occurred, then the period of *Ineligibility* shall be two (2) months. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.5 Possession

For violations of Article 2.6, the period of *Ineligibility* shall subject to Article 10.2.3.2, be as follows:

10.2.5.1 Where the violation involves a *non-Specified Substance* or *non-Specified Method*, the period of *Ineligibility* shall be two (2) years if the *Athlete* or other *Person* can establish the violation was not intentional; three (3) years if the *Athlete* or other *Person* cannot establish that the violation was not intentional, but can establish the *Possession* was unrelated to sport performance; and four (4) years if the *Athlete* or other *Person* cannot establish the violation was not intentional and cannot establish the *Possession* was unrelated to sport performance.

10.2.5.2 Where the violation involves a *Specified Substance* or *Specified Method*, the period of *Ineligibility* shall be four (4) years if SADA can establish the violation was intentional, subject to a reduction to three (3) years if the *Athlete* can establish that the context of the *Possession* was unrelated to sport performance; and two (2) years if SADA cannot establish the violation was intentional.

10.2.5.3 If the period of *Ineligibility* imposed under Article 10.2.5.1 or 10.2.5.2 is two (2) years, the period of *Ineligibility* is subject to potential elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.6 As used in Article 10.2, the term “intentional” is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might

60 [Comment to Article 10.2.3.2: While it is theoretically possible for the *Athlete* to establish *No Fault* or *Negligence* or *No Significant Fault* or *Negligence* with respect to the *In-Competition* ingestion, *Use* or *Possession* of a *Substance of Abuse*, this would occur only in rare, exceptional cases.]

61 [Comment to Article 10.2.4.1: For purposes of this Article, the term “Therapeutic” shall be defined in accordance with the definition contained in the *International Standard for Therapeutic Use Exemptions*.]

constitute or result in an anti-doping rule violation and manifestly disregarded that risk.⁶²

10.3 *Ineligibility for Other Anti-Doping Rule Violations*

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Article 10.6 or 10.7 are applicable:

10.3.1 For violations of Article 2.3 or 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in a case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person*'s degree of *Fault*; or (iii) in a case of failing to submit to *Sample* collection involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete*'s degree of *Fault*.

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on if the *Athlete* can establish circumstances mitigating the *Athlete*'s degree of *Fault*. *Fault* shall be assessed equally against all three whereabouts failures with the expectation that the *Athlete* should be on heightened alert after the first and second failures. The flexibility between two (2) years and one (1) 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*.⁶³

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* or *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.⁶⁴

62 [Comment to Article 10.2.6: Article 10.2.6 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.]

63 [Comment to Article 10.3.2: The whereabouts requirements in the Code and International Standard for Testing are a fundamental part of any effective effort to combat doping in sport. In order to deter and detect cheating, Anti-Doping Organizations shall be able to conduct no advance notice, Out-of-Competition Testing based upon reliable whereabouts information. The whereabouts requirements in the Code also allow clean Athletes to credibly claim that they are subject to Testing at any time so that the public can have confidence that they are clean. Whereabouts failures are not just "paperwork violations," they directly undermine the ability of Anti-Doping Organizations to catch doped Athletes and the public's confidence in the accountability of clean Athletes.]

64 [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 organizations 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 (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation; where the violation involves a *Protected Person* or *Minor*, the period of *Ineligibility* imposed shall be a minimum of four (4) years, up to a lifetime *Ineligibility*, depending on the seriousness of the violation.
- 10.3.5** For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.⁶⁵
- 10.3.6** For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.⁶⁶

10.4 Aggravating Circumstances which may Increase the Period of *Ineligibility*

If SADA establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) or 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the otherwise applicable sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that they did not knowingly commit the anti-doping rule violation.⁶⁷

10.5 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 they bear *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.⁶⁸

⁶⁵ [Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 (*Prohibited Association by an Athlete or Other Person*) is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

⁶⁶ [Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (*Tampering*) and Article 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) shall be sanctioned based on the violation that carries the more severe sanction.]

⁶⁷ [Comment to Article 10.4: Violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) and 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any *Aggravating Circumstance*.]

⁶⁸ [Comment to Article 10.5: This Article and Article 10.6.2 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, they were sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Article 2.1) 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 10.6 based on *No Significant Fault or Negligence*.]

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

10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

10.6.1.1 Specified Substances or Specified Methods

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, 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 (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

10.6.1.2 Contaminated Source

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Source*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.⁶⁹

10.6.1.3 Protected Persons or Recreational Athletes

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* 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 (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.⁷⁰

⁶⁹ [Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the *Athlete* or other *Person* shall establish not only that the detected *Prohibited Substance* came from a *Contaminated Source*, that the *Athlete* ingested, Used or was exposed to, and that the analytical results are consistent with that Use, the *Athlete* shall also separately establish *No Significant Fault or Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault or Negligence* has rarely been applied in nutritional supplement cases unless the *Athlete* has exercised a high level of caution before taking the contaminated product. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually Used the contaminated product, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the Doping Control form.

Where the *Athlete* establishes that an *Adverse Analytical Finding* results from a *Contaminated Source* in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, *No Fault or Negligence* under Article 10.5 may be applicable.]

⁷⁰ [Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except, those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8, 2.9 or 2.11) 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*.]

If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable, that they bear *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, 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 (8) years.

10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other Consequences for Reasons Other than *Fault*

10.7.1 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 Error: Reference source not found, before receiving first notice of the admitted violation pursuant to Article Error: Reference source not found) 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.⁷¹ For purposes of this Article 10.7.1, the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, and 10.6.

10.7.2 Period of *Ineligibility* Reduction for Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

No later than twenty (20) days after receiving notice of an anti-doping rule violation charge, an *Athlete* or other *Person* who accepts that the violation is established and accepts all asserted *Consequences* (including, for the avoidance of doubt, the start date of any period of *Ineligibility*) will receive a twenty-five percent (25%) reduction from the period of *Ineligibility* asserted in the notice of anti-doping rule violation charge.⁷² Where the asserted period of *Ineligibility* is more than four (4) years but less than lifetime, the reduction shall be one (1) year.⁷³ Where the asserted period

71 [Comment to Article 10.7.1: This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes they are about to be caught. (e.g. where the *Athlete* discloses the Use of a Prohibited Substance while knowing or having reason to believe that a pending test will result in an Adverse Analytical Finding). The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or other *Person* would have been caught had they not come forward voluntarily.]

72 [Comment to Article 10.7.2: For the avoidance of doubt, the reduction is calculated from the period of *Ineligibility* asserted in the charging letter rather than the period of *Ineligibility* stated in the initial notice of potential anti-doping rule violation. However, an *Athlete* or other *Person* does not need to wait for the charging letter before accepting the violation in accordance with this Article; where the *Athlete* or other *Person* accepts the violation in accordance with this Article prior to issuance of the charging letter, the reduction would be calculated from the period of *Ineligibility* asserted in the initial notice of potential anti-doping rule violation. In some countries, the imposition of a period of *Ineligibility* is left entirely to a hearing body. In those countries, the Anti-Doping Organization cannot assert a specific period of *Ineligibility* in a charging letter for purposes of Article 10.7.2. In these circumstances, the hearing body may consider applying Article 10.7.2 where the *Athlete* or other *Person* has met the requirements for the reduction.]

73 [Comment to Article 10.7.2: For example, if an Anti-Doping Organization alleges that an *Athlete* has violated Article 2.1 for Use of an anabolic steroid and asserts the applicable period of *Ineligibility* is four (4) years in the charging

of *Ineligibility* is lifetime, there shall be no reduction under this Article 10.7.2.

Article 10.7.2 shall not be applicable to charged violations under Article 10.2.3.1 or 10.2.4.1.

Where the *Athlete* or other *Person* receives a reduction in the period of *Ineligibility* under this Article 10.7.2, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.⁷⁴ If the *Athlete* or other *Person* does not accept the reduction in the period of *Ineligibility* within the time period established in this Article, then this Article, including but not limited to, what the reduction under this Article would or should have been, may not be raised in any hearing or appeal.

10.7.3 Substantial Assistance in Discovering or Establishing Code Violations⁷⁵

10.7.3.1 Where it has *Results Management* authority, SADA may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority, or professional disciplinary body or sport integrity authority which results in:

- (i) the *Anti-Doping Organization* discovering facts constituting, or bringing forward a case involving, an anti-doping rule violation or violation of Article 10.14.1 by another *Person*; or
- (ii) a criminal or disciplinary body discovering facts constituting, or bringing forward a case involving, a criminal offense or breach of professional rules committed by another *Person* providing *Substantial Assistance* is made available to SADA; or
- (iii) WADA discovering facts constituting, or bringing forward a case involving non-compliance with the *Code*, *International Standard* or *Technical Document* against a *Signatory*, WADA-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories); or
- (iv) with the approval of WADA, a criminal or disciplinary body discovering facts constituting or bringing forward a case involving, a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

letter, then the Athlete may unilaterally reduce the period of Ineligibility to three (3) years by admitting the violation and accepting the three-year period of Ineligibility within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

⁷⁴ [Comment to Article 10.7.2: For the avoidance of doubt, this Article does not preclude a suspension of the period of *Ineligibility* under Article 10.7.3 or 10.7.4.]

⁷⁵ [Comment to Article 10.7.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

After an appellate decision under Article 13 or the expiration of time to appeal, SADA may only suspend a part of the otherwise applicable *Consequences* with the approval of WADA and the applicable International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. Information involving the potential doping of *Protected Persons* or *Minors* shall be considered particularly valuable. In determining the length of the period for which the period of *Ineligibility* is suspended, the value of the *Substantial Assistance* shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*.⁷⁶ However, no more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. For purposes of this Article 10.7.3, the “otherwise applicable” period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1 and 10.7.2. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article shall be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these Anti-Doping Rules.

SADA may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information received, increase the amount of *Consequences* suspended.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, SADA shall allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

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 *Consequences* was based, SADA shall reinstate the original *Consequences*. If SADA decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

WADA shall be notified of any appeal to CAS involving Article 10.7. If WADA is not already a party, WADA shall have the right to intervene as a party in that proceeding.

- 10.7.3.2** To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of SADA or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an

76 [Comment to Article 10.7.3.1: In evaluating the value of the *Substantial Assistance* provided, priority shall be given to assistance which is important to anti-doping efforts and enforcement of the *Code*. Most important are situations where: *Protected Persons* or *Minors* have been doped by *Athlete Support Personnel* or other *Persons*; where a doping scheme involves a public authority, *Anti-Doping Organization*, WADA accredited or approved laboratory, or other *Code Signatories* or their members; where the doping scheme involves the Use of a *Prohibited Substance* or *Prohibited Method* which is particularly difficult to detect, or where the doping scheme involves multiple *Athletes*.]

anti-doping rule violation, or violation of Article 10.14.1, WADA may agree at any stage of the *Results Management* process, including after an 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*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article.

10.7.3.3 If SADA suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.

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

10.7.4 Other Valuable Information and Assistance in the Effort to Eliminate Doping in Sport

Where it has *Results Management* authority for an anti-doping rule violation or violation of Article 10.14.1, SADA may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided other valuable information and assistance which does not meet all of the requirements for *Substantial Assistance* but is still very valuable to the effort to eliminate doping in sport.⁷⁷ Information involving the potential doping of *Protected Persons* or *Minors* shall be considered particularly valuable.

After an appellate decision relating to an anti-doping rule violation or a violation of Article 10.14.1 under Article 13 or the expiration of time to appeal that decision, SADA may only suspend a part of the otherwise applicable *Consequences* with the approval of WADA and the applicable International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the information and assistance provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. In determining the length of the period for which the period of *Ineligibility* is suspended, the value of the information and assistance shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*. However, no more than fifteen percent

⁷⁷ [Comment to Article 10.7.4: *Substantial Assistance* under Article 10.7.3 requires the disclosure of misconduct by another Person. This Article 10.7.4 does not. The Athlete or other Person is still required to provide full and credible information without holding anything back, including the identity of other involved parties. However, it may simply be the case that they don't have any information regarding the conduct of another Person. For example, if an Athlete discloses their use of an effective doping regimen or new substance in a prohibited class which they learned about from the internet that has allowed their doping to avoid being detected, this type of information would be highly valuable to the effort to eliminate doping even if the Athlete is not able to provide evidence regarding the involvement of another Person.]

(15%) of the otherwise applicable period of *Ineligibility* may be suspended. For purposes of this Article 10.7.4 the “otherwise applicable” period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1 and 10.7.2. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article shall be no less than sixteen (16) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

SADA may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information received, increase the amount suspended.

If so requested by an *Athlete* or other *Person* who seeks to provide other valuable information and assistance, SADA shall allow the *Athlete* or other *Person* to provide the information to SADA subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the other valuable information and assistance upon which the suspension of *Consequences* was based, the *Anti-Doping Organization* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organization* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

WADA shall be notified of any appeal to CAS involving Article 10.7. If WADA is not already a party, WADA shall have a right to intervene as a party in that proceeding.

10.8 Case Resolution Agreements

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by SADA and agrees to *Consequences* acceptable to SADA and WADA, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by SADA and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person*’s degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) without prejudice to the *Athlete* or other *Person*’s right under Article 10.13.1, 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 agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or the effective date of a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*.⁷⁸ The decision by WADA and SADA to enter or not enter into a case resolution agreement, and the *Consequences* agreed to by WADA and SADA and the *Athlete* or other *Person*, including the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, SADA shall allow the *Athlete* or other

⁷⁸ [Comment to Article 10.8: For purposes of calculating the “one half of the period of eligibility going forward” the agreed upon period of ineligibility shall first be reduced before any period by which the period of ineligibility has been backdated.]

Person to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.⁷⁹

10.9 Multiple Violations

10.9.1 Second or Third Anti-Doping Rule Violation

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

- (a) A six-month period of *Ineligibility*; or
- (b) A period of *Ineligibility* in the range between:
 - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
 - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person's* degree of *Fault* with respect to the second violation.

10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.5 or 10.6, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further suspended by the application of Articles 10.7.3 or 10.7.4.

10.9.2 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 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.3.1 or 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

10.9.3 Additional Rules for Certain Potential Multiple Violations⁸⁰

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if SADA can

⁷⁹ [Comment to Article 10.8: Any mitigating or Aggravating Factors set forth in this Article 10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.]

⁸⁰ [Comment to Article 10.9.3: This Article does not address violations of Article 10.14.1, as the Consequences for violations of Article 10.14.1 are addressed separately in Article 10.14.3.]

establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received initial notification pursuant to Article 7 in accordance with the *International Standard for Results Management*, of the first potential anti-doping rule violation, or after SADA made reasonable efforts to give such notice. If SADA 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, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.**81**

10.9.3.2 If SADA establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to receiving the first notice of violation, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* will be served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the first-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.3 If SADA establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.4 Where an *Athlete* is charged with a second anti-doping rule violation under Article 2.1, and the *Athlete* can establish that the *Adverse Analytical Finding* for the second anti-doping rule violation resulted solely from the residual presence of the *Prohibited Substance* in their system from the same ingestion or *Use* that resulted in the first anti-doping rule violation, the *Athlete* shall be deemed to have established they bear *No Fault* or *Negligence* for the second violation, and the second violation shall not be considered a violation for purposes of Article 10.9.**82**

10.9.3.5 If SADA establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

81 [Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, SADA discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., SADA shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.]

82 [Comment to Article 10.9.3.4: For the avoidance of doubt, the second violation would still subject the *Athlete* to other Consequences including, without limitation, under Articles 7.4, 9, 10.1 and 14.3 where applicable.]

10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.9, each anti-doping rule violation shall take place within the same ten-year period in order to be considered multiple violations.

10.10 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.⁸³

10.11 Forfeited Prize Money

If SADA recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.⁸⁴

10.12 Financial Consequences

10.12.1 Where an *Athlete* or other *Person* commits an anti-doping rule violation, SADA may, in its discretion and subject to the principle of proportionality, elect to recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed.

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

10.13 Commencement of Ineligibility Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, 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.

10.13.1 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*, and the *Athlete* or other *Person* can establish

⁸³ [Comment to Article 10.10: Nothing in these Anti-Doping Rules precludes clean *Athletes* or other *Persons* who have been damaged by the actions of a *Person* who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such *Person*.]

⁸⁴ [Comment to Article 10.11: This Article is not intended to impose an affirmative duty on SADA to take any action to collect forfeited prize money. If SADA elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the *Athlete(s)* who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by SADA and its *Athletes*.]

that such delays are not attributable to the *Athlete* or other *Person*, SADA or Hearing Panel, if applicable, 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*.⁸⁵

10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.13.2.1 If a *Provisional Suspension* is 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 the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. 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.

10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from SADA 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 14.1.⁸⁶

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

10.14 Status During *Ineligibility* or *Provisional Suspension*

10.14.1 Prohibition Against Participation During *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*:

- (i) compete or participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation

⁸⁵[Comment to Article 10.13.1: In *Athlete Biological Passport* cases or cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the *Athlete* or other *Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used. Where the body determines that substantial delays attributable to parties other than the *Athlete* or other *Person* justifies commencing the period of *Ineligibility* at an earlier date, the backdated period of time should not exceed the amount of delay attributable to the parties and should not include any period of delay attributable to the *Athlete* or other *Person*. For the avoidance of doubt, the period of time between the original analysis of a *Sample* and the further analysis under Article 6.6 shall not be considered a delay under Article 10.13.1.]

⁸⁶[Comment to Article 10.13.2.2: An *Athlete*'s voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way as to draw an adverse inference against the *Athlete*.]

programs) authorized, organized or funded by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization;

- (ii) compete or participate in any capacity in *Competitions* or training activities authorized or organized by any professional league, any professional *Event*⁸⁷ organization or any international or national-level *Event* organization where not already covered by Article 10.14.1(i);
- (iii) compete or participate in any capacity in competitions or training activities funded by a governmental agency;
- (iv) provide any sport-related services, including without limitation serving as a coach or other *Athlete Support Personnel*, to any *Athlete* or other *Person* bound by rules adopted pursuant to the *Code* (and doing so could also result in a violation of Article 2.10 by such *Athlete(s)*);
- (v) serve as a board member, officer, director, official or senior executive, or in any position involving *Doping Control* or involving direct contact with *Athletes* or *Athlete Support Personnel*, of any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization; or
- (vi) receive compensation from any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, except for compensation for employment for services not prohibited as described in 10.14.1 (v) above.⁸⁸

87 [Comment to Article 10.14.1 (ii): With respect to the terms “professional league” and “professional Event”, further guidance may be provided in the International Standard for Results Management or guidelines.]

88 [Comment to Article 10.14.1: The term “activity” as used in this Article includes all competitive, training and administrative functions, as well as social functions where the *Person* has a formal or official role or receives recognition, authorized or organized by the referenced organizations. By way of example, this Article does not prohibit an *Ineligible Person* from engaging in the following activities so long as the *Ineligible Person* is not acting as an *Athlete Support Personnel*, the activity is not funded by a government and is not authorized, organized or funded by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization:

- (1) an *Ineligible* basketball player could participate in a pick-up basketball game with former teammates;
- (2) an *Ineligible* distance runner could go for a run with friends or other elite *Athletes*;
- (3) an *Ineligible* swimmer could swim in a separate lane in the same pool where a national team trains as long as the swimmer has no involvement with the team training;
- (4) an *Ineligible* figure skater could receive coaching or athletic training services from *Athlete Support Personnel* who also work for a referenced organization as long as the services provided to the figure skater are not performed as part of the *Athlete Support Personnel's* job duties for the referenced organization; and
- (5) an *Ineligible* gymnast could receive payments from an individual sponsor as long as the payments are not connected to or arranged by a referenced organization.

Ineligibility imposed in one sport shall be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). Any performance standard accomplished during a period of Ineligibility shall not be recognized by a Signatory or its National Federations for any purpose.

Without prejudice to Article 5.6.2 and for the avoidance of doubt, the prohibition against participating in any capacity in the activities identified in this Article shall continue to apply to retired Persons through the duration of their period of Ineligibility.

For the avoidance of doubt, where the Ineligible Person is an Athlete under a club contract of employment for athletic services, Article 10.14.1 (vi) does not prohibit the club from continuing to make contractual payments to the Athlete during the period of Ineligibility or Provisional Suspension so long as the Athlete does not engage in any activities prohibited in Article 10.14.1 (v).]

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons* or *Minors*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* who has not retired shall remain subject to *Testing* and any requirement by SADA to provide whereabouts information.⁸⁹

10.14.2 Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of SADA's or other *Signatory's* member organization during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed. The permitted training window for *Athletes* that were *Protected Persons* at the time of the anti-doping rule violation shall be the last one-half of the period of *Ineligibility* imposed.⁹⁰

10.14.3 Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted down to a reprimand and no period of *Ineligibility* based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. Subject to Article 7.1.4 of the Code, the determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, SADA shall impose sanctions for a violation of Article 2.9 for such assistance.

89 [Comment to Article 10.14.1: For the avoidance of doubt, the prohibition against participation in any capacity in the activities identified in this Article shall continue to apply to retired *Persons* through the duration of their period of *Ineligibility*.]

90 [Comment to Article 10.14.2: In many Team Sports and some Individual Sports (e.g., ski jumping and gymnastics), *Athletes* cannot effectively train on their 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 10.14.1 other than training.]

10.14.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by SADA, the Government of Slovakia, the *Slovak Olympic and Sport Committee*, the *Slovak Paralympic Committee* and the *National Federations*, as well as by other *Signatories* or *Signatories'* member organizations, as applicable.

10.15 Automatic Publication of Sanction

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

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Team Sports

Where more than one (1) 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 (2) members of a team in a *Team Sport* are found to have committed an anti-doping rule violation or violation of Article 10.14.1 during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation or violation of Article 10.14.1.⁹¹ 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.

11.3 Event Ruling Body or International Federation 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*.⁹²

ARTICLE 12 SANCTIONS BY SADA AGAINST OTHER SPORTING BODIES

91 [Comment to Article 11.2: See Comment to Article 9 regarding team Competition in Individual Sports.]

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

When SADA becomes aware that a *National Federation* in Slovakia or any other sporting body in Slovakia over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Rules within that organization's or body's area of competence, SADA may elect to request the *National Olympic Committee* of Slovakia, the Government of Slovakia or relevant International Federation to take the following additional disciplinary actions, or, where it has the authority, may itself take the following additional disciplinary actions:

- 12.1** Exclude all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.
- 12.2** Take additional disciplinary actions with respect to that organization's or body's recognition, the eligibility of their members to participate in SADA's activities based on the following:
 - 12.2.1** Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event all or some group of members of that organization or body may be banned from participation in any SADA activities for a period of up to two (2) years.
 - 12.2.2** Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.2.1 by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event, that organization or body may be suspended for a period of up to four (4) years.
 - 12.2.3** More than one *Athlete* or other *Person* affiliated with that organization or body commits an anti-doping rule violation during an *International Event*.
 - 12.2.4** That organization or body has failed to make diligent efforts to keep SADA informed about an *Athlete's* whereabouts after receiving a request for that information from SADA.
- 12.3** Withhold some or all funding or other financial and non-financial support to that organization or body.
- 12.4** Oblige that organization or body to reimburse SADA for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of these Anti-Doping Rules committed by an *Athlete* or other *Person* affiliated with that organization or body.

ARTICLE 13 RESULTS MANAGEMENT: APPEALS⁹³

13.1 Decisions Subject to Appeal

Decisions made under the *Code* or these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

13.1.1 Scope of Review Not Limited

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

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. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.⁹⁴

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

Subject to Article 13.1.4, in making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.⁹⁵

All anti-doping proceedings before CAS involving WADA, an International Federation and/or a *Major Event Organization* as a party shall be conducted in French or English. Such proceedings may only be conducted in a language other than French or English if WADA, the International Federation and/or the *Major Event Organization* (all) agree with such request at their entire discretion.

13.1.3 WADA Not Required to Exhaust Internal Remedies⁹⁶

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

13.1.4 Appeals from Decisions Made by WADA

Where the *Code* or *International Standards* provide a right of appeal against a decision made by WADA, such appeal shall be made exclusively to CAS. Notwithstanding any other provision of Article 13.1, the appellate standard of review for such appealable decisions made by WADA under the *Code* or *International Standards*, or made with WADA's approval under Articles 5.3.2, 5.6.1, 7.1.1, 10.7 and 14.1.1, shall be whether WADA's decision was arbitrary.

13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Violations of Article 10.14.1, Consequences, Provisional Suspensions, Implementation of Decisions and Authority

The following decisions may be appealed exclusively as provided in this Article 13.2:

- a decision that an anti-doping rule violation or violation of Article 10.14.1 was committed;

⁹⁴ [Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]

⁹⁵ [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.]

⁹⁶ [Comment to Article 13.1.3: Where a decision has been rendered before the final stage of SADA's process (for example, a first hearing) and no party elects to appeal that decision to the next level of SADA's process (e.g., the Managing Board), then WADA may bypass the remaining steps in SADA's internal process and appeal directly to CAS.]

- a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation or violation of Article 10.14.1, or a decision that no anti-doping rule violation or violation of Article 10.14.1 was committed;
- a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- a decision by WADA not to grant an exemption to the six-months notice requirement for a retired *Athlete* to return to competition under Article 5.6.1;
- a decision by SADA to disqualify, or to not disqualify results under Article 5.6.1;
- a decision by WADA assigning *Results Management* under Article 7.1 of the *Code*;
- a decision by SADA not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, an *Adverse Passport Finding* or an *Atypical Passport Finding* after review, or a decision not to go forward with an anti-doping rule violation or violation of Article 10.14.1 or whereabouts failure after an investigation in accordance with the *International Standard for Results Management* or *International Standard for Intelligence and Investigations*;
- a decision not to impose, or a decision to lift or not to lift, a *Provisional Suspension* (with all such appeals made exclusively to CAS as provided in Article 7.4.3);
- a decision that SADA lacks authority to rule on an alleged anti-doping rule violation or violation of Article 10.14.1 or its *Consequences*;
- a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Articles 10.7.2, 10.7.3 and 10.7.4;
- failure to comply with Articles 7.1.4 of the *Code* and 7.1.5;
- failure to comply with Article 10.8;
- a decision under Article 10.14.3;
- a decision by SADA that the requirements for recording a whereabouts failure are not met;
- a decision by SADA not to implement another *Anti-Doping Organization's* decision under Article 15;
- and a decision under Article 23.4.4.

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.⁹⁷

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

⁹⁷ [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.]

In cases where Articles 7.4.3 and 13.2.1 are not applicable, the decision may be appealed to the Appeal Panel. The appeal process shall be carried out in accordance with the rules established by the *National Anti-Doping Organization* and the *International Standard for Results Management*.⁹⁸ For the purposes of this Article 13.2.2, the appeal panel shall be the Second Instance Commission for Doping Proceedings established under Sports Act (the “Appeal Panel”).

13.2.2.1 Hearings before the Appeal Panel

13.2.2.1.1 The Appeal Panel shall be *Institutionally Independent*. This means that it shall not be in any way administered by, connected or subject to SADA, a *National Federation*, or any other national sports governing body or other national sports organization.

13.2.2.1.2 The Appeal Panel shall consist of three (3) members and two (2) alternate members. One member of the Appeal Panel is in position of Chair.

The alternate members shall provide for replacement possibilities in the event of a conflict of interest or in other justified cases where a committee member is unable to hear the case.

13.2.2.1.3 Each appeal panel pool member shall be appointed by Minister of Sports, taking into consideration their requisite anti-doping experience including their legal, sports, medical and/or scientific expertise. Each member shall be appointed for a renewable term of four (4) years.

13.2.2.1.4 The appointed appeal panel members shall be *Operationally* and *Institutionally Independent*. Board members, staff members, commission members, consultants and officials of SADA or its affiliates (such as a *Delegated Third Party*), as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of Appeal Panel. In particular, no member shall have previously considered any *Therapeutic Use Exemption* application, *Results Management* decision, first instance, or appeal involving the same *Athlete* in a given case.

13.2.2.1.5 Appeal Panel shall be in a position to conduct the hearing and decision-making process without interference from SADA or any third party.

⁹⁸ [Comment to Article 13.2.2: For Therapeutic Use Exemption appeals it is recommended that the appellate body include at least one physician with experience of Therapeutic Use Exemptions.]

13.2.2.1.6 Hearings on appeal shall not be conducted (whether by delegation or otherwise) by *Persons* appointed by, or under the authority of a *National Federation*, or any other national sports governing bodies or other national sports organizations.

13.2.2.1.7 The Appeal Panel has the power, at its absolute discretion, to appoint an expert to assist or advise the panel.

13.2.2.1.8 All parties to the appeal shall ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.**99**

13.2.2.1.9 The International Federation, the *National Federation* concerned, the *National Olympic Committee*, if not a party (or parties) to the proceedings, and WADA each have the right to attend hearings of the Appeal Panel as an observer.

13.2.2.1.10 Hearings pursuant to this Article should be completed as expeditiously as possible. Hearings held in connection with *Events* may be conducted on an expedited basis.

13.2.2.2 Proceedings of the Appeal Panel

13.2.2.2.1 The proceedings of the Appeal Panel shall respect the principles described in Articles 8, 9, and 10 of the *International Standard for Results Management*.

13.2.2.2.2 The Appeal Panel shall hear and determine the case in a composition of three (3) members. The Chair shall have at least a master's degree in law and no less than three (3) years of professional legal experience. Other two (2) members shall have at least three years of professional experience in the fields of law, natural sciences, medical sciences, pharmaceutical sciences, or physical education.

The Appeal Panel shall decide by vote, and the adoption of a decision shall require the consent of at least two (2) members.

13.2.2.2.3 Before hearing a case, each member of the Appeal Panel shall disclose any facts or circumstances which might call into question their impartiality or give rise to a conflict of interest and sign a corresponding declaration. If such facts or circumstances arise at a later stage of the hearing process, the relevant hearing panel member **(i)** shall promptly disclose them to

the parties and **(ii)** shall not participate in the hearing or decision-making in that case, unless the Chair or other members in the case of the Chair, decide otherwise.

An excluded member shall be replaced by an alternate member.

13.2.2.2.4 If a member of the Appeal Panel is unwilling or unable to hear the case, for any reason, or is excluded due to a conflict of interest, that member shall be replaced by an alternate member.

13.2.2.2.5 The parties shall be notified of the identity of the members of the Appeal Panel who will hear and determine the matter and shall be provided with the declarations mentioned at Article 13.2.2.2.3 at the outset of the Hearing Process. The parties shall be informed of their right to challenge the participation of any member of the Appeal Panel if there are grounds for potential conflicts of interest within seven (7) days from the ground for the challenge having become known.

If the challenge against participation is raised, the challenged member of the Appeal Panel shall not participate in the hearing or decision-making in that case, unless the Chair or other members in the case of the Chair is challenged, decide otherwise.

13.2.2.2.6 The appellant shall present their case and the respondent party or parties shall present their case(s) in reply.

13.2.2.2.7 The hearing of the Appeal Panel is not public, unless the Athlete, Person or SADA requests a public hearing. The Appeal Panel shall decide on a request under the preceding sentence at the beginning of the hearing. The Appeal Panel:

- (a) shall reject a request if it was filed by the SADA and the Athlete or Person does not consent to a public hearing;
- (b) may reject the request if a public hearing of the case would:
 - 1. endanger public morals, public order, or public safety;
 - 2. if required by the interests of minors or the protection of the Athletes' or Parties' privacy;
 - 3. if publicity would prejudice the interests of justice; or
 - 4. if the hearing concerns exclusively legal issues.

13.2.2.2.9 Each party to the proceedings shall also have the right to:

- (a) Be represented by counsel at their own expense;
- (b) Access and present relevant evidence;
- (c) Submit written and oral submissions;
- (d) Call and examine witnesses; and
- (e) Have an interpreter at the hearing at their own expense.

13.2.2.3 Decisions of the Appeal Panel

13.2.2.3.1 At the end of the hearing, or promptly thereafter, the Appeal Panel shall issue a written, dated and signed decision that respects the principles of Article 9 of the *International Standard for Results Management*.

13.2.2.3.2 The decision shall notably include 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.

13.2.2.3.3 SADA shall notify the decision to the *Athlete* or other *Person*, to his or her *National Federation*, and simultaneously to *Anti-Doping Organizations* with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS.

13.2.2.3.4 The decision may be appealed as provided in Article 13.2.3 and *Publicly Disclosed* as provided in Article 14.3.

13.2.3 *Persons Entitled to Appeal*

13.2.3.1 Appeals Involving *International-Level Athletes* or *International Events*

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

13.2.3.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases under Article 13.2.2, the following parties shall have the right to appeal: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) SADA and (if different) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

For decisions rendered under Article 13.2.2 by Appeal Panel, the same parties identified in (a) through (f) above shall also have the right to appeal the decision to CAS.¹⁰⁰

Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

13.2.3.3 Duty to Notify as a Condition to Admissibility of Appeal

As a condition to the admissibility of an appeal to CAS authorized in this Article 13, an appealing party shall have provided notice of the appeal to WADA and all other parties with a right to appeal. For other appeals authorized in this Article 13, all parties to an appeal shall ensure that WADA and all other parties with a right to appeal have been given notice of the appeal.

13.2.3.4 Appeal from Imposition of *Provisional Suspension*

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

13.2.3.5 Appeal from Decisions under Article 12

Decisions by SADA pursuant to Article 12 may be appealed exclusively to CAS by the *National Federation* or other body.

13.2.4 Cross Appeals and other Subsequent Appeals Allowed¹⁰¹

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

13.2.5 In any case where WADA is provided a right to appeal in this Article 13.2 (subject to the further provisions of Article 7.4.3), WADA may elect, at its

¹⁰⁰ [Comment to Article 13.2.3.2: In such cases, the respondent(s) shall also have the right to cross-appeal.]

¹⁰¹ [Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an *Athlete* the right to cross appeal when an *Anti-Doping Organization* appeals a decision after the *Athlete's* time for appeal has expired. This provision permits a full hearing for all parties.]

sole discretion and within its deadline for filing an appeal, or within ten (10) days of being notified of the appeal if later, to join in the appeal as a party in support or opposition to the appeal or cross-appeal. In such event, WADA shall have the right, but not the obligation, to file pleadings, examine witnesses and present argument.¹⁰²

13.3 Failure to Render a Timely Decision by SADA¹⁰³

Where, in a particular case, SADA fails to render an appealable decision under its authority with respect to whether an anti-doping rule violation or violation of Article 10.14.1 was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS (subject to CAS Appeal Division Rules by analogy) as if SADA had rendered a decision finding no anti-doping rule violation or violation of Article 10.14.1. If the CAS hearing panel determines that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by SADA.

13.4 Appeals Relating to *Therapeutic Use Exemptions*

Therapeutic Use Exemption decisions may be appealed exclusively as provided in Article 4.4 and the *International Standard for Therapeutic Use Exemptions*.

13.5 Notification of Appeal Decisions

SADA shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

13.6 Time for Filing Appeals

13.6.1 Appeal Deadline for Parties other than WADA

The deadline to file an appeal for parties other than WADA shall be the later of:

- (a) Twenty-one (21) days after receipt of the decision;¹⁰⁴ or
- (b) Where the appealing party makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after receipt of the complete file relating to the decision.

13.6.2 Appeal Deadline for WADA

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

¹⁰² [Comment to Article 13.2.5: For the avoidance of doubt, this provision is not intended to limit any other available right of intervention for any Anti-Doping Organization such as, for example, under the CAS Code.]

¹⁰³ [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 SADA to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with SADA and give SADA an opportunity to explain why it has not yet rendered a decision.]

¹⁰⁴ [Comment to Article 13.6.1(a): Where a reasoned decision is required, the twenty-one (21) day deadline shall begin to run from receipt of the reasoned decision; where a reasoned decision is not required (e.g., imposition of a mandatory Provisional Suspension), the deadline shall run from the receipt of the operative decision.

Whether governed by CAS rules or Article 13.6.1, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

- (a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or
- (b) Where WADA makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after WADA's receipt of the complete file relating to the decision.¹⁰⁵

13.7 Empowering provisions

Further details regarding the conditions for the appointment of Appeal Panel members, termination of their function and the decision-making process shall be specified in accordance with these anti-doping rules by the Sports Act and the Hearing Panel (Appeal Panel) Statutes.

ARTICLE 14 CONFIDENTIALITY AND REPORTING

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:

14.1 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and Other Asserted Anti-Doping Rule Violations or Violations of Article 10.14.1

14.1.1 Notice of Anti-Doping Rule Violations or Violations of Article 10.14.1 to *National Anti-Doping Organizations*, International Federations and WADA

Notice of the assertion of an anti-doping rule violation or violation of Article 10.14.1 to the *Athlete's* or other *Person's National Anti-Doping Organization*, if different from SADA, International Federation, any other *Anti-Doping Organization* with a right to appeal under Article 13.2.3, and WADA shall occur as provided under Articles 7 and 14, simultaneously with the notice to the *Athlete* or other *Person*; provided, however, SADA may, upon WADA's written approval which it may grant or deny at its discretion, delay or withhold the notice required by this Article 14.1.1.¹⁰⁶

If at any point during *Results Management* up until the anti-doping rule violation or violation of Article 10.14.1 charge, SADA decides not to move forward with a matter, it shall give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.3, at the same time it gives notice to the *Athlete* or other *Person*.

14.1.2 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* or other *Person'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 Results Management*, or, for anti-doping rule violations other than under Article 2.1 or violation of Article 10.14.1, the rule violated and the basis of the asserted violation.

¹⁰⁵ [Comment to Article 13.6.2: For purposes of determining whether the complete file has been received, see also Article 14.2.3.]

¹⁰⁶ [Comment to Article 14.1.1: By way of example, WADA could decide to approve NADOs request to delay notice where a highly confidential investigation is ongoing which might implicate a party who would otherwise receive notice of the asserted anti-doping rule violation.]

14.1.3 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 7.2, the *Anti-Doping Organizations* referenced in Article 14.1.1 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.4 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until SADA has made *Public Disclosure* as permitted by Article 14.3.

14.1.6 Protection of Confidential Information by an Employee or Agent of SADA

SADA shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, other asserted anti-doping rule violations or violations of Article 10.14.1, remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3. SADA shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

14.2 Notice of Decision of Anti-Doping Rule Violations or Violations of Article 10.14.1 and Request for Files

14.2.1 Decisions that are subject to appeal, (whether under Article 13.2 or otherwise) and including, without limitation any anti-doping rule violation decisions, decisions related to Article 10.14.1 and decisions related to whereabouts failures shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, SADA shall provide an English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision. The case file shall be produced in machine readable form and, to the greatest extent practicable, in electronic, digital, and word-searchable format. If the case file contains documents in a language other than English or French, a case file index shall be provided promptly in English or French with a short description of each document in English or French.

14.2.3 For purposes of Articles 13.6.1 and 13.6.2, the complete file shall not be considered to have been received by WADA or other parties with a right to appeal until the complete file has been produced in accordance with Article 14.2.2.

14.3 Public Disclosure

- 14.3.1** After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.1, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation or violation of Article 10.14.1, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by SADA.
- 14.3.2** Subject to Article 14.3.3 and applicable laws in Slovakia, no later than twenty (20) days after a decision or determination finding an anti-doping rule violation or violation of Article 10.14.1 has become final under the applicable rules and is not subject to further appeal provided for under the *Code*, SADA:
- (i) shall *Publicly Disclose* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. Where *Public Disclosure* as required by Article 14.3.2 would result in a breach of other applicable laws of Slovakia, SADA's failure to make the *Public Disclosure* will not result in a determination of non-compliance with the *Code* as set forth in Article 4.2 of the *International Standard for Data Protection*.
 - (ii) may make public such decision or determination and may comment publicly on the matter.
- 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 or violation of Article 10.14.1 or has established that they bear *No Fault or Negligence* for the anti-doping rule violation, no *Public Disclosure* shall be made concerning the determination or the case except with the consent of the *Athlete* or other *Person* who is the subject of the decision. SADA 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. As exceptions, and subject to applicable laws in Slovakia, if the identity of the *Athlete* or the other *Person* is already public or *Consequences* have been or are being imposed, or there are other compelling circumstances supporting *Public Disclosure*, then SADA may, without consent, *Publicly Disclose* the matter to the extent necessary to explain the outcome of the case.
- 14.3.4** Publication shall be accomplished at a minimum by placing the required information on SADA's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.
- 14.3.5** Except as provided in Article 14.3.1 and 14.3.3, no *Anti-Doping Organization*, *National Federation* or WADA-accredited laboratory, or any official of any such 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, or based on information provided by the *Athlete*, other *Person* or their entourage or other representatives.
- 14.3.6** The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have

committed an anti-doping rule violation or violation of Article 10.14.1 is a *Minor, Protected Person or Recreational Athlete*.

- 14.3.7** Any optional *Public Disclosure*, under any provision of Article 14, in a case involving a *Minor, Protected Person or Recreational Athlete* shall be proportionate to the facts and circumstances of the case and shall take into consideration the best interests of the individual. In exceptional cases, the importance of transparency to the credibility to the anti-doping system may also be subsidiarily considered.

14.4 Statistical Reporting

SADA shall, at least annually, publish on its website a general statistical report of its *Doping Control* activities, with a copy provided to WADA. The report shall include, without limitation, a separate listing (which shall maintain the anonymity of the *Athlete* or other *Person* involved) of each anti-doping decision finding *No Fault or Negligence* under Article 10.5, and for each such decision, provide: the year the decision was made; the sport involved; the *Code* article violated; the *Prohibited Substance* or *Prohibited Method* involved; and whether the decision has been appealed. SADA may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

14.5 Doping Control Information Database and Monitoring of Compliance

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organizations*, SADA shall report to WADA through ADAMS *Doping Control*-related information, including, in particular:

- (a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
- (b) Whereabouts information for *Athletes* in accordance with the *International Standard for Testing*,
- (c) *Therapeutic Use Exemption* decisions, and
- (d) *Results Management* decisions,

and any other information as required under the applicable *International Standard(s)*.

- 14.5.1** To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, and to ensure that *Athlete Biological Passport* profiles are updated, SADA shall report all *In-Competition* and *Out-of-Competition* tests to WADA by entering the *Doping Control* forms into ADAMS in accordance with the requirements and timelines contained in the *International Standard for Testing*.

- 14.5.2** To facilitate WADA's oversight and appeal rights for *Therapeutic Use Exemptions*, SADA shall report all *Therapeutic Use Exemption* applications, decisions and supporting documentation using ADAMS in accordance with the requirements and timelines contained in the *International Standard for Therapeutic Use Exemptions*.

- 14.5.3** To facilitate WADA's oversight and appeal rights for *Results Management*, SADA shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the *International Standard for Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical*

Findings; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; (d) violations of Article 10.14.1; and (e) any decision imposing, lifting or reimposing a *Provisional Suspension*.

- 14.5.4** The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organization* and International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.¹⁰⁷

14.6 Data Privacy

- 14.6.1** SADA may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its *Anti-Doping Activities* under the *Code*, the *International Standards* (including specifically the *International Standard* for Data Protection, these Anti-Doping Rules, and in compliance with applicable law.
- 14.6.2** SADA shall not use personal information in ADAMS for purposes other than anti-doping.
- 14.6.3** Without limiting the foregoing, SADA shall:
- (a) Only process personal information in accordance with a valid legal ground;
 - (b) Notify any *Participant* or *Person* subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the *International Standard* for Data Protection, that their personal information may be processed by SADA and other *Persons* for the purpose of the implementation of these Anti-Doping Rules;
 - (c) Ensure that any third-party agents (including any *Delegated Third Party*) with whom SADA shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

ARTICLE 15 IMPLEMENTATION OF DECISIONS

15.1 Automatic Binding Effect of Decisions by Signatory Anti-Doping Organizations

- 15.1.1** A decision of an anti-doping rule violation or violation of Article 10.14.1 made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2 of the *Code*) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon SADA and any *National Federation* in Slovakia, as well as every *Signatory* in every sport with the effects described below:
- 15.1.1.1** A decision by any of the above-described bodies imposing a *Provisional Suspension* automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1)

¹⁰⁷ [Comment to Article 14.5: ADAMS is operated, administered and managed by WADA, and is designed to be consistent with data privacy laws and norms applicable to WADA and other organizations using such system. Personal information regarding *Athletes* or other *Persons* maintained in ADAMS is and will be treated in strict confidence and in accordance with the *International Standard* for Data Protection.]

in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation or violation of Article 10.14.1 automatically binds all *Signatories*.

15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

15.1.2 SADA and any *National Federation* in Slovakia shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date SADA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.3 A decision by an *Anti-Doping Organization*, an appellate body or CAS to suspend, or lift, *Consequences* shall be binding upon SADA, and any *National Federation* in Slovakia, without any further action required, on the earlier of the date SADA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation or violation of Article 10.14.1 by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on SADA or *National Federations* in Slovakia unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.¹⁰⁸

15.2 Implementation of Other Decisions by Anti-Doping Organizations

SADA may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above.¹⁰⁹ In such circumstances,

¹⁰⁸ [Comment to Article 15.1.4: By way of example, where the rules of the *Major Event Organization* give the *Athlete* or other *Person* the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the *Major Event Organization* is binding on other *Signatories* regardless of whether the *Athlete* or other *Person* chooses the expedited appeal option.]

¹⁰⁹ [Comment to Articles 15.1 and 15.2: *Anti-Doping Organization* decisions under Article 15.1 are implemented automatically by other *Signatories* without the requirement of any decision or further action on the *Signatories'* part. For example, when a *National Anti-Doping Organization* decides to *Provisionally Suspend* an *Athlete*, that decision is given automatic effect at the *International Federation* level. To be clear, the "decision" is the one made by the *National Anti-Doping Organization*, there is not a separate decision to be made by the *International Federation*. Thus, any claim by the *Athlete* that the *Provisional Suspension* was improperly imposed can only be asserted against the *National Anti-Doping Organization*. Implementation of *Anti-Doping Organizations'* decisions under Article 15.2 is subject to each *Signatory's* discretion. A *Signatory's* implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of *Therapeutic Use Exemption* decisions of other *Anti-Doping Organizations* shall be determined by Article 4.4 and the *International Standard for Therapeutic Use Exemptions*.]

such decisions shall be automatically implemented by the *National Federations* in Slovakia.

15.3 Implementation of Decisions by Body that is not a *Signatory*

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by SADA, if SADA finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.¹¹⁰ In such circumstances, such decisions shall be automatically implemented by the *National Federations* in Slovakia.

ARTICLE 16 STATUTE OF LIMITATIONS

No anti-doping rule violation or violation of Article 10.14.1 proceeding may be commenced against an *Athlete* or other *Person* unless they have been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

ARTICLE 17 EDUCATION

Within its scope of responsibility, SADA shall plan, implement, monitor and evaluate an *Education* program in line with the requirements of Article 18 of the *Code* and the *International Standard for Education*.

SADA shall ensure that its *Education* program raises awareness, provides accurate information, enhances decision-making capability, and develops clean sport behaviors in line with the spirit of sport and to be in compliance with the *Code*.

SADA shall ensure that its *Education* program is progressive and in line with the main stages of the *Athlete* pathway, underpinned by a clear curriculum that includes (at a minimum) all topics as listed in the *International Standard for Education*. Such topics and content should be adapted in line with the *Athlete* pathway.

ARTICLE 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF SADA

18.1 In addition to the roles and responsibilities described in Article 20.5 of the *Code* for *National Anti-Doping Organizations*, SADA shall report to WADA on SADA's compliance with the *Code* and *International Standards* in accordance with Article 24.1.1 of the *Code*.

18.2 SADA shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *Delegated Third Party* where such delegation could reasonably lead to a potential or actual conflict of interest; moreover, due to the potential conflict of interest, SADA shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *National Federation*, or any other national sports governing body or other national sports organization.

ARTICLE 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

¹¹⁰ [Comment to Article 15.3: Where the decision of a body that has not accepted the *Code* is in some respects *Code* compliant and in other respects not *Code* compliant, Signatories should attempt to apply the decision in harmony with the principles of the *Code*. For example, if in a process consistent with the *Code* a non-Signatory has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in the *Athlete's* body but the period of *Ineligibility* applied is shorter than the period provided for in the *Code*, then all Signatories should recognize the finding of an anti-doping rule violation and the *Athlete's* *National Anti-Doping Organization* should conduct a hearing consistent with Article 8 to determine whether the longer period of *Ineligibility* provided in the *Code* should be imposed. A Signatory's implementation of a decision or its decision not to implement a decision under Article 15.3, is appealable under Article 13.]

- 19.1** To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code*.
- 19.2** To be available for *Sample* collection at all times.**111**
- 19.3** To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 19.4** To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.
- 19.5** To disclose to SADA and their International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.
- 19.6** To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.**112**
- 19.7** To disclose the identity of their *Athlete Support Personnel* upon request by SADA, or any other *Anti-Doping Organization* with authority over the *Athlete*.
- 19.8** *Athletes* shall make themselves available for *Education*.

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETE SUPPORT PERSONNEL

- 20.1** To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.
- 20.2** *Athlete Support Personnel* shall make themselves available for *Education* in order to support the provision of accurate anti-doping information to the *Athletes* who they support, particularly in the case of *Protected Persons* and *Minors*.
- 20.3** To cooperate with the *Athlete Testing* program.
- 20.4** To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.
- 20.5** To disclose to SADA and their International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.
- 20.6** To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.**113**

111 [Comment to Article 19.2: 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.]

112 [Comment to Article Error: Reference source not found: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under SADA's rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the *International Standard for Intelligence and Investigations*.]

113 [Comment to Article Error: Reference source not found: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under SADA's rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the *International Standard for Intelligence and Investigations*.]

20.7 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.¹¹⁴

20.8 No *Person* subject to a period of *Ineligibility* shall provide *Athlete Support Personnel* services to any *Athlete* or other *Person* who is bound by rules adopted pursuant to the *Code*.

20.9 To exercise the highest duty of care in supporting *Athletes* to protect them from the risk of an unintentional anti-doping rule violation.

ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS BOUND BY THESE ANTI-DOPING RULES

21.1 To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code* and which are applicable to them.

21.2 To disclose to SADA and their International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

21.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.¹¹⁵

ARTICLE 22 INTERPRETATION OF THE CODE

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

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

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

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

22.5 Where the term “days” is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

22.6 Where the term “shall” is used in the *Code* or an *International Standard*, it means a mandatory obligation that must be adhered to; where the term “should” is used in the *Code* or an *International Standard*, it means something is considered a best practice or is encouraged to be followed but is not mandatory.

¹¹⁴ [Comment to Article Error: Reference source not found: In those situations where *Use* or personal *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without justification is not an anti-doping rule violation under the *Code*, it should be subject to other sport disciplinary rules. Coaches and other *Athlete Support Personnel* are often role models for *Athletes*. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their *Athletes* not to dope.]

¹¹⁵ [Comment to Article Error: Reference source not found: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under SADA’s rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the *International Standard for Intelligence and Investigations*.]

- 22.7** The *Code* shall not apply retroactively to matters pending before the date the *Code* accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.
- 22.8** The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 2, Definitions, shall be considered integral parts of the *Code*.

ARTICLE 23 FINAL PROVISIONS

- 23.1** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.
- 23.2** The comments annotating various provisions of these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.
- 23.3** These Anti-Doping Rules shall enter into force and shall apply in full as of 1 January 2027 (the "Effective Date"). They repeal any previous version of SADA's Anti-Doping Rules.
- 23.4** These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:
- 23.4.1** 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.
- 23.4.2** 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, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).
- 23.4.3** Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.
- 23.4.4** With respect to cases where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 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 SADA or other *Anti-Doping Organization* which had *Results*

Management authority for the anti-doping rule violation or violation of Article 10.14.1 to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application shall be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered and the period of *Ineligibility* has expired.

- 23.4.5** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.**116**
- 23.4.6** Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to SADA or other *Anti-Doping Organization* which had *Results Management* authority for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

116 [Comment to Article 23.4.5: Other than the situation described in Article 23.4.5, where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered prior to the Effective Date and the period of *Ineligibility* imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation.]

APPENDIX 1 DEFINITIONS¹¹⁷

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

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

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard* for Laboratories, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* 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*.

Aggravating Circumstances: Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the otherwise applicable sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the anti-doping rule violation was committed as part of a sophisticated doping scheme or plan; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

Anti-Doping Activities: Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *Therapeutic Use Exemption* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

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

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 Organization*). An *Anti-Doping Organization* 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 Organization* may elect to: conduct limited *Testing* or no

¹¹⁷ [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

Testing at all; analyze Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance Therapeutic Use Exemptions.¹¹⁸ However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organization has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set forth in the Code shall be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete.¹¹⁹

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

Athlete Support Personnel/Athlete Support Person: 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 applicable International Standards (including related Technical Documents or Technical Letters), or as directed by WADA, prior to the final determination about the finding (i.e., the establishing, or not, of an anti-doping rule violation).

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter 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 rules of the applicable International Federation.

Consequences of Anti-Doping Rule Violations (“Consequences”): An Athlete’s or other Person’s violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Athlete’s results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Athlete or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.14; (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 means the

¹¹⁸ [Comment to Athlete: For the avoidance of doubt, SADA may not adopt different rules for such Athletes (including with respect to Therapeutic Use Exemptions) except with respect to the matters explicitly referenced above or as expressly allowed by an International Standard.]

¹¹⁹ [Comment to Athlete: Individuals who participate in sport may fall in one of five (5) categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. 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 Organizations.]

dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

Contaminated Source: An unforeseeable source of a *Prohibited Substance*, such as: using or taking a medication or supplement that contains a *Prohibited Substance* that is not disclosed on the product label or in information accessible by a reasonable artificial intelligence or comparable search; consumption of a food or drink, such as contaminated meat or liquid, that contains a *Prohibited Substance* with no advance warning, disclosure or other basis to suspect that it may contain a *Prohibited Substance*; exposure to a *Prohibited Substance* through the *Athlete's* direct physical contact with a third person or physical contact with objects touched or handled by the third person.

Decision Limit: The value above which a quantitative analytical result for a Threshold Substance in a *Sample* shall be reported as an *Adverse Analytical Finding*.¹²⁰

Delegated Third Party: Any *Person* to which SADA delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for SADA, or individuals serving as independent contractors who perform *Doping Control* services for SADA (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

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 and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *Therapeutic Use Exemptions*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

Education: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

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

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

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* 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 *Protected Person* or *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 shall be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.¹²¹

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

¹²⁰ [Comment to Decision Limit: For more information on Decision Limits and which Threshold Substances they are applied for, refer to the ISL TD DL and other applicable Technical Documents (e.g., ISL TD GH, ISL TD CG/LH.)]

In-Competition: The period commencing at 11:59 p.m. on the day 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*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.¹²²

Independent Observer Program: A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of WADA's compliance monitoring program.

Independent Review Expert: The role of the *Independent Review Expert* is to review those rare cases where, as described in Article 7.8.1, SADA has decided not to proceed with the normal *Results Management* process. Two individuals will be appointed to undertake the *Independent Review Expert* responsibilities described in Article 7.8 – a *Primary Independent Review Expert* and a *Backup Independent Review Expert* who will serve in the event the *Primary Independent Review Expert* is not available to promptly review a case or has a conflict of interest. The *Primary* and *Backup Independent Review Experts* shall be legal experts having extensive experience with anti-doping *Results Management* and with an established reputation of integrity and fairness. Stakeholders will be invited to submit, or encourage individuals to submit, *Independent Review Expert* applications to WADA's Independent Nominations Committee. That Committee will nominate at least two individuals which it believes are qualified to serve as the *Primary Independent Review Expert* or *Backup Independent Review Expert*. The *Primary* and *Backup Independent Review Experts* will then be selected by the WADA Executive Committee to serve under terms of reference which will address compensation, length of service term and other details of the engagement.

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

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

Institutional Independence: In addition to the requirements of *Operational Independence*, hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management* as well as from any national sports governing body or other national sports organization. They shall therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management* or any national sports governing body or other national sports organization.

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

International-Level Athlete: *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing*.¹²³

121 [Comment to Fault: The criterion for assessing an *Athlete's* degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.6, 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.]

122 [Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among *Athletes* across all sports, eliminates or reduces confusion among *Athletes* about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from Substances prohibited Out-of-Competition being carried over to the Competition period.]

123 [Comment to International-Level Athlete: Consistent with the International Standard for Testing, the International Federation is free to determine the criteria it will use to classify *Athletes* as International-Level *Athletes*, e.g., by ranking, by participation in particular International Events, or by type of license within a specified prior time window, etc. However, it shall publish those criteria in clear and concise form, so that *Athletes* are able to ascertain quickly and easily when they

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

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

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

Metabolite: Any substance produced by a biotransformation process.

Minimum Reporting Level: Value below which an estimated analytical result for some Non-Threshold Substances should not be reported as an *Adverse Analytical Finding*.¹²⁴

Minor: A natural *Person* who has not reached the age of eighteen (18) years.¹²⁵

Monitoring Program: Laboratory Analytical *Testing* program including substances or methods that are not in the *Prohibited List*, but that WADA wishes to monitor in order to detect potential patterns of misuse in sport.

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* 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. In Slovakia, the *National Anti-Doping Organization* is SADA.

National Anti-Doping Organization Operational Independence: This means that (1) a *National Anti-Doping Organization* shall establish sufficient legal, organizational, procedural, and/or contractual safeguards in order to prevent any undue influence, interference, or involvement in its management or operational activities to ensure the independent implementation of its anti-doping program; and (2) a *National Anti-Doping Organization* shall ensure that no *Person* is involved in its management or operational activities if such *Person* has a real or potential conflict of interest regarding the implementation of its operational activities; without limitation this would occur in circumstances where a *Person* is concurrently involved in the management or operational activities of the *National Anti-Doping Organization* and the management or operational activities of a *National Federation*, other national sports governing body or other national sports organization, or government department with responsibility for sport or anti-doping.¹²⁶

will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the *International Federation* shall publish a list of those *International Events* and the retrospective time period which applies.]

¹²⁴ [Comment to *Minimum Reporting Level*: For more information on *Minimum Reporting Levels* and the *Non-Threshold Substances* to which they shall be applied, refer to the TD MRPL.]

¹²⁵ [Comment to *Minor*: For context, see Comment to *Protected Person*. Any circumstance where a *Minor* is to be treated differently than other *Persons* or *Athletes* has been specifically identified in the Code. It should not be assumed that different treatment was intended where it is not specifically expressed.]

¹²⁶ [Comment to *National Anti-Doping Organization Operational Independence*: A *National Anti-Doping Organization's* operational activities include the implementation of day-to-day administration and decision-making regarding staff and budget allocation, and the *Doping Control* process.

The requirement of *National Anti-Doping Organization Operational Independence* would not prohibit, for example, the collaboration between *Signatory Staff members* at *International Events*; *National Anti-Doping Organization* representatives providing expert advice to other *Anti-Doping Organizations*; the involvement of state-employed doctors or

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

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

National-Level Athlete: Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organization, consistent with the International Standard for Testing. In Slovakia, National-Level Athletes are defined as set out in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").**127**

National Olympic Committee: The organization recognized by the International Olympic Committee. The term National Olympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area. In Slovakia, the National Olympic Committee is [name of the National Olympic Committee].

National Paralympic Committee: The organization recognized by the International Paralympic Committee. The term National Paralympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Paralympic Committee responsibilities in the anti-doping area. In Slovakia, the National Paralympic Committee is [name of the National Paralympic Committee].

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

No Significant Fault or Negligence: The Athlete or other Person's establishing that any 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 Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete shall also establish how the Prohibited Substance entered the Athlete's system.

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the Anti-Doping Organization with Results Management authority or its affiliates (e.g., member federation or confederation), as well as any Person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that Anti-Doping Organization with Results Management authority and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organization or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case. In addition, hearings shall not be conducted (whether by delegation or otherwise) by Persons appointed by, or under the

nurses as sample collection personnel; the participation of National Anti-Doping Organization staff in local sports associations or clubs; or the involvement of National Federation staff in anti-doping Education activities. Where the National Olympic Committee is acting as a National Anti-Doping Organization pursuant to Article 20.4.6, it shall comply with the requirements of National Anti-Doping Organization Operational Independence. If, however, the National Olympic Committee acting as the National Anti-Doping Organization cannot ensure that it fully respects the requirements of National Anti-Doping Organization Operational Independence, it should delegate its Doping Control activities to a Delegated Third Party for independent implementation.]

127 [Comment to National-Level Athlete: SADA shall publish its definition (with supporting criteria, if any) of National-Level Athlete in a manner sufficient to provide guidance to Athletes in ascertaining whether an Athlete is a National-Level Athlete.]

authority of, *National Federations* or any other national sports governing bodies or other national sports organizations.**128**

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

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

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.**129**

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*.

Protected Person: An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.**130**

128 [Comment to Operational Independence: Further description of the requirements for service on hearing panels, with examples, may be provided by WADA in the Guidelines for the International Standard for Results Management.]

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

130 [Comment to Protected Person: Not every Minor is a Protected Person. The Code differentiates between different groups of Minors based on two criteria: (i) age and (ii) level of sporting performance. Below the age of 16, Minors always qualify as Protected Persons. It is assumed that they are unable, in principle, to control their behavior in the same way as adults and therefore need to be given special treatment. Where Minors are over 16 (but below 18) years of age, they are assumed to have a higher level of understanding and, depending on their sporting level, better access to anti-doping Education. This justifies treating the age group between 16-18 differently from the age group below 16. The term "open category" is meant to exclude competition that is limited to junior or age group categories.

Athletes with a documented lack of legal capacity due to an intellectual impairment always qualify as Protected Persons independently of their age.

The purpose of the category of Protected Person is to take into account that an Athlete or other Person may not possess the mental capacity to sufficiently understand and appreciate the prohibitions against conduct contained in the Code. The special treatment of Protected Person flows from the fact that the central criteria to determine the period of Ineligibility is "Fault".

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

Public Disclosure/Publicly Disclose: See *Consequences of Anti-Doping Rule Violations* above.

Quality Assurance: Processes aimed at maintaining and improving the quality of Analytical Testing Procedures (as further defined in the *International Standard for Laboratories*), i.e., quality control, quality improvement, method development and validation, generation and evaluation of reference population data, analysis of substances included in the *WADA Monitoring Program* as described in *Code* Article 4.5, and any other legitimate *Quality Assurance* process, as determined by WADA, aimed at monitoring the validity of Analytical Testing Procedures applied to the analysis of *Prohibited Substances* and *Prohibited Methods* for the purposes established in *Code* Article 6.2.

Recreational Athlete: In Slovakia, *Recreational Athlete* is defined as set out in the Introduction to these Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).

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

Registered Testing Pool: The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to at least a minimum level of *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the *Code* and the *International Standard for Testing*. In Slovakia, SADA's *Registered Testing Pool* is defined as set out in Article 5.5 of these Anti-Doping Rules.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample or Specimen: Any biological material collected for the purposes of *Doping Control*.¹³¹

Signatories: Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

Specified Method: See Article 4.2.2.

Specified Substance: See Article 4.2.2.

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

Substance of Abuse: See Article 4.2.3.

Those circumstances where a Protected Person, Minor or Recreational Athlete is to be treated differently than other Persons or Athletes have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]

¹³¹ [Comment to *Sample or Specimen*: It has sometimes been claimed that the collection of blood or urine *Samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

Substantial Assistance: For purposes of Article 10.7.3, a *Person* providing *Substantial Assistance* shall: (1) fully disclose in a signed written statement or recorded interview all information they possess in relation to anti-doping rule violations or other proceeding described in Article 10.7.3.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided shall remain credible and valuable throughout any subsequent investigation or proceeding.

Tampering: Intentional conduct which subverts the *Doping Control* process. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *Therapeutic Use Exemption* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.¹³²

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

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

Technical Document: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

Technical Letter: Mandatory technical requirements provided by WADA from time to time to address particular issues relating to the analysis, interpretation and reporting of specific *Prohibited Substance(s)* and/or *Prohibited Method(s)* or to the application of specific Laboratory or *Athlete Biological Passport* Laboratory procedures.

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

Testing Pool: The pool of *Athletes* that SADA considers to be a lesser priority and from sport/disciplines of lesser risk than those *Athletes* in the *Registered Testing Pool* and who are subject to at least a minimum level of *Out-of-Competition Testing* and required to provide whereabouts information as outlined in the *International Standard for Testing*.]

Therapeutic Use Exemption: A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to Use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

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 authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include: (1) the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes (2) actions involving one or more *Prohibited Substances* which is/are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such

¹³² [Comment to *Tampering*: 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, altering a *Sample* by the addition of a foreign substance, or intimidating or Attempting to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* process. See Article 10.9.3.3. However, actions taken as part of a *Person's* legitimate defense to an anti-doping rule violation charge shall not be considered *Tampering*. *Sample* collection personnel should be permitted to carry out their duties in a safe environment without interference or harassment. Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of sport organizations.]

Prohibited Substance(s) (a) is/are not intended for genuine and legal therapeutic purposes or (b) is/are intended to enhance sport performance; or (3) other acceptable justification.**133**

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

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

WADA: The World Anti-Doping Agency.

Without Prejudice Agreement: For purposes of Articles 10.7.1.1 and 10.8, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

133 [Comment to Trafficking: Acceptable justification would not include, for example, giving, transporting or delivering a *Prohibited Substance* to a friend or relative, except under justifiable medical circumstances where that *Person* had a physician's prescription, e.g., transporting and delivering *Insulin* to a diabetic child.]