

# iCompete Natural

# Anti - Doping Policy

## INTERPRETATION

This Anti-Doping Policy takes effect on **1 January 2019**.

In this Anti- Doping Policy, references to ICN should be read as references to iCompete Natural.

## WARNING TO ATHLETES AND ATHLETE SUPPORT PERSONNEL

- You are responsible for knowing what the anti-doping rule violations are.
- You must find out which substances and methods are prohibited. WADA publishes and updates this list each year on its website. <https://www.wada-ama.org>
- Ignorance is no excuse.
- You must be aware of the rules in this Anti-Doping Policy.
- This Anti-Doping Policy adopts the strict liability principle.
- *Athletes* are responsible for anything found in their system.
- You must be aware of the sanctions that could be applied to you in this Anti-Doping Policy.

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# iCompete Natural Anti - Doping Policy

## INTRODUCTION

### Preface

This anti-doping policy is adopted and implemented by the *ICN administration body* in each country in accordance with *the World Anti-Doping Code* and in furtherance of combined ongoing efforts to eradicate doping in sport.

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

The *ICN Code of Conduct* or other policy documents or rules shall not limit or change the effect of this anti-doping policy. Where there is any ambiguity or conflict, this Anti-Doping Policy will prevail.

## **The fundamental rationale for the ICN anti-doping policy**

Anti-doping programmes seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as ‘the spirit of sport’. It is the essence of Olympism: the pursuit of human excellence through the dedicated perfection of each *Person*’s natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind and is reflected in values we find in and through sport, including:

- ethics, fair play and honesty
- health
- excellence in performance
- character and education
- fun and joy
- teamwork
- *dedication and commitment*
- respect for rules and laws
- respect for self and other participants
- courage
- community and solidarity

Doping is fundamentally contrary to the spirit of sport.

*ICN*’s purpose is to protect the sporting integrity and the health of *Athletes*. Everything *ICN* does is focused on this outcome. *ICN* aims to be an influential leader in anti-doping programme delivery for the sport of Natural Bodybuilding & Modelling. We place considerable focus on deterrence strategies. *ICN* seeks to prevent the use of prohibited substances and methods in sport and protect clean *Athletes* and the reputation of sports by conducting awareness programs and initiatives.

*ICN* aim is to create equality in sport so *Athletes* can participate on a level playing field at home and overseas. To achieve this, *ICN* provides programmes to help national sporting organisations meet their anti-doping responsibilities and they implement a strategic, targeted detection programme that incorporates intelligence gathering and *Testing*. *ICN* seeks to engage *Athletes*, *Athlete Support Personnel* and the broader community in the fight against doping in Natural Bodybuilding & Modelling.

## **Scope of this Anti-Doping Policy**

The scope of application of this Anti-Doping Policy is set out in Article 1.

# ARTICLE 1 APPLICATION OF ANTI-DOPING POLICY

## 1.1 Application of the anti-doping policy

This Anti-Doping Policy shall apply to the *ICN* and all its premium members and affiliate organisations.

## 1.2 Application to *Persons*

**1.2.1** This Anti-Doping Policy shall apply to the following *Persons* (including *Minors*), in each case, whether or not such *Person* is a citizen of or (temporary or permanent) resident:

- 1.2.1.1** all *Athletes* and *Athlete Support Personnel* who are members of the *ICN* or of any member or affiliate organisation (including any clubs, teams, associations or leagues);
- 1.2.1.2** all *Athletes* and *Athlete Support Personnel* and other *Persons* who participate in such capacity in *Events*, *Competitions* and other activities organised, convened, authorised or recognised by the *ICN* or any member or affiliate organisation (including any clubs, teams, associations or leagues), wherever held;
- 1.2.1.3** any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of accreditation, a license or other contractual arrangement, or otherwise, is subject to the jurisdiction of the *ICN* or of any member or affiliate organisation (including any clubs, teams, associations or leagues), for the purpose of anti-doping;
- 1.2.1.4** all *Athletes* who do not fall within one of these provisions of this Article 1.2.1 but who wish to be eligible to participate in *ICN Events* must be available for *Testing* under this Anti-Doping Policy.

**1.2.2** *Persons* falling within the scope of Articles 1.2.1 are deemed to have accepted and to have agreed to be bound by this Anti-Doping Policy, and to have submitted to the authority of *ICN* and other *Anti-Doping Organisations* under this Anti-Doping Policy, as a condition of their membership, and/or participation in sport.



# ARTICLE 2

## DEFINITION OF DOPING - ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the anti-doping rule violations outlined in Article 2.1 through Article 2.9 of this Anti-Doping Policy.

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

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

The following constitute anti-doping rule violations:

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

**2.1.1** It is 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 2.14.

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

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<sup>4</sup> Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as 'Strict Liability'. An *Athlete's Fault* is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.

<sup>5</sup> Comment to Article 2.1.2: The *Anti-Doping Organisation* with results management responsibility may, at its discretion, choose to have the *B Sample* analysed even if the *Athlete* does not request the analysis of the *B Sample*.

**2.1.3** Excepting those substances for which a 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<sup>6</sup>**

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

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed<sup>7</sup>.

## **2.3 Evading, refusing or failing to submit to Sample Collection**

Evading *Sample* collection or, without compelling justification, refusing or failing to submit to *Sample* collection after notification as authorised in this Anti-Doping Policy, or other applicable anti-doping rules<sup>8</sup>.

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<sup>6</sup> Comment to Article 2.2: It has always been the case that *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an *anti-doping rule violation* under Article 2.1, *Use* or *Attempted Use* may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the *Athlete Biological Passport*, or other analytical information which does not otherwise satisfy all the requirements to establish 'Presence' of a *Prohibited Substance* under Article 2.1. For example, *Use* may be established based upon reliable analytical data from the analysis of an *A Sample* (without confirmation from an analysis of a *B Sample*) or from the analysis of a *B Sample* alone where the *Anti-Doping Organisation* provides a satisfactory explanation for the lack of confirmation in the other *Sample*.

<sup>7</sup> Comment to Article 2.2.2: Demonstrating the '*Attempted Use*' of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the *Athlete's* part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the *Strict Liability* principle established for violations of Article 2.1 and violations of Article 2.2 in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*. An *Athlete's Use* of a *Prohibited Substance* constitutes an anti-doping rule violation unless such substance is not prohibited *Out-of-Competition* and the *Athlete's Use* takes place *Out-of-Competition*. (However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of Article 2.1 regardless of when that substance might have been administered.)

<sup>8</sup> Comment to Article 2.3: For example, it would be an anti-doping rule violation of 'evading *Sample* collection' if it were established that an *Athlete* was deliberately avoiding a *Doping Control official* to evade notification or Testing. A violation of 'failing to submit to *Sample* collection' may be based on either intentional or negligent conduct of the *Athlete*, while 'evading' or 'refusing' *Sample* collection contemplates intentional conduct by the *Athlete*.

## **2.4 Tampering or Attempted Tampering with any part of Doping Control**

Conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organisation* or intimidating or attempting to intimidate a potential witness.<sup>9</sup>

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

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

**2.5.2** *Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification<sup>10,11</sup>.*

## **2.6 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method**

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<sup>9</sup> Comment to Article 2.4: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering may be addressed in the code of conduct.

<sup>10</sup> Comment to Articles 2.5.1 and 2.5.2: 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, for example, buying Insulin for a diabetic child.

<sup>11</sup> Comment to Article 2.5.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.

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

**2.8 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.12 by another *person*.

**2.9 Prohibited Association**

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

- 2.9.1 If subject to the authority of an *Anti-Doping Organisation*, is serving a period of *Ineligibility*; or
- 2.9.2 If not subject to the authority of an *Anti-Doping Organisation*, and where *Ineligibility* has not been addressed in a results management process pursuant to *the Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*. The disqualifying status of such a *person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
- 2.9.3 Is serving as a front or intermediary for an individual described in Article 2.9.1 or 2.9.2.

## **ARTICLE 3 PROOF OF DOPING**

**3.1 Burdens and standards of proof**

The *Anti-Doping Organisation* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organisation* has established an anti-doping rule violation bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this Anti-Doping Policy places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability<sup>13</sup>.

## 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<sup>14</sup>:

- 3.2.1** Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid.
- 3.2.2** WADA-accredited laboratories and other laboratories approved by WADA are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard for Laboratories*. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the *International Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard for Laboratories* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*<sup>15</sup>.
- 3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in *the Code* or this Anti-Doping Policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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<sup>13</sup>Comment to Article 3.1: This standard of proof required to be met by the *Anti-Doping Organisation* is comparable to the standard which is applied in most countries to cases involving professional misconduct.

<sup>14</sup>Comment to Article 3.2: For example, an *Anti-Doping Organisation* may establish an anti-doping rule violation under Article 2.2 based on the *Athlete*'s admissions, the credible testimony of third *Persons*, reliable documentary evidence, reliable analytical data from either an *A* or *B Sample* as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the *Athlete*'s blood or urine *samples*, such as data from the *Athlete Biological Passport*.

<sup>15</sup>Comment to Article 3.2.2: The burden is on the *Athlete* or other *Person* to establish, by a balance of probability, a departure from the *International Standard for Laboratories* that could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* does so, the burden shifts to the *Anti-Doping Organisation* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.

- 3.2.4** The facts established by a decision of a court or disciplinary tribunal of which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.
- 3.2.5** The *ICN* in hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in *person* or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the *Anti-Doping Organisation* asserting the anti-doping rule violation.

## **ARTICLE 4 THE PROHIBITED LIST**

### **4.1 Incorporation, Publication and Revision of the *Prohibited List*<sup>16</sup>**

This Anti-Doping Policy incorporates the *Prohibited List* which is published and revised by *WADA* as described in Article 4.1 of *the Code* as in force from time to time.

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

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<sup>16</sup> Comment to Article 4.1: For the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made. *WADA* will always have the most current *Prohibited List* published on its website. The current *Prohibited List* is available on *WADA's* website at [www.wada-ama.org](http://www.wada-ama.org).

## 4.2 **Prohibited Substances and Prohibited Methods Identified on the Prohibited List**<sup>17</sup>

### 4.2.1 *Prohibited Substances and Prohibited Methods*

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

### 4.2.2 *Specified Substances*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*<sup>18</sup>.

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

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, and the classification of a substance as prohibited at all times or *In-Competition* only, is final and shall not be subject to challenge by an *Athlete* or other *Person*.

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

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

4.4.2 Any *Athlete* who needs to *Use* a *Prohibited Substance* or *Prohibited Method* for therapeutic purposes should apply to *ICN* for a *TUE* as soon as the need arises and, in any event, at least 30 days before the *Athlete's* next *Competition*, by completing the form at [www.icompetenatural.com](http://www.icompetenatural.com) with assistance from their doctor. *ICN* will consider applications for the grant or recognition of *TUE's*. *ICN* shall promptly evaluate and decide upon the application.

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<sup>17</sup> Comment to Article 4.2: *Out-of-Competition Use* of a substance which is only prohibited *In-Competition* is not an anti-doping rule violation unless an *Adverse Analytical Finding* for the substance or its *Metabolites* or *Markers* is reported for a *Sample* collected *In-Competition*.

<sup>18</sup> Comment to Article 4.2.2: The *Specified Substances* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an *Athlete* for a purpose other than the enhancement of sports performance.

#### 4.4.3 Expiration, cancellation, withdrawal or reversal of a TUE

A TUE granted pursuant to this Anti-Doping Policy: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the *Athlete* does not promptly comply with any requirements or conditions imposed by ICN.

## ARTICLE 5 TESTING AND INVESTIGATIONS

### 5.1 Purpose of *Testing* and investigations

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

5.1.1 All *Athletes* must comply with any request for *Testing* by an *Anti-Doping Organisation* with *Testing* jurisdiction. *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*.

5.1.2 Investigations shall be undertaken:

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

5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.9.

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<sup>18</sup>Comment to Article 4.4.2: The submission of false or misleading information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another *Anti-Doping Organisation* for such a TUE) may result in a charge of *Tampering* or *Attempted Tampering* under Article 2.5.

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



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

## **5.2 Authority to conduct *Testing***<sup>23</sup>

**5.2.1** Any *Athlete* may be required to provide a *Sample* at any time and any place by any *Anti-Doping Organisation* with *Testing* authority over him or her. Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of *the Code*, *ICN* shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Athletes* falling within the scope of Article 1.3.

**5.2.2** For the avoidance of doubt, *ICN* may require any *Athlete* to provide a *Sample* at any time and any place.

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

**5.2.4** Where another *Anti-Doping Organisation* with *Testing* authority over an *Athlete* who is subject to this Anti-Doping Policy conducts *Testing* on that *Athlete*, *ICN* shall recognise such *Testing* in accordance with Article 15, and (where agreed with that other *Anti-Doping Organisation* or otherwise provided in Article 7 of *the Code*) *ICN* may bring proceedings against the *Athlete* pursuant to this Anti-Doping Policy for any anti-doping rule violation(s) arising in relation to such *Testing*.

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<sup>23</sup>Comment to Article 5.2: Unless the *Athlete* has identified a 60-minute time-slot for *Testing* between the hours of 11 pm and 6 am or has otherwise consented to *Testing* during that period, the *Anti-Doping Organisation* will not test an *Athlete* during that period unless it has a serious and specific suspicion that the *Athlete* may be engaged in doping. A challenge to whether the *Anti-Doping Organisation* had sufficient suspicion for *Testing* in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.

### **5.3 Event Testing**

**5.3.1** Except as provided in Article 5.3 of *the Code*, only a single organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the collection of *Samples* shall be initiated and directed by the international federation (or any other international organisation which the ruling body for the Event) is. At *National Events*, the collection of *Samples* shall be initiated and directed by ICN. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.

**5.3.2** If an *Anti-Doping Organisation* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organisation* may ask ICN for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the *International Standard for Testing and Investigations*. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*. For the avoidance of doubt, where the *Anti-Doping Organisation* initiating the test is the ICN, Article 7.1.1 shall apply.

### **5.4 Athlete whereabouts information**

**5.4.1** All *Athletes* should provide accurate whereabouts information to ICN via the iCompete natural website in the section “My Profile “.

**5.4.2** For purposes of Article 2.4, an *Athlete’s* failure to comply with the requirements of the *International Standard for Testing and Investigations* or any *Athlete* whereabouts from time to time shall be deemed a filing failure or a missed test. Three of these filing failures in a 12-month period will constitute a possible anti-doping rule violation.

## ARTICLE 6 ANALYSIS OF SAMPLES

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

### 6.1 Use of accredited and approved laboratories<sup>24</sup>

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

### 6.2 Purpose of analysis of *samples*<sup>25</sup>

6.2.1 *Samples* shall be analysed to detect *Prohibited Substances* and *Prohibited Methods*. *Samples* may be collected and stored for future analysis.

6.2.2 An *Anti-Doping Organisation* shall ask laboratories to analyse *Samples* in conformity with Article 6.4 of the *Code* and Article 4.7 of the *International Standard for Testing and Investigations*.

### 6.3 Research on *Samples*

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

### 6.4 Standards for *Sample* analysis and reporting<sup>26</sup>

Laboratories shall analyse *Samples* and report results in conformity with the *International Standard for Laboratories*.

Except as follows:

6.4.1 An *Anti-Doping Organisation* may request that laboratories analyse its *Samples* using more extensive menus than those described in the Technical Document.

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<sup>24</sup>Comment to Article 6.1: Violations of Article 2.1 may be established only by *Sample* analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.

<sup>25</sup>Comment to Article 6.2: For example, relevant profile information could be used to direct *Target Testing* or to support an anti-doping rule violation proceeding under Article 2.2, or both.

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

**6.4.2** *ICN* may request that laboratories analyse its *Samples* using less extensive menus because of the particular circumstances of its country or of the event in question, where a less extensive analysis would be appropriate.

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

## **6.5 Further analysis of samples**

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

# **ARTICLE 6A NON-ANALYTICAL INVESTIGATION PROCESS**

## **6A.1 Obligation on Persons**

When the *ICN* or any *Person* bound by this Anti-Doping Policy has information relevant to a possible anti-doping rule violation, that *Person* must immediately pass such information to *ICN*. This can be done at [icompetenatural.com](http://icompetenatural.com) under the menu item REPORT ANTI-DOPING.

**6A.1.1** The *ICN* or the *Person* must act in a discreet and confidential manner in discharging their obligations under this Anti-Doping Policy. The deliberate or willful withholding of information relevant to a potential anti-doping rule violation by an *Athlete* or other *Person* may constitute an anti-doping rule violation or a breach to be dealt with under the *ICN* Code of Conduct (where applicable).

## ARTICLE 7 RESULTS MANAGEMENT

### 7.1 Responsibility for conducting results management

7.1.1 *ICN or an appointed Anti-Doping Agency shall take responsibility for results management of all potential anti-doping rule violations under this Anti-Doping Policy.*

### 7.2 Review regarding Adverse Analytical Findings

Results management in respect of the results of tests initiated by an *Anti-Doping Organisation* shall proceed as follows:

7.2.1 Upon receipt of an *Adverse Analytical Finding*, *ICN* shall conduct a review to determine whether:

(a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions*, or there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Adverse Analytical Finding*.

7.2.2 If the review of an *Adverse Analytical Finding* under Article 7.2.1 reveals an applicable *TUE* or departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, the entire test shall be considered negative.

### 7.3 Notification after review regarding Adverse Analytical Findings

7.3.1 If the review of an *Adverse Analytical Finding* under Article 7.2.1 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the *International Standard for Therapeutic Use Exemptions*, or departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, *ICN* shall promptly notify the *Athlete* of:

(a) the *Adverse Analytical Finding*;

(b) the anti-doping rule violated;

(c) the *Athlete's* right to request the analysis of the *B Sample* or, failing such request by the specified deadline, that the *B Sample* analysis may be deemed waived;

(d) the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation.

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

**7.3.2** Where requested by the *Athlete* (or another *Anti-Doping Organisation*) arrangements shall be made to analyse the *B Sample* in accordance with the *International Standard for Laboratories*. An *Athlete* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. *ICN* may nonetheless elect to proceed with the *B Sample* analysis even where the *Athlete* has waived this requirement.

**7.3.3** If the *B Sample* analysis does not confirm the *A Sample* analysis, then (unless *ICN* takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete* shall be so informed.

**7.3.4** If the *B Sample* analysis confirms the *A Sample* analysis, the findings shall be reported to the *Athlete*.

## **7.4 Review of Atypical Findings**

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

**7.4.2** Upon receipt of an *Atypical Finding*, *ICN* shall conduct a review to determine whether:

(a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions*, or

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

**7.4.3** If the review of an *Atypical Finding* under Article 7.4.2 reveals an applicable *TUE* or a departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, the entire test shall be considered negative.

- 7.4.4** If that review does not reveal an applicable *TUE* or a departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, *ICN* shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with the *Code* and this Anti-Doping Policy, or else the *Athlete* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.
- 7.4.5** *ICN* will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:
- 7.4.5.1** If *ICN* determines the *B Sample* should be analysed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3.1(d) - (f).

## **7.5 Review of Atypical Passport Findings**

Review of *Atypical Passport Findings* shall take place as provided in the *International Standard for Testing and Investigations* and *International Standard for Laboratories*. At such time as *ICN* is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously, the international federation, notice of the anti-doping rule violation asserted and the basis of that assertion.

## **7.6 Review of whereabouts failures**

*ICN* shall review potential filing failures and missed tests in respect of *Professional Athletes* who provide their whereabouts information with *ICN*. At such time as *ICN* is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

## **7.7 Provisional Suspensions<sup>27</sup>**

- 7.7.1 Mandatory Provisional Suspension:** If an analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the *International*

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<sup>27</sup>Comment to Article 7.7: *Athletes* and other *Persons* shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed. See Articles 10.11.3.1 and 10.11.3.2.

The standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, a Provisional Suspension shall be imposed by the ICN upon, or promptly after, the notification described in Articles 7.2, 7.3 or 7.5.

**7.7.2 Optional Provisional Suspension:** In the case of an Adverse Analytical Finding for

- a Specified Substance, or in the case of any other anti-doping rule violations not covered by Article 7.7.1, the ICN may impose a Provisional Suspension on the Athlete or other Person against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2 to 7.6 and prior to the final hearing as described in Article 8.

**7.7.3** Where a Provisional Suspension is imposed pursuant to Article 7.7.1 or Article

7.7.2, the Athlete or other Person shall be given an opportunity to respond in writing either before or on a timely basis after imposition of the Provisional Suspension; or

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

**7.7.3.2** The Provisional Suspension shall be imposed (or shall not be lifted) unless the Athlete or other Person establishes

(a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, for example, because of a patent flaw in the case against the Athlete or other Person;

(b) the Athlete or other Person has a strongly arguable case that he/she bears No Fault or Negligence for the anti-doping rule violation(s) asserted, so that any period of Ineligibility that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4; or



(c) Some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.

**7.7.4** If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and subsequent analysis of the *B sample* does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, then if it is still possible for the *Athlete* to be reinstated without otherwise affecting the *Competition*, the *Athlete* or team may continue to take part in the *Competition*. In addition, the *Athlete* may thereafter take part in other *Competitions* in the same *Event*.

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

## **7.8 Infraction Notices**

Once the *ICN* makes an assertion of a possible anti-doping rule violation, *ICN* will:

**7.8.1** notify the *Athlete* or *Athlete Support Person* and relevant *Anti-Doping Organisations* of the assertion;

**7.8.2** issue the *Athlete* or *Athlete Support Person* with an Infraction Notice under this Article. The Infraction Notice will:

**7.8.2(a)** notify the *Person* of the asserted anti-doping rule violations under this Anti-Doping Policy and the basis for the violation;

- 7.8.2(b) state that the *person* has a right of written reply in relation to the asserted anti-doping rule violation/s;
- 7.8.2(c) state that in the event the *Person* elects to reply, the *Person* must file reply within 14 days of receipt of the infraction notice;
- 7.8.2(d) state that if the *person* does not respond within 14 days of receipt of the infraction notice, or files after the end of the 14 days referred to in 7.A.82(c), they will be deemed to have waived their right and the *ICN*, in consultation with other relevant parties, where applicable, may apply a sanction in accordance with Article 10;

**Note:** *Athletes* and other *Persons* are responsible for keeping their contact details up to date with the *ICN*. Delivery to the last known address is sufficient in circumstances where the current whereabouts of the *Person* are not known. In addition, members of the *ICN* should refer to Article 14.1.1.

## 7.9 Resolution without Replying

- 7.9.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive replying, and accept the *Consequences* that are mandated by this Anti-Doping Policy or (where some discretion as to *Consequences* exists under this Anti-Doping Policy) that have been offered by *ICN* or the *sporting administration body*.
- 7.9.2 Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the Infraction Notice sent by *ICN* asserting the violation, then he/she shall be deemed to have admitted the violation, and to have accepted the *Consequences* that are mandated by this Anti-Doping Policy or (where some discretion as to *Consequences* exist under this Anti-Doping Policy) that have been offered by the *ICN*.

**7.9.3** In cases where Article 7.9.1 or Article 7.9.2 applies, a hearing shall not be required. Instead, the *sporting administration body*, shall promptly issue a written decision confirming the commission of the anti-doping rule violation(s) and the *Consequences* imposed as a result and setting out the reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *ICN* shall send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 and shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

## **7.10 Notification of results management decisions**

In all cases when asserting an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Athlete* or other *Person* on the imposition of *Consequences via email*.

## **7.11 Retirement from sport <sup>28</sup>**

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

# **ARTICLE 8 PUBLIC DISCLOSURE OF HEARING OUTCOMES**

*ICN* shall report the outcome of all anti-doping rule violations in accordance with the *Code*, and this Anti-Doping Policy, as in force from time to time.

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

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

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<sup>28</sup>Comment to Article 7.11: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the jurisdiction of any *Anti-Doping Organisation* would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or other *Person* membership in a sports organisation.

## ARTICLE 10 SANCTIONS ON INDIVIDUALS<sup>30</sup>

### 10.1 *Disqualification of results in the Event during which an anti-doping rule violation occurs*<sup>31</sup>

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.

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

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

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

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

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

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

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

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<sup>30</sup>Comment to Article 10: Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring 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, a standard period of *Ineligibility* has a much more significant effect on the *Athlete* than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two *Athletes* from the same country who test positive for the same *Prohibited Substance* under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between international federations and *National Anti-Doping Organisations*.

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

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

- 10.3.1** For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.
- 10.3.2** For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.
- 10.3.3** For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities<sup>32</sup>.
- 10.3.4** For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- 10.3.5** For violations of Article 2.10, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case<sup>33</sup>.

### **10.4 Elimination of the period of *Ineligibility* where there is *No Fault or Negligence*<sup>34</sup>**

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

## 10.5 Reduction of the period of *Ineligibility* based on *No Significant Fault or Negligence*

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

#### 10.5.1.1 *Specified Substances*

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

#### 10.5.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and the detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility* and, at a maximum, two years' *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*<sup>35</sup>.

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<sup>32</sup>Comment to Article 10.3.3: Those who are involved in doping *Athletes* or covering up doping should be subject to sanctions which are more severe than the *Athletes* who test positive. Since the authority of sport organisations is generally limited to *Ineligibility* for accreditation, membership and other sport benefits, reporting *Athlete Support Personnel* to competent authorities is an important step in the deterrence of doping.

<sup>33</sup>Comment to Article 10.3.5: Where the 'other *Person*' referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.

<sup>34</sup>Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an *Athlete* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No-Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the *Administration* of a *Prohibited Substance* by the *Athlete's* Personal physician or trainer without disclosure to the *Athlete* (*Athletes* are responsible for their choice of medical Personnel and for advising medical Personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Athlete's* food or drink by a spouse, coach or other *Person* within the *Athlete's* circle of associates (*Athletes* are responsible for what they ingest and for the conduct of those *persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on *No Significant Fault or Negligence*.

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

If an *Athlete* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years<sup>36</sup>.

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<sup>35</sup>Comment to Article 10.5.1.2: In assessing that *Athlete's* degree of *Fault*, it would, for example, be favourable for the *Athlete* if the *Athlete* had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.

<sup>36</sup>Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (for example Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (for example Article 10.2.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or other *Person's* degree of *Fault*.

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

### 10.6.1 Substantial assistance in discovering or establishing anti-doping rule violations<sup>37</sup>.

**10.6.1.1** An *Anti-Doping Organisation* with results management responsibility for an anti-doping rule violation may, 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*, another criminal authority or professional disciplinary body which results in: (a) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *person*, or (b) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organisation* with results management responsibility. After a final appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organisation* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA and the 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 Article must be no less than eight years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *Anti-Doping Organisation* that suspended the period of ineligibility shall reinstate the original period of *Ineligibility*. If an *Anti-Doping Organisation* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

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



#### 10.6.2 Admission of an Anti-Doping Rule Violation in the absence of other evidence

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable<sup>38</sup>.

#### 10.6.3 Prompt admission of an Anti-Doping Rule Violation after being confronted with a violation sanctionable under Article 10.2.1 or Article 10.3.1

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

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

Where an *Athlete* or other *Person* establishes entitlement to a reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.5. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not to below one-fourth of the otherwise applicable period of *Ineligibility*<sup>39</sup>.

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<sup>38</sup>Comment to Article 10.6.2: This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no *Anti-Doping Organisation* is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes he or she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or other *Person* would have been caught had he/she not come forward voluntarily.

## 10.7 Multiple violations

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

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

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

**10.7.2** A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5 or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

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

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

**10.7.4.1** For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organisation* can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after the *Anti-Doping Organisation* made reasonable efforts to give notice, of the first anti-doping rule violation. If the *Anti-Doping Organisation* cannot establish this, the violations shall be considered together as one single first violation, and the

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which of the basic sanctions (Articles 10.2, 10.3, 10.4 or 10.5) apply to the particular anti-doping rule violation? Second, if the basic sanction provides for a range of sanctions, the hearing panel/*ICN* must determine the applicable sanction within that range according to the *Athlete* or other *Person*'s degree of *Fault*. In a third step, the hearing panel/*ICN* establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel/*ICN* decides on the commencement of the period of *Ineligibility* under Article 10.11. Several examples of how Article 10 is to be applied are in Appendix 2.

sanction imposed shall be based on the violation that carries the more severe sanction.

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

**10.7.5** Multiple *Anti-Doping Rule Violations* during the ten-year period

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

## **10.8 *Disqualification of results in Competitions subsequent to Sample collection or commission of an anti-doping rule violation***

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes<sup>40</sup>.

## **10.9 *Financial Consequences***

The imposition of a financial sanction (such as the recovery of prize money, trips or associated costs with testing) shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under this Anti-Doping Policy or the *Code*.

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<sup>40</sup>Comment to Article 10.8: Nothing in this Anti-Doping Policy 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*.

## 10.10 Commencement of *Ineligibility* period<sup>41</sup>

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

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

Where there have been substantial delays in the aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*<sup>42</sup>.

### 10.10.2 Timely admission

Where the *Athlete* or other *Person* promptly (which, in all *Events*, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by *ICN* (or another *Anti-Doping Organisation*), 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 where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* already has been reduced under Article 10.6.3.

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<sup>41</sup>Comment to Article 10.10: Article 10.10 makes clear that delays not attributable to the *Athlete*, timely admission by the *Athlete* and *Provisional Suspension* are the only justifications for starting the period of *Ineligibility* earlier than the date of the final decision.

<sup>42</sup>Comment to Article 10.10.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for *ICN* (or another *Anti-Doping Organisation*) to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the *Athlete* or other *Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.

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

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

**10.10.3.2** If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from the ICN and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person*'s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1<sup>43</sup>.

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

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<sup>43</sup>Comment to Article 10.10.3.2: An *Athlete*'s voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way as to draw an adverse inference against the *Athlete*.

## 10.11 Status during *Ineligibility*

### 10.11.1 Prohibition against participation during *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by ICN.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*<sup>44</sup>.

### 10.11.2 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 10.11.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *ICN* (and any other *Anti-Doping Organisation*).

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, an *Anti-Doping Organisation* with jurisdiction over such *Athlete Support Person* or other *Person* shall impose sanctions for a violation of Article 2.9 for such assistance.

## 10.12 Automatic publication of the sanction

A mandatory part of each sanction shall include automatic publication.

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<sup>44</sup>Comment to Article 10.12.1: For example, subject to Article 10.12.2, an *Ineligible Athlete* cannot participate in a training camp, exhibition or practice organised by *ICN*.

## ARTICLE 11 CONSEQUENCES TO TEAMS

Not applicable in the ICN.

## ARTICLE 12 SANCTIONS AGAINST COUNTRIES

### 12.1 Disciplinary action against a *Country*

ICN may take action against a *Country* with respect to recognition, the eligibility of its officials and Athletes to participate in International Events, and fines based on the following:

- 12.2.1 Fifteen or more violations of this Anti-Doping Policy (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with the *ICN* within a 12-month period.
- 12.2.2 More than two *Athletes* or other *Persons* from the *sporting administration body* commits an anti-doping rule violation during an *International Event*.

## ARTICLE 13 APPEALS

### 13.1 Decisions subject to appeal

Decisions made under this Anti-Doping Policy may not be appealed. The decision of ICN is final. No action will be brought against ICN as a result of a positive test.

## ARTICLE 14 CONFIDENTIALITY AND REPORTING

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

- 14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons* will be provided by email.
- 14.1.2 Content of an anti-doping rule violation Notice  
  
Notification shall include: The *Athlete's* name, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the *International Standard for Testing and Investigations* (where applicable), or, for anti-doping rule violations other than under Article 2.1, the rule violated and the basis of the asserted violation.

### 14.1.3 Confidentiality

The recipients shall not disclose this information beyond those *Persons* with a need to know until the *ICN* or other *Anti-Doping Organisation* has made public disclosure or has failed to make Public Disclosure as required in Article 14.3.

## 14.2 Public disclosure

14.2.1 The identity of any *Athlete* or other *Person* who is asserted by *ICN* or another *Anti-Doping Organisation* to have committed an anti-doping rule violation, may be *Publicly Disclosed* by *ICN* or another *Anti-Doping Organisation* only after notice has been provided to the *Athlete* or other

*person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to the international federation in accordance with Article 14.1.2.

14.2.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, *ASADA* and the *ICN* must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. *ASADA* and the *ICN* must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

14.2.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *person* who is the subject of the decision. *ASADA* and the *sporting administration body* shall use reasonable efforts to obtain such consent. If consent is obtained, *ASADA* and the *ICN* shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

14.2.4 Publication shall be accomplished at a minimum by placing the required information on *ICN's* website or publishing it through other means and leaving the information up for the duration of any period of *Ineligibility*.

14.2.5 Neither the *ICN*, nor any official of *ICN* shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.



**14.2.5 (a)** Where an *Athlete* or other *Person* or their representative comments about their matter the *Athlete* or other *Person* is taken to have consented to ASADA commenting in response to their matter for the purposes of the ASADA Act.

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

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

*ICN* shall recognise the measures taken by other bodies if the rules of those bodies are otherwise consistent with the WADA Code.

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<sup>51</sup>Comment to Article 15.1: The extent of recognition of *TUE* decisions of other *Anti-Doping Organisations* shall be determined by Article 4.4 and the *International Standard for Therapeutic Use Exemptions*.

# ARTICLE 16 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

## 16.1 Roles and responsibilities of *Athletes*

- 16.1.1 To be knowledgeable of and comply with this Anti-Doping Policy.
- 16.1.2 To be available for *Sample* collection at all times.
- 16.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 16.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure, that any medical treatment received does not violate this Anti-Doping Policy.
- 16.1.5 To disclose to the ICN any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.
- 16.1.6 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

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

- 16.2.1 To be knowledgeable of and comply with this Anti-Doping Policy.
- 16.2.2 To cooperate with the *Athlete Testing* program.
- 16.2.3 To use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes.
- 16.2.4 To disclose to the ICN any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.
- 16.2.5 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 16.2.6 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

**NOTE:** Coaches and other *Athlete Support Personnel* are often role models for *Athletes*. They should not be engaging in personal conduct, which conflicts with their responsibility to encourage their *Athletes* not to dope. *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without valid justification is not an anti-doping rule violation under the *Code*, but it is a breach under the *ICN Code of Conduct*.

## APPENDIX 1 DEFINITIONS

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

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

**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*. For the purposes of this Anti-Doping Policy, ASADA is an *Anti-Doping Organisation*.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each international federation), or the national level (as defined by each *National Anti-Doping Organisation*). For the purposes of this Anti-Doping Policy, *Athlete* includes any *Person* falling within the scope of Article 1.3.1 or 1.3.2. An *Anti-Doping Organisation* has the discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of ‘*Athlete*’. In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUE*’s. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code* is an *Athlete*.

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

***Athlete Support Person:*** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition* whether a member of *ICN* or not falling within the scope of Article 1.3.1 or 1.3.2.

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

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

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

***Consequences of Anti-Doping Rule Violations ('Consequences'):*** An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following:

- (a) *Disqualification* means the *Athlete's* results in a *Competition* or *Event* are invalidated, with all resulting *consequences* including forfeiture of any medals, points and prizes;
- (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.12.1;
- (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8;
- (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and
- (e) *Public Disclosure* or *Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier

notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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

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

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

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

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

**Fault:** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2<sup>54</sup>.

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

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

***In-Competition:*** Unless provided otherwise in the rules of an international federation or the ruling body of the *Event* in question, '*In-Competition*' means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*<sup>55</sup>.

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

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

***International-Level Athlete:*** means an *Athlete* who competes in sport at the international level, as determined by the International Sporting Federation for that sport in accordance with the *International Standard* for Testing and Investigations.

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

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

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

***Minor:*** A natural person who has not reached the age of eighteen years.

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

***National Federation:*** A national or regional entity which is a member of or is recognised by an international federation as the entity governing the international federation's sport in that nation or region.

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

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<sup>55</sup>Comment: An international federation or ruling body for an *Event* may establish an "*In-Competition*" period that is different than the *Event Period*.

**No Significant Fault or Negligence:** The *Athlete* or other *Person's* establishing that his or her *Fault* or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system<sup>56</sup>.

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

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

**Person:** A natural *person* or an organisation or other entity. For the avoidance of doubt, *Person* includes *Athletes* and *Athlete Support Personnel*.

**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, or class of substances, so described on the *Prohibited List*.

**Provisional Hearing:** Provides the *Athlete* with notice and an opportunity to be heard in written or oral form.

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

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

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase<sup>57</sup>.

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<sup>56</sup>Comment: For Cannabinoids, an *Athlete* may establish *No Significant Fault or Negligence* by clearly demonstrating that the context of the *Use* was unrelated to sports performance.

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*<sup>59</sup>.

**ICN:** iCompete Natural Sporting Organisation

**Specified Substance:** See Article 4.2.2.

**Sport:** The ICN who is a party to this Anti-Doping Policy.

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

**Substantial Assistance:** For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully 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.

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

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

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<sup>57</sup> Comment: Under this definition, steroids found in an *Athlete's* car would constitute a violation unless the *Athlete* establishes that someone else used the car; in that event, the *Anti-Doping Organisation* must establish that, even though the *Athlete* did not have exclusive control over the car, the *Athlete* knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an *Athlete* and spouse, the *Anti-Doping Organisation* must establish that the *Athlete* knew the steroids were in the cabinet and that the *Athlete* intended to exercise control over the steroids. The act of purchasing a *Prohibited Substance* alone constitutes *Possession*, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.



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

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

**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 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 utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

**WADA:** The World Anti-Doping Agency.

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<sup>59</sup>Comment: It has sometimes been claimed that the collection of blood *samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.