



**ANTI-DOPING RULES  
2010**

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## INTRODUCTION

On 24<sup>th</sup> February 2010, Anti-Doping Singapore (“ADS”) accepted the World Anti-Doping Code (the “Code”). These Anti-Doping Rules are adopted and implemented in conformance with ADS’ responsibilities under the Code, and are in furtherance of ADS’ continuing efforts to eradicate doping in sport in Singapore.

These Anti-Doping Rules, like Competition rules, are sport rules governing the conditions under which sport is played. Athletes, Athlete Support Personnel, and other Persons accept these Anti-Doping Rules as a condition of participation and shall be bound by them. These sport-specific rules and procedures, aimed at enforcing anti-doping principles in a global and harmonized manner, are distinct in nature and, therefore, not intended to be subject to or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the Code and the fact that these Anti-Doping Rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

The Code defines National Anti-Doping Organisations (“NADO”) as:

The entity(ies) designated by each country as possessing the primary authority to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional Anti-Doping Organisation for such countries. If this designation has not been made by the competent public authority(ies), the entity must be the country’s National Olympic Committee or its designee.

### **Fundamental Rationale for the Code and Anti-Doping Singapore’s Anti-Doping Rules**

Anti-doping programmes seek to preserve what is intrinsically valuable about sport. These intrinsic values are often referred to as “the spirit of sport”, and is the essence of Olympism and how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

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

Doping is fundamentally contrary to the spirit of sport.

## **The National Anti-Doping Programme**

ADS was established by the Government of Singapore. With the objective of acting as the National Anti-Doping Organisation for Singapore, ADS has the authority and responsibility for:

- Planning, coordinating, implementing, monitoring and advocating improvements in Doping Control;
- Cooperating with other relevant national organisations, agencies and other Anti-Doping Organisations;
- Encouraging reciprocal Testing between National Anti-Doping Organisations;
- Promoting anti-doping research;
- Where funding is provided, advise relevant government agencies to withhold some or all funding, during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel who has violated any applicable anti-doping rules;
- Vigorously pursuing all potential violation of these Anti-Doping Rules within its jurisdiction, including investigating into whether Athlete Support Personnel or other Persons may have been involved in each case of doping; and
- Planning, implementing and monitoring anti-doping information and education programs.

ADS is a distinct body, independent from the disciplinary authorities such as the National Anti-Doping Disciplinary Panel and the National Anti-Doping Appeal Panel.

## **ADS Anti-Doping Rules**

These Anti-Doping Rules, like Competition rules, are sports rules governing the conditions under which sport is played. Participants accept these Anti-Doping Rules as a condition of participation in sport and shall be bound by them.

### **SCOPE**

These Anti-Doping Rules shall apply to ADS, each National Sports Association, and each Participant in the activities of the National Sports Associations by virtue of the Participant's membership, accreditation, or participation in their National Sports Associations or their activities or Events. Any Person who is not a member of a National Sports Association and who fulfills the requirements to be part of the ADS Registered Testing Pool must become a member of the Person's National Sports Association, and shall make himself or herself available for Testing, at least six (6) months before participating in International Events, Events or events organized and/or sanctioned by his or her National Sports Association.

These Anti-Doping Rules shall apply to all Doping Controls over which ADS has jurisdiction.

## **ARTICLE 1: APPLICATION OF RULES**

### **1.1 Application to National Sports Associations**

- 1.1.1 National Sports Associations shall accept these Anti-Doping Rules and incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules and thus as part of the rules of sport and the rights and obligations governing their members and Participants.
- 1.1.2 The application of these Anti-Doping Rules to Participants is based on the membership obligations that exist between National Sports Associations and their members or Participants through those individuals' agreement to participate in sport according to its rules.
- 1.1.3 As a condition of receiving financial and/or other assistance from the Government of Singapore and/or ADS, National Sports Associations shall accept and abide by the spirit and terms of the ADS Anti-Doping Programme and these Anti-Doping Rules, including the application of its sanctions to individuals, and shall respect the authority of, and co-operate with, ADS and the hearing bodies in all anti-doping matters which are not governed by the rules of the relevant International Federation in accordance with the Code.
- 1.1.4 By accepting and agreeing to observe, abide by and implement these Anti-Doping Rules, National Sports Associations recognise the authority and responsibility of ADS for implementing the ADS Anti-Doping Programme and to carry out Doping Control, and their members and Participants accordingly recognize and accept this authority and responsibility. The International Federations and ADS respect each other's authority and responsibility as foreseen in the Code.
- 1.1.5 By accepting and agreeing to observe, abide by and implement these Anti-Doping Rules, National Sports Associations also formally submit the National Sports Association and all Athletes and other Persons under its jurisdiction or control or subject to its governing documents or rules of sport to these Anti-Doping Rules. They agree to abide by the decisions made pursuant to these Anti-Doping Rules, in particular the decisions of the National Anti-Doping Disciplinary Panel and the National Anti-Doping Appeal Panel. Their International Federations, members and Participants accordingly recognize and accept this submission and agreement subject to the rights of appeal provided for in these Anti-Doping Rules.

### **1.2 Application to Persons**

- 1.2.1 These Anti-Doping Rules shall apply to all Persons who:
- (a) are members of a National Sports Association, regardless of where they reside or are situated or whether or not such person is a citizen, or permanent resident, of Singapore;
  - (b) are members of a National Sports Association's affiliated members, clubs, teams, associations or leagues;
  - (c) participate in any capacity in any activity organized, held, convened or authorized by a National Sports Association of Singapore or its affiliated members, clubs, teams, associations or leagues; and

- (d) participate in any capacity in any activity organized, held, convened or authorized by a National Event organization, or a national league not affiliated with a National Sports Association.
- 1.2.2 Participants including Minors are deemed to accept, submit to and abide by these Anti-Doping Rules by virtue of their participation in sport.
- 1.2.3 The **Roles and Responsibilities of Athletes**, which may not be delegated or assigned to any other Person, are to:
- (a) Be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the Code;
  - (b) Be available for Sample collection;
  - (c) Take responsibility, in the context of anti-doping, for what they ingest and Use;
  - (d) Ensure that no Prohibited Substance enters his or her body and that he or she does not Use any Prohibited Methods;
  - (e) Inform medical personnel of their obligation not to Use Prohibited Substances and/or Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the Code;
  - (f) Provide accurate and up-to-date whereabouts information for purposes of Out-of-Competition Testing when included in a Registered Testing Pool; and
  - (g) Co-operate in any investigation into a potential anti-doping rule violation under these Anti-Doping Rules.
- 1.2.4 The **Roles and Responsibilities of Athlete Support Personnel**, which may not be delegated to any other Person, are to:
- (a) Be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the Code and which are applicable to them or the Athletes to whom they support;
  - (b) Co-operate with the Athlete Testing program;
  - (c) Use their influence on their Athletes' values and behaviour to foster anti-doping attitude; and
  - (d) Co-operate with any investigation into a potential anti-doping rule violation under these Anti-Doping Rules.
- 1.2.5 If any Person is found to have committed a violation under these Anti-Doping Rules, the Consequences of these Anti-Doping Rules shall apply. A Person sanctioned under these Anti-Doping Rules remains subject to them throughout the duration of the Ineligibility regardless of that Person's membership status in any National Sports Association or sports organization. Unless the Person sanctioned retires during the period of Ineligibility, these obligations shall include remaining subject to Doping Control.

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

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

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2 of these Anti-Doping Rules ("Anti-Doping Rule Violations"). The following constitute Anti-Doping Rule Violations:

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

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

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

The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the exceptional circumstance where a Prohibited Substance entered an Athlete's system through no fault or negligence on the Athlete's part. It is important to emphasize that while the determination of whether the anti-doping rule has been violated is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in ADS' Anti-Doping Rules has been consistently upheld in the decisions of CAS.]

2.1.2 Sufficient proof of an Anti-Doping Rule Violation under Article 2.1 is established by either of the following:

- (a) presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or
- (b) where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.

[Comment to Article 2.1.2: ADS may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]

- 2.1.3 Except for those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an Anti-Doping Rule Violation.
- 2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

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

[Comment to Article 2.2: As noted in Article 3 (Proof of Doping), 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. Unlike the proof required to establish an Anti-Doping Rule Violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where ADS provides a satisfactory explanation for the lack of confirmation in the other Sample.]

- 2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body and that he or she does not Use any Prohibited Methods. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or a Prohibited Method.
- 2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an Anti-Doping Rule Violation to be committed.

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

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

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

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

- 2.4 **Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing set out in the International Standard for Testing, including failure to file whereabouts information** in accordance with Article 11.3 of the International Standard for Testing (a “Filing Failure”) and failure to be available for Testing at the declared whereabouts in accordance with Article 11.4 of the International Standard for Testing (a “Missed Test”). Any combination of three (3) Missed Tests and/or Filing Failures committed within an eighteen-month period, as declared by ADS, shall constitute an Anti-Doping Rule Violation.

[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under these Anti-Doping Rules shall be combined in applying this Article 2.4. In appropriate circumstances, missed tests or filing failures may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5.]

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

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

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

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

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

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

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

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

2.8 **Administration or Attempted administration to any Athlete** In-Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited in Out-of-Competition Testing, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any attempted Anti-Doping Rule Violation.

[Comment to Article 2: The Code does not make it an anti-doping rule violation for an Athlete or other Person to

work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, ADS may adopt its own specific policy, which prohibit such conduct.]

## **ARTICLE 3 PROOF OF DOPING**

### **3.1 Burdens and Standards of Proof**

ADS shall have the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof shall be whether ADS has established an Anti-Doping Rule Violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation that 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 Anti-Doping 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 on a balance of probability, except as provided in Articles 10.4 and 10.6 where the Athlete must satisfy a higher burden of proof.

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

### **3.2 Methods of Establishing Facts and Presumptions**

Facts related to Anti-Doping Rule Violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

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

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

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

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

- 3.2.2 Departures from any other International Standard or other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other Anti-Doping Rule Violation shall not invalidate such results. If the Athlete or other Person establishes that a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused the Adverse Analytical Finding or other Anti-Doping Rule Violation occurred, then ADS shall have the burden to establish that such a departure did not cause the Adverse Analytical Finding or the factual basis for the Anti-Doping Rule Violation.
- 3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrefutable evidence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice.
- 3.2.4 The hearing panel in a hearing on an Anti-Doping Rule Violation may draw an inference adverse to the Athlete or other Person who is asserted to have committed an Anti-Doping Rule Violation based on the Athlete or other Person's refusal, after a written 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 tribunal) and to answer questions either from the tribunal or from ADS asserting the Anti-Doping Rule Violation.

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

## **ARTICLE 4 THE PROHIBITED LIST**

### **4.1 Incorporation of the Prohibited List and International Standard for the Prohibited List**

- 4.1.1 These Anti-Doping Rules incorporate the Prohibited List and the International Standard for the Prohibited List which is published and revised by WADA from time to time as described in Article 4.1 of the Code. ADS shall make the current Prohibited List available to each National Sports Association, and each National Sports Association shall ensure that the current Prohibited List is available to its members and constituents. All Persons to which these Anti-Doping Rules apply to shall be deemed to accept the Prohibited List and the standard and any amendments thereafter as binding upon them.

[Comment to Article 4.1.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. The Prohibited List in force is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org). The Prohibited List is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the Prohibited List.]

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

- 4.2.1 Prohibited Substances and Prohibited Methods  
Unless provided otherwise by WADA in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication of the Prohibited List by WADA without requiring any further action by ADS. It is the responsibility of all Persons to familiarise themselves with the most updated version of the Prohibited List and related Standard and all amendments thereto. As described in Article 4.2 of the Code, International Federations may request that WADA expand the Prohibited List for their

sport. International Federations may also request that WADA include additional substances or methods, which have potential for abuse in their sport, in the monitoring program described in Article 4.5 of the Code. As provided for in the Code, WADA shall make the final decision on requests by International Federations.

[Comment to Article 4.2.1: There will be one Prohibited List. The substances which are prohibited at all times would include masking agents and those substances which, when used in training, may have long term performance enhancing effects such as anabolics. All substances and methods on the Prohibited List are prohibited In-Competition. Out-of-Competition Use (Article 2.2) of a substance which is only prohibited In-Competition is not an Anti-Doping Rule Violation unless an Adverse Analytical Finding for the substance or its Metabolites is reported for a Sample collected In-Competition (Article 2.1).

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

#### 4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all Prohibited Substances shall be "Specified Substances" except:

- (a) substances in the classes of anabolic agents and hormones; and
- (b) those stimulants and hormone antagonists and modulators so identified on the Prohibited List. Prohibited Methods shall not be Specified Substances.

#### 4.2.3 New Classes of Prohibited Substances

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

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

As provided for in Article 4.3.3 of the Code, WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List is final and shall not be subject to challenge by an Athlete or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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

#### 4.4 Therapeutic Use Exemptions (TUEs)

- 4.4.1 Athletes with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a TUE. The presence of a Prohibited Substance or its Metabolites or Markers (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances or Prohibited Methods (Article 2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) consistent with the provisions of an applicable TUE issued pursuant to the International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.
- 4.4.2 Athletes included by ADS in its Registered Testing Pool and other Athletes participating in any National Event must obtain a TUE granted or recognised by ADS. The application for a TUE must be made as soon as possible (in the case of an Athlete in the Registered Testing Pool, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than thirty (30) days before the Athlete's participation in the Event. TUE granted by ADS shall be reported to the Athlete's National Sports Association. TUE granted by ADS to Athletes included in its Registered Testing Pool or to international-level athletes where the rules of the International Federation authorise ADS to grant TUEs to International-Level Athletes shall be reported to the International Federation, and to WADA through ADAMS.
- 4.4.3 Other Athletes subject to Testing (i.e. Athletes who are not included by ADS in its Registered Testing Pool and who are not participating in any National Event, but who are subject to Testing) must obtain a TUE from their National Anti-Doping Organisation or other body designated by their National Sports Association, as required under the rules of their National Anti-Doping Organization, or National Sports Association. National Sports Associations shall promptly report any such TUE to ADS.
- 4.4.4 ADS shall appoint a panel to consider requests for TUEs (the "TUE Committee") in accordance with the International Standard for Therapeutic Use Exemptions. The TUE Committee member(s) shall promptly evaluate the request in accordance with the International Standard for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of ADS.
- 4.4.5 WADA, on its own initiative, may review at any time the granting of a TUE to any International-Level Athlete or Athlete entered in an international event for which a TUE pursuant to the International Federation's rules is required or national-level Athlete who is included in ADS, or his or her National Sports Association's Registered Testing Pool. Further, upon any request of any such Athlete who has been denied a TUE, WADA may review such denial. If WADA determines that such granting or denial of a TUE did not comply with the International Standard for Therapeutic Use Exemptions, WADA may reverse that decision. Decisions on TUE's are subject to further appeal as provided in Article 13 of these Anti-Doping Rules.

## **ARTICLE 5 TESTING**

### **5.1 Incorporation of the International Standard for Testing**

5.1.1 These Anti-Doping Rules incorporate the International Standard for Testing which is published and revised by WADA from time to time. ADS shall make the current International Standard for Testing available to each National Sports Association, and each National Sports Association shall ensure that the current International Standard for Testing is available to its members and constituents. All Persons in which these Anti-Doping Rules apply to shall be deemed to accept the standard and any amendments thereafter as binding upon them.

### **5.2 Authority to Test**

5.2.1 All Athletes under the jurisdiction of a National Sports Association shall be subject to In-Competition Testing by the Athlete's National Sports Association, the Athlete's International Federation, ADS and any Anti-Doping Organization responsible for Testing at a Competition or Event in which they participate.

5.2.2 All Athletes under the jurisdiction of a National Sports Association, including Athletes serving a period of ineligibility or a Provisional Suspension or whether they are in Singapore or overseas, shall also be subject to Out-of-Competition Testing at any time or place, with or without advance notice, by WADA, the Athlete's National Sports Association, the Athlete's International Federation, ADS, the National Anti-Doping Organization of any country where the Athlete is national, resident, license-holder or member of sport organisations, the IOC during the Olympic Games, and the IPC during the Paralympic Games. Target Testing will be made a priority.

[Comment to Article 5.2: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested (e.g., world-class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purposes other than legitimate Doping Control. The Code makes it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for Target Testing.]

### **5.3 Responsibility for ADS Testing**

5.3.1 ADS shall be responsible for drawing up a test distribution plan in accordance with Article 4 of the International Standard for Testing, and for the implementation of that plan, including overseeing all Testing conducted by or on behalf of ADS. Testing may be conducted by members of ADS or by other qualified persons so authorised by ADS.

### **5.4 Testing Standards**

5.4.1 Testing conducted by ADS and its National Sports Associations shall be in substantial conformity with the International Standard for Testing in force at the time of Testing.

5.4.2 Blood (or other non-urine) Samples may be used to detect Prohibited Substances or Prohibited Methods, for screening procedure purposes, or for longitudinal haematological profiling.

## 5.5 Testing at Events

5.5.1 At International Events, the collection of Doping Control Samples shall be initiated and directed by the international organization that is the ruling body for the Event. If the international organization decides not to conduct any effective Testing at such an Event, ADS may, in coordination with and with the approval of the international organisation or WADA, initiate and conduct such Testing. At National Events, the collection of Doping Control Samples shall be initiated and directed by ADS.

## 5.6 Athlete Whereabouts Requirements

5.6.1 ADS shall identify a Registered Testing Pool of those Athletes, in accordance with Article 4 and 11.2 of the International Standard for Testing, who are required to comply with the whereabouts requirements of the International Standard for Testing (the "ADS Registered Testing Pool"), and shall publish the criteria for Athletes to be included in the ADS Registered Testing Pool, as well as a list of the Athletes meeting those criteria for the period in question. ADS shall review and update as necessary its criteria for including Athletes in the ADS Registered Testing Pool, and shall revise the membership of the ADS Registered Testing Pool from time to time as appropriate in accordance with the set criteria. Each Athlete in the Registered Testing Pool:

- (a) shall advise ADS of his or her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the International Standard for Testing;
- (b) shall update his or her whereabouts information as necessary, in accordance with Article 11.4.2 of the International Standard for Testing, so that it remains accurate and complete at all times; and
- (c) shall make himself or herself available for Testing at such whereabouts, in accordance with Article 11.4 of the International Standard for Testing.

[Comment to Article 5.6.1: The purpose of ADS' Registered Testing Pool is to identify top-level National Athletes who ADS requires to provide whereabouts information to facilitate Out-of-Competition Testing by ADS and other Anti-Doping Organizations with jurisdiction over the Athletes. ADS will identify such Athletes in accordance with the requirements of Article 4 and Article 11.2 of the International Standard for Testing. Examples for the criteria which could be used separately or in combination include:

- [ ] athletes in each discipline or [top 50] in World Ranking or World Cup.

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

5.6.2 An Athlete's failure to advise ADS of his or her whereabouts shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of Article 11.3.5 of the International Standard for Testing are met.

5.6.3 An Athlete's failure to be available for Testing at his or her declared whereabouts shall be deemed a Missed Test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the International Standard for Testing are met.

5.6.4 Each National Sports Association shall also assist ADS in establishing a national level Registered Testing Pool of top level national Athletes to whom the whereabouts requirements of the International Standard for Testing shall also apply.

5.6.5 Whereabouts information provided pursuant to Articles 5.6.1 and 5.6.4 shall be shared with WADA and other Anti-Doping Organisations having jurisdiction to test an Athlete in accordance with Articles 11.7.1(d) and 11.7.3(d) of the International Standard for Testing, including the strict condition that it be used only for Doping Control purposes.

#### **5.7 Retirement and Return to Competition**

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

5.7.2 An Athlete who has given notice of retirement to ADS and his or her National Sports Association may not resume competing unless he or she notifies ADS and his or her National Sports Association at least six (6) months before he or she expects to return to competition and makes himself or herself available for unannounced Out-of-Competition Testing, including (if requested) complying with the whereabouts requirements of the International Standard for Testing, at any time during the period before actual return to competition.

#### **5.8 Testing of Minors**

Testing under these Anti-Doping Rules may only be conducted on a Minor where a Person with legal responsibility for that Minor has given prior consent. The giving of such prior consent shall be a condition precedent to the participation of that Minor in sport, unless the rules of the relevant National Sports Association provide otherwise.

#### **5.9 Independent Observer Program**

National Sports Associations and the organizing committees for National Sports Association Events shall provide access to Independent Observers at Events as directed by ADS.

#### **5.10 Liability of Testing**

Testing will be carried out with every effort to avoid any inconvenience to the Athlete and the National Sports Association, ADS or any of its members, employees, agents or representatives shall not be liable for any inconvenience or loss arising on the part of the Athlete as a result of the Testing.

### **ARTICLE 6 ANALYSIS OF SAMPLES**

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

#### **6.1 Incorporation of the International Standard for Laboratories**

6.1.1 These Anti-Doping Rules incorporate the International Standard for Laboratories which is published and revised by WADA from time to time. ADS shall make the current International Standard for Laboratories available to each National Sports Association, and each National Sports Association shall ensure that the current International Standard for Laboratories is

available to its members and constituents. All Persons to which these Anti-Doping Rules apply to shall be deemed to accept the standard and any amendments thereafter as binding upon them.

#### **6.2 Use of Approved Laboratories**

For purposes of Article 2.1, ADS shall send Doping Control Samples for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method approved by WADA) used for the Sample analysis shall be determined exclusively by ADS.

#### **6.3 Purpose of Collection and Analysis of Samples**

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

[Comment to Article 6.3: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use of a Prohibited Substance), or both.]

#### **6.4 Research on Samples**

No Sample may be used for any purpose other than as described in Article 6.3 without the Athlete's prior written consent. Samples used (with the Athlete's prior written consent) for purposes other than Article 6.3 shall have any means of identification removed such that they cannot be traced back to a particular Athlete.

#### **6.5 Standards for Sample Analysis and Reporting**

Laboratories shall analyze Doping Control Samples and report results in conformity with the International Standard for Laboratories in force at the time of analysis.

#### **6.6 Retesting Samples**

A Sample may be reanalyzed for the purposes described in Article 6.3 at any time exclusively at the directive of ADS or WADA. The circumstances and conditions for retesting Samples shall conform to the requirements of the International Standard for Laboratories.

[Comment to Article 6.6: Although this Article is new, Anti-Doping Organizations have always had the authority to reanalyze Samples. The International Standard for Laboratories or a new technical document which is made a part of the International Standard will harmonize the protocol for such retesting.]

### **ARTICLE 7 RESULTS MANAGEMENT**

#### **7.1 Laboratory Results and Possible Failure to Comply Reports**

7.1.1 ADS shall receive the analytical results from the laboratory by secure fax, hand delivery or electronically through the WADA Clearinghouse.

7.1.2 ADS shall receive any Doping Control Officer Reports indicating a possible Failure to Comply from the relevant Doping Control Officer along with other documentation from the Sample Collection Session, by secure fax, hand delivery or electronically through the WADA Clearinghouse.

## 7.2 Negative Analytical Findings

- 7.2.1 ADS shall identify from the Doping Control Form all Athletes whose Samples have resulted in a Negative Analytical Finding.
- 7.2.2 ADS shall notify via the WADA Clearinghouse, relevant stakeholders of Negative Analytical Findings to ratify Records.
- 7.2.3 ADS may notify Athletes or their representative of Negative Analytical Findings if so required. However, ADS shall reserve the possibility to conduct further Testing on the Sample as long as they are stored securely.
- 7.2.4 All documentation from the Sample Collection Session along with the notification of Negative Analytical Findings shall be retained by ADS for a minimum of eight (8) years.

## 7.3 Adverse Analytical Findings

### 7.3.1 Initial Review

[Comment: Refer to Code Articles 3.2, 3.2.1 and 3.2.2]

- (a) Upon receipt of an Adverse Analytical Finding, ADS shall review for any irregularity all of the documentation relating to the Sample Collection Session (including the Doping Control Form, Doping Control Officer Report and other Records), and the laboratory analysis.
- (b) If there are any irregularities in the documentation, ADS shall determine whether the irregularity can be considered to undermine the validity of the Adverse Analytical Finding.
- (c) If irregularities are reasonably considered to undermine the validity of the Adverse Analytical Finding, ADS shall declare the test result void.
- (d) If a test is declared void due to an irregularity, ADS may schedule an additional test on the Athlete at a later time.
- (e) If ADS declares a test result void, it shall immediately inform the Athlete, the Athlete's International Federation, the National Sports Association and WADA.

### 7.3.2 Follow-up Investigations

- (a) If the Sample shows the presence of a Prohibited Substance (for example endogenous substances) where further investigations are required to determine whether an Anti-Doping Rule Violation has occurred, ADS may conduct an investigation before issuing a notice to an Athlete asserting that an Anti-Doping Rule Violation has occurred.

[Comment to Article 7.3.2: See Article 7.3.3(d)]

- (b) In the case where the laboratory has reported the presence of a testosterone/epitestosterone ratio greater than 4 to 1 in the urine, further investigation is obligatory in order to determine whether the ratio is due to a physiological or pathological condition. The investigation will include a review of any previous tests, subsequent tests, results of endocrinological

investigations and/or CIRMS analyses. Where previous tests are not available, the Athlete shall undergo an endocrine investigation or be tested on a No Advance Notice basis at least once per month for three (3) months.

- (c) ADS may request the assistance of the laboratory and other scientific and/or medical expertise as necessary to conduct an investigation, while not revealing the identity of the Athlete.
- (d) If ADS determines that the past doping test history of the Athlete is relevant to the investigation, and ADS does not already have this information, ADS must notify the Athlete in writing that the Athlete's past doping test history is required and provide its reasons for such request. The Athlete must then forward details of his or her past doping test history to ADS within seven (7) days of receiving the notice and authorize ADS to request information from other Anti-Doping Organisations. ADS may contact other Anti-Doping Organisations, other laboratories or WADA to verify the Athlete's past doping test history.
- (e) ADS shall make the final decision as to whether the follow-up investigation procedures evidence an Anti-Doping Rule Violation. In making its decision, ADS must take into account all laboratory analyses and the findings and recommendation of any medical advisory or review committee. ADS may consult the laboratory and any other experts to assist in the interpretation of the follow-up investigation results.
- (f) If ADS determines that the investigation indicates that the Adverse Analytical Finding is due to a physiological or pathological condition and not due to an Anti-Doping Rule Violation, ADS shall advise the Athlete accordingly and no further action shall be taken in relation to the Adverse Analytical Finding.
- (g) If ADS determines that the investigation establishes evidence of an Anti-Doping Rule Violation, then ADS shall follow these Anti-Doping Rules with respect to the Adverse Analytical Finding.

### 7.3.3 TUEs

- (a) Upon receipt of an A Sample Adverse Analytical Finding, ADS shall conduct a review to determine whether an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions.
- (b) If the initial review of an Adverse Analytical Finding under Article 7.3.3(a) does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, ADS shall promptly proceed pursuant to Article 7.3.4.
- (c) Upon receipt of an A Sample Atypical Finding, ADS shall conduct a review to determine whether there an applicable TUE has been granted.
- (d) If the initial review of an Atypical Finding under Article 7.3.3(c) reveals an applicable TUE, the entire test shall be considered negative and the Athlete, the Athlete's International Federation, and WADA shall be informed.
- (e) If the initial review of an Atypical Finding under Article 7.3.3(c) does not reveal an applicable TUE, ADS shall conduct any required investigation pursuant to Article 7.3.4.

- (f) If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, and a review in accordance with 7.3.3(a) does not reveal an applicable TUE, a Provisional Suspension shall be imposed promptly after the review and notification set out in this Article 7.3.

#### 7.3.4 Notification After Initial Review

- (a) Once ADS has determined that the Adverse Analytical Finding is not due to any irregularity that undermines its validity and that there is no applicable TUE, ADS shall ensure that the Athlete is notified in writing of the Adverse Analytical Finding. The notice shall include the following details:

[Comment: Reference is to Article 14.1 of the Code.]

- i. Athlete's name, country, sport and discipline;
- ii. In-Competition or Out-of-Competition control and date of the collection;
- iii. Confirmation that the A Sample has returned an Adverse Analytical Finding and the details of the Prohibited Substance identified in the A Sample;
- iv. The anti-doping rule asserted to be violated in accordance with ADS, International Federation and/or National Sports Federation rules;
- v. The possible Consequences of the Anti-Doping Rule Violation;
- vi. The Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived and the A Sample finding used as evidence of the Anti-Doping Rule Violation;
- vii. The scheduled date, time and place for the B Sample analysis if the Athlete or ADS chooses to request an analysis of the B Sample;
- viii. The opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis within the time period specified in the International Standard for Laboratories if such analysis is requested;
- ix. The other parties that will be notified of the A Sample Adverse Analytical Finding;
- x. The Athlete's right to request copies of the A and B Sample laboratory report which includes information as required by the International Standard for Laboratories;
- xi. The Athlete's right to respond to any assertion that an anti-doping rule had been violated;
- xii. In cases where a Provisional Suspension is to be imposed in accordance with Article 7.6 below, details of that Provisional Suspension, the provisional hearing and/or expedited hearing as applicable; and
- xiii. The Athlete's right to waive their right to a hearing by acknowledging the Anti-Doping Rule Violation asserted and the identified Consequences of the Anti-Doping Rule Violation.

- (b) ADS shall also notify the International Federation and WADA of the Adverse Analytical Finding. If ADS decides not to bring forward the Adverse Analytical Finding as an Anti-Doping Rule Violation, it shall so notify the Athlete, the International Federation and WADA.
- (c) In an Event where a Provisional Suspension (Article 7.6) is to be imposed or other instances where time dictates, the above details may be given to the Athlete and other relevant organisations verbally in the first instance and followed up by notice in writing as soon as possible.

[Comment to Article 7.3.4(c): Refer to Article 7.5 of the Code (Principles Applicable to Provisional Suspensions) and Article 14.1 of the Code.]

#### 7.3.5 B Sample Analysis

- (a) Should the Athlete and/or ADS decide to have the B Sample analysed, ADS shall contact the laboratory and confirm the date and time for analysis of the B Sample.
- (b) ADS shall notify the Athlete of the date and time for the B Sample analysis, which should be no later than five (5) working days after the Athlete requests that it be analysed.
- (c) The time for analysis of the B Sample may be extended by written agreement between the Athlete, ADS and the laboratory.
- (d) The Athlete or the Athlete's representative has the right to attend the identification, opening and analysis of the B Sample.

[Comment to Article 7.3.5(d): Refer to Article 7.2 of the Code]

- (e) Where neither the Athlete nor his or her representative attends the identification, opening and analysis of the B Sample, ADS or the laboratory shall appoint an independent Person as observer.

[Comment to Article 7.3.5(e): Refer to the International Standard for Laboratories]

- (f) The B Sample must be performed at the same laboratory and shall be tested by a different analyst than the A Sample.

[Comment to Article 7.3.5(f): Refer to Article 5.2.4.3.2.2 of the International Standard for Laboratories]

- (g) If the B Sample analysis does not confirm the A Sample analysis, ADS shall notify the Athlete that the Sample has been declared negative and that no further action will occur. Article 7.6.4 shall apply in the event a Provisional Suspension has been imposed.
- (h) If the B Sample analysis does confirm the A Sample Adverse Analytical Finding, ADS shall continue to follow these Anti-Doping Rules with respect to the Adverse Analytical Finding.

### 7.4 **Other Anti-Doping Rule Violations**

[Comment: Refer to Articles 2.3 to 2.8 of the Code.]

#### 7.4.1 Initial Review

- (a) Upon receipt of a Doping Control Officer Report and/or other related documents showing a possible Anti-doping Rule Violation, ADS shall review for any irregularity all of the documentation relating to the case.
- (b) If there are any irregularities in the documentation, ADS shall determine whether the irregularity can reasonably be considered to undermine the possibility of an Anti-Doping Rule Violation.
- (c) If irregularities are reasonably considered to undermine the possibility of an Anti-Doping Rule Violation, ADS shall not pursue the Doping Control Officer Report further.
- (d) If ADS decides not to pursue the Doping Control Officer Report further, it shall immediately inform the Athlete's International Federation, National Sports Association and WADA.
- (e) The Athlete and/or Athlete Support Personnel may make a written submission in relation to a possible Anti-Doping Rule Violation. ADS shall consider this submission in suggesting whether to issue notice to the Athlete and/or Athlete Support Personnel that there has been a possible Anti-Doping Rule Violation.

#### 7.4.2 Notification After Initial Review

- (a) Once ADS has determined that the Doping Control Officer Report and/or other related documentation showing a possible Anti-Doping Rule Violation is not due to an irregularity that undermines the possibility of an Anti-Doping Rule Violation, then ADS shall ensure that the Athlete is notified in writing of the possible Anti-Doping Rule Violation. The notice shall include the following details:
  - i. The Athlete and/or Support Personnel name, country, sport and discipline;
  - ii. An outline of the Doping Control Officer Report and/or other related documentation indicating the specific Anti-Doping Rule Violation;
  - iii. The anti-doping rule asserted to be violated in accordance with ADS or applicable International Federation or National Sports Association's rules;
  - iv. The possible Consequences of the Anti-Doping Rule Violation;
  - v. The Athlete's and/or Athlete Support Personnel's right to present submissions relating to the possible Anti-Doping Rule Violation;
  - vi. The other parties that will be notified about the Anti-Doping Rule Violation; and
  - vii. In cases where a Provisional Suspension is to be imposed in accordance with Article 7.6 below, details of that Provisional Suspension, the provisional hearing and/or expedited hearing as applicable.
- (b) In an Event where a Provisional Suspension (Article 7.6) is to be imposed or other instances where time dictates, the above details may be given to Athlete and/or Athlete Support Personnel and other relevant organisations verbally in the first instance and followed up with a notice in writing as soon as possible.

## 7.5 Identity of Athletes

- 7.5.1 ADS shall identify from the Doping Control Form and/or other relevant documentation all Athletes whose Samples have resulted in an Adverse Analytical Finding and/or possible Anti-Doping Rule Violation.
- 7.5.2 The Athlete's and/or Athlete Support Personnel's identity shall be kept confidential throughout the results management process. Only the Athlete or other Person who may have breached an Anti-Doping Rule Violation shall be notified. The Athlete's National Anti-Doping Organisation, National Sports Association, International Federation and WADA shall be notified following the completion of the Notification After Initial Review process (Article 7.3.4).

[Comment to Article 7.5.2: Refer to Articles 7.1, 7.2 and 14.1 of the Code.]

## 7.6 Provisional Hearings and Suspensions

[Comment: Refer to Article 7.5 of the Code. Note that not all NADOs have the power to provisionally suspend.]

- 7.6.1 Once the Athlete has received notification following the initial review as set out in Article 7.3.4, ADS and/or applicable International Federation and/or National Sports Association may impose a Provisional Suspension on the Athlete.
- 7.6.2 Where a Provisional Suspension is imposed on an Athlete, the Athlete must be given either:
- (a) A provisional hearing prior to the imposition of the Provisional Suspension;
  - (b) A provisional hearing as soon as possible (and in any event, no later than ten (10) days) after the imposition of the Provisional Suspension; or
  - (c) An expedited hearing as soon as possible after the imposition of the Provisional Suspension.
- 7.6.3 All provisional hearings or expedited hearings must be conducted in accordance with Articles 7.5 and 8 of the Code. Separate guidelines for hearings may also be applicable.
- 7.6.4 Where a Provisional Suspension has been imposed in relation to an A Sample Adverse Analytical Finding, and where the Athlete has requested that the B Sample analysis be conducted and the B Sample analysis does not confirm the A Sample analysis, then the Provisional Suspension shall be rescinded immediately.
- 7.6.5 Where a Provisional Suspension has been imposed in relation to a Doping Control Officer Report and/or related documentation showing a possible Anti-Doping Rule Violation and ADS determines, following the Athlete's submission, that there has been no Anti-Doping Rule Violation, the Provisional Suspension shall be rescinded immediately.
- 7.6.6 Where the Athlete or the Athlete's team has been removed from a Competition or Event following a Provisional Suspension and the Provisional Suspension is then rescinded in accordance with Article 7.6.4 or 7.6.5, and it is still possible for the Athlete or team to be reinstated without otherwise affecting the Competition or Event, the Athlete or team shall be allowed to continue to take part in the Competition or Event.

7.6.7 If ADS declares that there has been no Anti-Doping Rule Violation, it shall immediately inform the Athlete's International Federation, National Sports Association, National Anti-Doping Organisation and WADA.

## 7.7 **Assertion of an Anti-Doping Rule Violation**

7.7.1 Where there has been an Adverse Analytical Finding and:

- (a) The test has not been declared void due to an irregularity in accordance with Article 7.3.1;
- (b) The presence of the Prohibited Substance is not consistent with a TUE that has been granted in accordance with Article 4;
- (c) The Athlete has not requested that the B Sample be analysed, or the B Sample Analysis has been conducted and confirms the A Sample Adverse Analytical Finding in accordance with Article 7.3.5;
- (d) Any follow-up investigation conducted has led to the conclusion of a possible Anti-Doping Rule Violation in accordance with Article 7.3.2; and
- (e) The Athlete has not provided any information or evidence on the validity of the test that requires further investigation,

ADS shall assert that there has been an Anti-Doping Rule Violation.

7.7.2 Where ADS asserts that there has been an Anti-Doping Rule Violation, ADS shall notify the Person, the Person's National Anti-Doping Organisation, International Federation, National Sports Association and WADA in writing of this assertion.

7.7.3 Where ADS asserts that there has been an Anti-Doping Rule Violation, ADS shall notify the National Anti-Doping Disciplinary Committee of the assertion, for a hearing to be conducted in accordance with Article 8 and any applicable guidelines. ADS shall provide the National Anti-Doping Disciplinary Committee with all of the documentation relevant to the assertion.

[Comment to Article 7.7.3: Note that in some nations, the National Sports Association is required to refer the matter to the National Anti-Doping Disciplinary Panel, not the NADO.]

7.7.4 The Athlete is also entitled to copies of all of the documentation relevant to the assertion that there has been an Anti-Doping Rule Violation, and ADS shall promptly provide this to the Athlete or his or her representative upon a written request.

## 7.8 **Retirement from Sport**

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

[Comment to Article 7.8: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]

## **ARTICLE 8 DISCIPLINARY PROCEDURE**

### **8.1 Appointment of the National Anti-Doping Disciplinary Committee**

8.1.1 The Singapore Government shall appoint the independent National Anti-Doping Disciplinary Committee, which shall comprise of nine (9) members as set out below:

- (a) A Chair and two (2) Vice-Chairs, each of whom shall be legal practitioners of not less than five (5) years standing,
- (b) Three (3) medical practitioners of not less than five (5) years standing, and
- (c) Three (3) additional members; each of whom shall be, or has previously been, a sports administrator or an Athlete,

all of whom will be appointed on the basis that they are in a position to hear the cases fairly, impartially and independently.

8.1.2 Each committee member shall be appointed for an initial term of two (2) years.

8.1.3 If a committee member dies or resigns, the Singapore Government may appoint an independent Person to be a committee member to fill the resultant vacancy. The Person so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.

8.1.4 A committee member may be re-appointed by the Singapore Government following his or her resignation or term of appointment.

### **8.2 Jurisdiction of the National Anti-Doping Disciplinary Committee**

8.2.1 The National Anti-Doping Disciplinary Committee has the power to hear and determine all issues arising from any matter which is referred to it pursuant to these Anti-Doping Rules. In particular, the National Anti-Doping Disciplinary Committee has the power to determine the Consequences of Anti-Doping Rule Violations to be imposed pursuant to these Anti-Doping Rules.

8.2.2 The National Anti-Doping Disciplinary Committee shall be fair and impartial in the performance of its functions.

8.2.3 The National Anti-Doping Disciplinary Committee has all powers necessary for, and incidental to, the exercise of its functions.

8.2.4 Provided there has been no miscarriage of justice, no final decision of, or Consequences of Anti-Doping Rule Violations imposed by, the National Anti-Doping Disciplinary Committee shall be overturned, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than the National Anti-Doping Appeals Committee or CAS for any reason,

including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules.

[Comment to Article 8.2.4: A 'miscarriage of justice' arises when a decision appears to be clearly mistaken, unfair, or improper based on the facts presented at the hearing.]

### **8.3 Hearings Before the National Anti-Doping Disciplinary Committee**

8.3.1 When it appears, following the results management process described in Article 7 (Results Management), that these Anti-Doping Rules may have been violated, ADS shall refer the matter to the National Anti-Doping Disciplinary Committee for adjudication as to whether a violation of these Anti-Doping Rules has occurred, and if so, what Consequences should be imposed.

8.3.2 The Chair of the National Anti-Doping Disciplinary Committee, or in his or her absence, a Vice-Chair, shall appoint three (3) members from the panel to hear and determine each case. Each such hearing panel shall comprise the Chair or a Vice-Chair as chair of the hearing panel, one medical practitioner member and one sports administrator or Athlete member.

8.3.3 The appointed members shall have had no prior involvement with the case. Each member, upon his or her appointment, shall disclose to the Chair any circumstances likely to affect his or her impartiality with respect to any of the parties.

8.3.4 An Athlete or other Person may forego a hearing by waiving the right to a hearing in writing and acknowledging the violation of these Anti-Doping Rules and accepting the Consequences consistent with Article 9 of the Code (Automatic Disqualification of Individual Results) and Article 10 of the Code (Sanctions on Individuals) as notified by ADS.

8.3.5 The National Anti-Doping Disciplinary Committee shall have the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.

8.3.6 If not a party to the proceedings, the International Federation and/or the National Sports Association concerned, the National Olympic Committee, ADS and WADA shall each have the right to attend hearings of the National Anti-Doping Disciplinary Committee as neutral observers.

8.3.7 Unless exceptional circumstances apply, hearings pursuant to this Article 8.3 should be completed expeditiously and in all cases within three (3) months of the completion of the results management process described in Article 7 (Results Management).

8.3.8 Unless otherwise agreed between the parties, the National Anti-Doping Disciplinary Committee shall:

- (a) commence the hearing within fourteen (14) days of the notification date;
- (b) issue a written decision within twenty (20) days of the notification date; and
- (c) issue written reasons for its decision within thirty (30) days of the notification date.

8.3.9 Hearings held in connection with Events may be conducted on an expedited basis.

#### **8.4 Proceedings of the National Anti-Doping Disciplinary Committee**

- 8.4.1 Subject to the provisions of these Anti-Doping Rules, the National Anti-Doping Disciplinary Committee and its hearing panels shall have the power to regulate their procedures.
- 8.4.2 Hearings of the National Anti-Doping Disciplinary Committee shall be open to the public, unless the National Anti-Doping Disciplinary Committee determines that there are special circumstances warranting otherwise.
- 8.4.3 ADS shall present the case against the Person before the National Anti-Doping Disciplinary Committee and, where requested by ADS, the National Sports Association of the Person concerned shall assist ADS.
- 8.4.4 The Person, against whom the case is brought, has the right to respond to the asserted Anti-Doping Rule Violation and resulting Consequences.
- 8.4.5 A failure by any party or their representative to attend a hearing after notification will be deemed to be an abandonment of their right to a hearing. This right may be reinstated on reasonable grounds.
- 8.4.6 Each party shall have the right to be represented at a hearing by a person of his or her own choice, and at that party's own expense.
- 8.4.7 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel. The hearing panel shall determine the identity and responsibility for the cost of any interpreter.
- 8.4.8 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).
- 8.4.9 Facts related to Anti-Doping Rule Violations may be established by any reliable means, including admissions. The hearing panel may receive any evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 8.4.10 The hearing panel may postpone or adjourn a hearing at its sole and absolute discretion.
- 8.4.11 The hearing panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.
- 8.4.12 Any failure by the Person concerned to comply with any requirement or direction of the hearing panel shall not prevent the hearing panel from proceeding and such failure may be taken into consideration by the hearing panel when making its decision.
- 8.4.13 Hearings may be recorded, and ADS shall own and retain any recording.

## **8.5 Decisions of the National Anti-Doping Disciplinary Committee**

- 8.5.1 The deliberations of the hearing panel on its decision shall be private.
- 8.5.2 Any minority or dissenting decisions shall be noted in the written reasons. A majority decision of the hearing panel shall be the decision of the hearing panel.
- 8.5.3 The decision of the hearing panel shall be written, dated and signed by the Chair or Vice-Chair of the hearing panel and shall state the brief reasons for the decision. In order to expedite the finalization of the hearing, the decision may be handed down without written reasons in accordance with the time schedule outlined in Article 8.3.8. In any case in which the period of Ineligibility is eliminated under Article 10.5.1 (No Fault or Negligence) or reduced under Article 10.5.2 (No Significant Fault or Negligence), the decision shall explain the basis for the elimination or reduction.
- 8.5.4 The decision of the hearing panel shall be communicated in writing to the parties to the proceedings, WADA and the relevant International Federation (and to the National Olympic Committee and National Sports Association if not a party to the proceedings) as soon as possible after the conclusion of the hearing.
- 8.5.5 Decisions of the National Anti-Doping Disciplinary Committee may be appealed as provided for in Article 13 (Appeals).

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

- 9.1 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.
- 9.2 In the event of an Anti-Doping Rule Violation by one or more Athletes of sports, which are not Team Sports, but where medals, points and prizes are awarded to teams, automatic disqualification of the result or other disciplinary action against the team shall apply to the whole team.

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

## **ARTICLE 10 SANCTIONS ON INDIVIDUALS**

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

- 10.1.1 Except as provided in Article 10.1.2, 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.

[Comment to Article 10.1.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.]

10.1.2 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be disqualified unless the Athlete's results in Competitions other than the Competition in which the Anti-Doping Rule Violation occurred were likely to have been affected by the Athlete's Anti-Doping Rule Violation.

## 10.2 **Imposition of Ineligibility for Prohibited Substances and Prohibited Methods**

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

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

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

## 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:

10.3.1 For violations of Article 2.3 of the Code (Refusing or Failing to Submit to Sample Collection) or Article 2.5 of the Code (Tampering with Doping Control), the Ineligibility period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6 of the Code, are met.

10.3.2 For violations of Article 2.7 (Trafficking) of the Code or Article 2.8 of the Code (Administration of Prohibited Substance or Prohibited Method), the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions provided in Article 10.5 are met. An Anti-Doping Rule Violation involving a Minor shall be considered a particularly serious violation, and, if committed by Athlete Support Personnel for violations other than Specified Substances referenced in Article 4.2.2, shall result in lifetime Ineligibility

for such Athlete Support Personnel. In addition, significant violations of such Articles that also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

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

10.3.3 For violations of Article 2.4 of the Code (whereabouts filing failures and/or missed tests), the period of Ineligibility shall be:

**First Violation: A minimum of one (1) year to a maximum of two (2) years' Ineligibility based on the Athlete's degree of fault.**

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

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

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

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

To justify any elimination or reduction, the Athlete or other Person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the use of a performance enhancing substance. The Athlete or other Person's degree of fault shall be the criteria considered in assessing any reduction of the period of Ineligibility.

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

This Article 10.4 applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the Athlete in taking a Prohibited Substance did not intend to enhance his or her sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the Specified Substance; and a contemporaneous medical records file substantiating the non-sport-related prescription for the Specified Substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of intent to enhance sport performance.

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

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

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

### **10.5.1 No Fault or Negligence**

If an Athlete establishes in an individual case that he or she bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or its Metabolites is detected in an Athlete's Sample in violation of Article 2.1 of the Code (Presence of Prohibited Substance), the Athlete shall also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated.

In the event that this Article 10.5 is applied and the period of Ineligibility otherwise applicable is eliminated, the Anti-Doping Rule Violation shall not be considered a violation only for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.

### **10.5.2 No Significant Fault or Negligence**

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

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

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

To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements.)

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

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

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

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

The National Anti-Doping Disciplinary Committee or National Anti-Doping Appeals Committee may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in the Anti-Doping Organisation discovering or establishing an Anti-Doping Rule Violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another Person. After a final appellate decision under Article 13 or the expiration of time to appeal, the National Anti-Doping Disciplinary Committee or National Anti-Doping Appeals Committee may only suspend a part of the applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the Anti-Doping Rule Violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this section must be no less than eight (8) years. If the National Anti-Doping Disciplinary Committee or National Anti-Doping Appeals Committee suspends any part of the period of Ineligibility under this Article, it shall promptly provide a written justification for its decision to each Anti-Doping Organisation having a right to appeal the decision. If the National

Anti-Doping Disciplinary Committee or National Anti-Doping Appeals Committee subsequently reinstates any part of the suspended period of Ineligibility because the Athlete or other Person has failed to provide the Substantial Assistance which was anticipated, the Athlete or other Person may appeal the reinstatement pursuant to Article 13.2.

[Comment to Article 10.5.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other Anti-Doping Rule Violations to light is important to clean sport.

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

If the Athlete or other Person who is asserted to have committed an Anti-Doping Rule Violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), ADS shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the Anti-Doping Rule Violation, the hearing panel shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Athlete or other Person has committed an Anti-Doping Rule Violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the Anti-Doping Rule Violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an Anti-Doping Rule Violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to ADS to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the period of Ineligibility shall require the approval of WADA. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, ADS shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by ADS under this Article may be appealed pursuant Article 13.2.

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

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

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

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

10.5.5 Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article 10.5.

Before applying any reductions under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of Ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of Ineligibility.

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

Example 1:

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; the Athlete promptly admits the Anti-Doping Rule Violation as alleged; the Athlete establishes No Significant Fault (Article 10.5.2); and the Athlete provides important Substantial Assistance (Article 10.5.3).

Application of Article 10:

1. The basic sanction would be two years under Article 10.2. (Aggravating circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.)
2. Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.
3. Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.
4. Under Article 10.9.2, because the Athlete promptly admitted the Anti-Doping Rule Violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (minimum three months) after the date of the hearing decision.

Example 2:

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

Application of Article 10:

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

2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.
3. Article 10.5.5 does not apply.
4. Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.

Example 3:

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

Application of Article 10:

1. Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing panel would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)
2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]
3. Article 10.5.5 does not apply.
4. Under Article 9.2, because the Athlete promptly admitted the Anti-Doping Rule Violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)

Example 4:

Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an Anti-Doping Rule Violation spontaneously admits that he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides important Substantial Assistance (Article 10.5.3).

Application of Article 10:

1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.
2. Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced up to one-half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reduced up to three-quarters of the two years.
3. Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)

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

## 10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

If the National Anti-Doping Disciplinary Committee or National Anti-Doping Appeals Committee establishes in an individual case involving an Anti-Doping Rule Violation other than violations under Article 2.7 (Trafficking) and 2.8 (Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the Athlete or other Person can prove to the reasonable satisfaction of the hearing panel that he or she did not knowingly commit the Anti-Doping Rule Violation.

An Athlete or other Person can avoid the application of this Article 10.6 by admitting the Anti-Doping Rule Violation as asserted promptly after being confronted with the Anti-Doping Rule Violation by the National Anti-Doping Disciplinary Committee or National Anti-Doping Appeals Committee.

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

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

## 10.7 Multiple Violations

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

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

Second Violation	<b>RS</b>	<b>FFMT</b>	<b>NSF</b>	<b>St</b>	<b>AS</b>	<b>TRA</b>
First Violation						
<b>AS</b>	4-5	10-life	10-life	life	life	life
<b>TRA</b>	8-life	Life	life	life	life	life

Definitions for purposes of the second Anti-Doping Rule Violation table:

**RS (Reduced sanction for Specified Substance under Article 10.4):** The Anti-Doping Rule Violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a Specified Substance and the other conditions under Article 10.4 were met.

**FFMT (Filing Failures and/or Missed Tests):** The Anti-Doping Rule Violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).

**NSF (Reduced sanction for No Significant Fault or Negligence):** The Anti-Doping Rule Violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because No Significant Fault or Negligence under Article 10.5.2 was proved by the Athlete.

**St (Standard sanction under Article 10.2 or 10.3.1):** The Anti-Doping Rule Violation was or should be sanctioned by the standard sanction of two years under Article 10.2 or 10.3.1.

**AS (Aggravated sanction):** The Anti-Doping Rule Violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the Anti-Doping Organisation established the conditions set forth under Article 10.6.

**TRA (Trafficking and Administration):** The Anti-Doping Rule Violation was or should be sanctioned by a sanction under Article 10.3.2 for Trafficking or Administration.

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

[Comment to Article 10.7.1 RS Definition: See Article 20.1.3 of these Anti-Doping Rules with respect to application of Article 10.7.1 to pre-Effective Date anti-doping rule violations.]

#### 10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Violation

Where an Athlete or other Person who commits a second Anti-Doping Rule Violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Article 10.5.3 or Article 10.5.4, the National Anti-Doping Disciplinary Committee or National Anti-Doping Appeals Committee shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of

Ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of Ineligibility.

#### 10.7.3 Third Anti-Doping Rule Violation

A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of Ineligibility shall be from eight (8) years to a life ban.

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

For purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second violation if ADS can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after the Athlete or other Person received notice pursuant to Article 7 of the Code (Results Management), or after ADS has made reasonable efforts to give notice of the first Anti-Doping Rule Violation. If ADS cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining Aggravating Circumstances (Article 10.6).

If, after the resolution of a first Anti-Doping Rule Violation, ADS discovers facts involving an Anti-Doping Rule Violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then ADS shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be Disqualified as provided in Article 10.8. To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the Athlete or other Person must voluntarily admit the earlier Anti-Doping Rule Violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when ADS discovers facts involving another prior violation after the resolution of a second Anti-Doping Rule Violation.

[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an Anti-Doping Rule Violation on January 1, 2008 which ADS does not discover until December 1, 2008. In the meantime, the Athlete commits another Anti-Doping Rule Violation on March 1, 2008 and the Athlete is notified of this violation by ADS on March 30, 2008 and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 Anti-Doping Rule Violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for Aggravating Circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]

#### 10.7.5 Multiple Anti-Doping Rule Violations During Eight-Year Period

For purposes of Article 10.7, each Anti-Doping Rule Violation must take place within the same eight (8) year period in order to be considered multiple violations.

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

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

10.8.1 As a condition of regaining eligibility after being found to have committed an Anti-Doping Rule Violation, the Athlete must first repay all prize money forfeited under this Article 10.8.

### **10.8.2 Allocation of Forfeited Prize Money**

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

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

## **10.9 Commencement of Ineligibility Period**

10.9.1 Except as provided below, the period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed.

10.9.2 Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.

10.9.3 Delays Not Attributable to the Athlete or other Person.

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the National Anti-Doping Disciplinary Committee may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred.

10.9.4 Timely Admission

Where the Athlete promptly (which, in all events, means before the Athlete competes again) admits the Anti-Doping Rule Violation after being confronted with the Anti-Doping Rule Violation by ADS, the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this Article 10.9.4 is applied, the Athlete or other Person shall serve at least one-half of the

period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction or the date of a hearing decision imposing a sanction.

[Comment to Article 10.9.4: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]

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

10.9.6 If an Athlete voluntarily accepts a Provisional Suspension in writing from ADS and thereafter refrains from competing, the Athlete shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential Anti-Doping Rule Violation under Article 14.1 of the Code.

[Comment to Article 10.9.6: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]

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

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

## 10.10 **Status During Ineligibility**

10.10.1 No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a National Olympic Committee or National Sports Association's Team, Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organisations, including a National Sports Association or a club or other member organisation of a Signatory's member organisation, including a National Sports Association, or in Competitions authorized or organized by any professional league or any international or national level Event organisation.

10.10.2 A Person subject to a period of Ineligibility longer than four (4) years may, after completing four (4) years of the period of Ineligibility, participate in local sport Events in a sport other than the sport in which the Person committed the Anti-Doping Rule Violation, but only so long as the local sport Event is not at a level that could otherwise qualify such Person directly or indirectly to compete in (or accumulate points toward) a National Event or International Event. A Person subject to a period of Ineligibility shall remain subject to Testing.

[Comment to Articles 10.10.1 and 10.10.2: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Sports Association or a club which is a member of that National Sports Association. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering

the consequences set forth in Article 10.10.2. Sanctions in one sport will also be recognized by other sports (see Article 15).]

#### 10.10.3 Violation of the Prohibition of Participation During Ineligibility

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

[Comment to Article 10.10.3: If an Athlete or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, ADS shall determine whether the Athlete violated the prohibition and, if so, whether the Athlete or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by ADS under this Article may be appealed pursuant to Article 13.2.]

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

#### 10.10.4 Withholding of Financial Support during Ineligibility

In addition, for any Anti-Doping Rule Violation not involving a reduced sanction for Specified Substances as described in Article 10.4, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by any Signatory, Signatories' member, including a National Sports Association, and governments.

### 10.11 Reinstatement Testing

10.11.1 As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete shall, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by ADS, the applicable National Sports Association and/or any Anti-Doping Organisation having Testing jurisdiction, and shall, if requested, provide current and accurate whereabouts information as provided in Article 5.6 (Whereabouts Requirements).

10.11.2 If an Athlete, subject to a period of Ineligibility, retires from sport and is removed from Out-of-Competition Registered Testing Pools and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified ADS, his or her National Olympic Committee, the applicable National Sports Association and relevant Anti-Doping Organisations and has been subject to Out-of-Competition Testing for a period of time equal to the longer of the period set forth in Article 5.7.2 or the period of Ineligibility remaining as of the date the Athlete had retired. During such remaining period of Ineligibility, the Athlete shall undergo Out-of-Competition Testing. ADS shall determine the number and frequency of Testing.

10.11.3 ADS shall be responsible for conducting the Out-of-Competition Testing required under this Article 10.11, but Testing by any Anti-Doping Organisation may be used to satisfy the requirement.

10.11.4 Once the period of an Athlete's suspension has expired, and the Athlete has fulfilled the conditions of reinstatement then the Athlete shall become automatically re-eligible and no application by the Athlete or by the Athlete's National Sports Association shall then be necessary.

## **ARTICLE 11 CONSEQUENCES TO TEAM SPORTS**

### **11.1 Testing of Team Sports**

Where more than one (1) member of a team in a Team Sport has been notified of a possible Anti-Doping Rule Violation under Article 7 (Results Management) in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of a team during the Event period.

### **11.2 Consequences for Team Sports**

11.2.1 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 Athlete(s) committing the Anti-Doping Rule Violation.

11.2.2 The ruling body for an Event may elect to establish rules for the Event which imposes Consequences stricter than those in this Article 11.2 for purposes of the Event.

## **ARTICLE 12 SANCTIONS AGAINST NATIONAL SPORTS ASSOCIATIONS**

[Comment: Under Article 12 of the Code, ADS may also impose sanctions on any other sporting body over which it has authority.]

12.1 Financial and/or other non-financial support may be withheld in whole or in part from National Sports Associations which are not in compliance with, or fail in the implementation of, these Anti-Doping Rules.

12.2 Membership or recognition of National Sports Associations may be withdrawn or withheld until the National Sports Association's anti-doping rules are in compliance with these Anti-Doping Rules and the Code.

12.3 Decisions of ADS pursuant to this Article 12 (Sanctions against National Sports Associations) may be appealed as provided for in Article 13.5 (Appeals from Decisions Pursuant to Article 12).

## **ARTICLE 13 APPEALS**

### **13.1 Decisions Subject to Appeal**

Decisions made under these Anti-Doping Rules may be appealed as set forth in this Article 13 or as otherwise provided in the Code. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

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

Unless where otherwise specified, the following decisions may be appealed by relevant parties exclusively as provided for in this Article 13:

- (a) A decision that an Anti-Doping Rule Violation was committed;
- (b) A decision imposing Consequences for an Anti-Doping Rule Violation;
- (c) A decision that no Anti-Doping Rule Violation was committed;
- (d) A decision that an Anti-Doping Rule Violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- (e) A decision under Article 10.10.1 (prohibition of participation during Ineligibility);
- (f) A decision that an Anti-Doping Organisation lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its Consequences;
- (g) A decision by any National Sports Association not to bring forward an Adverse Analytical Finding or an Atypical Finding as an Anti-Doping Rule Violation;
- (h) A decision not to go forward with an Anti-Doping Rule Violation after an investigation under Article 7.4 of the Code; or
- (i) A decision to impose a Provisional Suspension as a result of a Provisional hearing or in violation of Article 7.5 of the Code may be appealed exclusively as provided in this Article 13.2.

13.2.1 In cases arising from Competition in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to the CAS in accordance with the provisions applicable before such court by the following parties:

- (a) 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) Relevant International Federation;
- (d) The International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; or
- (e) WADA

[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 In cases involving national-level Athletes, as defined by each National Anti-Doping Organisation, that do not have a right to appeal under Article 13.2.1, the decision may be appealed to the National Anti-Doping Appeals Committee by the following parties:

- (a) 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) Relevant International Federation;

- (d) National Olympic Committee;
- (e) Athlete's or other Person's National Anti-Doping Organisation; or
- (f) WADA.

[Comment to Article 13.2.2: ADS may elect to comply with this Article by giving its national-level Athletes the right to appeal directly to CAS.]

13.2.3 For cases under Article 13.2.2, WADA and the International Federation shall also have the right to appeal to CAS with respect to the decision of the National Anti-Doping Appeals Committee.

### 13.3 Appeals from Provisional Suspensions

Notwithstanding any other provision herein, the only Person that may appeal from a Provisional Suspension is the Athlete or other Person upon whom the Provisional Suspension is imposed in accordance with Article 7.6.

### 13.4 Appeals from Decisions Granting or Denying a TUE

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

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

### 13.5 Appeals from Decisions Pursuant to Article 12

Decisions of ADS pursuant to Article 12 (Sanctions Against National Sporting Associations) may be appealed exclusively to CAS by the National Sports Association concerned.

### 13.6 Appeals by WADA

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

[Comment to Article 13.6.1: Where a decision has been rendered before the final stage of ADS' process (for example, a first hearing) and no party elects to appeal that decision to the next level of ADS' process (eg, the ADS Board), then WADA may bypass the remaining steps in ADS' internal process and appeal directly to CAS.]

#### 13.6.2 Failure to Render a Timely Decision by ADS

Where, in a particular case, ADS 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 ADS had rendered a decision finding no Anti-Doping Rule Violation. If the CAS panel determines that an Anti-Doping Rule Violation was committed and

that WADA acted reasonably in electing to appeal directly to CAS, then reasonable costs and attorneys fees directly incurred by WADA in prosecuting the appeal shall be reimbursed to WADA by ADS.

[Comment to Article 13.6.2: 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 ADS to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with ADS and give ADS an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits ADS from also having rules which authorise it to assume jurisdiction for matters in which the results management performed by one of its National Sports Association has been inappropriately delayed.]

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

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

### **13.7 The National Anti-Doping Appeals Committee**

13.7.1 The Singapore Government shall appoint the independent National Anti-Doping Appeals Committee.

13.7.2 Each committee member shall be appointed for an initial term of two (2) years.

13.7.3 If a committee member dies or resigns, the Singapore Government may appoint an independent Person to be a committee member to fill the resultant vacancy. The Person so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.

13.7.4 A committee member may be re-appointed following his or her resignation or term of appointment.

### **13.8 Jurisdiction of the National Anti-Doping Appeals Committee**

13.8.1 The National Anti-Doping Appeals Committee has the power to hear and determine all issues arising from any matter which is appealed to it pursuant to these Anti-Doping Rules. In particular, the National Anti-Doping Appeals Committee has the power to determine the Consequences of an Anti-Doping Rule Violation to be imposed pursuant to these Anti-Doping Rules.

13.8.2 The National Anti-Doping Appeals Committee shall be independent and impartial in the performance of its functions.

13.8.3 The National Anti-Doping Appeals Committee has all powers necessary for, and incidental to, the exercise of its functions.

13.8.4 Provided there has been no miscarriage of justice, no final decision of, or Consequences of Anti-Doping Rule Violations imposed by, the National Anti-Doping Appeals Committee may be overturned, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than CAS for any reason including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules.

[Comment to Article 13.8.4: A 'miscarriage of justice' arises when a decision appears to be clearly mistaken, unfair, or improper based on the facts presented at the hearing.]

### **13.9 Hearings Before the National Anti-Doping Appeals Committee**

13.9.1 A Person entitled to appeal a decision of the National Anti-Doping Disciplinary Committee who wishes to do so shall lodge a notice of the appeal with the National Anti-Doping Appeals Committee within fourteen (14) days of the date of the decision of the National Anti-Doping Disciplinary Committee.

13.9.2 The appointed members shall have had no prior involvement with the case, or any aspect of the case. In particular, no member may have previously considered any TUE application or appeal involving the same Athlete as in the current case. Each member, upon appointment, shall disclose in writing to the Chair any circumstances likely to affect impartiality with respect to any of the parties.

13.9.3 If a member, appointed by the Chair to hear a case, is unwilling or unable, for whatever reason, to hear the case, the Chair may appoint a replacement or appoint a new hearing panel from the pool.

13.9.4 The National Anti-Doping Appeals Committee has the power, at its absolute discretion, to appoint an expert to assist or advise the hearing panel as required by the hearing panel.

13.9.5 ADS has the right to join proceedings and attend hearings of the National Anti-Doping Appeals Committee as a party.

13.9.6 If not a party to the proceedings, the International Federation and/or the National Sports Association concerned, the National Olympic Committee and WADA each have the right to attend hearings of the National Anti-Doping Appeals Committee as neutral observers.

[Comment to Article 13.9.6: Where not a party, ADS should be included here.]

13.9.7 Unless exceptional circumstances apply, hearings pursuant to this Article 13.9 should be completed expeditiously and in all cases within three (3) months of the date of the decision of the National Anti-Doping Disciplinary Committee.

13.9.8 Hearings held in connection with Events may be conducted on an expedited basis.

### **13.10 Proceedings of the National Anti-Doping Appeals Committee**

13.10.1 Subject to the provisions of these Anti-Doping Rules, the National Anti-Doping Appeals Committee and its hearing panels shall have the power to regulate their procedures.

13.10.2 Hearings of the National Anti-Doping Appeals Committee shall be open to the public, unless the National Anti-Doping Appeals Committee determines that there are special circumstances warranting otherwise.

[Comment to Article 13.10.2: or National Sports Associations as relevant.]

13.10.3 The appellant shall present his or her case and the respondent party or parties shall present their cases in reply.

- 13.10.4 A failure by any party or their representative to attend a hearing after notification will be deemed to be an abandonment of their right to a hearing. This right may be reinstated on reasonable grounds.
- 13.10.5 Each party shall have the right to be represented at a hearing by a person of his or her choice, and at that party's own expense.
- 13.10.6 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel. The hearing panel shall determine the identity and responsibility for the cost of any interpreter.
- 13.10.7 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).
- 13.10.8 Facts relating to Anti-Doping Rule Violations may be established by any reliable means, including admissions. The hearing panel may receive any evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 13.10.9 The hearing panel may postpone or adjourn a hearing at its sole and absolute discretion.
- 13.10.10 The hearing panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other or other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.
- 13.10.11 Any failure by any party to comply with any requirement or direction of the hearing panel shall not prevent the hearing panel from proceeding and such failure may be taken into consideration by the hearing panel when making its decision.
- 13.10.12 Hearings may be recorded, and any recording shall be owned and retained by ADS.

### **13.11 Decisions of the National Anti-Doping Appeals Committee**

- 13.11.1 The deliberations of the hearing panel on its decision shall be private.
- 13.11.2 Any minority or dissenting decisions shall be noted in the written reasons. A majority decision of the hearing panel shall be the decision of the hearing panel.
- 13.11.3 The decision of the hearing panel shall be written, dated and signed and shall state brief reasons for the decision. In any case in which the period of Ineligibility is eliminated under Article 10.5.1 (No Fault or Negligence) or reduced under Article 10.5.2 (No Significant Fault or Negligence) the decision shall explain the basis for the elimination or reduction. The signature of the Chair or Vice-Chair as applicable shall suffice.
- 13.11.4 The decision of the National Anti-Doping Appeals Committee shall be communicated in writing to the parties to the proceedings (and to ADS if not a party to the proceedings) as soon as possible after the conclusion of the hearing.

## **ARTICLE 14 REPORTING**

### **14.1 Reporting of Testing**

ADS shall submit to WADA current Athlete whereabouts information. WADA shall make this information accessible to other Anti-Doping Organisations having authority to test the Athlete.

[Comment to Article 14.2: NADOs may wish to outline the procedures for the collection of whereabouts information for WADA pre- and post- the WADA Clearinghouse. WADA is expected to only require those Athletes on ADS' Registered Testing Pool.]

14.1.1 ADS shall report all In-Competition and Out-of-Competition tests to WADA as soon as possible after such tests have been conducted.

14.1.2 This information shall be maintained in strict confidence at all times shall be used exclusively for purposes of planning, co-ordinating or conducting Testing and shall be destroyed after it is no longer relevant for these purposes.

### **14.2 Reporting Regarding Results Management**

14.2.1 When a National Sports Association has received an Adverse Analytical Finding on one of its Athletes, ADS, on its behalf, shall report the following information to its International Federation and WADA not later than the end of the process described in Article 7.3 (Initial Review Regarding Adverse Analytical Findings):

- (a) The Athlete's name, country, sport and discipline within the sport;
- (b) Whether the test was In-Competition or Out-of-Competition; and
- (c) The date of Sample collection and the analytical result reported by the laboratory.

The same parties shall be regularly updated on the statutes and findings, including results management, hearings and appeals.

[Comment to Article 14.3.1: This can be extended to all Anti-Doping Violations and all applicable Persons.]

14.2.2 Where the Athlete requests the analysis of the B Sample, ADS shall report the result of such analysis to the International Federation and to WADA.

14.2.3 In any case in which the period of Ineligibility is eliminated under Article 10.5.1 (No Fault or Negligence) or reduced under Article 10.5.2 (No Significant Fault or Negligence), ADS shall provide the International Federation and WADA with a copy of the written decision.

### **14.3 Reporting Under the Code**

ADS shall publish annually, a general statistical report of its Doping Control activities during the calendar year with a copy provided to WADA.

## **ARTICLE 15 PUBLIC DISCLOSURE**

15.1 ADS, the Athlete's National Anti-Doping Organisation, any National Sports Association, the National Anti-Doping Disciplinary Committee, the National Anti-Doping Appeals Committee or any other Person shall not Publicly Disclose or Publicly Report the identity of Athletes whose

Samples have resulted in Adverse Analytical Findings, or of Persons who are alleged to have committed an Anti-Doping Rule Violation pursuant to these Anti-Doping Rules until the administrative review described in Articles 7.3 and 7.4 has been completed.

- 15.2 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 (Disciplinary Procedure) that an Anti-Doping Rule Violation has occurred or such hearing has been waived, ADS shall Publicly Report the disposition of the anti-doping matter. This disposition shall include the name of the Person concerned and the reasons for decisions.

## **ARTICLE 16 MUTUAL RECOGNITION OF DECISIONS**

### **16.1 Recognition of Decisions Pursuant to these Anti-Doping Rules**

Subject to the right of appeal provided in Article 13 (Appeals), any decision of ADS regarding a violation of these Anti-Doping Rules shall be recognised by all National Sports Associations, which shall take all necessary action to render such decision effective.

### **16.2 Recognition of Decisions of Other Organisations**

- 16.2.1 Subject to any applicable right to appeal, the Testing, TUEs and hearing results or other final adjudications of any Signatory to the Code which are consistent with the Code and are within the Signatory's authority, shall be recognized and respected by ADS, the National Sports Associations, the National Anti-Doping Disciplinary Committee or the National Anti-Doping Appeals Committee.

- 16.2.2 ADS and National Sports Associations may recognize the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

[Comment to Article 16.2.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, ADS should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then ADS should recognize the finding of an Anti-Doping Rule Violation and it should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]

## **ARTICLE 17 LIMITATION OF ACTION**

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

## **ARTICLE 18 AMENDMENT AND INTERPRETATION**

### **18.1 Amendment**

- 18.1.1 ADS shall be responsible for overseeing the evolution and improvement of these Anti-Doping Rules, including implementing any amendments to the Code. Participants and National Sports Associations may be invited to participate in such process.

18.1.2 Amendments to these Anti-Doping Rules initiated by ADS shall, after appropriate consultation, be approved by the ADS Board. ADS shall promptly notify National Sports Associations in writing of all such amendments.

18.1.3 Amendments shall, unless provided otherwise in the amendment, go into effect and shall be implemented by National Sports Associations three (3) months after the date of such approval.

## 18.2 **Interpretation**

18.2.1 The headings used in these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

18.2.2 The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.

18.2.3 These Anti-Doping Rules have been adopted pursuant to, and shall be interpreted in a manner that is consistent with, the applicable provisions of the Code. The comments annotating various provisions of the Code shall be referred to, where applicable, to assist in the understanding and interpretation of these Anti-Doping Rules.

## **ARTICLE 19 INFORMATION AND NOTICES**

### 19.1 **Incorporation of the International Standard for the Protection of Privacy and Data Protection**

19.1.1 These Anti-Doping Rules incorporate the International Standard for the Protection of Privacy and Data Protection, which is published and revised by WADA from time to time. ADS shall make the current International Standard for the Protection of Privacy and Data Protection available to each National Sports Association, and each National Sports Association shall ensure that the current International Standard for the Protection of Privacy and Data Protection is made available to its members and constituents. All Persons in which these Anti-Doping Rules apply to shall be deemed to accept the standard and any amendments thereafter as binding upon them.

### 19.2 **Information**

19.2.1 Any Person who submits information including data or medical information to any organisation or Person in accordance with these Anti-Doping Rules shall be bound by the provisions of the International Standard for the Protection of Privacy and Data Protection and deemed to have agreed that such information may be utilised by such organisation or Person for the purposes of the implementation of these Anti-Doping Rules.

### 19.3 **Notices**

19.3.1 All notices referred to in these Anti-Doping Rules shall be governed by the provisions of this Article 19.3 (Notices).

- 19.3.2 Each Athlete in the ADS Registered Testing Pool shall provide ADS with an address to which notices may be delivered and in the event of a change of address, it is the responsibility of the Athlete to provide ADS with such amended details.
- 19.3.3 Notice to an Athlete in the ADS Registered Testing Pool shall be delivered by means of registered post to the address provided to ADS by that Athlete. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.
- 19.3.4 Notice to any other Athlete or other Person shall be accomplished by posting the notice by registered post to the address furnished by that Athlete or Person. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.
- 19.3.5 ADS may, with the prior written agreement of the intended recipient, as an alternative to, or in conjunction with, notice by registered post, use any other method of communication available, including, but not limited to, facsimile, email, and telephone.

## **ARTICLE 20 COMMENCEMENT, VALIDITY AND GOVERNING LAW**

### **20.1 Commencement**

- 20.1.1 These Anti-Doping Rules shall come into full force and effect on, and shall be accepted by all National Sports Associations pursuant to Article 1.1 (Application to National Sports Associations) by, 1<sup>st</sup> June 2010.
- 20.1.2 These Anti-Doping Rules shall not apply retrospectively to matters pending before the date these Anti-Doping Rules come into effect. Outstanding protests, appeals and applications for reinstatement initiated under any prior NADO, the National Olympic Committee or National Sports Association anti-doping policy may be completed under that policy and, to the extent relevant, their results shall be recognized for the purposes of these Anti-Doping Rules. The term of outstanding suspensions under any prior NADO, National Olympic Committee or National Sports Association anti-doping policy shall also be recognized under these Anti-Doping Rules.
- 20.1.3 Subject always to Article 10.7.5 of these Anti-Doping Rules, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7 of these Anti-Doping Rules. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Rules, for which a period of Ineligibility of less than two (2) years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1 of these Anti-Doping Rules.

### **20.2 Validity**

- 20.2.1 Any deviation from these Anti-Doping Rules or the procedures referred to herein shall not invalidate any finding, decision or result unless material doubt on that finding, decision or result arises as a result of the deviation.

- 20.2.2 If any Article of these Anti-Doping Rules is held invalid, unenforceable or illegal for any reason, these Anti-Doping Rules shall remain otherwise in full force apart from such Article which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.
- 20.2.3 All acts bona fide done by any Person in the implementation of these Anti-Doping Rules, notwithstanding that it be afterwards discovered that there was some defect in the appointment, qualification or authority of such Person so acting, shall be as valid as if every such Person had been duly appointed, qualified or authorized.

**DEFINITIONS**

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

**ADS:** Anti-Doping Singapore

**ADS Registered Testing Pool:** The pool of top level Athletes established by ADS who are subject to both In-Competition and Out-of-Competition Testing as part of ADS' test distribution plan.

**Adverse Analytical Finding:** A report from a laboratory or other approved Testing entity that identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

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

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

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

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct which could or did culminate in the commission of an Anti-Doping Rule Violation. Provided, however, there must be no Anti-Doping Rule Violation based solely on an Attempt to commit a violation if the Person enunciates the Attempt prior to it being discovered by a third party not involved in the Attempt.

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

**CAS:** The Court of Arbitration for Sport.

**Code:** The World Anti-Doping Code first adopted by WADA on 5 March 2003, and any subsequent amendments thereafter.

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

**Consequences of Anti-Doping Rules Violations:** An Athlete's or other Person's violation of these Anti-Doping Rules may result in one or more of the following:

- (a) Disqualification means the Athlete's results in a particular Competition or Event are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes;
- (b) Ineligibility means the Athlete or other Person is barred for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.9 of the Code (Status During Ineligibility) and Article 10.10 of these Anti-Doping Rules;
- (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition prior to the final decision at a hearing conducted under Article 8 (Disciplinary Procedure) of these Anti-Doping Rules.

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

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, sample collection and handling, laboratory analysis, therapeutic use exemptions, results management, hearings and appeals

**Effective Date:** 1<sup>st</sup> June 2010, subject to subsequent revisions from time to time where applicable.

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

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

**Filing Failure:** has the meaning given in Article 2.4 of these Anti-Doping Rules.

**In-Competition:** Unless provided otherwise in the rules of an International Federation or other relevant Anti-Doping Organisation, "In-Competition" means the period commencing twelve (12) hours before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition.

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

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

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

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

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

**International Registered Testing Pool:** A pool of Athletes designated by an International Federation in accordance with the International Standard for Testing Article 11.2.

**International Standard:** A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) must 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.

**International Standard for Laboratories:** An international standard adopted by WADA in support of the Code to ensure laboratory production of valid test results and evidentiary data and to achieve uniform and harmonized results and reporting from all laboratories.

**International Standard for the Protection of Privacy and Data Protection:** An international standard adopted by WADA in support of the Code to ensure that Anti-Doping Organisations apply appropriate, sufficient and effective privacy protections to the Personal Information they process when conducting Anti-Doping Programmes, in recognition of the fact that Personal Information gathered in the anti-doping context can impinge upon and implicate the privacy rights and interests of persons involved in and associated with organised sport.

**International Standard for Testing:** An international standard adopted by WADA in support of the Code to plan for effective Testing, both In-Competition and Out-of-Competition, and to maintain the integrity and identity of the Samples collected, from the point the Athlete is notified of the test to the point the Samples are transported to the laboratory for analysis.

**International Standard for Therapeutic Use Exemptions:** An international standard adopted by WADA in support of the Code to ensure that the process of granting therapeutic use exemptions is harmonized across sports and countries.

**Major Event Organisations:** 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 parameter(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

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

**Minor:** A natural Person who has not reached the age of majority. For the purposes of these Anti-Doping Rules, the age of majority for individuals is sixteen (16).

**Missed Test:** has the meaning given in Article 2.4 of these Anti-Doping Rules.

**National Anti-Doping Appeals Committee:** The committee appointed by the Singapore Government to adjudicate on appeals from decisions of the National Anti-Doping Disciplinary Committee.

**National Anti-Doping Disciplinary Committee:** The committee appointed by the Singapore Government to adjudicate on alleged violations of these Anti-Doping Rules.

**National Anti-Doping Organisation or NADO:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement these Anti-Doping Rules, direct the collection of Samples, the management of test results, and the conduct of hearings, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional Anti-Doping Organisation for such countries. If this designation has not been made by the competent public authority(ies), the entity must be the country's National Olympic Committee or its designee. For the purposes of these Anti-Doping Rules, ADS will be the designated entity.

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

**National-Level Athlete:** An Athlete, other than an International-Level Athlete, who is designated by ADS as being within the ADS Registered Testing Pool.

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

**National Sports Association:** Any national, provincial or territorial Person governing sport in Singapore or part thereof and its affiliated members, clubs, teams, associations and leagues.

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

**NOC Team:** Any Singapore Olympic Team or other team selected by the Singapore National Olympic Council.

**No Fault or Negligence:** The Athlete'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 a Prohibited Substance or Prohibited Method.

**No Significant Fault or Negligence:** The Athlete's establishing that their fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation.

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

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

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

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

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

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

**Prohibited Substance:** Any substance so described on the Prohibited List.

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

**Publicly Disclose or Publicly Report:** To disseminate or distribute information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14 of the Code (Confidentiality and Reporting).

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

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

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

**Singapore National Olympic Council or SNOC:** See National Olympic Committee

**Substantial Assistance:** For purposes of Article 10.5.3, a Person providing Substantial Assistance must:

- (1) fully disclose in a signed written statement all information he or she possesses in relation to Anti-Doping Rule Violations, and
- (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organisation or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

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

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

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

**TUE:** Therapeutic use exemption.

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

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

**WADA:** The World Anti-Doping Agency, being a Foundation constituted under the Swiss Civil Code in Lausanne on 10 November 1999 and any National Anti-Doping Organisation contracted by WADA.