



## IWAS HANDBOOK IWAS ANTI-DOPING CODE

The IWAS Anti-Doping Code was first published in January 2004, and amended in 2006, 2009 and 2015. This version of the IWAS Anti-Doping Code was approved by the IWAS Executive Board on 18<sup>th</sup> October 2022 and will take effect as of 18<sup>th</sup> October 2022.

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## PREFACE: FUNDAMENTAL RATIONALE FOR THE WORLD ANTI-DOPING CODE AND THE IWAS ANTI-DOPING CODE

- Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is often referred to as "the spirit of sport": the ethical pursuit of human excellence through the dedicated perfection of each *Athlete's* natural talents.
- Anti-doping programs seek to protect the health of ***Athletes*** and to provide the opportunity for ***Athletes to pursue human excellence without the Use of Prohibited Substances and Prohibited Methods.***
- Anti-doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, 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 the essence of Olympism and is reflected in the values we find in and through sport, including:
  - Health
  - Ethics, fair play and honesty
  - *Athletes'* rights as set forth in the World Anti-Doping Code
  - Excellence in performance
  - Character and Education
  - Fun and joy
  - Teamwork
  - Dedication and commitment
  - Respect for rules and laws
  - Respect for self and other Participants
  - Courage
  - Community and solidarity
- The spirit of sport is expressed in how we play true. Doping is fundamentally contrary to the spirit of sport.

## PART ONE: INTRODUCTION

### 1. OVERVIEW

- 1.1** The International Wheelchair & Amputee Sports Federation (*IWAS*) is a *Signatory* to the World Anti-Doping Code. As the organiser of the IWAS World Games, IWAS Youth World Games and IWAS Guttman Games, it has the roles and responsibilities set out at Article 20.2 and Article 20.6 of the World Anti-Doping Code. Separately, in its capacity as the international federation for Wheelchair Fencing and Powerchair Hockey, it has the roles and responsibilities set out at Article 20.3 of the World Anti-Doping Code. IWAS shall report to WADA on the compliance of IWAS with the World Anti-Doping Code and the *International Standards* in accordance with Article 24.1.2 of the World Anti-Doping Code.
- 1.2** This IWAS Anti-Doping Code (*IWAS Code*) is adopted and implemented in accordance with IWAS's responsibilities under the World Anti-Doping Code, and in furtherance of IWAS's continuing efforts to eradicate doping in sports within Paralympic sport. It is comprised of four parts:
- 1.2.1** Part One of this *IWAS Code* (this introductory section) is of general application.
- 1.2.2** Part Two of this *IWAS Code* (the *IWAS Games Rules*) sets out the anti-doping rules that apply for each edition of the IWAS World Games, IWAS Youth World Games and IWAS Guttmann Games, and any other multi-sport *Event* which includes sports for which IWAS is not the international federation and where *IWAS* agrees to be the *Testing Authority*.
- 1.2.3** Part Three of this *IWAS Code* (the *IWAS IF Rules*) sets out the anti-doping rules that *IWAS* has adopted in its capacity as the international federation of each *IWAS IF Sport*, to apply to those sports in all aspects outside of the instances covered in Article 1.2.2.
- 1.2.4** Part Four of this *IWAS Code* sets out the meaning given to defined words and terms (denoted by italicised text) used in this *IWAS Code*.
- 1.3** The *IWAS Code* must be interpreted and applied in a manner that is consistent with the World Anti-Doping Code and the *International Standards* (each as amended from time to time). The World Anti-Doping Code and the *International Standards* are integral parts of this *IWAS Code* and will prevail over any conflicting provision in this *IWAS Code*. The comments annotating various provisions of the World Anti-Doping Code, the *International Standards*, and/or this *IWAS Code*, are to be used as an aid to interpretation of this *IWAS Code*.
- 1.4** This *IWAS Code* must be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of any *Signatory* or government. It is aimed at enforcing anti-doping rules in a global and harmonized manner; it is distinct in nature from criminal and civil laws. It is not intended to be subject to or limited by any national requirements or legal standards applicable to criminal or civil proceedings, although it is intended to be applied in a manner that respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case arising under this *IWAS Code*, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of this *IWAS Code*, and the fact that the World

Anti-Doping Code that it implements reflects the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

- 1.5** *IWAS* (specifically, the *IWAS Anti-Doping Department*) will be responsible for conducting all aspects of *Doping Control* and *Education* under this *IWAS Code*. It may delegate any aspect of *Doping Control* and/or *Education* to a *Delegated Third Party*, but it will remain responsible for ensuring that the *Delegated Third Party* performs such aspects in compliance with the World Anti-Doping Code and the *International Standards*.
- 1.6** When *IWAS* has delegated its responsibilities to implement part or all of *Doping Control* or *Education* to a *Delegated Third Party*, any reference to *IWAS* in this *IWAS Code* should be read as a reference to that *Delegated Third Party*, where applicable and within the context of the aforementioned delegation.
- 1.7** Unless otherwise specified, references in this *IWAS Code* to Articles are references to Articles of this *IWAS Code* (references to Articles within the *IWAS Games Rules* are to Articles within those rules; and references to Articles within the *IWAS IF Rules* are to Articles within those rules).

## **2. SCOPE OF APPLICATION**

- 2.1** Part One (Introduction) and Part Four (Definitions) of this *IWAS Code* apply to and are binding on each of the *Persons* identified in Article 2.2 and Article 2.3 of this Part One.
- 2.2** Part Two of this *IWAS Code* (the *IWAS Games Rules*) applies in the instances set out in Article 1.2.2 above and is binding upon the following *Persons* involved in a *Games*:
  - 2.2.1** *IWAS*, including its board members, directors, officers, and those of its employees, and its *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control* in respect of a *Games*;
  - 2.2.2** all *Athletes* entered in, preparing for, and/or participating in a *Games*, or who have otherwise been made subject to the authority of *IWAS* in relation to a *Games*;
  - 2.2.3** all *Athlete Support Persons* supporting such *Athletes*;
  - 2.2.4** other *Persons* participating in, or accredited to, the activities of *IWAS* in relation to a *Games*, including all *IWAS* members and other *IFs*, in the instances set out in Article 1.2.2 above; and
  - 2.2.5** any *Person*, organization, body or entity (including their board members, directors, officers, and employees that are involved in any aspect of *Doping Control*) operating (even if only temporarily) under the authority of *IWAS* in relation to a *Games*.
- 2.3** Part Three of this *IWAS Code* (the *IWAS IF Rules*) applies to *IWAS IF Sports* only (Wheelchair Fencing and Powerchair Hockey), and is binding on the following *Persons* involved in such sports:
  - 2.3.1** *IWAS*, including its board members, directors, officers, and those of its employees, and its *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;

- 2.3.2** each *IWAS Member* involved in an *IWAS IF Sport*, and each of their respective board members, directors, officers, and those of their employees, and their *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control* in *IWAS IF Sports*;
- 2.3.3** the following *Athletes*, *Athlete Support Persons*, and other *Persons*:
  - 2.3.3.1** all *Athletes* and *Athlete Support Persons* who are members of an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport*, or of any member or affiliate organization of an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport* (including any clubs, teams, associations, or leagues);
  - 2.3.3.2** all *Athletes* and *Athlete Support Persons* who participate in such capacity in *Events*, *Competitions* and other activities organized, convened, authorized or recognized by *IWAS*, or by an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport*, or by any member or affiliate organization of an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport* (including any clubs, teams, associations, or leagues), wherever held;
  - 2.3.3.3** any other *Athlete* or *Athlete Support Person* or other *Person* who (whether by virtue of an accreditation, a licence or other contractual arrangement, or otherwise) is subject to the authority of *IWAS*, or of an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport*, or of any member or affiliate organisation of an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport* (including any clubs, teams, associations, or leagues), for purposes of anti-doping; and
  - 2.3.3.4** *Athletes* who are not regular members of an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport* or of any member or affiliate organization of an *IWAS Member* and/or a *National Federation* involved in an *IWAS IF Sport* but who want to be eligible to compete in one or more *International Events* in an *IWAS IF Sport*.
- 2.4** Each of the *Persons* falling within Article 2.2 or Article 2.3 above is deemed, as a condition of their participation or involvement in the *Games* and/or the *IWAS IF Sport* in question, to have agreed to be bound by and to comply with the relevant parts of this *IWAS Code*, and to have submitted to the authority of *IWAS* to enforce this *IWAS Code*, including any *Consequences* for the breach thereof, and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 of the *IWAS Games Rules* and/or the *IWAS IF Rules* (as applicable) to hear and determine cases and appeals brought thereunder.

[Comment: (1) For *Persons* falling within Article 2.2, the relevant parts of this *IWAS Code* are Parts One, Two and Four. For *Persons* falling within Article 2.3, the relevant parts are Parts One, Three and Four.]

[Comment: (2) A *Person* other than an *Athlete* or *Athlete Support Person* who is bound by the *IWAS Code* is not subject to Sample collection or Testing, and would not be charged with an anti-doping rule violation 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/or 2.11 (Retaliation). Furthermore, such *Person* is subject to the additional roles and responsibilities set out in Article

3.3 of Part One of this IWAS Code. Also, the obligation to require an employee to be bound by the World Anti-Doping Code is subject to applicable law. IWAS shall ensure that any arrangements with its board members, directors, officers, 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 and/or agree to comply with this IWAS Code, and agree on IWAS's authority to resolve anti-doping cases.]

- 2.5** To be eligible for participation in a *Games*, an *Athlete* falling within Article 2.2 must have signed the applicable conditions of participation agreement. To be eligible for participation in *International Events*, an *Athlete* falling within Article 2.3 must have an IWAS licence.

### **3. RESPONSIBILITIES**

- 3.1** Each *Athlete* who is bound by this IWAS Code must:

- 3.1.1** be knowledgeable of and comply with this IWAS Code;

*[Comment to Article 3.1.1: A disability or impairment shall not serve as an excuse for an Athlete not to comply with this IWAS Code. An Athlete who suffers from a disability or impairment that restricts their ability to comply with their obligations must ensure that they take appropriate measures to achieve compliance.]*

- 3.1.2** be available for *Sample* collection at all times, including ensuring that they have available any equipment required in order to be able to provide a *Sample* (where applicable), in accordance with Annex A of the *International Standard for Testing and Investigations*;

*[Comment to Article 3.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes Use low doses of EPO during these hours so that it will be undetectable in the morning.]*

- 3.1.3** take responsibility, in the context of anti-doping, for what they ingest and *Use*;

- 3.1.4** inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and take responsibility to make sure that any medical treatment they receive does not violate this IWAS Code;

- 3.1.5** disclose to IWAS and their *National Anti-Doping Organization* any decision by a non-Signatory finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years;

- 3.1.6** cooperate with *Anti-Doping Organizations* investigating potential anti-doping rule violations. A failure by an *Athlete* to cooperate in full with any *Anti-Doping Organization* investigating potential anti-doping rule violations may result in a charge of misconduct under the IWAS's Code of Ethics or other disciplinary rules;

- 3.1.7** disclose the identity of their *Athlete Support Persons* upon request by the IWAS or by any other *Anti-Doping Organization* with authority over the *Athlete*; and

- 3.1.8** not engage in offensive conduct towards any *Doping Control* official or other *Person* involved in *Doping Control*. Such conduct, if it does not constitute *Tampering* or another

anti-doping rule violation, may result in a charge of misconduct under the *IWAS's Code of Ethics* or other disciplinary rules.

**3.2** Each *Athlete Support Person* who is bound by this *IWAS Code* must:

- 3.2.1** be knowledgeable of and comply with this *IWAS Code*;
- 3.2.2** cooperate with the *Athlete Testing* program;
- 3.2.3** use their influence on *Athlete* values and behaviour to foster anti-doping attitudes;
- 3.2.4** disclose to *IWAS* and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years;
- 3.2.5** cooperate with *Anti-Doping Organizations* investigating potential anti-doping rule violations. A failure by an *Athlete Support Person* to cooperate in full with any *Anti-Doping Organization* investigating potential anti-doping rule violations may result in a charge of misconduct under the *IWAS's Code of Ethics* or other disciplinary rules;
- 3.2.6** not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification; and
- 3.2.7** not engage in offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control*. Such conduct, if it does not constitute *Tampering* or another anti-doping rule violation, may result in a charge of misconduct under *IWAS's Code of Ethics* or other disciplinary rules.

**3.3** Each other *Person* who is bound by this *IWAS Code* must:

- 3.3.1** be knowledgeable of and comply with this *IWAS Code*;
- 3.3.2** disclose to *IWAS* and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years;
- 3.3.3** cooperate with *Anti-Doping Organizations* investigating potential anti-doping rule violations. A failure by such *Person* to cooperate in full with any *Anti-Doping Organization* investigating potential anti-doping rule violations may result in a charge of misconduct under *IWAS's Code of Ethics* or other disciplinary rules; and
- 3.3.4** not engage in offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control*. Such conduct, if it does not constitute *Tampering* or another anti-doping rule violation, may result in a charge of misconduct under *IWAS's Code of Ethics* or other disciplinary rules.

**3.4** Each *IWAS Member* must comply with the World Anti-Doping Code, the *International Standards*, and this *IWAS Code*.

**3.5** Each *IWAS Member* (including any affiliated *National Federations*) must:



- 3.5.1** comply with the World Anti-Doping Code, the *International Standards*, and this *IWAS Code*, and implement and enforce them with respect to all of its members and others within its jurisdiction;
- 3.5.2** include in its policies, rules and programs the provisions necessary to ensure that *IWAS* may enforce this *IWAS Code* (including carrying out *Testing*) directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under their anti-doping authority;
- 3.5.3** incorporate this *IWAS Code* either directly or by reference into its governing documents, constitution and/or rules, and ensure that all *Athletes* (including *National-Level Athletes*) and *Athlete Support Persons* and other *Persons* under its jurisdiction agree to be bound thereby as a condition of participating in a *Competition* or activity authorized or organised by it or by one of its member or affiliate organisations, and also agree to submit to its *Results Management* authority, so that it may enforce the *IWAS Code* directly in respect of such *Athletes* (including *National-Level Athletes*) and *Athlete Support Persons* and other *Persons*;
- 3.5.4** cooperate with and support *IWAS* in its anti-doping functions;
- 3.5.5** recognise, abide by, and implement the decisions made pursuant to this *IWAS Code*, including the decisions imposing *Consequences* on *Persons* under their authority, in accordance with the relevant provisions of this *IWAS Code*;
- 3.5.6** take appropriate action to enforce compliance within its sphere of authority with the World Anti-Doping Code, *International Standards*, and this *IWAS Code*, by (among other things):
  - 3.5.6.1** conducting *Testing* only under the documented authority of *IWAS* and using a *National Anti-Doping Organization* or other *Sample* collection authority approved by *IWAS* to collect *Samples* in compliance with the *International Standard for Testing and Investigations*;
  - 3.5.6.2** ensuring all *Samples* collected are analysed by a *WADA*-accredited or *WADA*-approved laboratory in accordance with Article 6.1 of the World Anti-Doping Code;
  - 3.5.6.3** reporting any information that comes to its attention suggesting or relating to an anti-doping rule violation or related misconduct (including, but not limited to, a breach of any period of *Ineligibility*) to *IWAS* and to its *National Anti-Doping Organization*, and cooperating with investigations conducted by *IWAS* or *National Anti-Doping Organization* or any other *Anti-Doping Organization* with authority to conduct the investigation;
  - 3.5.6.4** recognising the authority of each *National Anti-Doping Organization* in its country in accordance with Article 5.2.1 of the World Anti-Doping Code and assisting as appropriate with the *National Anti-Doping Organization's* implementation of the national *Testing* program for their sport, including

maximising the amount of *Testing* conducted by the *National Anti-Doping Organization* on *Athletes* in the *NPC* and/or *National Federation's* sport;

**3.5.6.5** having disciplinary rules in place to prevent *Athlete Support Persons* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* who are bound by the *IWAS Code*; and

**3.5.6.6** ensuring that any anti-doping rule violations for which they are delegated *Results Management* authority are adjudicated by an *Operationally Independent* hearing panel in accordance with the *International Standard for Results Management*; and

**3.5.7** conduct *Education* in coordination with its *National Anti-Doping Organization(s)*.

#### **4. INTERPRETATION OF THE WORLD ANTI-DOPING CODE**

**4.1** The official text of the World Anti-Doping 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.

**4.2** The comments annotating various provisions of the World Anti-Doping Code shall be used to interpret the World Anti-Doping Code.

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

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

**4.5** Where the term "days" is used in the World Anti-Doping Code, an *International Standard*, or this *IWAS Code*, it shall mean calendar days unless otherwise specified.

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

**4.7** The Purpose, Scope and Organisation of the World Anti-Doping Program and the World Anti-Doping Code and Appendix 1, Definitions, shall be considered integral parts of the World Anti-Doping Code.

#### **5. EFFECTIVE DATE**

**5.1** This *IWAS Code* comes into full force and effect on the *Effective Date*, replacing with effect from that date the predecessor version that was in force prior to the *Effective Date*.

**5.2** This *IWAS Code* does not apply retroactively to matters arising prior to the *Effective Date*. However:

**5.2.1** Anti-doping rule violations that took place prior to the *Effective Date* count as prior violations for purposes of determining sanctions under Article 10 of the *IWAS IF Rules* for violations taking place after the *Effective Date*.

**5.2.2** For the purposes of Article 2.4 of the *IWAS Games Rules* and *IWAS IF Rules*, any whereabouts failure (whether a filing failure or a missed test, as defined in the *International Standard for Results Management*,) that took place prior to the *Effective Date* may be relied upon as one of the requisite elements of an Article 2.4 anti-doping rule violation until twelve (12) months after it took place.

**5.2.3** For purposes of assessing the period of *Ineligibility* for a second violation, the period of *Ineligibility* imposed for the first violation is taken into account: see Article 10.9.1(b)(i) of the *IWAS IF Rules*. Where the period of *Ineligibility* that was imposed for the first violation was determined based on rules in force prior to the *Effective Date*, it shall be assumed for purposes of the calculation under Article 10.9.1(b)(i) that the period of *Ineligibility* imposed for the first violation was whatever period of *Ineligibility* would have been imposed for that first violation had this *IWAS Code* been applicable to the first violation.

**5.2.4** Any case that is pending as of the *Effective Date* and any case brought after the *Effective Date* based on an anti-doping rule violation that allegedly occurred prior to the *Effective Date* will 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 this *IWAS Code* (unless the panel hearing the case determines that a *lex mitior* in this *IWAS Code* in relation to *Consequences* should apply instead), while the procedural aspects of the case will be governed by this *IWAS Code*. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 of the *IWAS IF Rules* and the statute of limitations in Article 16 of the *IWAS Games Rules* and *IWAS IF Rules* are procedural rules, not substantive rules, and should be applied retroactively (provided, however, that the aforementioned Article 16 will only be applied retroactively if the statute of limitation period (whether the original one or as extended by subsequent rules) has not already expired by the *Effective Date*). Where a final decision finding an anti-doping rule violation has been rendered prior to the *Effective Date*, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the *Effective Date*, the *Athlete* or other *Person* may apply to the *IWAS* before the period of *Ineligibility* has expired to reduce the period of *Ineligibility* in light of a *lex mitior* in this *IWAS Code*. The *IWAS's* decision on that application may be appealed pursuant to Article 12 of the *IWAS IF Rules*.

**5.2.5** This *IWAS Code* shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

## **5.3 Amendments**

- 5.3.1** *IWAS* may amend this *IWAS Code* from time to time. Such amendments shall come into effect in the manner prescribed by *IWAS*. References herein to the *IWAS Code* are to the *IWAS Code* as amended from time to time.
- 5.3.2** Amendments made by WADA to the World Anti-Doping Code, the *Prohibited List* and/or any other *International Standard* will come into effect automatically in the manner set out in the World Anti-Doping Code, and such amendments will be binding upon all *Persons* who are subject to this *IWAS Code* without further formality.
- 5.3.3** Changes to the *Prohibited List* and/or to *Technical Documents* relating to substances or methods on the *Prohibited List* shall not be applied retroactively unless they specifically so provide. However, where the effect of the change is to remove a *Prohibited Substance* or *Prohibited Method* from the *Prohibited List*, an *Athlete* or other *Person* who is serving a period of *Ineligibility* on account of an anti-doping rule violation involving that (former) *Prohibited Substance* or *Prohibited Method* may apply to the *IWAS* to reduce the period of *Ineligibility* in light of its removal from the *Prohibited List*.

## PART TWO: THE *IWAS GAMES RULES*

These *IWAS Games Rules* set out the anti-doping rules that apply in respect of the IWAS World Games, the IWAS Youth World Games and the IWAS Guttman Games and in any other instance set out in Article 1.2.2 of Part One of this *IWAS Code* (each a *Games*). All references within these *IWAS Games Rules* to specific Articles are to the relevant Article within these *IWAS Games Rules*, unless stated otherwise.

### 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 *IWAS Games Rules*.

### 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* and other *Persons* are 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.

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

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

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

**2.1.3** Excepting those substances for which a *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*.

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

*[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.]*

**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.

*[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 Prohibited Substance might have been administered.)]*

## **2.3 An Athlete evading, refusing or failing to submit to Sample collection.**

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

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

## **2.4 Whereabouts failures by an Athlete.**

Any combination of three (3) missed tests and/or filing failures (as those terms are 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 Person.***

**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 TUE granted in accordance with Article 4.4 or other acceptable justification.*

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

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

**2.7     *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or other Person***

**2.8     *Administration or Attempted Administration by an Athlete or other Person either: (i) to any Athlete In-Competition of any Prohibited Substance or Prohibited Method; or (ii) to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition.***

**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 of the *IWAS IF Rules* by another *Person*.

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

**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 World Anti-Doping 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 rules compliant with the World Anti-Doping Code had been applicable to such *Person*. The disqualifying status of such *Person* shall be in 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 prove an Article 2.10 anti-doping rule violation, *IWAS* or another *Anti-Doping Organization* must 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 either:

- (a) that their 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; or
- (b) that such association could not have been reasonably avoided.

If they discharge that burden (in either respect), that shall be a complete defence to the charge that the *Athlete* or other *Person* has committed an Article 2.10 Anti-Doping Rule Violation.

**2.10.3** If *IWAS* (or another *Anti-Doping Organization*) becomes aware of an *Athlete Support Person* who meets the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3, it shall submit that information to *WADA*.

*[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Person 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.]*

## **2.11 Acts by an Athlete or other Person to discourage or retaliate against reporting to authorities**

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

**2.11.1.1** Any act that 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 or alleged non-compliance with these *IWAS Games Rules* or the World Anti-Doping Code to *WADA*, another *Anti-Doping Organization*, *IWAS*, law enforcement, a regulatory or



professional disciplinary body, a hearing body, or a *Person* conducting an investigation for WADA or IWAS or another *Anti-Doping Organization*.

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

*[Comment to Article 2.11.1.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.]*

- 2.11.2** For the 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.

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

### **3. PROOF OF DOPING**

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

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

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

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

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

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

- 3.2.1** Analytical methods or *Decision Limits* approved by WADA after consultation within the relevant scientific community 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.

*[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 defence 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*, IWAS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

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

- 3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the World Anti-Doping Code or these *IWAS Games Rules* shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation; 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, IWAS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

*[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 the Protection of Privacy and Personal Information or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defence 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,*

*IWAS's violation of the document referenced in Article 20.7.7 of the World Anti-Doping Code shall not constitute a defence to an anti-doping rule violation.]*

**3.2.3.1** a departure from the *International Standard for Testing and Investigations* 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 *IWAS* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

**3.2.3.2** a departure from the *International Standard for Results Management* or *International Standard for Testing and Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case *IWAS* shall have the burden to establish that such departure did not cause the anti-doping rule violation;

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

*[Comment to Article 3.2.3.3: IWAS 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.]*

**3.2.3.4** a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case *IWAS* 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 of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

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

## **4. THE PROHIBITED LIST**

### **4.1 Incorporation of the *Prohibited List***

These *IWAS Games Rules* incorporate the *Prohibited List*, which is published and revised by WADA as described in Article 4.1 of the World Anti-Doping Code.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these *IWAS Games Rules* three (3) months after publication by WADA, without requiring any further action by IWAS. 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.

IWAS shall make the most recent version of the *Prohibited List* available to its Members, including Full, Secondary and Developing Members. Each *Member* shall in turn ensure that its own members, and the constituents of its members, are also provided with the most recent version of the *Prohibited List*.

*[Comment to Article 4.1: The current Prohibited List is available on WADA's website at [wada-ama.org](http://wada-ama.org). The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made.]*

## **4.2 Prohibited Substances and Prohibited Methods identified on the Prohibited List**

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

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

*[Comment to Article 4.2.1: 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.]*

### **4.2.2 Specified Substances or Specified Methods**

For purposes of these *IWAS Games Rules*, 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*.

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

### **4.2.3 Substances of Abuse**

Certain substances will be classified on the *Prohibited List* as *Substances of Abuse* because they are 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 *TUE* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.

##### **4.4.2 TUE Recognition**

Where the *Athlete* already has a *TUE* granted by another *Anti-Doping Organization* pursuant to Article 4.4 of the World Anti-Doping Code for the *Prohibited Substance* or *Prohibited Method* that the *Athlete* wishes to *Use* in connection with a *Games*, if that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, *IWAS* will recognise it for the *Games*. If *IWAS* considers that the *TUE* does not meet those criteria and so refuses to recognise it for the *Games*, *IWAS* must notify promptly and with reasons: (i) the *Athlete*; (ii) the *Anti-Doping Organization* that granted the *TUE*; and (iii) the *Athlete's NPC*.

##### **4.4.3 TUE application process**

**4.4.3.1** If the *Athlete* does not already have a *TUE* for the *Prohibited Substance* or *Prohibited Method* that the *Athlete* wishes to *Use* in connection with a *Games*, the *Athlete* must apply directly to the *IWAS TUE Committee* for a *TUE* as soon as possible and in any event (save in emergency or exceptional circumstances) at least thirty (30) days before the *Games*.

**4.4.3.2** A *TUE* may only be granted with retroactive effect where Article 4.1 or Article 4.3 of the *International Standard for Therapeutic Use Exemptions* so permits.

**4.4.3.3** The application for grant or recognition of a *TUE* must be made in accordance with Article 6 of the *International Standard for Therapeutic Use Exemptions*, using the form posted on *IWAS's* website ([iwASF.com](http://iwASF.com)).

**4.4.4** The *IWAS TUE Committee* shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to the *Games*, the *IWAS TUE Committee* must use its best endeavours to issue its decision before the start of the *Games*.

*[Comment to Article 4.4.4(1): The submission of falsified documents to the IWAS TUE Committee or IWAS, offering or accepting a bribe 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 TUE process shall result in a charge of Tampering or Attempted Tampering under Article 2.5.]*

*[Comment to Article 4.4.4(2): An Athlete should not assume that their application for the grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]*

**4.4.5** A TUE granted by the IWAS TUE Committee shall be effective for the Games in question only, except where IWAS is the international federation for the Athlete's sport.

**4.4.6** The IWAS TUE Committee's decision shall be the final decision of IWAS and 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*. It shall also promptly be reported into ADAMS. It may be reviewed and/or appealed in accordance with Article 4.4.7.

**4.4.7** Reviews and appeals of TUE decisions

**4.4.7.1** A decision by IWAS not to recognise or not to grant a TUE may be appealed by the Athlete exclusively to the *Independent Tribunal*. If the Athlete does not appeal (or the appeal is unsuccessful), the Athlete may not Use the *Prohibited Substance* or *Prohibited Method* in question in connection with the Games. However, any TUE granted by another *Anti-Doping Organization* for that substance or method remains valid outside of the Games.

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

**4.4.7.3** A decision by WADA to reverse a TUE decision may be appealed by the Athlete, IWAS, the *National Anti-Doping Organization*, and/or the international federation affected, exclusively to CAS.

**4.4.7.4** A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application, thus triggering the applicable rights of review/appeal.

## **5. TESTING AND INVESTIGATIONS**

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

**5.1.1** Testing and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations* and any specific protocols of the IWAS supplementing that *International Standard*.

- 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*).

## **5.2 Authority to test**

- 5.2.1** *IWAS* shall have exclusive *In-Competition Testing* authority for its *Games* at *Event Venues*, in addition to *Out-of-Competition Testing* authority over all *Athletes* entered in a future *Games* or who have otherwise been made subject to the *Testing* authority of *IWAS* for a future *Games*.

- 5.2.2** *IWAS* may require any *Athlete* over whom it has *Testing* authority to provide a *Sample* at any time and at any place.

*[Comment to Article 5.2.2: IWAS 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, IWAS 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 IWAS 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.]*

- 5.2.3** If *IWAS* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization*, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, *IWAS* shall be notified.

- 5.2.4** *IWAS* may collaborate with the organising committee for a *Games*, *WADA*, *IWAS* Member organisations, and other *Anti-Doping Organizations*, to ensure that there is a coordination of *Doping Control* in connection with the *Games*.

- 5.2.5** If an *Anti-Doping Organization* that would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at the *Games* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with *IWAS*. If the *Anti-Doping Organization* is not satisfied with the response from *IWAS*, the *Anti-Doping Organization* may, in accordance with the procedures described in the *International Standard for Testing and Investigations*, 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 *IWAS*. *WADA's* decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in these *IWAS Games Rules*.

- 5.2.6** *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the World Anti-Doping Code.

## **5.3 Testing requirements**

**5.3.1** *IWAS shall conduct test distribution planning and Testing in accordance with the International Standard for Testing and Investigations.*

**5.3.2** *Where reasonably feasible, Testing shall be coordinated through ADAMS in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.*

#### **5.4 Athlete whereabouts information**

**5.4.1** For periods when *Athletes* are subject to the *Testing* authority of *IWAS*:

**5.4.1.1** *If an Athlete is in a Registered Testing Pool, IWAS may access the Athlete's whereabouts filings (as defined in the International Standard for Testing and Investigations) for the relevant period in order to conduct Out-of-Competition Testing of such Athlete. IWAS will access the Athlete's whereabouts filings via ADAMS or via the international federation or National Anti-Doping Organization that is receiving the Athlete's whereabouts filings. IWAS will not require the Athlete to file any different whereabouts information with it.*

**5.4.1.2** *If an Athlete is not in a Registered Testing Pool, IWAS may require the Athlete or the relevant third party (e.g. the Athlete's NPC) to provide such information about the Athlete's whereabouts for the relevant period as it deems necessary and proportionate in order to conduct Out-of-Competition Testing, including information equivalent to the whereabouts filings that an Athlete would have to make in accordance with the International Standard for Testing and Investigations if they were in a Registered Testing Pool.*

**5.4.1.3** *A failure by the Athlete and/or the NPC to provide the required whereabouts filings may result in IWAS imposing appropriate and proportionate non-World Anti-Doping Code Article 2.4 consequences.*

**5.4.1.4** *Whereabouts information relating to an Athlete shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and it shall be destroyed after it is no longer relevant for these purposes, in accordance with the International Standard for the Protection of Privacy and Personal Information.*

#### **5.5 Retired Athletes returning to Competition**

**5.5.1** *If an International- or National-Level Athlete in a Registered Testing Pool retires and then wishes to return to active participation in sport, the Athlete shall not compete in a Games until they have made themselves available for Testing, by giving six (6) months' prior written notice to their international federation and their National Anti-Doping Organization.*

*WADA, in consultation with IWAS and the relevant international federation and National Anti-Doping Organization, may grant an exemption to the six (6) month*



written notice rule where the strict application of that rule would be unfair to the *Athlete*. WADA's decision to grant or not to grant an exemption may be appealed under Article 12.

Any competitive results obtained at the *Games* in violation of this Article 5.5.1 shall be *Disqualified*.

- 5.5.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must 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 a *Games* until they have made themselves available for *Testing* by giving six (6) months' prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to the *Athlete's* international federation and *National Anti-Doping Organization*.

## **5.6 Independent Observer Program**

*IWAS* and the *Games* organizing committee shall authorize and facilitate the *Independent Observer Program* at a *Games*.

## **5.7 Investigations**

- 5.7.1** *IWAS* shall have the power to gather anti-doping intelligence and conduct investigations in accordance with the World Anti-Doping Code and the *International Standard for Testing* and Investigations and this Article 5.7 into matters that may evidence or lead to the discovery of evidence of an anti-doping rule violation.
- 5.7.2** *IWAS* will always conduct an investigation of an *Athlete Support Person* who is subject to these *IWAS Games Rules* (1) where the *Athlete Support Person* has provided support to a *Protected Person* who is found to have committed an anti-doping rule violation; and (2) where the *Athlete Support Person* has provided support to more than one *Athlete* who is found to have committed an anti-doping rule violation.
- 5.7.3** *IWAS* may conduct investigations in cooperation with, and/or information obtained in such investigations may be shared with, other *Anti-Doping Organizations* and/or other relevant regulatory, administrative, or criminal authorities. Where it deems appropriate, *IWAS* may stay its own investigation pending the outcome of investigations being conducted by other *Anti-Doping Organizations* and/or other relevant authorities.
- 5.7.4** In investigating whether there is a case to answer for an anti-doping rule violation, *IWAS* may seek information from any source, which may include (without limitation), at *IWAS's* discretion:
- 5.7.4.1** giving the *Athlete(s)* or other *Person(s)* implicated in the potential anti-doping rule violation an opportunity, subject to compliance with a strict time-table, to make such submissions as they may wish. If *IWAS* decides to invite such submissions, it shall determine how the submissions should be made, such as (for example) in writing or verbally; and/or

**5.7.4.2** making a written demand to an *Athlete* or other *Person* (a *Demand*) to provide information that may evidence or lead to the discovery of evidence of an anti-doping rule violation, including (without limitation) requiring the *Athlete* or other *Person* to attend an interview and/or to provide a written statement setting forth their knowledge of the relevant facts and circumstances within a deadline specified by IWAS in the *Demand*.

**5.7.5** If the *Athlete* or other *Person* fails to cooperate fully with the investigation, or subverts or *Attempts* to subvert the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), they may be charged with an Article **Error! Reference source not found.** anti-doping rule violation.

**5.7.6** IWAS shall keep WADA informed of its investigations in accordance with the requirements of the *International Standard for Testing and Investigations*, including advising WADA where it decides following investigation not to assert that an *Athlete* or other *Person* has committed an anti-doping rule violation. That decision may be appealed pursuant to Article 13.

## **6. ANALYSIS OF SAMPLES**

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

### **6.1 Use of accredited or approved laboratories and other laboratories**

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

*[Comment to Article 6.1.1: 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.]*

**6.1.2** As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

### **6.2 Purpose of analysis of *Samples* and data**

*Samples* and related analytical data or *Doping Control* information shall be analysed 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 World Anti-Doping Code; or to assist IWAS in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.

*[Comment to Article 6.2: For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both. Similarly, IWAS may use data from a Doping Control test to monitor eligibility relating to transgender and other eligibility rules.]*

### **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 for research without the *Athlete's* written consent. *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*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the World Anti-Doping Code.

*[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 must 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 World Anti-Doping Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.]*

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

IWAS shall ask laboratories to analyse *Samples* in conformity with the *International Standard* for Laboratories and Article 4.7 of the *International Standard* for Testing and Investigations.

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

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

#### **6.5 Further analysis of 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 IWAS charges the *Athlete* with an anti-doping rule violation based on that *Sample* in accordance with Article 7.4.3. If after such notification IWAS 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 organisation'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, IWAS, another *Anti-Doping Organization* with *Results Management* authority, and/or a WADA-accredited laboratory (with approval from WADA or IWAS or an *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, 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**

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* responsibility for the Sample or data if a potential anti-doping rule violation is discovered.

*[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. 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 defence against an anti-doping rule violation or its Consequences.]*

## **7. RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS**

The *Results Management* process under these *IWAS Games Rules* is intended to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner, in accordance with the World Anti-Doping Code and the *International Standard for Results Management*.

### **7.1 Responsibility for conducting Results Management**

**7.1.1** For *Results Management* relating to a Sample collected during a Games, or an anti-doping rule violation occurring during such Games, IWAS shall assume *Results Management* responsibility, including for conducting a hearing to determine whether an anti-doping rule violation was committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from the Games, and any recovery of costs applicable to the anti-doping rule violation. For *Results Management* in respect of other *Consequences*, IWAS shall either: (a) refer the case to the applicable *IPSF*; or (b) where the Person charged is from an *IWAS IF Sport*, pursue such *Results Management* itself in accordance with the *IWAS IF Rules*, including

(if it sees fit) as part of the same proceedings as are brought against the *Person* under these *IWAS Games Rules*.

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

**7.1.3** *WADA* may direct *IWAS* to conduct *Results Management* in particular circumstances. If *IWAS* 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* responsibility in place of *IWAS* or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, *IWAS* 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 Results Management decisions**

### **7.2.1 Notification of Results Management decisions**

*IWAS* shall notify *Athletes*, other *Persons*, *Signatories*, and *WADA* of *Results Management* decisions as provided in Article 13 and the *International Standard for Results Management*.

**7.2.2** A *Results Management* decision by *IWAS* shall address and determine, at a minimum, the following issues: (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles violated; and (ii) applicable *Disqualifications* under Articles 9 and 10.1, including any forfeiture of medals or prizes.

*[Comment to Article 7.2.2: Results Management decisions include Provisional Suspensions. Pursuant to Article 14, any Results Management decision and the 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 of the World Anti-Doping Code; if the Adverse Analytical Finding resulted from Testing at the Games, it would be IWAS's responsibility to decide whether the Athlete's other individual results in the Games prior to Sample collection are also Disqualified under Article 10.1.]*

## **7.3 Retirement from sport**

If an *Athlete* or other *Person* retires while *IWAS's Results Management* process is underway, *IWAS* retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and *IWAS* 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, *IWAS* has authority to conduct *Results Management*.

## **7.4 Review and notification regarding potential anti-doping rule violations**

**7.4.1** With respect to any potential anti-doping rule violation for which it has *Results Management* responsibility, *IWAS* shall carry out a review in accordance with the *International Standard for Results Management*.

### **7.4.2 Notice**

Where it is determined that an *Athlete* or other *Person* may have committed one or more anti-doping rule violations for which *IWAS* has *Results Management* authority, *IWAS* will promptly notify the *Athlete* or other *Person* in writing in accordance with Article 5 of the *International Standard for Results Management*. Before sending the notice to the *Athlete* or other *Person*, *IWAS* will refer to *ADAMS* and (where time allows) contact *WADA* and other relevant *Anti-Doping Organizations* to determine whether the *Athlete* or other *Person* has any prior anti-doping violations.

### **7.4.3 Charge letter**

Where after receipt of the *Athlete's* or other *Person's* response to *IWAS's* initial notice of a potential anti-doping rule violation, or expiry of the deadline to receive such response, and after conducting such further investigation as it sees fit (if any), *IWAS* considers that the *Athlete* or other *Person* has committed one or more anti-doping rule violations for which it has *Results Management* authority, *IWAS* will promptly charge the *Athlete* or other *Person* with the relevant anti-doping rule violation(s) in accordance with Article 14.1.3 of these *IWAS Games Rules* and Article 7.1 of the *International Standard for Results Management*.

Where *IWAS* sends the *Athlete* or other *Person* a charge letter, *IWAS* and the *Athlete* or other *Person* may seek to enter into a *Results Management* agreement in accordance with Article 10.8.

## **7.5 Provisional Suspensions**

*[Comment to Article 7.5: Before a Provisional Suspension can be unilaterally imposed by the IWAS, the internal review specified in the International Standard for Results Management must first be completed.]*

### **7.5.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding**

If *IWAS* receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall conduct the review specified in Article 7.2 of the *International Standard for Results Management*. If the finding remains in effect following that review, *IWAS* shall impose a *Provisional Suspension* on the *Athlete* promptly, e.g. as part of the notice sent in accordance with Article 7.4.2, and in any event prior to the analysis of the *Athlete's* B Sample, or a final hearing as described in Article 8.

### **7.5.2 Optional Provisional Suspension**

IWAS may impose a *Provisional Suspension* for anti-doping rule violations not covered by Article 7.5.1 as part of the notice sent in accordance with Article 7.4.2 or thereafter, but in any event prior to a final hearing as described in Article 8.

### **7.5.3** Opportunity for hearing or appeal

**7.5.3.1** The *Athlete* or other *Person* shall be given an opportunity for a *Provisional Hearing* before the *Independent Tribunal*, either before or on a timely basis after the imposition of the *Provisional Suspension*.

**7.5.3.2** If the *Athlete* or other *Person* requests a *Provisional Hearing*, the *Independent Tribunal* shall eliminate the *Provisional Suspension* if it determines that:

- (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*;
- (b) any period of *Ineligibility* that might otherwise be imposed for the anti-doping rule violation(s) asserted is likely to be completely eliminated on grounds of *No Fault or Negligence*;
- (c) the *Athlete* demonstrates that the violation is likely to have involved a *Contaminated Product*;
- (d) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1 of the World Anti-Doping Code; or
- (e) other facts exist that make it clearly unfair, in all of the circumstances, for the *Athlete* or other *Person* to be subject to a *Provisional Suspension* prior to the final first instance decision on the merits. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* shall not qualify as exceptional circumstances for these purposes.

**7.5.3.3** In addition to Article 7.5.3.2, an optional *Provisional Suspension* may be lifted at the discretion of IWAS at any time prior to a final hearing under Article 8, unless provided otherwise in the *International Standard for Results Management*.

**7.5.3.4** The imposition of a *Provisional Suspension*, a decision not to impose a *Provisional Suspension*, and a decision to lift or not to lift a *Provisional Suspension*, may be appealed in an expedited process in accordance with Article 12.2; save that a decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

### **7.5.4** Voluntary acceptance of *Provisional Suspension*

**7.5.4.1** *Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if they do so in writing 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*); (ii) ten (10) days from the notice of any other anti-doping rule violation pursuant to Article 7.4.2; and (iii) the date after receipt of the notice on which the *Athlete* would otherwise first compete.

**7.5.4.2** Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* in writing within ten (10) days of receipt of the Article 7.4.2 notice of the anti-doping rule violation.

**7.5.4.3** A *Provisional Suspension* that is voluntarily accepted by the applicable deadline will have effect from the date that written notice of the *Athlete* or other *Person's* acceptance of a voluntary *Provisional Suspension* is received by IWAS. 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 7.5.1 or 7.5.2; 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*.

**7.5.5** 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 IWAS) does not confirm the *A Sample* analysis, the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* or the *Athlete's* team has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, the *Athlete* or team may be re-inserted in the *Competition* if that is possible without otherwise affecting the *Competition*.

## **7.6 Status during *Provisional Suspension***

### **7.6.1 Prohibition against participation during *Provisional Suspension***

No *Athlete* or other *Person* who is subject to a *Provisional Suspension* may, during the *Provisional Suspension*, participate in any capacity in any aspect of the *Games* or be or remain at any *Event Venue*. In accordance with Article 6.1.2 of the *International Standard for Results Management*, the impact of the *Provisional Suspension* beyond the *Games* shall be determined by the relevant international federation, in accordance with Article 15 of the World Anti-Doping Code, and (where IWAS is the international federation) in accordance with Article 15 of the *IWAS IF Rules*.

### **7.6.2 Violation of the prohibition of participation during *Provisional Suspension***

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 7.6.1 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 in the *Games* during a *Provisional Suspension*, IWAS shall charge the *Athlete Support Person* or other *Person* with an Article 2.9 anti-doping rule violation for such assistance.

## **8. RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION**

### **8.1 Hearings before the *Independent Tribunal***

**8.1.1** The *Independent Tribunal* has jurisdiction to hear and determine:

**8.1.1.1** any application for an order that a *Provisional Suspension* should or should not be imposed (or should be lifted);

**8.1.1.2** whether an *Athlete* or other *Person* subject to these *IWAS Games Rules* has committed an anti-doping rule violation; and

**8.1.1.3** if so:

(a) applicable *Disqualifications* under Articles 9 and 10.1, including any forfeiture of medals or prizes;

(b) (where the sport involved is an *IWAS IF Sport*) what further *Consequences* should be imposed (if any) pursuant to Article 10 of the *IWAS IF Rules*; and

(c) any cost order under Article 10.3.

**8.1.2** The *Independent Tribunal* will be *Operationally Independent*, and will conduct its hearings fairly and impartially and without interference from IWAS or any third party, in accordance with the *Procedural Rules* and in full compliance with the World Anti-Doping Code and the *International Standard for Results Management*.

**8.1.3** Hearings held in connection with a *Games* shall be scheduled and completed within a reasonable time. They may be conducted by an expedited process where permitted by the *Independent Tribunal*.

*[Comment to Article 8.1.3: For example, a hearing could be expedited on the eve of the Games where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Games, or during a Games where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Games.]*

**8.1.4** WADA, the relevant *IWAS Member*, the *National Anti-Doping Organization* and (in a non-*IWAS IF Sport*) the *IPSF* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, IWAS shall keep those entities fully apprised as to the status of pending cases and the result of all hearings.

### **8.2 Notice of decisions**

**8.2.1** At the end of the hearing, or promptly thereafter, the *Independent Tribunal* will issue to: (i) IWAS; (ii) the *Athlete* or other *Person*; and (iii) the *Athlete* or other *Person's* IWAS

*Member*, a written decision that conforms with Article 9 of the *International Standard for Results Management*.

- 8.2.2** *IWAS* shall notify that decision to the other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2, and shall promptly report it into ADAMS. The decision may be appealed as provided in Article 12.

### **8.3 Waiver of hearing**

- 8.3.1** An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may expressly waive their right to a hearing and agree to the *Consequences* proposed by *IWAS*.
- 8.3.2** If the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline otherwise specified in the notice sent by *IWAS* asserting the violation, they shall be deemed to have waived their right to 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 the *Independent Tribunal* shall not be required. Instead, *IWAS* shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management*.
- 8.3.4** *IWAS* 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. *IWAS* shall *Publicly Disclose* that decision.

### **8.4 Single hearing before CAS**

Hearings on the merits of anti-doping rule violation charges asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, *IWAS* (where it has *Results Management* responsibility in accordance with Article 7) and WADA, be heard in a single hearing directly at CAS.

*[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. Nothing set out in Article 8.4 precludes the Athlete or other Person and IWAS (where it has Results Management responsibility) to waive their right to appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the World Anti-Doping Code.]*

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

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

*[Comment to Article 9: For Team Sports, any awards received by individual Athletes will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the international federation.]*

## **10. FURTHER SANCTIONS ON INDIVIDUALS**

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

**10.1.1** An anti-doping rule violation occurring during or in connection with a *Games* may, upon the decision of the *Independent Tribunal*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in other *Competitions* at that *Games* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.2.

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

*[Comment to Article 10.1.1: 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 Games.]*

**10.1.2** 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** Any further *Consequences* beyond *Disqualification* of results further to Articles 9 and 10.1 shall be imposed either:

**10.2.1** (in cases where *IWAS* is the international federation of the sport involved) by *IWAS* or the *Independent Tribunal*, in accordance with Article 10.2 et seq of the *IWAS IF Rules*; or

**10.2.2** (in cases where a different *IF* is the international federation of the sport involved), by the *IPSF* or its hearing panel, in accordance with the equivalent provisions of the rules of that *IPSF*.

### **10.3 Costs**

In accordance with Article 10.12 of the World Anti-Doping Code, the *Independent Tribunal* may order any party to the proceedings brought before the *Independent Tribunal* under these *IWAS Games Rules* to contribute to the costs of convening the *Independent Tribunal* for the proceedings and/or to the costs incurred by the other party or parties to the proceedings, provided that such orders shall only be made where the *Independent Tribunal* considers that the party who would have to pay the costs has advanced frivolous or bad faith arguments in the proceedings. No recovery of costs may be considered a basis for reducing any other *Consequences* that would otherwise be applicable.

### **10.4 Automatic publication of sanction**

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

## **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 a *Games*, *IWAS* 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 during an *Event Period*, the *Independent Tribunal* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

### **11.3 Other *Consequences* for *Team Sports* within the *IWAS*'s authority**

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

### **11.4 *Consequences* for teams in individual sports**

If one or more members of a team in a sport that is not a *Team Sport* but where awards are given to teams, is found to have committed an anti-doping rule violation during a *Games*, the *Independent Tribunal* shall apply the rules of *IWAS* (where the sport involved is an *IWAS IF Sport*) or of the relevant *IPSF* (where the sport involved is not an *IWAS IF Sport*) to determine the *Consequences* for the team (e.g., loss of points, *Disqualification* from a *Competition*, *Event*, or other *Consequences*), in addition to any *Consequences* imposed pursuant to these *IWAS Games Rules* on the individual *Athlete(s)* found to have committed the anti-doping rule violation.

Should *IWAS* or the relevant *IPSF* not have such rules or, if in the *Independent Tribunal*'s discretion, the rules of *IWAS* or the relevant *IPSF* do not adequately protect the integrity of the *Competition*, the *Independent Tribunal* shall have the authority to determine the *Consequences* for the team, including the *Disqualification* of the team's results in any *Competition* or *Event* or any other *Consequences*. The *Independent Tribunal* may only take such action in circumstances when one or more members of a team is found to have committed an anti-doping rule violation and, in the *Independent Tribunal*'s discretion, the violation may have affected the results of the team in the concerned *Competition(s)* or *Event(s)*.

## **12. SANCTIONS ON OTHER SPORTING BODIES**

**12.1** Where *IWAS* becomes aware that an *IPSF*, *NPC*, or any other sporting body over which it has authority under these *IWAS Games Rules* has failed to comply with, implement, uphold, and enforce this *IWAS Code* within that organisation's or body's area of competence, *IWAS* may seek any or all of the following consequences before the *Independent Tribunal*:

**12.1.1** exclusion of all, or some group of, members of that organisation or body from specified future *Games* and/or other *Events* or all *Events* conducted within a specified period of time;

- 12.1.2** where more than one *Athlete* or other *Person* affiliated with that organisation or body commits an anti-doping rule violation during the *Event Period*, that organisation or body may be fined;
- 12.1.3** where that organisation or body has failed to make diligent efforts to keep *IWAS* informed about an *Athlete's* whereabouts after receiving a request for that information from *IWAS*, that organisation or body may be fined, in addition to reimbursement of all of *IWAS's* costs incurred in *Testing* that such *Athlete(s)*;
- 12.1.4** withholding of some or all funding or other financial and non-financial support to that organisation or body; and/or
- 12.1.5** obliging that organisation or body to reimburse *IWAS* for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of this *IWAS Code* committed by an *Athlete* or other *Person* affiliated with that organisation or body.

### **13. RESULTS MANAGEMENT: APPEALS**

*[Comment to Article 13: The object of the World Anti-Doping 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 NPCs and/or National Federations) who might benefit from having another competitor Disqualified.]*

#### **13.1 Decisions subject to appeal**

Decisions made under the World Anti-Doping Code or these *IWAS Games Rules* may be appealed as set forth below in Articles 13.2 through 13.6 or as otherwise provided in these *IWAS Games Rules*, the World Anti-Doping Code, or *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**

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.

*[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.]*

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

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

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

### 13.1.3 WADA not required to exhaust internal remedies

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

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

## 13.2 Appeals against decisions regarding anti-doping rule violations, *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 was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six-months' notice requirement for a retired *Athlete* to return to competition under Article 5.5.1; a decision by WADA assigning *Results Management* under Article 7.1 of the World Anti-Doping Code; a decision by IWAS not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; IWAS's failure to comply with Article 7.5; a decision that IWAS lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; failure to comply with Articles 7.1.4 and 7.1.5 of the World Anti-Doping Code; a decision by IWAS not to implement another *Anti-Doping Organization's* decision under Article 15; and a decision under Article 27.3 of the World Anti-Doping Code.

### 13.2.1 In cases arising from participation in the *Games*, the decision may be appealed exclusively to CAS.

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

### 13.2.2 Persons entitled to appeal

The following parties shall have the right to appeal to CAS:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the relevant international federation;
- (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or licence holder;
- (e) IWAS; and
- (f) WADA.

### **13.2.3 Duty to notify**

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

### **13.2.4 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.

### **13.2.5 Appeal against decisions under Article 12**

Decisions pursuant to Article 12 may be appealed exclusively to CAS by IWAS and/or by the IPSF, NPC, or other sanctioned body.

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

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

*[Comment to Article 13.2.6: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*

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

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

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

## **13.4 Appeals relating to TUEs**

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

## **13.5 Notification of appeal decisions**

IWAS 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 13.2.2 as provided under Article 14.

## **13.6 Time for filing appeals**

*[Comment to Article 13.6: Whether governed by CAS rules or these IWAS Games Rules, 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.]*

### **13.6.1 Appeals to CAS**

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

**13.6.1.1** Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organization* that had *Results Management* authority;

**13.6.1.2** If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

### **13.6.2 Appeals by IWAS**

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

**13.6.2.1** Twenty-one (21) days after the last day on which any other party having a right to appeal (other than WADA) could have appealed; or

**13.6.2.2** Twenty-one (21) days after IWAS's receipt of the complete file relating to the decision.

### **13.6.3 Appeals by WADA**

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

**13.6.3.1** Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed; or

**13.6.3.2** Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

## **14. CONFIDENTIALITY AND REPORTING**

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

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

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



**14.1.2** Notice of anti-doping rule violations to *National Anti-Doping Organizations*, international federations, and WADA

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

If at any point during *Results Management* up until the anti-doping rule violation charge, IWAS decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.2.

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

Notification of an anti-doping rule violation 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*.

Notification of an anti-doping rule violation other than under Article 2.1 shall also include the rule violated and the basis of the asserted violation.

**14.1.4** Status reports

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

**14.1.5** Confidentiality

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

**14.1.6** Protection of confidential information by an employee or agent of IWAS

IWAS shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3. IWAS 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 anti-doping rule violation or violations of *Ineligibility* or *Provisional Suspension* decisions and request for files

- 14.2.1** Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.6, 8.2 or 13.5, shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed.
- 14.2.2** An *Anti-Doping 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.

### **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 14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, 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 IWAS.
- 14.3.2** No later than twenty (20) days after it has been determined in an appellate decision under Article 14.2.1, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, IWAS must *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. IWAS must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.
- [Comment to Article 14.3.2: Where Public Disclosure as required by Article 14.3.2 would result in a breach of other applicable laws, IWAS's failure to make the Public Disclosure will not result in a determination of non-compliance with the World Anti-Doping Code as set forth in Article 4.2 of the International Standard for the Protection of Privacy and Personal Information.]*
- 14.3.3** After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, IWAS may make public such determination or decision and may comment publicly on the matter.
- 14.3.4** In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. IWAS shall use reasonable efforts to obtain such consent, and if consent is obtained, IWAS shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.5** Publication shall be accomplished at a minimum by placing the required information on IWAS's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

**14.3.6** Except as provided in Articles 14.3.1 and 14.3.3, no *Anti-Doping Organization*, *IWAS Member*, *IF*, 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.

**14.3.7** 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 is a *Minor*, a *Protected Person* or a *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

#### **14.4 Statistical reporting**

*IWAS* shall, after each *Games*, publish a general statistical report of its *Doping Control* activities in connection with the *Games*, with a copy provided to *WADA*. *IWAS* 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**

**14.5.1** 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*, *IWAS* shall report *Doping Control*-related information to *WADA* through *ADAMS*, as required under the applicable *International Standard(s)*, including, in particular:

**14.5.1.1** *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*;

**14.5.1.2** whereabouts information for *Athletes* including those in *Registered Testing Pools*;

**14.5.1.3** *TUE* decisions; and

**14.5.1.4** *Results Management* decisions.

**14.5.2** 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, *IWAS* 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 and Investigations*.

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

**14.5.4** To facilitate *WADA*'s oversight and appeal rights for *Results Management*, *IWAS* 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; and (d) any decision imposing, lifting, or reinstating a *Provisional Suspension*.

- 14.5.5** The information described in this Article will be made accessible through ADAMS, 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*.

## **14.6 Data privacy**

- 14.6.1** IWAS 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 World Anti-Doping Code, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*), these *IWAS Games Rules*, and in compliance with applicable law.

- 14.6.2** Without limiting the foregoing, IWAS shall:

- 14.6.2.1** only process personal information in accordance with a valid legal ground;
- 14.6.2.2** notify any *Athlete* or other *Person* subject to these *IWAS Games Rules*, in a manner and form that complies with applicable laws and the *International Standard for the Protection of Privacy and Personal Information*, that their personal information may be processed by IWAS and other *Persons* for the purpose of the implementation of these *IWAS Games Rules*; and
- 14.6.2.3** ensure that any third party agent (including any *Delegated Third Party*) with whom IWAS shares the personal information of any *Athlete* or other *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

## **15. IMPLEMENTATION OF DECISIONS**

### **15.1 Automatic binding effect of decisions by *Signatories***

- 15.1.1** A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2 of the World Anti-Doping Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon IWAS, 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* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing, or expedited appeal offered in accordance with Article 7.5.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1 of the World Anti-

Doping Code) 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 of the World Anti-Doping Code) 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 automatically binds all *Signatories*.
- 15.1.1.4** A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 of the World Anti-Doping Code for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 15.1.2** *IWAS* shall recognise and implement a decision and its effects as required by Article 15.1.1, without any further action required, with effect from the earlier of: (a) the date *IWAS* receives actual notice of the decision; and (b) 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 to lift *Consequences* shall be binding upon *IWAS*, as well as each *Signatory*, without any further action required, with effect from the earlier of: (a) the date *IWAS* receives actual notice of the decision; and (b) 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 by a *Major Event Organization* other than *IWAS* made in an expedited process during an *Event* shall not be binding on *IWAS* or other *Signatories* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.

*[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.]*

## **15.2 Implementation of other decisions by *Anti-Doping Organizations***

*IWAS* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.

*[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 TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]*

### **15.3 Implementation of decisions made by a body that is not a *Signatory***

An anti-doping decision by a body that is not a *Signatory* to the World Anti-Doping Code shall be implemented by IWAS, if IWAS 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 World Anti-Doping Code.

*[Comment to Article 15.3: Where the decision of a body that has not accepted the World Anti-Doping Code is in some respects World Anti-Doping Code compliant and in other respects not World Anti-Doping Code compliant, IWAS, other Signatories and NPCs and/or National Federations should attempt to apply the decision in harmony with the principles of the World Anti-Doping Code. For example, if in a process consistent with the World Anti-Doping 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 World Anti-Doping Code, then IWAS and all other Signatories should recognise 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 World Anti-Doping Code should be imposed. IWAS or other Signatory's implementation of a decision or their decision not to implement a decision under Article 15.3, is appealable under Article 13.]*

## **16. STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless they have been given the notice of the anti-doping rule violation provided for in Article 7.4.2, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

## PART THREE: THE *IWAS IF RULES*

These *IWAS IF Rules* set out the anti-doping rules that apply in *IWAS IF Sports*, i.e., sports for which *IWAS* functions as the international federation. All references within these *IWAS IF Rules* to specific Articles shall be to the relevant Article within these *IWAS IF Rules*, unless stated otherwise.

### 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 *IWAS IF Rules*.

### 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* and other *Persons* are 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.

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

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

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

**2.1.3** Excepting those substances for which a *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*.

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

*[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.]*

**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.

*[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 Prohibited Substance might have been administered.)]*

## **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 authorised *Person*.

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

## **2.4 Whereabouts failures by an Athlete.**



Any combination of three (3) missed tests and/or filing failures (as those terms are 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 Person.***

**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 TUE granted in accordance with Article 4.4 or other acceptable justification.*

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

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

**2.7     *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or other Person.***

**2.8     *Administration or Attempted Administration by an Athlete or other Person either: (i) to any Athlete In-Competition of any Prohibited Substance or Prohibited Method; or (ii) to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition.***

**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*.

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

**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 World Anti-Doping 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 rules compliant with the World Anti-Doping Code had been applicable to such *Person*. The disqualifying status of such *Person* shall be in 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 prove an Article 2.10 anti-doping rule violation, *IWAS* or other *Anti-Doping Organization* must 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 either:

- (a) that their 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; or
- (b) that such association could not have been reasonably avoided.

If they discharge that burden (in either respect), that shall be a complete defence to the charge that the *Athlete* or other *Person* has committed an Article 2.10 Anti-Doping Rule Violation.

**2.10.3** If *IWAS*(or other *Anti-Doping Organization*) becomes aware of an *Athlete Support Person* who meets the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3, it shall submit that information to *WADA*.

*[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Person 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.]*

## **2.11 Acts by an *Athlete* or other *Person* to discourage or retaliate against reporting to authorities.**

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

**2.11.1.1** Any act that 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 or alleged non-compliance with these *IWAS IF Rules* or the World Anti-Doping Code to *WADA*, another

*Anti-Doping Organization, IWAS, law enforcement, a regulatory or professional disciplinary body, a hearing body or a Person conducting an investigation for WADA or IWAS or another Anti-Doping Organization.*

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

*[Comment to Article 2.11.1.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.]*

- 2.11.2** For the 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.

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

### **3. PROOF OF DOPING**

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

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

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

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

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

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

- 3.2.1** Analytical methods or *Decision Limits* approved by WADA after consultation within the relevant scientific community 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.

*[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 defence 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*, IWAS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

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

- 3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the World Anti-Doping Code or these *IWAS IF Rules* shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation; 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, IWAS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

*[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 the Protection of Privacy and Personal Information or International Standard for Therapeutic Use Exemptions – may result*

*in compliance proceedings by WADA but are not a defence 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, IWAS's violation of the document referenced in Article 20.7.7 of the World Anti-Doping Code shall not constitute a defence to an anti-doping rule violation.]*

**3.2.3.1** a departure from the *International Standard for Testing and Investigations* 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 *IWAS* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

**3.2.3.2** a departure from the *International Standard for Results Management* or *International Standard for Testing and Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case *IWAS* shall have the burden to establish that such departure did not cause the anti-doping rule violation;

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

*[Comment to Article 3.2.3.3: IWAS 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.]*

**3.2.3.4** a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case *IWAS* 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 of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

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

## **4. THE PROHIBITED LIST**

### **4.1 Incorporation of the *Prohibited List***

These *IWAS IF Rules* incorporate the *Prohibited List*, which is published and revised by WADA as described in Article 4.1 of the World Anti-Doping Code.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these *IWAS IF Rules* three (3) months after publication by WADA, without requiring any further action by IWAS or its *Members*. 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.

IWAS shall make the most recent version of the *Prohibited List* available to its *Members* and *National Federations*. Each IWAS Member and *National Federation* shall in turn ensure that its own members, and the constituents of its members, are also provided with the most recent version of the *Prohibited List*.

*[Comment to Article 4.1: The current Prohibited List is available on WADA's website at [wada-ama.org](http://wada-ama.org). The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made.]*

## **4.2 Prohibited Substances and Prohibited Methods identified on the Prohibited List**

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

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

*[Comment to Article 4.2.1: 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.]*

### **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*.

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

### **4.2.3 Substances of Abuse**

Certain substances will be classified on the *Prohibited List* as *Substances of Abuse* because they are 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 *TUE* granted in accordance with the *International Standard* for Therapeutic Use Exemptions.

**4.4.2** *TUE* applications

**4.4.2.1** *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal exclusively to the appellate body described in Article 13.2.2.

**4.4.2.2** *Athletes* who are *International-Level Athletes* shall apply to *IWAS*.

**4.4.3** *TUE* recognition

*[Comment to Article 4.4.3: If IWAS refuses to recognise a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to IWAS. IWAS may agree with a National Anti-Doping Organization that the National Anti-Doping Organization will consider TUE applications on behalf of IWAS.]*

**4.4.3.1** Where the *Athlete* already has a *TUE* granted by their *National Anti-Doping Organization* pursuant to Article 4.4 of the World Anti-Doping Code for the *Prohibited Substance* or *Prohibited Method* in question, if that *TUE* meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions then *IWAS* must recognise it for purposes of international-level *Competition*. If *IWAS* considers that the *TUE* does not meet those criteria and so refuses to recognise it, *IWAS* must notify the *Athlete* and the *Athlete's National Anti-Doping Organization* promptly, with reasons. The *Athlete* or the *National Anti-Doping Organization* shall have twenty-one (21) days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.7.

**4.4.3.2** If the matter is referred to *WADA* for review, the *TUE* granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA's* decision. If the matter is not referred to *WADA* for review within the twenty-one (21) day deadline, the *Athlete's National*

*Anti-Doping Organization* must determine whether the original *TUE* granted by that *National Anti-Doping Organization* should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that in that case the *Athlete* must cease to be an *International-Level Athlete* and must not participate in international-level *Competition*). Pending the *National Anti-Doping Organization's* decision, the *TUE* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

*[Comment to Article 4.4.3.2: Further to Articles 5.7 and 7.1 of the International Standard for Therapeutic Use Exemptions, IWAS will publish and keep updated a notice on its website ([iwasf.com](https://iwasf.com)) that sets out clearly (1) which Athletes under its authority are required to apply to it for a TUE, (2) which TUE decisions of other Anti-Doping Organizations it will automatically recognise in lieu of such application and (3) which TUE decisions of other Anti-Doping Organizations will have to be submitted to it for recognition. If an Athlete's TUE falls into a category of automatically recognised TUEs, then the Athlete does not need to apply to IWAS for recognition of that TUE.]*

**4.4.3.3** If *IWAS* chooses to test an *Athlete* who is not an *International-Level Athlete*, *IWAS* must recognise a *TUE* granted to that *Athlete* by their *National Anti-Doping Organization* unless the *Athlete* is required to apply for recognition of the *TUE* pursuant to Articles 5.8 and 7.0 of the *International Standard for Therapeutic Use Exemptions*.

**4.4.4** *TUE application process*

**4.4.4.1** If the *Athlete* does not already have a *TUE* for the *Prohibited Substance* or *Prohibited Method* that the *Athlete* wishes to *Use*, the *Athlete* must apply directly to the *IWAS TUE Committee* for a *TUE*.

**4.4.4.2** The application must be made as soon as possible and in any event (save in emergency or exceptional circumstances) at least thirty (30) days before the next *Competition* in which they wish to compete. A *TUE* may only be granted with retroactive effect where Article 4.1 or Article 4.3 of the *International Standard for Therapeutic Use Exemptions* or Article 4.4.6 below so permits.

**4.4.4.3** The application for grant or recognition of a *TUE* must be made in accordance with Article 6 of the *International Standard for Therapeutic Use Exemptions*, using the form posted on *IWAS's* website (<https://iwasf.com/>).

**4.4.5** The *IWAS TUE Committee* shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to a *Competition* in which the *Athlete* wishes to compete, the *IWAS TUE Committee* shall use its best endeavours to issue its decision before the start of the *Competition*.

*[Comment to Article 4.4.5(1): The submission of falsified documents to an IWAS TUE Committee or IWAS, 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 TUE process shall result in a charge of Tampering or Attempted Tampering under Article 2.5.]*



*[Comment to Article 4.4.5(2): An Athlete should not assume that their application for the grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]*

**4.4.5.1** The *IWAS TUE Committee's* decision shall be the final decision of *IWAS*. It shall be notified in writing to the *Athlete*, *WADA*, and other *Anti-Doping Organizations* in accordance with the *International Standard for Therapeutic Use Exemptions*, and it shall also promptly be reported into *ADAMS*. It may be appealed in accordance with Article 4.4.8.

**4.4.5.2** If *IWAS* or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of *IWAS* denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If *IWAS* grants the *Athlete's* application, it must notify not only the *Athlete* but also their *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by *IWAS* 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 in accordance with Article 4.4.8.

**4.4.5.3** If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *TUE* granted by *IWAS* remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA's* decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by *IWAS* becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

**4.4.6** Retroactive *TUE* applications

If *IWAS* chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or a *National-Level Athlete*, and that *Athlete* is *Using a Prohibited Substance* or *Prohibited Method* for therapeutic reasons, *IWAS* must permit that *Athlete* to apply for a retroactive *TUE*.

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

**4.4.7.1** A *TUE* granted pursuant to these *IWAS IF Rules*:

- (a) will 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 cancelled if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *IWAS TUE Committee* upon grant of the *TUE*;
- (c) may be withdrawn by the *IWAS TUE Committee* if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; and
- (d) may be reversed on review by *WADA* or on appeal.

**4.4.7.2** 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 *TUE* prior to the effective date of expiry, withdrawal, or reversal of the *TUE*. 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 *TUE* 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.

#### **4.4.8**      Reviews and appeals of *TUE* decisions

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

*[Comment to Article 4.4.8.1: 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 4.4.8; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]*

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

*[Comment to Article 4.4.8.2: In such cases, the decision being appealed is IWAS's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]*

**4.4.8.3**      A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organization*, and/or *IWAS*, exclusively to *CAS*.

**4.4.8.4**      A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

## **5. TESTING AND INVESTIGATIONS**

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

*[Comment to Article 5.1: Where Testing is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the Anti-Doping Organization's rules. See, e.g., comment to Article 23.2.2 of the World Anti-Doping Code.]*

**5.1.1** *Testing* and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing* and Investigations and any specific protocols of *IWAS* supplementing that *International Standard*.

**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*).

### **5.2 Authority to test**

**5.2.1** Subject to the limitations for *Event Testing* set out in Article 5.3, *IWAS* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in Article 3.3 in of Part One of this *IWAS Code*.

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

*[Comment to Article 5.2.2: IWAS 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, IWAS 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 IWAS had sufficient suspicion for Testing during this time period shall not be a defence to an anti-doping rule violation based on such test or attempted test.]*

**5.2.3** *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the World Anti-Doping Code.

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

### **5.3 Event Testing**

**5.3.1** Except as otherwise provided below, only a single organisation shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, *IWAS* (or other international organisation which is the ruling body for an *Event*) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of *IWAS* (or other international organisation which is the ruling body for an *Event*), any *Testing* during the

*Event Period* outside of the *Event Venues* shall be coordinated with *IWAS* (or the relevant ruling body of the *Event*).

- 5.3.2** If an *Anti-Doping Organization* that 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 Venue(s)* during the *Event Period*, the *Anti-Doping Organization* shall first confer with *IWAS* (or other international organisation which is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from *IWAS* (or other international organisation which is the ruling body of the *Event*), the *Anti-Doping Organization* may, in accordance with the procedures described in the *International Standard for Testing and Investigations*, 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 *IWAS* (or other international organisation which is the ruling body for the *Event*). *WADA*'s decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

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

#### **5.4     *Testing requirements***

- 5.4.1** *IWAS* shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.
- 5.4.2** Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* in order to maximise the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

#### **5.5     *Athlete whereabouts information***

- 5.5.1** *IWAS* may establish a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. *IWAS* shall coordinate with *National Anti-Doping Organizations* to identify such *Athletes* and to collect their whereabouts information.
- 5.5.2** *IWAS* may include *Athletes* who are not regular members of *IWAS* or of one of its *NPCs* but who want to be eligible to compete in a particular *International Event* in its *Registered Testing Pool* so that they are required to provide information about their whereabouts for purposes of *Testing* under this *Code*.
- 5.5.3** *IWAS* shall make available through *ADAMS* a list which identifies by name those *Athletes* included in its *Registered Testing Pool*. *IWAS* shall regularly review and update as

necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* 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 and Investigations*.

- 5.5.4** Where an *Athlete* is included at the same time in an international *Registered Testing Pool* by IWAS and in a national *Registered Testing Pool* by their *National Anti-Doping Organization*, IWAS and the *National Anti-Doping Organization* shall agree between themselves with which of them the *Athlete* shall file their whereabouts filings. In no case shall an *Athlete* be required to file their whereabouts filings with more than one of them.
- 5.5.5** In accordance with the *International Standard for Testing and Investigations*, each *Athlete* in the *Registered Testing Pool* shall do the following:
- 5.5.5.1** advise IWAS of their whereabouts on a quarterly basis;
  - 5.5.5.2** update that information as necessary so that it remains accurate and complete at all times; and
  - 5.5.5.3** make 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 and Investigations* 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 out in Annex B are met.
- 5.5.7** An *Athlete* in IWAS's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set in the *International Standard for Testing and Investigations* unless and until (a) the *Athlete* gives written notice to IWAS that they have retired from the *IWAS IF Sport*; or (b) IWAS has informed them that they no longer satisfy the criteria for inclusion in IWAS's *Registered Testing Pool*.
- 5.5.8** Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* will be 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 the Protection of Privacy and Personal Information*.
- 5.5.9** In accordance with the *International Standard for Testing and Investigations*, IWAS may establish a *Secondary Testing Pool* that includes *Athletes* who are subject to less stringent whereabouts requirements (as specified by IWAS) than *Athletes* included in IWAS's *Registered Testing Pool*. IWAS shall notify *Athletes* before they are included in

the *Secondary Testing Pool* and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance, as indicated in Articles 5.5.10 and 5.5.11.

- 5.5.10** The failure by an *Athlete* in the *Secondary Testing Pool* to provide whereabouts information on or before the date required by *IWAS* or to provide accurate whereabouts information may result in the *IWAS* elevating the *Athlete* to *IWAS's Registered Testing Pool*.

## **5.6 Retired *Athletes* returning to *Competition***

- 5.6.1** If an *Athlete* in *IWAS'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 made themselves available for *Testing*, by giving six-months' prior written notice of such return to sport to *IWAS* and to their *National Anti-Doping Organization*.

*WADA*, in consultation with *IWAS* and the *Athlete's National Anti-Doping Organization*, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be unfair to the *Athlete*. The decision to grant or not to grant such exemption may be appealed under Article 12.

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 the *Event* in question 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* must notify *IWAS* or 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 made themselves available for *Testing* by giving six (6) months' prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to *IWAS* and to their *National Anti-Doping Organization*.

## **5.7 Independent Observer Program**

*IWAS* and the organising committees for *Events*, as well as the *IWAS Members*, *National Federations* and the organising committees for national-level events, shall authorise and facilitate the *Independent Observer Program*.

## **5.8 Investigations**

- 5.8.1** *IWAS* shall have the power to gather anti-doping intelligence and conduct investigations in accordance with the World Anti-Doping Code and the *International Standard for Testing and Investigations* and this Article 5.8 into matters that may evidence or lead to the discovery of evidence of an anti-doping rule violation.
- 5.8.2** *IWAS* will always conduct an investigation of an *Athlete Support Person* who is subject to these *IWAS IF Rules* (1) where the *Athlete Support Person* has provided support to a *Protected Person* who is found to have committed an anti-doping rule violation; and (2)

where the *Athlete Support Person* has provided support to more than one *Athlete* who is found to have committed an anti-doping rule violation.

- 5.8.3** *IWAS* may conduct investigations in cooperation with, and/or information obtained in such investigations may be shared with, other *Anti-Doping Organizations* and/or other relevant regulatory, administrative, or criminal authorities. Where it deems appropriate, *IWAS* may stay its own investigation pending the outcome of investigations being conducted by other *Anti-Doping Organizations* and/or other relevant authorities.
- 5.8.4** In investigating whether there is a case to answer for an anti-doping rule violation, the *IWAS* may seek information from any source, which may include (without limitation), at *IWAS's* discretion:
- 5.8.4.1** giving the *Athlete(s)* or other *Person(s)* implicated in the potential anti-doping rule violation an opportunity, subject to compliance with a strict time-table, to make such submissions as they may wish. If *IWAS* decides to invite such submissions, it shall determine how the submissions should be made, such as (for example) in writing or verbally; and/or
  - 5.8.4.2** making a written demand to an *Athlete* or other *Person* (a *Demand*) to provide information that may evidence or lead to the discovery of evidence of an anti-doping rule violation, including (without limitation) requiring the *Athlete* or other *Person* to attend an interview and/or to provide a written statement setting forth their knowledge of the relevant facts and circumstances within a deadline specified by *IWAS* in the *Demand*.
- 5.8.5** If the *Athlete* or other *Person* fails to cooperate fully with the investigation, or subverts or *Attempts* to subvert the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), they may be charged with an Article **Error! Reference source not found.** anti-doping rule violation.
- 5.8.6** *IWAS* shall keep WADA informed of its investigations in accordance with the requirements of the *International Standard for Testing and Investigations*, including advising WADA where it decides following investigation not to assert that an *Athlete* or other *Person* has committed an anti-doping rule violation. That decision may be appealed pursuant to Article 13.

## **6. ANALYSIS OF SAMPLES**

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

### **6.1 Use of accredited or approved laboratories and other laboratories**

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

*[Comment to Article 6.1.1: 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.]*

- 6.1.2** As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

## **6.2 Purpose of analysis of *Samples* and data**

*Samples* and related analytical data or *Doping Control* information shall be analysed 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 World Anti-Doping Code, or to assist IWAS in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.

*[Comment to Article 6.2: For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both. Similarly, IWAS may use data from a Doping Control test to monitor eligibility relating to transgender and other eligibility rules.]*

## **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 for research without the *Athlete's* written consent. *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*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the World Anti-Doping Code.

*[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 must 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 World Anti-Doping Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.]*

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

In accordance with Article 6.4 of the World Anti-Doping Code, IWAS shall ask laboratories to analyse *Samples* in conformity with the *International Standard* for Laboratories and Article 4.7 of the *International Standard* for Testing and Investigations.

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

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



## **6.5 Further analysis of 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 *IWAS* charges the *Athlete* with an anti-doping rule violation charge based on that *Sample* in accordance with Article 7.4.3. If after such notification *IWAS* 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 organisation'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*, *IWAS*, another *Anti-Doping Organization* with *Results Management* authority, and/or a *WADA*-accredited laboratory (with approval from *WADA*, *IWAS* 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, 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**

*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* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.

*[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. 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 defence against an anti-doping rule violation or its Consequences.]*

## **7. RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS**

*Results Management* under this *IWAS IF Rules* establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious, and efficient manner.

### **7.1 Responsibility for conducting *Results Management***

- 7.1.1** Except as otherwise provided in Articles 6.6 and 6.8, and Article 7.1 of the World Anti-Doping Code, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).
- 7.1.2** In an *IWAS IF Sport*, 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, licence holder, or member of a sport organisation of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the *NPC* or by a third party with authority over the *Athlete* or other *Person* as directed by *IWAS*.
- 7.1.3** In the event a *Major Event Organization* assumes only limited *Results Management* responsibility relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization*, or relating to another anti-doping rule violation occurring during such *Event*, the case shall be referred by the *Major Event Organization* to *IWAS* to decide who shall be responsible for completion of *Results Management*.
- 7.1.4** *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by *IWAS* or the *National Anti-Doping Organization* with whom the *Athlete* in question files their whereabouts information, in accordance with the *International Standard for Results Management*. If *IWAS* determines that there has been a filing failure 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*.
- 7.1.5** Other circumstances in which *IWAS* 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 World Anti-Doping Code.
- 7.1.6** *WADA* may direct *IWAS* to conduct *Results Management* in particular circumstances. If *IWAS* 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* responsibility in place of *IWAS* or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping*

*Organization* that is willing to do so. In such case, *IWAS* 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**

**7.2.1** *IWAS* shall carry out the review and notification with respect to any potential anti-doping rule violation for which it has *Results Management* responsibility, in accordance with the *International Standard for Results Management*.

### **7.2.2 Notice**

Where it is determined, pursuant to the previous provisions of this Article 7, that an *Athlete* or other *Person* may have committed one or more anti-doping rule violations under Article 2, *IWAS* will promptly notify the *Athlete* or other *Person* in writing. Before sending the notice to the *Athlete* or other *Person*, *IWAS* will refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organizations* to determine whether the *Athlete* or other *Person* has any prior anti-doping violations.

### **7.2.3 Charge letter**

Where after receipt of the *Athlete's* or other *Person's* response to *IWAS's* initial notice of a potential anti-doping rule violation, or expiry of the deadline to receive such response, and after conducting such further investigation as it sees fit (if any), *IWAS* considers that the *Athlete* or other *Person* has committed one or more anti-doping rule violations, *IWAS* will promptly charge the *Athlete* or other *Person* with the relevant anti-doping rule violation(s) in accordance with Article 7.1 of the *International Standard for Results Management* and Article 14.1.3 below.

**7.2.4** Where *IWAS* sends the *Athlete* or other *Person* an Article 7.2.3 charge letter, *IWAS* and the *Athlete* or other *Person* may seek to enter into a *Results Management* agreement in accordance with Article 10.8.

## **7.3 Provisional Suspensions**

*[Comment to Article 7.3: Before a Provisional Suspension can be unilaterally imposed by IWAS, the internal review specified in these IWAS IF Rules and the International Standard for Results Management must first be completed.]*

### **7.3.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding**

If *IWAS* receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by Article 7.2.2.

### **7.3.2 Optional Provisional Suspension**

IWAS may impose a *Provisional Suspension* for anti-doping rule violations not covered by Article 7.3.1 upon or after the review and notification required by Article 7.2.2 and any time prior to the final hearing as described in Article 8.

### **7.3.3** Opportunity for hearing or appeal

**7.3.3.1** Notwithstanding Articles 7.3.1 and 7.3.2, a *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given: (a) an opportunity for a *Provisional Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after the imposition of the *Provisional Suspension*.

**7.3.3.2** If the *Athlete* or other *Person* requests a *Provisional Hearing*, the *Independent Tribunal* shall eliminate the *Provisional Suspension* if it determines that:

- (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*;
- (b) any period of *Ineligibility* that might otherwise be imposed for the anti-doping rule violation(s) asserted is likely to be completely eliminated on grounds of Article 10.5 (*No Fault or Negligence*);
- (c) the *Athlete* demonstrates that the violation is likely to have involved a *Contaminated Product*;
- (d) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1; or
- (e) other facts exist that make it clearly unfair, in all of the circumstances, for the *Athlete* or other *Person* to be subject to a *Provisional Suspension* prior to the final first instance decision on the merits. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* shall not qualify as exceptional circumstances for these purposes.

**7.3.3.3** In addition to Article 7.3.3.2, an optional *Provisional Suspension* may be lifted at the discretion of IWAS at any time prior to a final hearing under Article 8, unless provided otherwise in the *International Standard for Results Management*.

**7.3.3.4** The imposition of a *Provisional Suspension*, a decision not to impose a *Provisional Suspension*, and a decision to lift or not to lift a *Provisional Suspension*, may be appealed in an expedited process in accordance with Article 13.2; save that a decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

### **7.3.4** Voluntary acceptance of *Provisional Suspension*

- 7.3.4.1** *Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if they do so in writing 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*); (ii) ten (10) days from the notice of any other anti-doping rule violation pursuant to Article 7.2.2; and (iii) the date after receipt of the notice on which the *Athlete* would otherwise first compete.
- 7.3.4.2** Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* in writing within ten (10) days of receipt of the Article 7.2.2 notice of the anti-doping rule violation.
- 7.3.4.3** A *Provisional Suspension* that is voluntarily accepted by the applicable deadline will have effect from the date that written notice of the *Athlete* or other *Person's* acceptance of a voluntary *Provisional Suspension* is received by IWAS. 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 7.3.1 or 7.3.2; 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*.
- 7.3.5** 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 IWAS) does not confirm the *A Sample* analysis, the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* or the *Athlete's* team has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, the *Athlete* or team may be re-inserted in the *Competition* if that is possible without otherwise affecting the *Competition*.

## **7.4 Results Management decisions**

*Results Management* decisions or adjudications by IWAS must not purport to be limited to a particular geographic area or IWAS's sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation 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), 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*.

*[Comment to Article 7.4: Results Management decisions include Provisional Suspensions. Each decision by IWAS 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.]*

## **7.5 Notification of *Results Management* decisions**

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

## **7.6 Retirement from sport**

If an *Athlete* or other *Person* retires while *IWAS's Results Management* process is underway, *IWAS* retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and *IWAS* 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, *IWAS* has authority to conduct *Results Management*.

*[Comment to Article 7.6: 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.]*

# **8. RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION**

## **8.1 Hearings before the *Independent Tribunal***

**8.1.1** The *Independent Tribunal* has jurisdiction to hear and determine:

**8.1.1.1** any application for an order that a *Provisional Suspension* should or should not be imposed (or should be lifted);

**8.1.1.2** whether an *Athlete* or other *Person* subject to these *IWAS IF Rules* has committed an anti-doping rule violation, and (if so) what *Consequences* should be imposed, in accordance with Articles 9 and 10; and

**8.1.1.3** any costs order under Article 10.

**8.1.2** The *Independent Tribunal* will be *Operationally Independent*, and will conduct its activities, including hearings, fairly and impartially and without interference from *IWAS* or any third party, in accordance with the *Procedural Rules* and in full compliance with the World Anti-Doping Code and the *International Standard for Results Management*.

**8.1.3** Hearings shall be scheduled and completed within a reasonable time. They may be conducted by an expedited process where permitted by the *Independent Tribunal*.

**8.1.4** *WADA*, the *IWAS Member*, and the *National Anti-Doping Organization* may attend the hearing as observers. In any event, *IWAS* shall keep those entities fully apprised as to the status of pending cases and the result of all hearings.

## **8.2 Notice of decisions**

**8.2.1** At the end of the hearing, or promptly thereafter, the *Independent Tribunal* will issue to *IWAS* and the *Athlete* or other *Person* a written decision that conforms with Article 9

of the *International Standard for Results Management* and Article 7.4 of these *IWAS IF Rules*.

- 8.2.2** *IWAS* shall notify that decision to the 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 is asserted may expressly waive their right a hearing and agree to the *Consequences* proposed by *IWAS*.
- 8.3.2** If the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline otherwise specified in the Article 7.2.2 notice sent by *IWAS* asserting the violation, they shall be deemed to have waived their right to 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 the *Independent Tribunal* shall not be required. Instead *IWAS* shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and Article 7.4 of these *IWAS IF Rules*.
- 8.3.4** *IWAS* 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*. *IWAS* shall also *Publicly Disclose* that decision.

### **8.4 Single hearing before CAS**

Hearings on the merits of anti-doping rule violation charges asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, *IWAS*, and *WADA*, be heard in a single hearing directly at *CAS*.

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

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

*[Comment to Article 9: For Team Sports, any awards received by individual Athletes will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the international federation.]*

## **10. FURTHER SANCTIONS ON INDIVIDUALS**

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

- 10.1.1** An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's*

individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.2.

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

*[Comment to Article 10.1.1: 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).]*

- 10.1.2** 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**

The period of *Ineligibility* for a violation of Article 2.1, 2.2, or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6, or 10.7:

- 10.2.1** Save where Article 10.2.4 applies, the period of *Ineligibility* shall be four (4) years where:

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

*[Comment to Article 10.2.1.1: While it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered one's system, it is highly unlikely that in a doping case under Article 2.1 an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance.]*

- 10.2.1.2** The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and *IWAS* can establish that the anti-doping rule violation was intentional.

- 10.2.2** If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of *Ineligibility* shall be two (2) years.

- 10.2.3** 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 constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not “intentional” if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered “intentional” if the substance is not a *Specified*



*Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

*[Comment to Article 10.2.3: Article 10.2.3 provides a special definition of “intentional” which is to be applied solely for purposes of Article 10.2.]*

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

**10.2.4.1** If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by IWAS. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

*[Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the Athlete or other Person has satisfactorily completed the program shall be made in the sole discretion of the IWAS. This Article is intended to give IWAS 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.]*

**10.2.4.2** 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 ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

**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 and/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:

**10.3.1.1** in the 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;

**10.3.1.2** 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

**10.3.1.3** in a case 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 degree of *Fault* of the *Protected Person* or *Recreational Athlete*.

**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 the *Athlete's* degree of *Fault*. 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*.

**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* shall be considered a particularly serious violation and, if committed by an *Athlete Support Person* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for an *Athlete Support Person*. 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.

*[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 Person 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.

**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.

*[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 3.5 of Part One of this IWAS Code.]*

**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*.

*[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.]*

#### **10.4 Aggravating Circumstances which may increase the period of *Ineligibility***

If IWAS 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 standard 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.

*[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.]*

## **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*, the otherwise applicable period of *Ineligibility* shall be eliminated.

*[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, a period of *Ineligibility* of two (2) years, depending on the degree of *Fault* of the *Athlete* or other *Person*.

#### **10.6.1.2 *Contaminated Products***

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

*[Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the Athlete or other Person must establish not only that the detected Prohibited Substance came from a Contaminated Product, but must 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 Contaminated Product 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.*

#### **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, period of *Ineligibility* of two (2) years, depending on the degree of *Fault* of the *Protected Person* or *Recreational Athlete*.

#### **10.6.2**     Application of *No Significant Fault or Negligence* beyond the application of Article 10.6.1

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 degree of *Fault* of the *Athlete* or other *Person*, 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.

*[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.]*

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

#### **10.7.1**     *Substantial Assistance* in discovering or establishing World Anti-Doping Code violations

*[Comment to Article 10.7.1: The cooperation of Athletes, Athlete Support Person and other Persons who acknowledge their mistakes and are willing to bring other violations to light is important to clean sport.]*

##### **10.7.1.1**     Prior to an appellate decision under Article 13 or the expiration of the time to appeal, IWAS may 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 which results in:

- (a)            the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or
- (b)            a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by

another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to IWAS or other *Anti-Doping Organization* with *Results Management* responsibility; or

- (c) WADA initiating a proceeding against a *Signatory*, WADA-accredited laboratory, or *Athlete* passport management unit (as defined in the *International Standard for Laboratories*) for non-compliance with the World Anti-Doping Code, *International Standard* or *Technical Document*; or
- (d) with the approval by WADA, a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

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

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the World Anti-Doping Code, and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. 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 IWAS IF Rules.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, IWAS 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, IWAS shall reinstate the original *Consequences*. If IWAS 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.

- 10.7.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of IWAS or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the World Anti-Doping Code, 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. Notwithstanding Article 13, WADA's decisions in the context of this Article 10.7.1.2 may not be appealed.

- 10.7.1.3** If IWAS 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 authorise IWAS to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

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

*[Comment to Article 10.7.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes they are about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had they not come forward voluntarily.]*

**10.7.3** Application of multiple grounds for reduction of a sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.6, or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5, and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

**10.8 Results Management agreements**

- 10.8.1** One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction

Where IWAS sends an *Athlete* or other *Person* a charge letter for an anti-doping rule violation in accordance with Article 7.2.3 that carries an asserted period of *Ineligibility*

of four (4) or more years (including any period of *Ineligibility* asserted under Article 10.4), if the *Athlete* or other *Person* admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* shall receive a one-year reduction in the period of *Ineligibility* asserted by IWAS. Where the *Athlete* or other *Person* receives the one-year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.

*[Comment to Article 10.8.1: For example, if IWAS 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, 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.]*

## **10.8.2 Case resolution agreements**

**10.8.2.1** Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by IWAS and agrees to *Consequences* acceptable to IWAS 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 IWAS 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) 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.

**10.8.2.2** 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 a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by WADA and IWAS to enter or not enter into a case resolution agreement, and the amount of the reduction to, and 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.

**10.8.2.3** If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, IWAS shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.

*[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.]*

## **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*; and
- (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 degree of *Fault* of the *Athlete* or other *Person* 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 fulfils 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 reduced by the application of Article 10.7.

**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 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

**10.9.3** Additional rules for certain potential multiple violations

**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 or third violation if *IWAS* can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after *IWAS* made reasonable efforts to give notice of the first or second anti-doping rule violation. If *IWAS* cannot establish this, the violations shall be considered together as one single 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.

*[Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, IWAS discovers facts involving an anti-doping rule violation that occurred prior to notification]*



*for a first anti-doping rule violation – e.g., IWAS 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.]*

**10.9.3.2** If *IWAS* establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, 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* shall be served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-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 *IWAS* 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** If *IWAS* 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.

**10.9.4** Multiple anti-doping rule violations during ten-year period

Each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations under this Article 10.9.

**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.

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

**10.11** Forfeited prize money

If *IWAS* 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.

## 10.12 Costs

In accordance with Article 10.12 of the World Anti-Doping Code, the *Independent Tribunal* may order any party to the proceedings brought before the *Independent Tribunal* under these *IWAS Games Rules* to contribute to the costs of convening the *Independent Tribunal* for the proceedings and/or to the costs incurred by the other party or parties to the proceedings, provided that such orders shall only be made where the *Independent Tribunal* considers that the party who would have to pay the costs has advanced frivolous or bad faith arguments in the proceedings. No recovery of costs may be considered a basis for reducing any other *Consequences* that would otherwise be applicable.

## 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 that such delays are not attributable to them, the period of *Ineligibility* may be deemed to have started at an earlier date, commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

*[Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]*

### 10.13.2 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*, 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*, 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, 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 in writing a *Provisional Suspension* in writing from *IWAS* 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 voluntary acceptance by the

*Athlete* or other *Person* of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

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

- 10.13.2.3** No credit against a period of *Ineligibility* shall be given for any 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 during that period.

## **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 the period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or in *Competitions* authorised or organised by any professional league or any international- or national-level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (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*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by IWAS to provide whereabouts information.

*[Comment to Article 10.14.1: For example, subject to Article 10.14.2 below, Ineligible Athletes cannot participate in a training camp, exhibition or practice organised by their IWAS Member, National Member or a club which is a member of either organisation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event Organization or a non-Signatory national-level Event Organization without triggering the Consequences set forth in Article 10.14.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the Organization described in this Article. Ineligibility imposed in one sport shall also be recognised by other sports (see Article 15.1, Automatic Binding Effect of Decisions). An Athlete or other Person serving a period of Ineligibility is prohibited from coaching or serving as an Athlete Support Person in any other capacity at any time during the period of Ineligibility, and doing so could also result in a violation of Article 2.10 by another Athlete. Any performance standard accomplished during a period of Ineligibility shall not be recognised by IWAS or its Members or National Federations for any purpose.]*

### **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 a member organization of IWAS or other *Signatory* during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

*[Comment to Article 10.14.2: 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.]*

#### **10.14.3** 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*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the degree of *Fault* of the *Athlete* or other *Person* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* that brought the case that led to 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*, IWAS shall charge the *Athlete Support Person* or other *Person* with a violation of Article 2.9 for such assistance.

#### **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* may be withheld by IWAS and its *Members* and/or *National Federations*.

### **10.15** Automatic publication of sanction

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

## **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 during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

## **11.3 Other Consequences for Team Sports within IWAS's authority**

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

## **11.4 Testing of Teams in individual sports**

Where one (1) member of a team (outside of *Team Sports*) has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of all members of the team during the *Event Period*.

## **11.5 Consequences for Teams in individual sports**

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

**11.5.2** An anti-doping rule violation committed by a member of a team occurring during or in connection with an *Event* may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all *Consequences* for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.5.3.

**11.5.3** Where an *Athlete* who is a member of a team committed an anti-doping rule violation during or in connection with one (1) *Competition* in an *Event*, if the other member(s) of the team establish(es) that they bear *No Fault* or *Negligence* for that violation, the results of the team in any other *Competition(s)* in that *Event* shall not be *Disqualified* unless the results of the team in the *Competition(s)* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

## **12. SANCTIONS BY IWAS AGAINST OTHER SPORTING BODIES**

**12.1** Where *IWAS* becomes aware that an *NPC* involved in an *IWAS IF Sport* or any other sporting body over which it has authority under these *IWAS IF Rules* has failed to comply with, implement, uphold, and enforce this *IWAS Code* within that organisation's or body's area of competence, *IWAS* may seek any or all of the following consequences before the *Independent Tribunal*:

**12.1.1** exclusion of all, or some group of, members of that organisation or body from specified future *Events* or all *Events* conducted within a specified period of time;

- 12.1.2** where two (2) or more anti-doping rule violations are committed by *Athletes* or other *Persons* affiliated with that organisation or body during a twelve (12) month period in a single *IWAS IF Sport* that organisation or body may be fined;
- 12.1.3** where four (4) or more anti-doping rule violations are committed by *Athletes* or other *Persons* affiliated with that organisation or body during a twelve (12) month period in a single *IWAS IF Sport* all or some group of members of that organisation or body may be banned from participation in any *IWAS* activities for a period of up to two (2) years;
- 12.1.4** where six (6) or more anti-doping rule violations of these *IWAS IF Rules* are committed by *Athletes* or other *Persons* affiliated with that organisation or body during a twelve (12) month period in a single *IWAS IF Sport*: (a) all or some group of members of that organisation or body may be banned from participation in any *IWAS* activities for a period of up to four (4) years; and/or (b) that organisation or body may be suspended for a period of up to four (4) years;
- 12.1.5** where more than one *Athlete* or other *Person* affiliated with that organisation or body commits an anti-doping rule violation during an *International Event*, that organisation or body may be fined;
- 12.1.6** where that organisation or body has failed to make diligent efforts to keep *IWAS* informed about an *Athlete's* whereabouts after receiving a request for that information from *IWAS*, that organisation or body may be fined, in addition to reimbursement of all of *IWAS* costs incurred in *Testing* such *Athlete(s)*;
- 12.1.7** withholding some or all funding or other financial and non-financial support to that organisation or body; and/or
- 12.1.8** obliging that organisation or body to reimburse *IWAS* for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of this *IWAS Code* committed by an *Athlete* or other *Person* affiliated with that organisation or body.

### **13. RESULTS MANAGEMENT: APPEALS**

*[Comment to Article 13: The object of the World Anti-Doping Code and these IWAS IF Rules 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 NPCs or National Federations) who might benefit from having another competitor Disqualified.]*

#### **13.1 Decisions subject to appeal**

Decisions made under the World Anti-Doping Code or these *IWAS IF Rules* may be appealed as set out below in Articles 13.2 through 13.6 or as otherwise provided in these *IWAS IF Rules*, the World Anti-Doping Code, or *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

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.

*[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.]*

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

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

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

#### **13.1.3 WADA not required to exhaust internal remedies**

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

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

### **13.2 Appeals against decisions regarding anti-doping rule violations, *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 was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six-months' notice requirement for a retired *Athlete* to return to competition under Article 5.6.1; a decision by WADA assigning *Results Management* under Article 7.1 of the World Anti-Doping Code; a decision by IWAS not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; IWAS's failure to comply with Article 7.3; a decision that IWAS lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5 of the World Anti-Doping Code; failure to comply with Article 10.8.1; a decision under Article 10.14.3; a decision by IWAS not to implement another *Anti-Doping Organization's* decision under Article 15; and a decision under Article 27.3 of the World Anti-Doping Code.

#### **13.2.1 Appeals involving *International-Level Athletes* or *International Events***

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

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

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

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the *National Anti-Doping Organization* having authority over the *Athlete* or other *Person*. The rules for such appeal shall respect the following principles: a timely hearing; a fair, impartial, *Operationally Independent* and *Institutionally Independent* hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision. If no such body as described above is in place and available at the time of the appeal, the decision may be appealed to CAS in accordance with the applicable procedural rules.

### **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) IWAS;
- (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or licence holder; and
- (e) WADA.

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

In cases under Article 13.2.2, the parties having the right to appeal to the appellate body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) IWAS;



- (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or licence holder; and
- (e) WADA.

For cases under Article 13.2.3, WADA and IWAS shall also have the right to appeal to CAS with respect to the decision of the appellate body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

#### **13.2.3.3 Duty to notify**

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely 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 against decisions under Article 12**

Decisions pursuant to Article 12 may be appealed exclusively to CAS by IWAS and/or by the *IWAS Member* or other sanctioned body.

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

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

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

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

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

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

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

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

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

IWAS 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**

*[Comment to Article 13.6: Whether governed by CAS rules or these IWAS IF Rules, 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.]*

#### **13.6.1 Appeals to CAS**

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

**13.6.1.1** Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organization* that had *Results Management* authority;

**13.6.1.2** If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

#### **13.6.2 Appeals by IWAS**

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

**13.6.2.1** Twenty-one (21) days after the last day on which any other party having a right to appeal (other than WADA) could have appealed; or

**13.6.2.2** Twenty-one (21) days after IWAS's receipt of the complete file relating to the decision.

#### **13.6.3 Appeals by WADA**

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

**13.6.3.1** Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed; or

**13.6.3.2** Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

## **14. CONFIDENTIALITY AND REPORTING**

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

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

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

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

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

If at any point during *Results Management* up until the anti-doping rule violation charge, *IWAS* decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.3.

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

Notification of an anti-doping rule violation 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*.

Notification of an anti-doping rule violation other than under Article 2.1 shall also include the rule violated and the basis of the asserted violation.

#### **14.1.4** Status reports

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

#### **14.1.5** Confidentiality

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

*IWAS Member, National Federation, and team in a Team Sport*) until *IWAS* has made *Public Disclosure* as permitted by Article 14.3.

**14.1.6** Protection of confidential information by an employee or agent of *IWAS*

*IWAS* shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3. *IWAS* 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 anti-doping rule violation or violations of *Ineligibility* or *Provisional Suspension* decisions and request for files

**14.2.1** Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.6, 8.2, 10.5, 10.6, 10.7, 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed.

**14.2.2** An *Anti-Doping 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.

**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 14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, 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 *IWAS*.

**14.3.2** No later than twenty (20) days after it has been determined in an appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, or a new period of *Ineligibility*, or reprimand, has been imposed under Article 10.14.3, *IWAS* must *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. *IWAS* must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.

*[Comment to Article 14.3.2: Where Public Disclosure as required by Article 14.3.2 would result in a breach of other applicable laws, IWAS's failure to make the Public Disclosure will not result in a determination of non-compliance with the World Anti-Doping Code, as set forth in Article 4.2 of the International Standard for the Protection of Privacy and Personal Information.]*

- 14.3.3** After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, *IWAS* may make public such determination or decision and may comment publicly on the matter.
- 14.3.4** In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. *IWAS* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.5** Publication shall be accomplished at a minimum by placing the required information on *IWAS*'s website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.
- 14.3.6** Except as provided in Articles 14.3.1 and 14.3.3, no *Anti-Doping Organization*, *NPC*, *National Federation*, *IWAS Member*, 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.
- 14.3.7** 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 is a *Minor*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

#### **14.4 Statistical reporting**

*IWAS* shall, at least annually, publish a general statistical report of its *Doping Control* activities, with a copy provided to WADA. *IWAS* 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**

- 14.5.1** 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*, *IWAS* shall report *Doping Control*-related information to WADA through ADAMS as required under the applicable *International Standard(s)*, including, in particular:
- 14.5.1.1** *Athlete Biological Passport* data for International-Level Athletes and National-Level Athletes;
- 14.5.1.2** whereabouts information for *Athletes* including those in *Registered Testing Pools*;

**14.5.1.3** TUE decisions; and

**14.5.1.4** Results Management decisions.

**14.5.2** 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, IWAS 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 and Investigations*.

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

**14.5.4** To facilitate WADA's oversight and appeal rights for *Results Management*, IWAS 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; and (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

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

## **14.6 Data privacy**

**14.6.1** IWAS 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 World Anti-Doping Code, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*), these *IWAS IF Rules*, and in compliance with applicable law.

**14.6.2** Without limiting the foregoing, IWAS shall:

**14.6.2.1** only process personal information in accordance with a valid legal ground;

**14.6.2.2** notify any *Athlete* or other *Person* subject to these *IWAS IF Rules*, in a manner and form that complies with applicable laws and the *International Standard for the Protection of Privacy and Personal Information*, that their personal information may be processed by IWAS and other *Persons* for the purpose of the implementation of these *IWAS IF Rules*; and

**14.6.2.3** ensure that any third party agent (including any *Delegated Third Party*) with whom IWAS shares the personal information of any *Athlete* or other *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

## **15. IMPLEMENTATION OF DECISIONS**

### **15.1 Automatic binding effect of decisions by *Signatories***

**15.1.1** A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2 of the World Anti-Doping Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon *IWAS* and its *Members* and *National Federations*, 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* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.3.3) 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* 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 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** *IWAS*, its *Members*, and its *National Federations* shall recognise and implement a decision and its effects as required by Article 15.1.1, without any further action required, with effect from the earlier of: (a) the date *IWAS* receives actual notice of the decision; and (b) the date the decision is placed into *ADAMS*.

**15.1.3** A decision by an *Anti-Doping Organization*, a national appellate body or CAS to suspend or lift *Consequences* shall be binding upon *IWAS*, its *Members*, and its *National Federations* without any further action required, with effect from the earlier of: (a) the date *IWAS* receives actual notice of the decision; and (b) 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 by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on *IWAS*, its *Members*, and its *National Federations* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.

*[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.]*

## **15.2 Implementation of other decisions by Anti-Doping Organizations**

*IWAS, its Members, and its National Federations may decide to implement other anti-doping decisions rendered by Anti-Doping Organizations not described in Article 15.1.1, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Athlete or other Person.*

*[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 TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]*

## **15.3 Implementation of decisions made by a body that is not a Signatory**

An anti-doping decision by a body that is not a *Signatory* to the World Anti-Doping Code shall be implemented by IWAS, its *Members*, and its *National Federations*, if IWAS 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 World Anti-Doping Code.

*[Comment to Article 15.3: Where the decision of a body that has not accepted the World Anti-Doping Code is in some respects World Anti-Doping Code compliant and in other respects not World Anti-Doping Code compliant, IWAS, other Signatories and IWAS Members and National Federations should attempt to apply the decision in harmony with the principles of the World Anti-Doping Code. For example, if in a process consistent with the World Anti-Doping 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 World Anti-Doping Code, then IWAS and all other Signatories should recognise 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 World Anti-Doping Code should be imposed. IWAS or other Signatory's implementation of a decision, or their decision not to implement a decision under Article 15.3, is appealable under Article 12.]*

## **16. STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless they have been given the notice of the anti-doping rule violation provided for in Article 7.2.2, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.



## PART FOUR: DEFINITIONS

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

**ADAMS:** The Anti-Doping Administration and Management System (ADAMS) 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 standard 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 *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management*. 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*, organising analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* 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 World Anti-Doping 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 *Testing* at all; analyse Samples for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 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 World Anti-Doping Code must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any Person who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the World Anti-Doping Code is an *Athlete*.

*[Comment to Athlete: Individuals who participate in sport may fall in one of five 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 World Anti-Doping 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.]*

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

*Athlete Support 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 *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

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

*CAS:* The Court of Arbitration for Sport.

*Code:* The World Anti-Doping Code.

*Competition:* A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics.

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

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

*Decision Limit*: The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard* for Laboratories.

*Delegated Third Party*: Any *Person* to which IWAS 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 IWAS, or individuals serving as independent contractors who perform *Doping Control* services for IWAS (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

*Demand*: See Article 5.7.4.2 of the *IWAS Games Rules* and Article 5.8.4.2 of the *IWAS IF Rules*.

*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, *TUEs*, *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.

*Effective Date*: 18 October 2022.

*Event*: A series of individual *Competitions* conducted together under one ruling body (e.g., the IWAS World Games, the IWAS Youth Games, the World Championships of an international federation, or the IWAS Guttman Games).

*Event Period*: The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*. For a *Games*, the *Event Period* is from the opening of that *Games* athletes' village until the end of the *Games* closing ceremony.

*Event Venues*: Those venues so designated by the ruling body for the *Event*. For a *Games*, *Event Venues* are as agreed between IWAS and the *Games* organising committee.

*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*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in 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 10.6.1 or 10.6.2.

*[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 10.6.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]*

*Financial Consequences*: See *Consequences of anti-doping rule violations*, above.

*Games*: All Games organised under the auspices of IWAS as set out in Article 2.2 of Part One of this IWAS Code.

*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*. Where WADA so agrees, an *IF* may specify a different definition of *In-Competition* that shall also apply in respect of *Competitions* involving the *IF's* sport at any format of the IWAS Games and in *Competitions* involving the *IF's* sport at any other *Events* organized by *Major Event Organizations*.

*Independent Anti-Doping Tribunal, or Independent Tribunal*: The hearing panel that has jurisdiction to hear and determine matters arising under the IWAS *Anti-Doping Code* in accordance with the Rules of the Independent Anti-Doping Tribunal, as amended from time to time.

*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.

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

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

*Institutional Independence:* Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

*International Event:* An *Event* or *Competition* where *IWAS*, an international federation, a *Major Event Organization*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

*International-Level Athlete:* In respect of *IWAS IF Sports*, an *Athlete* who meets the performance standards published by *IWAS*, which standards will be updated annually. *Athletes* from sports that are not *IWAS IF Sports* who are participating at a *Games* are considered *International-Level Athletes* only for the purposes of the *Games*.

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

*IF, or International Federation:* A sport which *IWAS* has a relationship with and is part of an *IWAS Games* or *Event*.

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

*IPC:* International Paralympic Committee

*IWAS:* International Wheelchair and Amputee Sports Federation.

*IWAS Anti-Doping Department:* The *IWAS Anti-Doping Department* is responsible for the administration of the *IWAS Code* and for establishing policies, guidelines and procedures with respect to the fight against doping, including *Results Management*, as well as compliance with the World Anti-Doping Code.

*IWAS Board:* As the representative of the *IWAS* membership, the *IWAS Governing Board* shall approve the *IWAS Code* and any amendments to it, and shall exercise any further responsibilities conferred on the *IWAS* by the World Anti-Doping Code.

*IWAS Games Rules:* As defined in Article 1.2.2 of Part One of this *IWAS Code*.

*IWAS IF Rules:* As defined in Article 1.2.3 of Part One of this *IWAS Code*.

*IWAS IF Sports:* As defined in Article 1.1 of Part One of this *IWAS Code*.

*IWAS TUE Committee:* The *IWAS TUE Committee* is responsible for the tasks assigned to it in Article 4 of the *IWAS Games Rules* and in Article 4 of the *IWAS IF Rules*.

*IWAS Member:* IWAS Full, Secondary or Developing Members who represent IWAS in their country or region.

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

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

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

*Minimum Reporting Level:* The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which WADA-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

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

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

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

*National Federation:* A national or regional entity that is the entity responsible for the organisation of a sport that is an *IWAS IF Sport* in a particular nation or region, having been delegated such authority by the *IWAS Member* of that nation or region.

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

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

*NPC or National Paralympic Committee:* A national organisation recognised by the IPC as the sole representative of the Paralympic Movement in that country or territory.

*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* must 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* must 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 responsibility for *Results Management* 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 responsibility for *Results Management* 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.

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

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

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

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

*[Comment 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, IWAS must 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, IWAS must 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.]*

*Procedural Rules:* The procedural rules of the *Independent Anti-Doping Tribunal*, as amended from time to time.

*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.

*[Comment to Protected Person: The World Anti-Doping Code treats Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the World Anti-Doping Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.]*

*Provisional Hearing:* An expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

*Recreational Athlete:* A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category, or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.

*[Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]*

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

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

*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*.

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

*Secondary Testing Pool*: The pool below the *Registered Testing Pool*, which includes *Athletes* from whom some whereabouts information is required in order to locate and test the *Athlete Out-of-Competition*.

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

*Substantial Assistance*: For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (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 10.7.1.1, 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 must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

*Tampering*: Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, 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 *TUE* 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*.

*[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 defence to an anti-doping rule violation charge shall not be considered Tampering. 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.]*

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

*Team Sport*: A sport in which the substitution of *Athletes* 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*.

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

*Testing Authority*: As defined in the *International Standard for Testing and Investigations*.

*Therapeutic Use Exemption (TUE)*: 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 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 the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

WADA: The World Anti-Doping Agency.

*Without Prejudice Agreement*: For purposes of Articles 10.7.1.1 and 10.8.2, 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 finalised, 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 World Anti-Doping 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 World Anti-Doping 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.