

FIL-STATUTEN UND ORDNUNGEN FIL STATUTES AND REGULATIONS

Stand nach Kongress 2023
Stand after the 2023 Congress

FIL-Statuten / *FIL Statutes*

Ordnungen / *Regulations:*

Rechts- und Verfahrensordnung / *Law and Procedure Regulation*

Geschäftsordnung / *Rules of Procedure*

Finanzordnung / *Finance Regulations*

Ehrenordnung / *Code of Honor*

FIL Anti-Doping Code

FIL Ethik-Code

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FIL Statutes 2023

(Status following the 2023 Congress)

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1 Basics

1.1 Name, structure, and headquarters

Based on the present Statutes an association named “Fédération Internationale de Luge”, “International Luge Federation”, “Internationaler Rodelverband” exists under Austrian Law. The National Luge Federations/National Federations (hereafter named NFs) which agreed to the Statutes and have been accepted as members are thus affiliated with the FIL.

The official abbreviation for the name International Luge Federation shall be FIL in all languages.

The Federation was founded in Davos, Switzerland on January 25, 1957.

The FIL headquarters are located in Salzburg-Wals, AUT.

1.2 Goal

The FIL, whose activities are not for profit, aims:

to develop the sport of luge worldwide, to supervise it, to promote it, and to direct it. to represent the sport of luge in the Olympic Movement.

1.3 Means of achieving the goal

The goals of the FIL are to be achieved through the non-material and material resources listed below:

1.3.1 Non-material means:

- Supporting the objectives of the NFs in the form of aid in theory and practice;
- Cooperation with other international sports organizations and organizations involved in the sport of luge;
- Organization and promotion of the sports movement;
- Staging World Championships, Continental Championships, World and Continental Cups, as well as other competitions approved by the Congress or by the Executive Board;
- Functioning as the highest court of appeals for protests and other legal issues of international luge competitions, as well as for all questions relating to the FIL statutes and regulations;
- Promoting the exchange of experiences and lessons from the development of the sport of luge at the international level;
- Setting binding rules for all luge disciplines as well as recommendations for the sport of luge in general;
- Recognizing international luge competitions, which are conducted in accordance with the statutes and regulations of the FIL;
- Implementation of necessary measures to ensure that the applicable statutes and regulations are complied with at the competitions of the FIL;
- Implementation of effective measures to prevent accidents;
- Consideration for the environment;
- Guaranteeing the principle of "Fair Play";
- Comprehensive documentation of the sport of luge, in particular through the storing and safeguarding of film, video, and audio materials;
- Advertising for and with the sport of luge;
- Promoting the sport of luge as public sledding;
- ~~Operating all accident prevention measures in the most effective manner possible;~~
- Fighting against doping and manipulation in sports competition.

- 1.3.2. Material means:
- Resources from International Olympic Committee (IOC), specifically through the marketing of the Olympic Games;
 - Marketing of luge events specifically by entering into advertising and sponsorship agreements;
 - Production of film, video and audio material and their marketing;
 - Licensing fee income;
 - Membership fees;
 - Income from asset management, in particular from capital assets including income from interest and securities, and from investments in legal entities and corporations.

1.4 Responsibility

- 1.4.1 The FIL is the highest authority in all questions which concern the sport of luge. It is the sole representative of the international sport of luge and represents all interests in the sport of luge worldwide. The FIL recognizes artificial track luge and natural track luge including popular sport.
- 1.4.2 The FIL is the sole luge federation acknowledged by the International Olympic Committee (IOC) with all of its disciplines.
- 1.4.3 The FIL acknowledges the Olympic Charter ~~which and it~~ is an integral part of the FIL Statutes.

1.5 Principle of non-discrimination and code of conduct

- 1.5.1 The FIL will not tolerate political, racist, religious, or any other discrimination towards its direct or indirect members.
- 1.5.2 The FIL recognizes the principles and rules of the IOC Code of Ethics. On its own autonomy, the FIL has defined a framework of moral principles including a code of conduct, an integral component of the Statutes, the Ethics Code.

1.6 Languages and written form

- 1.6.1 The official languages of the FIL are German and English.
- 1.6.2 The Congress can determine further languages as working languages.
- 1.6.3 For the interpretation of the Statutes, Regulations, and resolutions as well as for translations in other languages, the German wording is decisive. Regarding the FIL Anti-Doping Code and its enclosures, the English wording is binding.
- 1.6.4 The written form is also granted by e-mail and/or fax. Proof of delivery can be provided by an electronic acknowledgement of read receipt (e-mail) and/or transmission confirmation (fax).

2 Membership

2.1 Ordinary membership

- 2.1.1 Each NF with the aim of promoting the sport of luge may become an ordinary member.
- 2.1.2 Only a legal entity may become an ordinary member.
- 2.1.3 A nation may only be represented by a single NF regardless of its internal structure and sphere of activity. The NF must be recognized by its National Olympic Committee or its nation's highest sports authority.
- 2.1.4 A NF, which wishes to become a member of the FIL, must submit a written letter of application to the Executive Board. The letter of application shall include a copy of the statutes and the luge competition regulations of the NF in German ~~and/or~~ English, in order to prove that these meet the Statutes of the FIL.
- 2.1.5 The Congress decides on the acceptance in the FIL. Admission requires a two-thirds majority.

2.2 Extraordinary Members

- 2.2.1 Extraordinary members of the FIL include:
- Supporting members (individuals or organizations);
 - Honorary members.
- 2.2.2 The Congress decides on the admission of the supporting members, **which may also be made dependent on financial obligations.**
- 2.2.3 Honorary members are nominated in accordance with the Code of Honor.
- 2.3. Rights and Obligations of Ordinary Members**
- 2.3.1 Ordinary members have the same rights and obligations.
- 2.3.2 Ordinary members have the right to participate and vote in the Congress, submit motions to the Executive Board and to the Congress. However, at the request of the Executive Board, the Congress can withdraw the right to vote when membership fees have not been paid over at time period of at least three years.
- 2.3.3 Each ordinary member has only one vote in the Congress. Each NF will designate a single voting candidate to the Congress in writing. The delegate must be a citizen of the member nation.
- 2.3.4 The ordinary members have the right:
- To be heard in all questions regarding their NF and to appeal,
 - To propose members of their NF for a position in the FIL,
 - To register its athletes for all FIL competitions, in agreement with the nomination regulations for these competitions,
 - To organize and stage FIL competitions.
- 2.3.5 The ordinary members are obliged to obey the Statutes and the respectively binding Regulations and Resolutions. The members are obliged to ensure that the sports clubs and athletes associated with them obey the Statutes and Regulations within the frame of FIL activities. Furthermore, they are obliged to stage the competitions awarded by the FIL according to the requirements stipulated by the FIL.
- 2.3.6 Ordinary members must pay their annual membership fee by December 31.
- 2.3.7 Further rights and obligations of the ordinary members are regulated by the Rules of Procedure.
- 2.4 Termination of Membership**
- 2.4.1 Ordinary membership terminates
- Upon loss of pre-requisites for membership,
 - Upon resignation,
 - Upon expulsion.
- 2.4.2 The expulsion of an ordinary member may be dictated by a two-thirds vote of the Congress upon motion by a national federation or by the Executive Board if a serious violation of the FIL Statutes by the implicated national federation is established. **~~Within two weeks after the Congress Resolution the expelled member can appeal to the FIL Court of Arbitration.~~ The expelled member may challenge this Congress resolution within a period of one month upon receipt of the Congress minutes by appealing to the FIL Court of Arbitration.**
- 2.4.3 Extraordinary membership ends
- Upon demise or liquidation,
 - Upon resignation,
 - Upon deprivation.
- 2.5 Provisional Membership**
- 2.5.1 A provisional member can be a NF which is in the process of formation and still has no associated clubs or individual athletes. Its goal must be to build up the sport of luge and train athletes for participation in FIL competitions.
- 2.5.2 Based on criteria established by the Executive Board, the admission of provisional members will be decided by the Executive Board.

3 Organization of the FIL

- 3.1** In accordance with the regulations of the IOC, the FIL is a voluntary, non-profit, international organization of national federations of individual states.
- 3.2** The NFs abide by their own statutes. They are autonomous; however, they are bound to the Statutes and Regulations of the FIL as well as to the resolutions of the FIL Congresses and the Executive Board. In particular, this applies to the currently valid version of the FIL Anti-Doping Code.
- 3.3** The FIL may not interfere with the internal operations of the NFs nor may the FIL interfere with the relationship between individual NFs beyond the context of the FIL Statutes and Regulations.
- 3.4** Any membership of the FIL in another federation requires congressional approval.
- 3.5** If the appointment to organs or other bodies of the FIL depends on the affinity of the official with a NF, then they belong to that NF of which they are a member or for which they are active in an honorary or paid function. If they do not belong to a NF and is not working for it in an honorary or paid function, the nationality is decisive. With multiple nationalities their actual official place of residence is decisive.

4 Executive Bodies of the FIL

4.1 The FIL includes the following executive bodies:

- 4.1.1 The Congress
- 4.1.2 The Executive Board
- 4.1.3 The Presidium
- 4.1.4 The Expert Commissions for artificial track luge and natural track luge/public sledding
- 4.1.5 The Control Commission
- 4.1.6 The Court of Arbitration
- 4.1.7 The Legal Committee
- 4.1.8 The Ethics Commission
- 4.1.9 The Ethics Authority
- 4.1.10 The Youth/Development Commission Artificial Track
- 4.1.11 The Athletes' Commission
- 4.1.12 The Medical Commission
- 4.1.13 The Track Construction Commissions Artificial Track and Natural Track
- 4.1.14 Working Groups

4.2 The Congress

- 4.2.1** The Congress is the highest authority of the FIL and consists of:
- The ordinary members;
 - The members of the Executive Board;
 - The Members of the Control Commission;
 - The Chairpersons of the Expert Commissions mentioned in Section 4.1
 - The Chairperson of the Legal Committee;
 - The Chairperson of the Ethics Commission;
 - The Chairperson of the Court of Arbitration;
 - The Ethics Authority.

The right to a voice at the Congress is limited to those specified in this Section, in Section 4.1, and to those invited by the Executive Board to make a report.

- 4.2.2 Ordinary Congresses are held annually, and if possible in June. Motions regarding changes of the IRO are only discussed every two years (in even years).
- 4.2.3 NFs are entitled to vote. NFs which have not paid their membership fees for at least three years can have their right to vote withdrawn (2.3.2).
- 4.2.4 If the preceding Congress failed to make a decision as to the time, agenda, and place of the next Congress, this decision will be made by the Executive Board. **The Executive Board may decide to hold the Congress in the form of a videoconference or in a hybrid form if the technical conditions ensure proper execution as well as the active participation and electronic exercise of the voting rights of all members not present.** The President summons the Ordinary Congress by written notice at least three months before the date of its meeting.
- 4.2.5 The Congress concerns itself with general issues and elects the Executive Board, the Court of Arbitration and the number of members of Commissions every fourth year in the year of the Olympic Winter Games. Working Groups can be formed at every Congress.
- 4.2.6 The agenda of the Congress must include the following items:
- opening of the Congress
 - confirmation of members entitled to vote (roll call)
 - awards
 - approval of the minutes from the previous Congress
 - reports by the Executive Board members
 - annual closing of accounts and budget proposal
 - report by the Control Commission
 - discussion of reports and release of the Executive Board
 - elections (in every fourth year; the substitute member of the Control Commission every second year)
 - election of the members of the Executive Board (4.5.1) with the exception of the Executive Director
 - election of the chairperson, their representative and the members of the Court of Arbitration (4.9.4)
 - election of the substitute members of the Control Commission (4.8)
 - election of the Ethics Authority
 - election of the members of the Legal Committee
 - election of the members of the Ethics Commission
 - election of commission members to be elected by the congress
 - determination of membership fees
 - motions
 - awarding of FIL Championships for a maximum of four years in advance
 - determination of time and place of the next Congresses
 - admission of new members
- 4.2.7 Motions for the Congress may be brought forth by the NFs, the Executive Board, the Expert Commissions according to 4.7.1, and by the Control Commission according to 4.8.3. They must be submitted to the President in writing and with substantiation at least ten weeks prior to the Congress with the exception of motions by the Executive Board, the Control Commission, and the Expert Commissions. Motions regarding IRO changes and supplements to the IRO must be submitted to the President in writing and with substantiation four weeks prior to the beginning of the commission meetings with the exception of motions by the Executive Board and the Expert Commissions.
- At least four weeks prior to the opening of the Congress, a summary of the motions will be sent to the members in German and English by the Secretary General; for the FIL Anti-Doping Code and its enclosures forwarding in English is sufficient.
- 4.2.8 Motions regarding changes to the IRO, as far as they do not concern §§ *General Regulations, Medical Service, Advertising Regulations, Awarding of Titles, Awards Ceremony* and the *Supplements Regulations for Audio-Visual Media Rights* and *Olympic Rules* for the IRO Artificial Track and *Supplement Regulations for Audio-Visual Media Rights* for the IRO Natural Track may be presented to the Congress only after approval by the appropriate commission according to Section 4.7.1. If the appropriate commission has rejected a motion regarding an IRO change, the entity submitting the proposal may appeal to the Executive Board for submitting it to the Congress for the passing of a resolution, citing convincing reasons. The

Executive Board may determine that the proposal to change the IRO should be included on the agenda of the next Congress.

4.2.9 Motions regarding changes to §§ *General Regulations, Medical Service, Advertising Regulations, Awarding of Titles, Awards Ceremony* and the *Supplements Regulations for Audio-Visual Media Rights* and *Olympic Rules* for the IRO Artificial Track and *Supplement Regulations for Audio-Visual Media Rights* for the IRO Natural Track may be presented to the Congress by the Executive Board for the passing of a resolution. NFs are entitled to propose changes to the quoted paragraphs of the IRO to the Executive Board.

4.2.10 The Congress does not decide on amendments of the FIL Anti-Doping Code and its enclosures, as far as these amendments are restricted to adjustments to the WADA World Anti-Doping Code and its enclosures.

4.2.11 The Congress can allow athletes to participate in its meeting, if necessary.

4.3 Extraordinary Congress

4.3.1 An Extraordinary Congress may be called by petition of at least one tenth of the NFs or upon a resolution by the Executive Board.

4.3.2 The Executive Board determines the time, place, and agenda of the Extraordinary Congress which must be held within six weeks of receipt of the petition. **The Executive Board may decide to hold the Extraordinary Congress in the form of a videoconference or in hybrid form, if the technical conditions ensure proper execution as well as active participation and electronic exercise of the voting rights of all members not present.** Written notice of the meeting must be sent to the members at least four weeks prior to the Extraordinary Congress.

4.4 No Confidence Vote

Upon a motion by an ordinary member or by the Executive Board which passes by a two-thirds majority of the Congress, a vote of no confidence may be expressed against a member of an executive body which results in that person's dismissal from duties.

4.5 Executive Board

4.5.1 The Executive Board includes:

- with seat and vote and elected by the Congress;
 - the President (*)
 - the Secretary General (*)
 - the Vice President for Finance (*)
 - the Vice President for Marketing
 - the Vice President for Sport - Artificial Track
 - the Vice President for Technical Affairs - Artificial Track
 - the Vice President for Natural Track and Public Sledding
 - two additional members
 - the Chair of the Athletes Commission (declaratory confirmation)
- with seat but without vote and elected by the Congress
 - a Vice President for those continents which are actively engaged in luge and which is represented by at least 2 National Federations as ordinary members of the FIL and is not already represented by at least one member on the Executive Board
- with seat only
 - the Executive Director

(*) The President, the Secretary General, and the Vice President for Finance must belong to different NFs.

4.5.2 The members of the Executive Board serve in a voluntary capacity with the exception of the Executive Director.

4.5.3 The members of the Executive Board (exception: Executive Director) are elected for a period of four years corresponding to the Olympic Winter Games. Candidate proposals have to be mailed to the Executive Director no later than six weeks prior to the opening of the election Congress. After expiration of the deadline, the Executive Director will then inform the NFs in writing of the candidate proposals received. If there are no candidates for functions, the

Congress can – upon motion of the President or a NF – pass a resolution, that those candidates for the election into the Executive Board can be admitted who are proposed by a NF in writing during the election Congress and within a certain extension of time.

- 4.5.4 Should a person resign from an elected position during the course of the term of office, a successor will be elected at the next Congress for the remainder of the term until the next statutory election.
- 4.5.5 The Executive Board fulfils its duties in accordance with the Statutes. It carries out the resolutions made by the Congress and takes care of all other tasks of the FIL, as far as these are not explicitly reserved for the Congress, the Presidium, or another body of the FIL and as far as the Congress did not regulate them by means of a resolution. The Presidium and as needed in consultation with the respective Vice Presidents and Directors passes a resolution regarding the award of the FIL competitions (with the exception of FIL Championships), and regarding amendments of the FIL Anti-Doping Code including its enclosures, as far as the Congress has no authority of resolution according to 4.2.10, and confirms the Events Schedules. Regarding the assignment of tasks, the Executive Board issues the business responsibilities' overview, on which the NFs have to be informed.
- 4.5.6 The Executive Board can make decisions, which are actually reserved for the Congress according to paragraph 4.2.5 of the Statutes (including the approval of the approval of the annual statement of accounts and the budget proposal as well as changes and additions to the IRO, but excluding the elections of the organs), provisionally in urgent exceptional cases, if due to an imminent danger these decisions cannot be postponed until the next ordinary Congress. The Executive Board is to submit the urgent decisions taken by it to the next Congress for a definitive resolution.
- 4.5.7 If required, the Executive Board can consult athletes and other experts during the decision-making process.
- 4.5.8 In the following cases, which lie outside the sphere of influence of the FIL, such as in particular
- Terrorism, violent persons, riot, revolution, offensive or defensive war, civil war, strike, boycott, blockade, fire, embargo, sabotage, hostage taking, nuclear or chemical poisoning hazards,
 - Natural disasters of any kind, including floods, earthquakes, thunderstorms, volcanic eruptions, and temperatures and precipitation that affect health,
 - Pandemic, epidemic, and other community-harming health risks,
- the Executive Board can take appropriate measures to ensure safe, peaceful, integrity and rule-abiding activities, especially at FIL-sanctioned athletic competitions and at meetings of all FIL organs and other FIL bodies, if necessary, in place of the Congress or another competent FIL organ.

Appropriate organizational measures in this sense may include but are not limited to:

- Suspension of all statutory rights of member federations, clubs, athletes, coaches, officials, or other persons in the FIL or in its affiliated member federations and clubs for a definite or indefinite period of time with regard to individual or all activities for the FIL.
- Withdrawal of the rights to hold FIL-sanctioned competitions at individual or all sports venues of a country as well as to hold other events of FIL bodies at individual or all venues of a country or to relocate FIL events to another time and / or to other venues or to another country after the awarding of these events.
- other measures that the Executive Board deems appropriate to ensure the safety, integrity and fairness of FIL events or FIL meetings and the fulfillment of the purposes of the Federation in accordance with the Statutes.

The measures can only be taken if the persons concerned can be proven to have had a causal personal responsibility/support/assistance/participation in the cases described above and if the measure is proportionate.

In the event of an occurrence that has given rise to the adoption of measures in the above cases, the Executive Board may involve the Ethics Commission in the assessment of any organizational measures to be imposed.

The Executive Board is obliged to immediately revoke the measures it has taken if the reason for the measure taken no longer exists. If the measure is still valid until the next ordinary Congress, the latter shall decide on the continuation of the measure or its amendment or repeal. The Congress shall vote on this measure without regard to compliance with the formal requirements for the summons and agenda.

4.6 Presidium

- 4.6.1 The Presidium consists of the President, the Secretary General, the Vice President for Finance (with vote), and the Executive Director (with no vote).
- 4.6.2 The Presidium carries out all day-to-day business of the FIL and takes care of additional tasks assigned by the Executive Board.
- 4.6.3 All members of the Presidium, who are entitled to vote, individually represent the FIL in public. Limits on this authorization can be decided internally.

In order to be valid, written FIL documents require the signature of a member of the Presidium, who is entitled to vote. The Executive Director can be authorized by the members of the Presidium, who are entitled to vote, to sign individual or all business correspondence. Accounts payable for an amount up to Euro 10,000 must be signed by a member of the Presidium, who is entitled to vote. However, the Executive Director can be authorized by the members of the Presidium, who are entitled to vote, to sign for accounts payable up to Euro 10,000.

Accounts payable representing an amount of more than Euro 10,000 must be signed by the Vice President of Finance and a further member of the Presidium (including the Executive Director). Should the Vice President of Finance be indisposed, another member of the Presidium may stand in their place. In this case the permission of the Vice-President of Finance has to be obtained immediately (by telephone, fax or e-mail).

Legal transactions between one or more members of the Presidium and the FIL require the approval of another member of the Presidium with voting rights.

Authorization for parties to represent the FIL externally on its behalf is issued exclusively by the Presidium. The authorization can be revoked at any time by the Presidium. This also includes the authorization granted the Executive Director according to paragraph 2 and 3.

- 4.6.4 In emergencies and when time is of essence the President is authorized to make unilateral decisions in matters normally under the sphere of the Congress and Executive Board. However, approval from the respective FIL body is required.

4.7 Expert Commissions

- 4.7.1 The tasks of the following Expert Commissions arise amongst others from their areas of responsibility as specified below:

Sport - Artificial Track

- IRO
- Statistics
- Training of Judges
- Training programs, courses, solidarity

Technical - Artificial Track

- IRO
- Sleds
- Equipment
- Tracks
- Safety and medicine

Natural Track and Public Sledding

- IRO
- Events Schedule
- Statistics
- Training of Judges
- Training programs, courses, solidarity
- Youth / Development
- Technical
- Sleds
- Equipment
- Tracks

- Safety and medicine

The Expert Commissions deal with all motions regarding IRO changes except *General Regulations, Medical Service, Advertising Regulations, Awarding of Titles, Awards Ceremony* and the Supplements *Regulations for Audio-Visual Media Rights* and *Olympic Rules* for the IRO Artificial Track and Supplement *Regulations for Audio-Visual Media Rights* for the IRO Natural Track, and within this scope are entitled to present motions regarding IRO changes to the Congress for the passing of a resolution. For this purpose, a two thirds majority within the respective Expert Commission is required.

- 4.7.2 The members of the Sport Commission Artificial Track will be:
- the Vice President for Sport Artificial Track as Chairperson,
 - the Sport Director as Deputy Chairperson, who does not have a vote and is appointed by the Executive Board,
 - three members elected by the Congress,
 - up to four members which upon the recommendation of the Vice President for Sport Artificial Track after agreement from the respective NF, are appointed by the Executive Board and must belong to an NF which must have either an artificial track homologated by the FIL or at least one athlete with a FIL World Cup license.
 - an athletes' representative in accordance with section 4.12
 - the chairperson of the Commission Youth/Development Artificial Track without the right to vote

Among them there must be at least two female members and at least two male members. The members of the Commissions must belong to different NFs. However, the Chairperson, the Sport Director, and the Athletes' Representative are not affiliated with an NF in this respect.

- 4.7.3 The members of the Technical Commission Artificial Track will be:
- the Vice President for Technical Matters Artificial Track as Chairperson,
 - the Technical Director as Deputy Chairperson, who does not have a vote and is appointed by the Executive Board,
 - three members elected by the Congress,
 - up to four members which upon the recommendation of the Vice President for Technical Matters Artificial Track after agreement from the respective NF, are appointed by the Executive Board and belong to an NF which must have either an artificial track homologated by the FIL or at least one athlete with a FIL World Cup license.
 - an athletes' representative in accordance with section 4.12
 - the Permanent Technical Delegate for Juniors/Youth A Artificial Track without the right to vote

Among them there must be at least two female members and at least two male members. The members of the Commissions must belong to different NFs. However, the Chairperson, the Technical Director, and the Athletes' Representative are not affiliated with an NF in this respect.

- 4.7.4 The members of the Commission Natural Track and Public Sledding will be:
- the Vice President Natural Track and Public Sledding as Chairperson,
 - the Director for Sport and Technical Matters Natural Track and Public Sledding as Deputy Chairperson, who is appointed by the Executive Board and has no vote,
 - three members who are elected by the Congress,
 - up to five members which upon the recommendation of the Vice President for Natural Track and Public Sledding and approval of the NFs will be nominated by the Executive Board,
 - two athletes' representatives in accordance with section 4.12

Among them there must be at least two female members and at least two male members. Two members of the commission at most may belong to the same NF. However, the Director for Sport and Technical Matters and the Athletes' Representative are not affiliated with an NF in this respect.

- 4.7.5 The Executive Board can also remove those members of the Expert Commissions which they appointed. The resolution for removal does not require the approval of the respective NF. The

members whose NF affiliation is determined according to 3.5, stay in office in the respective commission until the next election also if their NF affiliation changes during their term of office.

4.7.6 The Commissions may not propose IRO changes to a Congress held in odd years.

4.8 Control Commission

4.8.1 The Congress elects a Control Commission, consisting of two ordinary members and a substitute, who belong to three different NFs which do not have members in the Executive Board

4.8.2 The longest serving member of the Control Commission retires after two years. Automatically the substitute member becomes an ordinary member of the Control Commission. The new substitute member has to be elected by the Congress. A retired member can be re-elected. At least two of the three members elected must have professional competence in accounting.

4.8.3 The duties of the Control Commission are to:

- provide for the auditing of the budget and the examination of the annual records,
- report to the Congress on the annual audit of the financial records,
- present the motion to release the Executive Board.

4.9 Legal Bodies

4.9.1 The Court of Arbitration, the Legal Committee, the Ethics Commission and the Ethics Authority are the legal bodies. The members of the Court of Arbitration, the Legal Committee, the Ethics Commission and the Ethics Authority are elected for four years for the same time period as the members of the Executive Board.

4.9.2 Upon motion by a NF, the Executive Board, the Presidium, or a person concerned, the Court of Arbitration makes a decision in the case of violations by the members of the FIL bodies and the settlement of disputes. Furthermore, it decides on all other cases provided in the Statutes as well as in the case of complaints against sanctions and penalties of the Executive Board.

4.9.3 The Court of Arbitration decides under exclusion of ordinary legal proceedings.

4.9.4 The Court of Arbitration includes one Chairperson, his representative and three assessors who are elected by the Congress. The Chairperson should have completed a juristic education. The members of the Court of Arbitration must not be members of the Executive Board and the Legal Committee. In general, the Court of Arbitration decides in triple manning with their Chairperson, respectively their substitute and two assessors. In special urgent cases, the Chairperson, respectively their substitute, can make decisions by themselves for preliminary measures.

4.9.5 Under exclusion of ordinary legal proceedings an appeal can be made to the Tribunal Arbitral du Sport (TAS)/Court of Arbitration for Sport (CAS) based in Lausanne on the basis of the Code of Sports-related Arbitration, as far as the FIL Law and Procedure Regulations does not contain any specifications for the appeals procedure.

4.9.6 The Law and Procedure Regulation which as enclosure is a component of the Statutes, regulates the Court of Arbitration proceedings to be adhered to.

4.9.7 In the Law and Procedure Regulations it is determined in detail, that the members, bodies and authorized representatives (for example coaches and judges) of the FIL, all participants in FIL Competitions as well as all other persons, who are - according to membership law or contractual law - subordinated to the Statutes, Regulations, Resolutions, and Rulings of FIL bodies, can be punished in the case of violation against the mentioned Regulations and Resolutions.

The following punishments are permitted:

- Reprimand
- Bans from half a month to up to two years
- Expulsion of athletes from official training or from competition effective immediately
- Suspension from being a Judge for the period of half a month up to two years
- Deletion from the Judge list
- limited ban from six months up to twenty-four months or permanent ban of the right to hold an official function with the Federation

- Fines of minimum € 100 up to € 7.000,00
- Expulsion

For doping infractions, solely the proceedings, elements of offence, and sanctions regulated by the Anti-Doping Code and its enclosures are valid. By the decision of all procedures carried out according to the Law and Procedure Regulations or the FIL Anti-Doping Code, the costs of all procedures may be imposed on the persons involved in them either completely or partially.

- 4.9.8 In the first place, the Executive Board decides on violations against FIL Regulations and against resolutions and rulings of FIL bodies. An appeal against the Executive Board's decision can be made to the FIL Court of Arbitration, unless according to 4.9.2 an immediate appeal to the Court of Arbitration is stipulated.
- 4.9.9 The Legal Committee includes one Chairperson and two other members. The members of the Legal Committee will be elected through Congress. The elected members vote a member to be Chairperson. The regular term of office is 4 years corresponding to the term of office of the Executive Board. The Chairperson must have completed a juristic education. The special tasks of the Legal Committee include the consultation of the Executive Board in all legal affairs as well as the legal judgement of Congress resolutions.
- 4.9.10 The Ethics Commission includes one Chairperson and two other members, who will be elected through Congress. The elected members vote a member to be Chairperson. The Chairperson must have completed a juristic education. At the request of the Executive Board, all members of the Legal Committee can also be members of the Ethics Commission.

The Ethics Commission monitors the implementation of and the compliance with the Ethics Code. Its members are all in contact with standing FIL persons, organizations, and institutions as section 1 of the Law and Procedure Regulations.

They are authorized, in the event of violations of the Ethics Code, to request an arbitration tribunal with the following penalties:

- Exclusion from competitions,
- Withdrawal of the right to organize events,
- Reprimand or warning,
- Declaration of a cease-and-desist obligation,
- Fines of €1,000.00 to €20,000.00
- Temporary or permanent release from functions or tasks,

A suspension of probation is permitted.

In cases of especially serious violations of the Ethics Code, the Ethics Commission can provisionally suspend the parties concerned from their position and duties for a maximum period of 90 days and/or prohibit them from other activities. In urgent cases of suspected contest manipulation, or a serious violation of the Ethics Code, athletes can be provisionally banned. Further details can be found in the Ethics Code.

4.10 **Youth and Development Commission Artificial Track**

The Youth and Development Commission Artificial Track consists of the following members:

- a Chairperson selected by the Executive Board,
- the permanent Technical Delegate Juniors without a vote,
- two members elected by the Congress,
- additional members appointed by the Executive Board,
- one member from the FIL coaches without a vote.

The Youth and Development Commission meets before the Expert Commissions and is authorized to submit motions to the Chairpersons of the Expert Commissions.

4.11. **Medical Commission**

The Medical Commission is a body appointed by the Executive Board with the aim to advise, support and control the sport of luge, represented by the FIL, regarding any medical matters. The Executive Board has to obtain the consent of each corresponding national federation

before appointing any person into the Medical Commission. The Executive Board appoints a Chairperson of the Medical Commission. The tasks of the Medical Commission are stipulated in the "Regulations for the Medical Commission" to be confirmed by the Executive Board.

4.12 Athletes' Representatives (Athletes' Commission)

4.12.1 The athletes who participate in FIL competitions in both artificial track and natural track luge will nominate candidates to the Athletes Commission, of which there must be a minimum of one male and one female. Athletes can nominate candidates from their own NF or other NFs. In both artificial track and natural track, the male and female athlete with the most votes will be elected to the Athletes Commission. In addition to those four members a 5th member from artificial track will be added who will be the male or female with the highest total votes outside of the athletes currently elected.

4.12.2 By the closing date of the first World Cup of the particular season, each athlete will be asked to nominate one candidate for the election positions according to section 4.12.1 in writing and to send or give their nomination to either the FIL office or to the FIL representative for this World Cup. The list of candidates will then be put in circulation by the FIL prior to January 1st of the election year. The election will take place at the World Championships of the post-Olympic season for the athletes who will serve on the Athletes Commission. The athlete with the highest number of votes for the respective position is the athletes' representative for the entire election period. In the event of a tie, an additional round of voting will be conducted by secret written ballot according to 4.12.4. Should this again result in a tie, then the vote will be decided by a drawing of lots

4.12.3 The athletes' representatives to the Athletes Commission must be active in the FIL World Cup or FIL Nations Cup/European Cup and have never received any WADA sanction. An athlete is considered active if at the time of their nomination they have participated in at least three World Cup/Nations Cup/European Cup competitions or at least two FIL championships within the past 24 months. They lose their status as an active athlete if it is determined at the end of each competition season that they have not participated in at least three World Cup/Nations Cup/European Cup competitions or at least two FIL championships within the past 24 months unless an injury as determined by the FIL has caused them to do so. If an athletes' representative has lost their status as an active athlete, they may still serve on the commission. In the situation that there are more than two non-active athletes there will be a new election of an athletes' representative determined by the FIL Athletes Commission that will be held at the next opportunity according to 4.12.4. Until the election of a new athletes' representative their predecessor will remain in office.

4.12.4 The election will take place in writing and votes will be counted by the FIL representative or Chairperson of the Jury attending the competition. The term of office for the respective athletes' representatives is four years starting with their election. Athletes' representatives, who take over for their predecessor during a legislative period, hold the office until the end of the original term of office.

4.12.5 The elected members of the Athletes' Commission elect a Chairperson from their own ranks, who must belong to one of the Olympic luge disciplines.

4.12.6 The Athletes' Commission will be invited to participate at the Expert Commissions at the expense of the FIL. The athletes commission will vote amongst themselves for which athlete will have a vote in the sports commission and technical commission (Artificial Track) and natural track commission for the whole term of their elected period. The additional athlete is invited to participate in the Artificial Track Commissions as an expert but will have no vote. The Athletes' Commission chair will be invited to participate at all FIL Executive Board Meetings at the expense of the FIL. The chair athlete will be invited to the FIL Congress as well as one Commission Natural track athlete at the expense of the FIL. The Athletes' can submit motions to the Executive Board, which can be explained by the chairperson at the Executive Board meeting directly before the Congress.

4.12 Track Construction Commission

4.13.1 Track Construction Commission Artificial Track

The Track Construction Commission Artificial Track supervises the reconstruction of existing artificial tracks and the construction of new tracks. As needed, it can consult external experts and exchange experiences and plans with the associations responsible for bobsleigh and skeleton sport, in particular the IBSF.

The Track Construction Commission Artificial Track is under the supervision of the Vice President for Technical Matters – Artificial Track. The Chairperson and the members of the commission are appointed by the Executive Board.

4.13.2 Track Construction Commission Natural Track

The Track Construction Commission Natural Track supervises the reconstruction of existing natural tracks and the construction of new tracks. As needed, it can consult external experts. The Track Construction Commission Natural Track is under the supervision of the Vice President Natural Track. The Chairperson and the members of the commission are appointed by the Executive Board.

4.14 Working Groups

4.14.1 As needed, the Congress, the Executive Board, or the President can set up working groups. The FIL body which set up the working group appoints and removes the Chairperson and the members of the respective working group.

4.14.2 The Chairperson of the working group must submit a written report to the body it was formed by.

5 Finances of the FIL

5.1 The finances of the FIL include

5.1.1 Membership fees of the NFs,

5.1.2 Subsidies from public or private institutions,

5.1.3 Donations, gifts, inheritances or other contributions of any kind,

5.1.4 Income from renting, leasing, sale or other rights of use of land and land rights as well as from the operation of sports facilities,

5.1.5 Income from FIL competitions and Olympic Winter Games,

5.1.6 Income from the marketing of FIL events including broadcasting rights for television and radio,

5.1.7 Remuneration for the granting of licensing rights, advertising and distribution rights as well as sponsorship services,

5.1.8 Remuneration for the holding of courses, instruction, training, courses, examinations and other participation fees,

5.1.9 Income from the administration of FIL assets, in particular from capital assets including interest and securities, from participations in legal entities and corporations.

5.1.10 The funds can also be acquired through the involvement of a corporation controlled by the FIL, provided that the non-profit status of the FIL is not endangered by this.

~~5.1.1 Annual membership fees paid by the NFs~~

~~5.1.2 Donations~~

~~5.1.3 Revenue of FIL competitions~~

~~5.1.4 Other income~~

5.2 Management of finances is governed by the Financial Regulations.

5.3 Use of Financial Means

5.3.1 Possible profits may only be used for purposes according to the Statutes. The NFs do not receive shares of the profit and in their capacity as members they do not receive other financial payments by the FIL; this is also applicable for the work of the Executive Board members and members of other FIL bodies.

5.3.2 Upon retirement or in case of dissolution of the FIL, no member has a right to obtain shares of the Federation's assets.

- 5.3.3 No person may benefit from administration expenses, which are unrelated to the purpose of the Federation or from reimbursements which are disproportionately high.
- 5.3.4 Within the frame of the purpose of the Federation cash expenses made by the members of the Executive Board and other executive bodies are reimbursed according to receipts or lump sum amounts permitted by law.

6 Dissolution of the FIL

- 6.1 The Congress may dissolve the FIL with a four-fifths majority vote with at least half of the NFs present.
- 6.2 In case of dissolution of the FIL or in case that its purposes so far no longer exist, the assets will fall to a similar, non-profit sports organization, which has to use them immediately and exclusively for non-profit purposes. Resolutions on the future use of the assets may only be realized after obtaining the approval of the competent Financial Authorities.

7 Voting

- 7.1 Resolutions in all bodies of the FIL will be decided with more than one half of the valid votes (simple majority) as long as one third of the voting members with of the bodies are present. If the alternatives provided do not receive the simple majority during a vote, then at the next voting process, the alternative which received the least votes will be rejected.

Exceptions:

- 7.1.1 Acceptance of a National Federation (2.1.5) or expulsion of a National Federation (2.4.2) may only be enacted by the Congress and requires a two-thirds majority with at least a third of the NFs present.
- 7.1.2 Changes in the Statutes may only be decided by the Congress and need a two thirds majority with at least a third of the NFs present. This does not apply for amendments of the FIL Anti-Doping Code and its enclosures in terms of 4.2.10.
- 7.1.3 Proposed changes to the IRO with the exception of §§ 1 *General Regulations, Medical Service, Advertising Regulations, Awarding of Titles, Awards Ceremony* and the *Supplements Regulations for Audio-Visual Media Rights* and *Olympic Rules* for the IRO Artificial Track and *Supplement Regulations for Audio-Visual Media Rights* for the IRO Natural Track for the IRO Natural Track require a two thirds majority of the according to 4.7.1 appropriate Commission before they may be submitted to the Congress for the passing of a resolution (4.2.8).
- 7.2 All votes are open. If one third of the voting members request a secret ballot, this request must be granted. **Votes to be conducted electronically do not have to be open.**
- 7.3 Invalid votes, votes not cast, and abstentions are not counted when determining the majority of votes.

8 Elections

- 8.1 Basically, elections must be held in the order stipulated under 4.5, 4.7, 4.8, 4.9, and 4.10.
- 8.2 Only NFs are authorized to make proposals for all elective functions.
- 8.3 The candidate who receives a simple majority of eligible votes (more than 50% of the valid votes) is elected. At the request of the Executive Board or the election director, the Congress can resolve that a relative majority is sufficient if more than two candidates stand for election for the office to be elected.
- 8.4 The validity of an election requires the quorum of the Congress according to 7.1. Apart from this, the procedure for elections is regulated by the General Rules of Procedure.

9 Enclosures and by-laws

- 9.1 **Coequal part of the Statutes** is the FIL Anti-Doping Code (FIL Anti-Doping Rules) including its enclosures, the International Standards, especially **the Standards Prohibited List, Code**

Compliance by Signatories, Education, Therapeutic Use Exemptions (TUEs), Testing and Investigations, Laboratories, Results Management, Protection of Privacy and Personal Information. ~~the Prohibited List, the International Standards for Testing and Investigations (ISTI), for Therapeutic Use Exemptions (ISTUE), for Protection of Privacy and Personal Information (ISPPPI) and for Laboratories (ISL).~~

9.2 Supplemental regulations to the Statutes are:

- 9.2.1 The IRO - International Luge Regulations for Artificial Track and Natural Track – including supplements
- 9.2.2 The General Rules of Procedure
- 9.2.3 The Finance Regulations
- 9.2.4 The Code of Honor
- 9.2.5 The Law and Procedure Regulations
- 9.2.6 The Ethics Code

9.3 The Business Responsibilities' Overview is passed by the Executive Board and is to be announced to the NFs.

10 FIL Emblem

Only upon written approval by the Executive Board, are all individual and legal entities associated with the FIL by means of their membership or by contract, allowed to use the FIL Emblem.

11 Amendments to the Statutes

- 11.1 Amendments to the Statutes can only be enacted by an Ordinary Congress. This is not valid for amendments of the FIL Anti-Doping Code including its enclosures in the terms of 4.2.10.
- 11.2 Amendments are to be announced on the agenda in advance.
- 11.3 Motions of urgency concerning changes in the Statutes (excluding IRO changes) and regarding dissolution of the FIL are not possible.

12 Date of Validation

These Statutes take effect upon resolution by the 71th FIL Congress and replace the Statutes which were valid until now.

LAW AND PROCEDURE REGULATIONS of the International Luge Federation (FIL)

1. Violations

Members (NFs), bodies including their members and authorized persons (for example coaches and judges) of the FIL, all athletes and other participants in FIL competitions as well as all other persons, who are - according to membership law or contractual law - subordinated to the Statutes, Resolutions and Rulings of FIL bodies, can be punished in the case of a violation against the Statutes, including the Regulations, Resolutions or Rulings by FIL bodies. In case of doping infractions for the elements of offence to be sanctioned and the sanctions to be imposed solely the FIL Anti Doping Code and its enclosures are valid.

2. Limitation of Time

Violations which in some cases would only be punished with a reprimand, can no longer be prosecuted after the expiration of three months since the deed. All other violations are barred after one year. The initiation of a procedure in sports law (fig. 4) and each action in sports law interrupts the limitation of time. If a person concerned avoids such proceedings or the initiation of such proceedings by resignation, these proceedings will be continued or initiated if the person acquires a new membership. The resignation suspends the limitation of time up to this point of time.

The limitation of doping infractions solely depends on the FIL Anti-Doping Code.

3. Degree of Punishment

3.1 The following punishments are permitted:

- a) Reprimand,
- b) Bans for NFs and their members as well as athletes, managers, coaches, medical doctors, judges or other persons described in Section 1 from half a month to up to two years,
- c) Disqualification of the participation of athletes in official training or in competition runs effective immediately,
- d) Deletion from the Judge list,
- e) limited deprivation from six months up to twenty-four months at the most or permanent deprivation of the right to hold an official function with the Federation,
- f) Fines from € 100,00 up to € 7.000,00,
- g) Expulsion.

3.2 For doping infractions solely the FIL Anti Doping Code with its enclosures, especially the List of Prohibited Substances and Methods, the Standard for Doping Controls and the Standard for the sample analysis and reporting, are valid. The enclosures to the FIL Anti Doping Code and the World Anti Doping Code are also published in English in the internet on the website of WADA www.wada-ama.org .

4. Procedures

On the violations on the terms of point 1 the Executive Board decides in the first instance, as far as these violations do not concern members of FIL bodies. Within **one month** an appeal can be made to the FIL Court of Arbitration against the decision of the Executive Board under exclusion of ordinary legal proceedings. The time limit starts from the delivery of the decision **or the minutes**. **The one-month limitation of time and the exclusion of ordinary legal proceedings shall also apply to other proceedings of the Court of Arbitration.**

For doping infractions regarding the jurisdiction and the procedure solely the rules of the FIL Anti Doping Code and its enclosures are valid.

4.1. FIL Court of Arbitration

4.1.1 Regarding violations by the members of the FIL bodies, the settlement of disputes as well as in those cases provided in the Statutes, the FIL Court of Arbitration makes a decision on the request of a NF, the Executive Board, the Presidium or a person concerned under exclusion of ordinary legal proceedings. In the final trial it hears both parties and gives a judgement with majority vote.

4.1.2 In general the Court of Arbitration decides with one chairperson and two assessors. The composition of the Court of Arbitration follows a plan in which the tasks are distributed amongst the members. The Court of Arbitration decides on this plan with a simple majority vote at the beginning of the election period. In very urgent cases the Chairperson decides alone on intermediate measures and/or interim rulings, in general after hearing the parties concerned. In case of a protest by the aggrieved party, the Court of Arbitration decides with its normal composition. The protest has no postponing effect. At the latest, the protest has to be submitted to the FIL Court of Arbitration four weeks after the announcement, or alternatively after delivery of the complete decision in writing.

4.1.3 The Court of Arbitration is authorized to demand written statements from the parties, to invite witnesses, to hear experts, to make visits to the scene, as well as to use federations' or associations' files or other seemingly appropriate material and to make it a subject of the proceedings. In order to speed up the proceedings, the Court of Arbitration can determine deadlines for testimonies and summons at its approved discretion. In case of culpable default, the Court of Arbitration can reject means of attack and defence and decide in accordance with the records. The Court of Arbitration may conduct oral hearings also via conference call.

4.1.4 The decisions of the Court of Arbitration are based on the Statutes, the Regulations of the FIL and other rulings passed by the FIL bodies within their competence, as well as on relevant contracts.

5.1.5 An appeal against the final decisions of the FIL Court of Arbitration can be made at the Tribunal Arbitral du Sport (TAS) under exclusion of the due process of law. The time limit for appeal is two months; it starts from the delivery of the completely written decision. With respect to the formal requirements regarding the filing of an appeal, the procedure regulations of TAS are applicable.

For appeals to the Tribunal Arbitral du Sport in doping cases solely the rules of the FIL Anti Doping Code, its enclosures and its references are valid.

4.1.6 In cases involving doping violations, only the rules of the FIL Anti-Doping-Code, its enclosures and references, including those relating to legal remedies, are exclusively valid also in view of legal action excluding the jurisdiction of an ordinary court.

4.2 Further competence of the Tribunal Arbitral du Sport

Disputes within the FIL which can neither be settled by the Executive Board nor by the FIL Court of Arbitration, can be submitted by the parties to the Tribunal Arbitral du Sport (TAS) for decision under exclusion of ordinary legal proceedings. The decision of TAS is binding and final.

5. Exclusion of Liability of the FIL Courts

The FIL and the members of its bodies and their subdivisions are not liable for damage which originates for National Federations including their bodies and members, for the participants in FIL events and for all other persons and institutions that are effected by the procedures and decisions of the FIL's legal bodies, due to decisions or omissions of these legal bodies and their members.

6. Enforcement

The filing of a complaint, an appeal or a legal remedy does not have a postponing effect. The enforcement of the disputable decision, however, can be postponed on well-founded exceptions upon the request of the person concerned or officially by the chairman of the now competent higher court.

7. Costs of the proceedings

The party which loses the case or which caused the costs is liable to pay the expenses. This is also valid in case of a withdrawal of the charge, the motion, or the legal remedy; in these cases only half of the determined fee can be charged. In well-founded exceptional cases the competent higher court can determine a different distribution of costs according to its dutiful discretion. FIL bodies and their members do not have the duty to bear the costs. According to its dutiful discretion the competent higher court decides on the duty of costs reimbursement amongst the litigant parties.

8. Date effective

These Law and Procedure Regulations will be in effect upon adoption by the 70th FIL Congress on June 18, 2022.

RULES OF PROCEDURE of the International Luge Federation (FIL)

1 Area of application – Participation in meetings

- 1.1 These Rules of Procedure apply to the conduct of International Luge Federation Congresses, meetings, and other sessions, herein-after called meetings.
- 1.2 The Congress is open to the public. Upon the adoption of a resolution based on a motion, the public can be excluded.
- 1.3 All other meetings are not open to the public. Meetings may be deemed open if the members at the meeting agree to permit such.
- 1.4 The members of the Presidium are authorized to participate in all meetings.
- 1.5 During open meetings, an individual or individual groups may not be excluded unless the maintenance of order is jeopardized.
- 1.6 The audio and visual recording of meetings and sessions of FIL bodies and committees is not permitted unless the respective FIL body and committee have passed a resolution to allow the recording of the meeting based on a motion by a member of the respective FIL body or committee. The Congress is recorded on audio and/or video equipment.

2 Call to meeting

- 2.1 The calling of Congress must be in accordance with Sections 4.2 and 4.3 of the Statutes and must be in written form. The deadline for the invitation for other meetings is to be made by the chairpersons at least eight weeks prior to the meetings. The agenda must be enclosed with the invitation.
- 2.2 At the same time the Presidium is to be informed on the mailing of the invitations and the agenda.
- 2.3 A meeting must be held if more than one-third of the members request it.

3 Quorum

- 3.1 A meeting has a quorum if, after a duly published invitation, at least one third of the members authorized to vote are present. Proxy voting is not permitted.
- 3.2 A meeting no longer has a quorum if more than two thirds of the voting members are no longer present.
- 3.3 If a meeting is dissolved due to lack of a quorum, within four weeks a new meeting is to be called. At this meeting, only the remaining agenda items are considered.

4 Chairmanship of a meeting

- 4.1 The Congress and the Executive Board meetings are convened, presided over and closed by the FIL President, the other meetings are convened, presided over and closed by the chairperson.
- 4.2 If the chairperson and his statutory substitute are unable to attend, the members present select a meeting chairperson among themselves. The same procedure applies to discussions and consultations which personally concern the usual chairperson.
- 4.3 The chairperson may take all necessary steps in order to preserve order. If the orderly conduct of the meeting is threatened, the chairperson may rule someone out of order, expel individual members temporarily or for the duration of the meeting, or order a break in or termination of the meeting.
- 4.4 Objections, which must be raised immediately and without substantiation, are decided upon by the meeting with a simply majority vote and without discussion.
- 4.5 After the opening of a meeting, the chairperson verifies the convening of the meeting, the roll call, the rights to vote and announces the agenda. These verifications may be delegated. Objections or proposals for changes in the agenda are decided by the members at the meeting with a simple majority vote without debate.
- 4.6 Objections against the agenda or motions to change something are decided by the meeting with a simple majority.
- 4.7 The agenda items are discussed and voted upon in the stipulated order.

5 Granting or permission to speak and order of speakers

- 5.1 In principle, each participant invited to the meeting has the right to speak. At the Congress, this applies to a maximum of two invited delegates per National Federation (NF) and to each member of the Executive bodies of the FIL. Additional requests for permission to speak are at the discretion of the chairperson in agreement with the meeting.
- 5.2 A speaker list is to be drawn up for each agenda item. Speakers are listed in order of their requests for permission to speak. This list may not be initiated before discussion has begun.
- 5.3 Permission to speak is given by the chairperson. Speaking then occurs in the order noted in the speaker's list.
- 5.4 Meeting participants must leave the meeting room if agenda items are covered which concern them personally even if the assembly loses its quorum with the person's departure.

- 5.5 Members giving reports and proposers of motions may speak at the beginning of the discussion of their agenda item. They may also request to speak without regard to the order of the speaker list; their request to speak is to be honored by the chairperson.
- 5.6 The chairperson may speak without regard to the order of the speaker list at all times.

6 Rising to order

- 6.1 If a participant wishes to rise to a point of order, he may do so without regard to the order of the list of speakers, after the preceding speaker has finished.
- 6.2 Only one proponent and one opponent may rise to a point of order.
- 6.3 The chairperson may rise to a point of order at any time, if necessary, and may also interrupt speakers.

7 Motions

- 7.1 Persons permitted to bring forward motions at the Congress are specified in Sections 4.2.7, 4.2.8, and 4.2.9 of the Statutes. Motions to other bodies and meetings may be proposed by the voting members or by members of the respective bodies and meetings.
- 7.2 As long as a deadline for the submission of motions is not given in the Statutes, motions must be submitted not later than one week before the date of the meeting.
- 7.3 All motions have to be submitted in writing and with substantiation. Unsigned motions will not be considered.
- 7.4 Motions which result from the consideration of another motion and improve upon, shorten or expand upon it, are accepted without establishment of urgency.
- 7.5 Motions regarding amendments to the Statutes are considered in accordance with Section 11 of the Statutes.

8 Motions of urgency

- 8.1 Motions, which are not on the agenda, are considered motions of urgency and are only discussed and voted upon with the consent of a two-thirds majority. Motions of urgency must be presented to the chairperson in writing.
- 8.2 The urgency of a motion is voted upon immediately and without regard to the order of the list of speakers, after the proponent of the motion has spoken. One opposing speaker is permitted.
- 8.3 Motions of urgency to change the Statutes (with the exception of IRO changes) and to dissolve the FIL are not possible.

9 Motions regarding the Rules of Procedure

- 9.1 Motions regarding rules of procedure, for closure of the debate or limitation of speaking time must be voted upon immediately without regard to the order of the speaker list and after the proponent and opponent have spoken.
- 9.2 Speakers who have spoken on the subject already may not move for closure of the debate or limitation of speaking time.
- 9.3 Before voting on a motion for closure of the debate or limitation of speaking time, the remaining names on the list of speakers must be announced.
- 9.4 If the motion is adopted, upon request the chairperson will ask only the proponent or the member giving the report to speak.
- 9.5 Motions to close the list of speakers are not permitted.

10 Voting

- 10.1 The order of motions to be voted upon must be announced clearly before the vote.
- 10.2 Every motion has to be read once again by the chairperson before the vote.
- 10.3 If several motions have been submitted on the same item, the most extensive one must be voted on first. If doubt exists as to which motion is the most extensive, the meeting makes a decision without discussion.
- 10.4 Substitute motions, expanded motions, and subordinate motions must be voted upon separately following the motion regarding the respective issue.
- 10.5 Voting is open. If voting cards have been issued, they have to be used. The chairperson may nevertheless require a secret ballot or roll call vote; the chairperson must do so if such a motion has been adopted. Such motions have to be supported by at least 1/3 of the persons authorized to vote.
- 10.6 In case of a roll call vote, the names of the voting participants and their decisions must be recorded in the minutes.
- 10.7 After voting has begun, speaking on the issue is no longer permitted.
- 10.8 However, if questions arise about the vote, the chairperson may speak and relay information.
- 10.9 In all voting, as long as the Statutes do not dictate otherwise, a simple majority of votes cast determines the outcome. An equal number of votes requires rejection. Abstentions and invalid votes are not counted.
- 10.10 Upon the passing of a motion, open votes called in question must be repeated in the form of a secret ballot or a roll call vote.
- 10.11 For voting, the following order is binding: asking for approval, opposition, abstention.

11 Elections

- 11.1 Elections must only be conducted if they are required according to the Statutes, are on the agenda, and have been announced upon the calling of the assembly.
- 11.2 In principle, elections must be conducted in written form, in secrecy, and in the order prescribed in the Statutes if the meeting does not decide otherwise.
- 11.3 Before the elections, an election committee with at least three members is to be appointed. Its duty is to count and verify the votes.
- 11.4 The election committee has to appoint a chief election official, who has the rights and obligations of a chairperson during the election procedure.
- 11.5 Before the election, the election committee must verify whether the nominated candidates fulfil the qualifications stipulated in the Statutes.
- 11.6 Absent persons may be elected if a written statement of the candidate indicating their willingness to accept the office has been submitted to the chief election official before the election. This is not valid for the election of the members of the expert commissions, according to Point 4.7 of the Statutes, and of the members of the Commission “Development/Youth”, according to Point 4.10 of the Statutes. The confirmation of the delegate of the corresponding National Federation is sufficient here.
- 11.7 Before the election, candidates must be asked whether they are willing to assume the office if they are elected.
- 11.8 The results of the election must be ascertained by the election committee, reported to the chairperson; its validity must be explicitly confirmed in the minutes.

12 Minutes

- 12.1 Minutes must be kept of all meetings. Copies of the minutes must be delivered within four weeks to the meeting participants, to the members of the appropriate Executive bodies and to the Executive Board.
- 12.2 The NFs must be informed about resolutions by the Executive Board promptly in German and English.
- 12.3 The minutes are considered accepted if within ~~four~~ **six** weeks after delivery no written objection to the dispatched version is raised (with the exception noted in Section 4.2.6 of the Statutes).

13 Effective Date

These Rules of Procedure are in effect upon acceptance by the 71th FIL Congress on June 17, 2023.

FINANCE REGULATIONS of the International Luge Federation (FIL)

1 Applicability

These Financial Regulations govern the business affairs of the FIL in accordance with Section 5 of the FIL Statutes.

2 Use of funds

The funds standing at the disposal of the FIL are to be used in a cost-effective manner.

3 Vice-President for Finance

3.1 The Vice-President for Finance is responsible to the Executive Board and to the Congress for all economic matters.

3.2 The Vice-President for Finance has to pay attention to adherence to financial obligations by members and has to remind them of overdue accounts.

4 Legal Matters

4.1 Entering into legally binding matters basically remains the province of the Executive Board. In urgent cases, the Vice-President for Finance may make a decision. An Executive Board resolution is the final authority.

4.2 In all current business affairs, the Presidium may enter legally binding arrangements pertaining to the budget.

5 Budget

5.1 The budget forms the basis for the conduct of business. For one fiscal year (April 1 - March 31) the draft for the budget is made by the Vice-President Finance and **four** weeks before the Congress it is mailed to the NFs. It will be submitted by the Executive Board for approval by the Congress.

5.2 If the planned funding does not fully suffice for the current fiscal year, a supplemental budget is to be submitted by the Vice-President for Finance for approval by the Executive Board.

5.3 Transfers within individual sections of the budget may be made by the Vice-President for Finance.

5.4 Congress establishes the membership fees. Payment of annual dues must take place by **December 31 at** the latest for the current fiscal year.

6 Annual Statement of Accounts

- 6.1 Budgetary income and expenses are to be verified and accounts receivable and accounts payable entered in the annual statement of accounts. In addition, an overview of assets must be included. It is to be sent to the NFs and **four** weeks before the Congress at the latest.
- 6.2 After examination by the Control Commission, the Vice-President for Finance files a report with the Executive Board on its findings. Based on the Annual Statement of Accounts the Control Commission submits a motion to the Congress to release the Executive Board.

7 Management of Accounts

- 7.1 As much as possible, financial transactions involving FIL accounts are to be transacted without the use of cash. The Presidium has the right of disposal for the accounts.
- 7.2 Payments are made on the basis of the approved budget as well as upon Executive Board resolution, in day-to-day FIL business upon Presidium resolution.
- 7.3 Before checks are prepared for payment, all bills of a value of more than € 5,000 are to be examined by two members of the Presidium (one of whom should be the Vice-President for Finance) as to factual and mathematical accuracy. Written financial documents, enabling asset disposals of up to € 10.000,-- have to be signed by a member of the Presidium entitled to vote. The Executive Director can be authorized, upon decision of the members of the Presidium with voting power to sign individual financial documents of up to € 10.000,--. From a value of more than € 10.000,--, written financial documents, in particular for bank transactions, have to be signed by the Vice-President for Finance and another member of the Presidium (including the Executive Director). Should the Vice-President for Finance be unavailable, he will be substituted by another member of the Presidium (including the Executive Director). In this case, permission of the Vice-President for Finance has to be obtained promptly by telephone, fax or e-mail.
Legal transactions between one or more members of the Presidium and the FIL require approval by another member of the Presidium entitled to vote.

8 Meetings and travel

- 8.1 Conferences, meetings, participation in events, etc., will be covered as provided by funding allocated in the budget.
- 8.2 Reimbursement of travel costs will be made in accordance with travel regulations in effect at the time.
- 8.3 Official trips generally require approval of the FIL President. This does not pertain to trips which the Congress has authorized.

9 Control

Control will be undertaken by the Control Commission according to Section 4.8 of the Statutes.

10 Concluding regulations

- 10.1 Upon the proposal of the Vice-President for Finance, the Executive Board is the authority in all financial and accounting questions which are not covered by these Financial Regulations.
- 10.2 These Finance Regulations will become effective upon adoption by the 70th FIL Congress on June 18, 2022.

CODE OF HONOR

of the International Luge Federation (FIL)

1 Distinguished Medal of Honor of the FIL

1.1 Bestowal

1.1.1 On FIL officials, who have been active on the Executive Board for at least two election periods.

1.1.2 On officials of the NFs, sponsors, promoters.

1.2 Right of Nomination

1.2.1 Via the NFs

1.2.2 Via the FIL Executive Board

1.3 Confirmation

1.3.1 By the Executive Board

1.3.2 In urgent cases, by the President

1.3.3 By the Congress (for diamond)

1.4. Guidelines for the proposals for FIL and NF officials

1.4.1 Bronze 10 years of service / national or international achievements

1.4.2 Silver 15 years of service / national or international achievements

1.4.3 Gold 20 years of service / international achievements

1.4.4 Diamond over 20 years of international service or upon special merits for the FIL and already a recipient of the FIL Gold Medal of Honor

1.5 Award of Medal of Honor and Certificate

1.5.1 At Congresses and Executive Board meetings

1.5.2 At the close of FIL competitions

1.5.3 At celebrative events of the FIL and the NFs

1.6 Certificate

It has to show:

- The first and family names of the recipient
- Place and date of the location during which the award was confirmed
- Level of award (bronze, silver, gold, diamond)
- Signature of the President
- Official seal of the FIL

1.7 Registration

This is carried out by the FIL-Office and is to be completed with current data; the following items must be entered in the official register:

- The complete name of the recipient
- The level of the award
- The applicable NF
- The year of the award

1.8 Dispossession of an award

This takes place by motion and decision of Congress.

2 Honorary Membership

2.1 Title

2.1.1 Honorary Member

- On FIL officials with many years of service at the end of, or retirement from, active participation
- On sponsors, promoters
- Posthumous award

~~2.1.2 Honorary Vice-President~~

- ~~• On Vice-Presidents who have carried out this function for at least three election periods and are retiring from active participation.~~
- ~~• Posthumous award~~

2.1.2 Honorary President

- On Presidents who are retiring from active participation and who have carried out this function for at least three election periods.
- Posthumous award

2.2 Right of Nomination

2.2.1 Via the Executive Board

2.2.2 Via the NFs

2.3 Confirmation

By the Congress

2.4 Nomination

At the beginning of the Congress with awarding of the Certificate and the Medal of Honor.

2.5 The Certificate has to contain:

2.5.1 Family and first name of the person to receive the award

2.5.2 Place and date of the Congressional resolution

2.5.3 Notation of title

2.5.4 Signature of the President

2.5.5 FIL seal

2.6 FIL Medal of Honor –~~Design~~

Awarded to deserving persons outside the FIL organization, at the recommendation of the Executive Board.

2.7 Registration

2.7.1 All persons on whom honorary membership has been bestowed are to be cited in a list in which their full names, the titles awarded, the year of bestowal and the applicable NF are to be entered.

2.7.2 The FIL Office has to establish and update the list.

2.7.3 The list of persons who possess an honorary membership should appear in special official FIL publications, e.g., special bulletins, magazines, etc.

2.7.4 On the FIL address register, honorees' name and home addresses are to be noted.

2.8 Privileges of Honorary Members

2.8.1 Forwarding of FIL informational publications

2.8.2 Free admission to all FIL events and special attention at all FIL events

2.8.3 Invitation to special FIL events or the Congress

2.8.4 Invitation of the Honorary Presidents to the Congress and to special FIL events

2.9 Dispossession

Honorary membership may be removed by Congressional resolution for substantiated claims.

3 Concluding Regulations

The FIL Code of Honor takes effect upon acceptance by the 71th FIL Congress on June 17, 2023.



**FIL
ANTI-DOPING RULES
(FADC)**

Adopted on 20 November~~XX Month~~ 2020
Takes effect on 1 January 2021

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FIL ANTI-DOPING RULES

INTRODUCTION

Preface

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

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

As provided in the *Code*, FIL shall be responsible for conducting all aspects of *Doping Control*. Any aspect of *Doping Control* or anti-doping *Education* may be delegated by FIL to a *Delegated Third Party*, such as the International Testing Agency (ITA), however, FIL shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code*, *International Standards*, and these Anti-Doping Rules. FIL may delegate its adjudication responsibilities and the *Results Management* to the CAS Anti-Doping Division.

When FIL has delegated its responsibilities to implement part or all of *Doping Control* to the ITA or to other *Delegated Third Party*, any reference to FIL in these *Rules* should be intended as a reference to the ITA or to the other *Delegated Third Party*, where applicable and within the context of the aforementioned delegation. FIL shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

Terms used in these Anti-Doping Rules that are defined terms from the *Code* and [Appendix 1](#) are italicized.

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

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

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

Anti-doping programs seek to protect the health of *Athletes* and to provide the opportunity for *Athletes* to pursue human excellence without the *Use of Prohibited Substances* and [Prohibited Methods](#).

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

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

- Health
- Ethics, fair play and honesty
- *Athletes'* rights as set forth in the *Code*
- Excellence in performance

Kommentiert [SR1]: As some terms – like “National Federations” – are only defined in Appendix 1 to these Rules, we would suggest to refer to Appendix 1 as well.

Kommentiert [CK2R1]: okay

Kommentiert [SR3]: Reflects last editorial changes made to the Code after editing for publication.

Kommentiert [CK4R3]: okay

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- Character and *Education*
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

The spirit of sport is expressed in how we play true.

Doping is fundamentally contrary to the spirit of sport.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to:

- (a) FIL, including its board members, directors, officers and specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
- (b) each of its *National Federations*, including their board members, directors, officers and specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
- (c) the following *Athletes*, *Athlete Support Personnel* and other *Persons*:
 - (i) all *Athletes* and *Athlete Support Personnel* who are members of FIL, or of any *National Federation*, or of any member or affiliate organization of any *National Federation* (including any clubs, teams, associations, or leagues);
 - (ii) all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions* and other activities organized, convened, authorized or recognized by FIL, or any *National Federation*, or by any member or affiliate organization of any *National Federation* (including any clubs, teams, associations, or leagues), wherever held;
 - (iii) any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of FIL, or of any *National Federation*, or of any member or affiliate organization of any *National Federation* (including any clubs, teams, associations, or leagues), for purposes of anti-doping; and
 - (iv) *Athletes* who are not regular members of FIL or of one of its *National Federations* but who want to be eligible to compete in a particular *International Event*.

Each of the abovementioned *Persons* is deemed, as a condition of his or her participation or involvement in the sport, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of FIL to enforce these Anti-Doping Rules, including any *Consequences* for the breach thereof, and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules.¹

¹ [Comment: Where the Code requires a Person other than an Athlete or Athlete Support Person to be bound by the Code, such Person would of course not be subject to Sample collection or Testing, and would not be subject to an anti-doping rule violation under the Code for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such Person would only be subject to discipline for a violation of Code Articles 2.5 (Tampering), 2.7 (Trafficking), 2.8 (Administration), 2.9 (Complicity), 2.10 (Prohibited Association) and 2.11 (Retaliation). Furthermore, such Person would be subject to the additional roles and responsibilities according to Code Article 21.3. Also, the obligation to require an employee to be bound by the Code is subject to applicable law.

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

- (a) *Athletes* who compete in any of the following *International Events*: any event under the jurisdiction of FIL, particularly *World Championships*, *Continental Championships*, *World and Continental Cups*, others from Congress or from Executive Board approved competitions;
- (a)(b) *Athletes* included in FIL's *Registered Testing Pool* and *Testing Pool*, if any.

ARTICLE 1 DEFINITION OF DOPING

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

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

- 2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.²
- 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the B *Sample* and the B *Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or where the *Athlete's A* or B *Sample* is split into two (2) parts and the

¹ FIL shall ensure that, as per Article 19 of these Anti-Doping Rules, any arrangements with their board members, directors, officers, and specified employees, as well as with the Delegated Third Parties and their employees – either employment, contractual or otherwise – have explicit provisions incorporated according to which such *Persons* are bound by, agree to comply with these Anti-Doping Rules, and agree on the FIL's authority to solve the anti-doping cases.]

² [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.]

Kommentiert [SR5]: In accordance with Article 4.3 of the *International Standard for Testing and Investigations*, the International Federation is free to determine the criteria it will use to classify *Athletes* as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. The aim of this category is to include those *Athletes* who compete regularly at the international level. The International Federation must publish those criteria in clear and concise form, so that *Athletes* are able to ascertain quickly and easily when they will become classified and when they will no longer be classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the International Federation must publish a list of those *International Events*.

We would therefore suggest to specify the exact Events for the purposes of defining FIL's *International-Level Athlete* (*Athletes* participating in any Event would anyway fall under the scope of these rules).

FIL Statutes seem to refer to the following events:

- World Championships,
- Continental Championships,
- World and Continental Cups,
- others from Congress or from Executive Board approved competitions.

Is it your intention to consider any *Athlete* participating in any such event as *International-Level Athlete* for the purposes of anti-doping rules? (it has an impact on FIL's conduct of *Testing*, *TUEs*, whereabouts and *Results Management* for such *Athletes*).

Kommentiert [CK6R5]: See new text

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Kommentiert [SR7]: We would suggest to include in the ILA definition also *Athletes* who are included in the RTP (and TP, if one is established by FIL in the future) – their number is limited and easy to check on FIL's website.

Kommentiert [CK8R7]: okay

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analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.³

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

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards* or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method⁴

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

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.⁵

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

³ [Comment to Article 2.1.2: The Anti-Doping Organization with Results Management responsibility may, at its discretion, choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]

⁴ [Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.]

For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

⁵ [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.)]

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Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.⁶

2.4 Whereabouts Failures by an Athlete

2.4 Whereabouts Failures by an Athlete

Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard for Results Management*, within a twelve (12) month period by an *Athlete* in a *Registered Testing Pool*.

2.5 Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person

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

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

2.6.2 Possession by an *Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or Possession by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *TUE* granted to an *Athlete* in accordance with Article 4.4 or other acceptable justification.⁷

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

2.8 Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition

2.9 Complicity or Attempted Complicity by an Athlete or Other Person

⁶ [Comment to Article 2.3: **Fehler! Nur Hauptdokument**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*.]

⁷ [Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a *Prohibited Substance* for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that *Person* had a physician's prescription, e.g., buying *Insulin* for a diabetic child.]

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

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Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*.⁸

2.10 Prohibited Association by an Athlete or Other Person

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

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

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

2.10.1.2 If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

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

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

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

Anti-Doping Organizations that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.⁹

⁸ [Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]

⁹ [Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.]

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

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

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

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

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

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.¹⁰

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

FIL shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FIL has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.¹¹

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.¹² The following rules of proof shall be applicable in doping cases:

¹⁰ [Comment to Article 2.11.2: This Article is intended to protect *Persons* who make good faith reports, and does not protect *Persons* who knowingly make false reports.]

[Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting *Persons*, their families or associates. Retaliation would not include an *Anti-Doping Organization* asserting in good faith an anti-doping rule violation against the reporting *Person*. For purposes of Article 2.11, a report is not made in good faith where the *Person* making the report knows the report to be false.]

¹¹ [Comment to Article 3.1: This standard of proof required to be met by FIL is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

¹² [Comment to Article 3.2: For example, FIL 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*.]

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3.2.1 Analytical methods or *Decision Limits* approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.¹³

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 FIL shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.¹⁴

3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation;¹⁵ provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or

¹³ [Comment to Article 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]

¹⁴ [Comment to Article 3.2.2: **Fehler! Nur Hauptdokument**The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete or other Person's burden on causation is the somewhat lower standard of proof – "could reasonably have caused." If the Athlete or other Person satisfies these standards, the burden shifts to FIL to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

¹⁵ [Comment to Article 3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standards for Education, International Standard for the Protection of Data Privacy and Personal Information or International Standard for Therapeutic Use Exemptions (eTUEs) – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, FIL's violation of the document referenced in Article 20.7.7 of the Code shall not constitute a defense to an anti-doping rule violation.]

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whereabouts failure, then FIL shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

- (i) a departure from the *International Standard for Testing and Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case FIL shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (ii) a departure from the *International Standard for Results Management* or *International Standard for Testing and Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case FIL shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case FIL shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;¹⁶
- (iv) a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case FIL shall have the burden to establish that such departure did not cause the whereabouts failure.

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

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

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

¹⁶ [Comment to Article 3.2.3 (iii): FIL would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the B *Sample* opening and analysis were observed by an independent witness and no irregularities were observed.]

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

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

FIL shall provide its *National Federations* with the most recent version of the *Prohibited List*. Each *National Federation* shall in turn ensure that its members, and the constituents of its members, are also provided with the most recent version of the *Prohibited List*.¹⁷

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.¹⁸

4.2.2 Specified Substances or Specified Methods

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.¹⁹

4.2.3 Substances of Abuse

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

4.3 WADA's Determination of the Prohibited List

¹⁷ [Comment to Article 4.1: The current *Prohibited List* is available on WADA's website at <https://www.wada-ama.org>. The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made.]

¹⁸ [Comment to Article 4.2.1: Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]

¹⁹ [Comment to Article 4.2.2: The *Specified Substances* and *Methods* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance.]

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

4.4 *Therapeutic Use Exemptions ("TUEs")*

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

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

4.4.2 *TUE Applications*

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

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

4.4.3 *TUE Recognition*²⁰

4.4.3.1 Where the *Athlete* already has a *TUE* granted by their *National Anti-Doping Organization* pursuant to Article 4.4 of the *Code* for the substance or method in question and provided that such *TUE* has been reported in accordance with Article 5.5 of the *International Standard for Therapeutic Use Exemptions*, FIL will automatically recognize it for purposes of international-level *Competition* without the need to review the relevant clinical information.

4.4.3.2 If FIL chooses to test an *Athlete* who is not an *International-Level Athlete*, FIL must recognize a *TUE* granted to that *Athlete* by their *National Anti-Doping Organization* unless the *Athlete* is required to

²⁰ [Comment to Article 4.4.3: If FIL refuses to recognize a *TUE* granted by a *National Anti-Doping Organization* only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the *International Standard for Therapeutic Use Exemptions*, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to FIL.]

[Comment to Article 4.4.3: FIL may agree with a *National Anti-Doping Organization* that the *National Anti-Doping Organization* will consider *TUE* applications on behalf of FIL.]

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apply for recognition of the *TUE* pursuant to Articles 5.8 and 7.0 of the *International Standard for Therapeutic Use Exemptions*.

4.4.4 *TUE* Application Process ²¹

4.4.4.1 If the *Athlete* does not already have a *TUE* granted by their *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to FIL.

4.4.4.2 An application to FIL for grant or recognition of a *TUE* must be made as soon as possible, save where Articles 4.1 or 4.3 of the *International Standard for Therapeutic Use Exemptions* apply. The application shall be made in accordance with Article 6 of the *International Standard for Therapeutic Use Exemptions* as posted on FIL's website.

4.4.4.3 FIL shall establish a *Therapeutic Use Exemption Committee* ("TUEC") to consider applications for the grant or recognition of *TUEs*. in accordance with Article 4.4.4.3(a)-(d) below:

- (a) The TUEC shall consist of a minimum of five (5) members with experience in the care and treatment of *Athletes* and sound knowledge of clinical, sports and exercise medicine. Each appointed member should serve a term of four (4) years which is renewable.
- (b) Before serving as a member of the TUEC, each member must sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of FIL.
- (c) When an application to FIL for the grant or recognition of a *TUE* is made, the Chair of the TUEC or the FIL shall appoint three (3) members (which may include the Chair) to consider the application.
- (d) Before considering a *TUE* application, each member shall disclose any circumstances likely to affect their impartiality with respect to the *Athlete* making the application. If a member is unwilling or unable to assess the *Athlete's TUE* application, for any reason, the Chair or the FIL may appoint a replacement from the pool of members appointed under point (a) above. The Chair cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the *TUE* decision.

4.4.4.4 The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a

²¹ [Comment to Article 4.4.4: The submission of falsified documents to a TUEC or FIL, offering or accepting a bribe to a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or Attempted interference with any aspect of the TUE process shall result in a charge of Tampering or Attempted Tampering under Article 2.5.

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

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reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.

4.4.4.5 The TUEC decision shall be the final decision of FIL and may be appealed in accordance with Article 4.4.7. FIL TUEC decision shall be notified in writing to the *Athlete*, and to *WADA* and other *Anti-Doping Organizations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into ADAMS.

4.4.4.6 If FIL (or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of FIL) denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If FIL grants the *Athlete's* application, it must notify not only the *Athlete* but also their *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by FIL does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.7.

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

4.4.5 Retroactive *TUE* Applications

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

4.4.6 Expiration, Withdrawal or Reversal of a *TUE*

4.4.6.1 A *TUE* granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *TUE*; (c) may be withdrawn by the TUEC if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or (d) may be reversed on review by *WADA* or on appeal.

4.4.6.2 In such event, the *Athlete* shall not be subject to any *Consequences* based on their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, withdrawal, or reversal of the *TUE*. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal or reversal, shall include consideration of whether such finding is consistent with *Use* of

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the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.7 Reviews and Appeals of *TUE* Decisions

4.4.7.1 WADA must review FIL's decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to WADA by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, WADA must review FIL's decision to grant a *TUE* that is referred to WADA by the *Athlete's National Anti-Doping Organization*. WADA may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, WADA will not interfere with it. If the *TUE* decision does not meet those criteria, WADA will reverse it.²²

4.4.7.2 Any *TUE* decision by FIL (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of FIL) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to CAS.²³

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

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

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of *Testing* and Investigations²⁴

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

5.1.2 *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (*Use or Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

²² [Comment to Article 4.4.7.1: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.7; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

²³ [Comment to Article 4.4.7.2: In such cases, the decision being appealed is the FIL's *TUE* decision, not WADA's decision not to review the *TUE* decision or (having reviewed it) not to reverse the *TUE* decision. However, the time to appeal the *TUE* decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

²⁴ [Comment to Article 5.1: Where *Testing* is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the Anti-Doping Organization's rules. See, e.g., Comment to Article 23.2.2 of the Code.]

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5.2 Authority to Test

- 5.2.1 Subject to the limitations for *Event Testing* set out in Article 5.3, FIL shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in the Introduction to these Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).
- 5.2.2 FIL may require any *Athlete* over whom it has *Testing* authority (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.²⁵
- 5.2.3 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the *Code*.
- 5.2.4 If FIL delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* directly or through a *National Federation*, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization’s* expense. If additional *Samples* are collected or additional types of analysis are performed, FIL shall be notified.
- 5.2.4 If FIL delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* directly or through a *National Federation*, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization’s* expense. If additional *Samples* are collected or additional types of analysis are performed, FIL shall be notified.

5.3 Event Testing

- 5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, FIL (or other international organization which is the ruling body for an *Event*) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of FIL (or other international organization which is the ruling body for an *Event*), any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with FIL (or the relevant ruling body of the *Event*).
- 5.3.2 If an *Anti-Doping Organization*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with FIL (or other international organization which is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from FIL (or other international organization which is the ruling body of the *Event*), the *Anti-Doping Organization* may, in accordance with the procedures described in the *International Standard for Testing and Investigations*, ask WADA for permission to conduct *Testing* and to determine

²⁵ [Comment to Article 5.2.2: FIL may obtain additional authority to conduct Testing by means of bilateral or multilateral agreements with other Signatories. Unless the Athlete has identified a sixty (60) minute Testing window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to Testing during that period, FIL 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 FIL had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

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how to coordinate such *Testing*. WADA shall not grant approval for such *Testing* before consulting with and informing FIL (or other international organization which is the ruling body for the *Event*). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.²⁶

5.4 Testing Requirements

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

5.5 Athlete Whereabouts Information

- 5.5.1 FIL has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. FIL shall coordinate with *National Anti-Doping Organizations* to identify such *Athletes* and to collect their whereabouts information.
- 5.5.2 FIL shall make available through ADAMS a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. FIL shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.
- 5.5.3 Where an *Athlete* is included in an international *Registered Testing Pool* by FIL and in a national *Registered Testing Pool* by their *National Anti-Doping Organization*, the *National Anti-Doping Organization* and FIL shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.
- 5.5.4 In accordance with the *International Standard for Testing and Investigations*, each *Athlete* in the *Registered Testing Pool* shall do the following: (a) advise FIL of his/her whereabouts on a quarterly basis; (b) update that information as

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²⁶ [Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct *Testing* at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct *Testing* at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing *Testing*" may, if it chooses, enter into agreements with a Delegated Third Party to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]

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necessary so that it remains accurate and complete at all times; and (c) make himself or herself available for *Testing* at such whereabouts.

- 5.5.5** For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing* and Investigations shall be deemed a filing failure or a missed test, as defined in Annex B of the *International Standard for Results Management*, where the conditions set forth in Annex B are met.
- 5.5.6** An *Athlete* in FIL's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set in the *International Standard for Testing* and Investigations unless and until (a) the *Athlete* gives written notice to FIL that he or she has retired or (b) FIL has informed him or her that he or she no longer satisfies the criteria for inclusion in FIL's *Registered Testing Pool*.
- 5.5.7** Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* will be accessible through ADAMS to WADA and to other *Anti-Doping Organizations* having authority to test that *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard for the Protection of Privacy and Personal Information*.
- 5.5.8** FIL may, in accordance with the *International Standard for Testing* and Investigations, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool* or a *Testing Pool*. If it chooses to do so, an *Athlete's* failure to provide requested whereabouts information on or before the date required by FIL or the *Athlete's* failure to provide accurate whereabouts information may result in consequences defined in Article 5.5.12 below.
- 5.5.9** In accordance with the *International Standard for Testing* and Investigations, FIL may establish a *Testing Pool*, which includes *Athletes* who are subject to less stringent whereabouts requirements than *Athletes* included in FIL's *Registered Testing Pool*.
- 5.5.10** FIL shall notify *Athletes* before they are included in the *Testing Pool* and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance, as indicated in Articles 5.5.11 and 5.5.12.
- 5.5.11** *Athletes* included in the *Testing Pool* shall provide FIL at least with the following whereabouts information so that they may be located and subjected to *Testing*:
- (a) An overnight address;
 - (b) Competition / Event schedule; and
 - (c) Regular training activities.
- Such whereabouts information should be filed in ADAMS to enable better *Testing* coordination with other *Anti-Doping Organizations*.

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- 5.5.12** An *Athlete's* failure to provide whereabouts information on or before the date required by FIL or the *Athlete's* failure to provide accurate whereabouts information might result in FIL elevating the *Athlete* to FIL's *Registered Testing Pool* and/or additional appropriate and proportionate non-Code Article 2.4 consequences, established by FIL if any.

5.6 Retired Athletes Returning to Competition

- 5.6.1** If an *International-Level Athlete* or *National-Level Athlete* in FIL's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six (6) months prior written notice to FIL and their *National Anti-Doping Organization*.

WADA, in consultation with FIL and the *Athlete's National Anti-Doping Organization*, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under Article 13.²⁷

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

- 5.6.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six (6) months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to FIL and to their *National Anti-Doping Organization*.

5.7 Independent Observer Program

FIL and the organizing committees for FIL's *Events*, as well as the *National Federations* and the organizing committees for *National Events*, shall authorize and facilitate the *Independent Observer Program* at such *Events*.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited, Approved Laboratories and Other Laboratories

- 6.1.1** For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited

²⁷ [Comment to Article 5.6.1: WADA has developed a protocol and exemption application form that Athletes must use to make such requests, and a decision template that the International Federations must use. Both documents are available on WADA's website at <https://www.wada-ama.org/>.]

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or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by FIL.²⁸

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

6.2 Purpose of Analysis of Samples and Data

Samples and related analytical data or *Doping Control* information shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the *Code*, or to assist FIL in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.²⁹

6.3 Research on Samples and Data

Samples, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.³⁰

6.4 Standards for Sample Analysis and Reporting

In accordance with Article 6.4 of the *Code*, FIL shall ask laboratories to analyze *Samples* in conformity with the *International Standard* for Laboratories and Article 4.7 of the *International Standard* for Testing and Investigations.

Laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by FIL. Results from any such analysis shall be reported to FIL and have the same validity and *Consequences* as any other analytical result.³¹

²⁸ [Comment to Article 6.1: Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

²⁹ [Comment to Article 6.2: For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]

³⁰ [Comment to Article 6.3: As is the case in most medical or scientific contexts, use of Samples and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. Samples and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular Athlete, having due regard to the principles set out in Article 19 of the Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.]

³¹ [Comment to Article 6.4: The objective of this Article is to extend the principle of "Intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]

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6.5 Further Analysis of a Sample Prior to or During Results Management

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

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

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

6.7 Split of A or B Sample

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

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

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by WADA, the laboratory or *Anti-Doping Organization* in possession of the *Sample* [or data](#) shall immediately grant access to and enable WADA to take physical possession of the *Sample* [or data](#). If WADA has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* [or data](#), it shall provide such notice to the laboratory and each *Anti-Doping Organization* whose *Samples* [or data](#) have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* [or data](#), WADA may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* [or data](#) if a potential anti-doping rule violation is discovered.³²

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³² [Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of *Samples* [or data](#) could constitute Tampering, Complicity or an act of non-compliance as provided in the *International Standard for Code Compliance by Signatories*, and could also constitute a violation of the *International Standard for Laboratories*. Where necessary, the laboratory and/or the *Anti-Doping Organization* shall assist WADA in ensuring that the seized *Sample* and related data are not delayed in exiting the applicable country.]

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

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

Results Management under these Anti-Doping Rules establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

7.1 Responsibility for Conducting *Results Management*

- 7.1.1** Except as otherwise provided in Articles 6.6, 6.8 and *Code* Article 7.1, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).
- 7.1.2** In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the applicable International Federation.
- 7.1.3** In the event the *Major Event Organization* assumes only limited *Results Management* responsibility relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization*, or an anti-doping rule violation occurring during such *Event*, the case shall be referred by the *Major Event Organization* to the applicable International Federation for completion of *Results Management*.
- 7.1.4** *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by FIL or the *National Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard for Results Management*. If FIL determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.
- 7.1.5** Other circumstances in which FIL shall take responsibility for conducting *Results Management* in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its authority shall be determined by reference to and in accordance with Article 7 of the *Code*.
- 7.1.6** WADA may direct FIL to conduct *Results Management* in particular circumstances. If FIL refuses to conduct *Results Management* within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of FIL or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, FIL shall reimburse the costs and attorney's fees of conducting *Results*

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Management to the other *Anti-Doping Organization* designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations

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

7.3 Identification of Prior Anti-Doping Rule Violations

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

7.4 Provisional Suspensions³³

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

If FIL receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, FIL shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by Article 7.2.

A mandatory *Provisional Suspension* may be eliminated if: (i) the *Athlete* demonstrates to FIL's Hearing Panel ([CAS Anti-Doping Division](#)) that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1.

FIL's Hearing Panel's ([CAS Anti-Doping Division's](#)) decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

7.4.2 Optional Provisional Suspension Based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations

FIL may impose a *Provisional Suspension* for anti-doping rule violations not covered by Article 7.4.1 prior to the analysis of the *Athlete's* B Sample or final hearing as described in Article 8.

An optional *Provisional Suspension* may be lifted at the discretion of FIL at any time prior to FIL's Hearing Panel's ([CAS Anti-Doping Division's](#)) decision under Article 8, unless provided otherwise in the *International Standard for Results Management*.

7.4.3 Opportunity for Hearing or Appeal

³³ [Comment to Article 7.4: Before a Provisional Suspension can be unilaterally imposed by FIL, the internal review specified in these Anti-Doping Rules and the International Standard for Results Management must first be completed.]

Notwithstanding Articles 7.4.1 and 7.4.2, a *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given: (a) an opportunity for a *Provisional Hearing*, either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*.

The imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Article 13.2.

7.4.4 Voluntary Acceptance of *Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the B *Sample* (or waiver of the B *Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice.

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

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

7.4.5 If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or FIL) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* or the *Athlete's* team has been removed from an *Event* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, then, if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Event*, the *Athlete* or team may continue to take part in the *Event*.

7.5 Results Management Decisions

Results Management decisions or adjudications by FIL must not purport to be limited to a particular geographic area or the FIL's sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.³⁴

³⁴ [Comment to Article 7.5: *Results Management decisions include Provisional Suspensions.*

Each decision by FIL should address whether an anti-doping rule violation was committed and all *Consequences* flowing from the violation, including any *Disqualifications* other than *Disqualification* under Article 10.1 (which is left to the ruling body for an *Event*).

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7.6 Notification of Results Management Decisions

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

7.7 Retirement from Sport³⁵

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

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

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

For any *Person* who is asserted to have committed an anti-doping rule violation, FIL shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard for Results Management*.

8.1 Fair Hearings

8.1.1 Fair, Impartial and Operationally Independent Hearing Panel

FIL has delegated its Article 8 responsibilities (first instance hearings, waiver of hearings and decisions) to the CAS Anti-Doping Division (CAS ADD). The procedural rules of CAS ADD pertaining to the hearing of first instance shall apply. CAS ADD will always ensure that the *Athlete* or other *Person* is provided with a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard for Results Management*.

8.1.2 Hearing Process

- 8.1.2.1** When FIL sends a notice to an *Athlete* or other *Person* notifying them of a potential anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 8.3.1 or Article 8.3.2, then the case shall be referred to CAS ADD for hearing and adjudication, which shall be conducted in accordance with its

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

³⁵ [Comment to Article 7.7: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or other *Person* membership in a sports organization.]

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procedural rules and the principles described in Articles 8 and 9 of the *International Standard for Results Management*.

8.1.2.2 Hearings held in connection with *Events* in respect to *Athletes* and other *Persons* who are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by CAS ADD.³⁶

8.1.2.3 WADA, the *National Federation* and the *National Anti-Doping Organization* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, FIL shall keep them fully apprised as to the status of pending cases and the result of all hearings.

8.2 Notice of Decisions

8.2.1 At the end of the hearing, or promptly thereafter, CAS ADD shall issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

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

8.3 Waiver of Hearing

8.3 Waiver of Hearing

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

8.3.2 However, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within twenty (20) days or the deadline otherwise specified in the notice sent by the FIL asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.

8.3.3 In cases where Article 8.3.1 or 8.3.2 applies, a hearing before CAS ADD shall not be required. Instead FIL shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

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

8.4 Single Hearing Before CAS

³⁶ [Comment to Article 8.1.2.4: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, FIL (where it has *Results Management* responsibility in accordance with Article 7) and *WADA*, be heard in a single hearing directly at CAS.³⁷

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.³⁸

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.³⁹

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

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

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

10.2.1 The period of *Ineligibility*, subject to Article 10.2.4, shall be four (4) years where:

³⁷ [Comment to Article 8.4: Nothing set out in Article 8.4 precludes the *Athlete* or other *Person* and *FIL* (where it has *Results Management* responsibility) to waive their right to appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the Code.]

³⁸ [Comment to Article 9: For Team Sports, any awards received by individual players will be *Disqualified*. However, *Disqualification* of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, *Disqualification* or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]

³⁹ [Comment to Article 10.1.1: Whereas Article 9 *Disqualifies* the result in a single *Competition* in which the *Athlete* tested positive (e.g., the 100 meter backstroke), this Article may lead to *Disqualification* of all results in all races during the *Event* (e.g., the swimming World Championships).]

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10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.⁴⁰

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

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

10.2.3 As used in Article 10.2, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not "intentional" if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.⁴¹

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

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

In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by FIL. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.⁴²

10.2.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion,

⁴⁰ [Comment to Article 10.2.1.1: While it is theoretically possible for an *Athlete* or other *Person* to establish that the anti-doping rule violation was not intentional without showing how the *Prohibited Substance* entered one's system, it is highly unlikely that in a doping case under Article 2.1 an *Athlete* will be successful in proving that the *Athlete* acted unintentionally without establishing the source of the *Prohibited Substance*.]

⁴¹ [Comment to Article 10.2.3: Article 10.2.3 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.]

⁴² [Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the *Athlete* or other *Person* has satisfactorily completed the program shall be made in the sole discretion of FIL. This Article is intended to give FIL the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs.]

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

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

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

- 10.3.1** For violations of Article 2.3 or 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.
- 10.3.2** For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.
- 10.3.3** For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *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.⁴³
- 10.3.4** For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.
- 10.3.5** For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.⁴⁴

⁴³ [Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to *Ineligibility* for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

⁴⁴ [Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

- 10.3.6** For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.⁴⁵

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

If FIL establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity or Attempted Complicity*) or 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.⁴⁶

10.5 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.⁴⁷

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

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

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

10.6.1.1 Specified Substances or Specified Methods

⁴⁵ [Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (*Tampering*) and Article 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) shall be sanctioned based on the violation that carries the more severe sanction.]

⁴⁶ [Comment to Article 10.4: Violations under Articles 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity or Attempted Complicity*) and 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any *Aggravating Circumstance*.]

⁴⁷ [Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an *Athlete* could prove that, despite all due care, 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 mislabeled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the *Administration* of a *Prohibited Substance* by the *Athlete's* personal physician or trainer without disclosure to the *Athlete* (*Athletes* are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Athlete's* food or drink by a spouse, coach or other *Person* within the *Athlete's* circle of associates (*Athletes* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on *No Significant Fault or Negligence*.]

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Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

10.6.1.2 Contaminated Products

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.⁴⁸

10.6.1.3 Protected Persons or Recreational Athletes

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

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

If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.⁴⁹

⁴⁸ [Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the *Athlete* or other *Person* must establish not only that the detected *Prohibited Substance* came from a *Contaminated Product*, but must also separately establish *No Significant Fault or Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault or Negligence* has rarely been applied in *Contaminated Product* cases unless the *Athlete* has exercised a high level of caution before taking the *Contaminated Product*. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually Used the *Contaminated Product*, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the *Doping Control* form.

This Article should not be extended beyond products that have gone through some process of manufacturing. Where an *Adverse Analytical Finding* results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be *No Fault or Negligence* under Article 10.5.]

⁴⁹ [Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8, 2.9 or 2.11) or an element of a particular sanction (e.g., Article 10.2.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or other *Person's* degree of *Fault*.]

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

10.7.1 Substantial Assistance in Discovering or Establishing Code Violations⁵⁰

10.7.1.1 FIL may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to FIL or other *Anti-Doping Organization* with *Results Management* responsibility; or (iii) which results in WADA initiating a proceeding against a *Signatory*, WADA-accredited laboratory, or *Athlete* passport management unit (as defined in the *International Standard for Laboratories*) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or (iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision under Article 13 or the expiration of time to appeal, FIL may only suspend a part of the otherwise applicable *Consequences* with the approval of WADA.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these Anti-Doping Rules.

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

⁵⁰ [Comment to Article 10.7.1: 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.]

than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these Anti-Doping Rules.

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

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of *Consequences* was based, FIL shall reinstate the original *Consequences*. If FIL decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

10.7.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of FIL or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the *Code*, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding Article 13, *WADA*'s decisions in the context of this Article 10.7.1.2 may not be appealed.

10.7.1.3 If FIL suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize FIL to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the

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period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.⁵¹

10.7.3 Application of Multiple Grounds for Reduction of a Sanction

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

10.8 Results Management Agreements

10.8.1 One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where an *Athlete* or other *Person*, after being notified by FIL of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under Article 10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* may receive a one (1) year reduction in the period of *Ineligibility* asserted by FIL. Where the *Athlete* or other *Person* receives the one (1) year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.⁵²

10.8.2 Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by FIL and agrees to *Consequences* acceptable to FIL and WADA, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by FIL and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by WADA and FIL to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting

⁵¹ [Comment to Article 10.7.2: This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes 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 or she not come forward voluntarily.]

⁵² [Comment to Article 10.8.1: For example, if FIL alleges that an *Athlete* has violated Article 2.1 for Use of an anabolic steroid and asserts the applicable period of *Ineligibility* is four (4) years, then the *Athlete* may unilaterally reduce the period of *Ineligibility* to three (3) years by admitting the violation and accepting the three (3) year period of *Ineligibility* within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

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date of, the period of *Ineligibility* are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, FIL shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.⁵³

10.9 Multiple Violations

10.9.1 Second or Third Anti-Doping Rule Violation

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

- (a) A six (6) month period of *Ineligibility*; or
- (b) A period of *Ineligibility* in the range between:
 - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
 - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

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

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

10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.

10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of this Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

10.9.3 Additional Rules for Certain Potential Multiple Violations

⁵³ [Comment to Article 10.8: Any mitigating or aggravating factors set forth in this Article 10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.]

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10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if FIL can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after FIL made reasonable efforts to give notice of the first anti-doping rule violation. If FIL cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.⁵⁴

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

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

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

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10.9.4 Multiple Anti-Doping Rule Violations during Ten (10) Year Period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

⁵⁴ [Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, FIL discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., FIL shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.]

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.⁵⁵

10.11 **Forfeited Prize Money**

If FIL recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.⁵⁶

10.12 **Financial Consequences**

10.12.1 Where an *Athlete* or other *Person* commits an anti-doping rule violation, FIL may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or (b) fine the *Athlete* or other *Person* in an amount up to 10'000 Euros only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

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

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10.13 **Commencement of Ineligibility Period**

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

10.13.1 **Delays Not Attributable to the Athlete or other Person**

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not

⁵⁵ [Comment to Article 10.10: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

⁵⁶ [Comment to Article 10.11: This Article is not intended to impose an affirmative duty on FIL to take any action to collect forfeited prize money. If FIL elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Athlete(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by FIL and its Athletes.]

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attributable to the *Athlete* or other *Person*, [FIL](#) or CAS ADD, if applicable, may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.⁵⁷

10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served

10.13.2.1 If a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from [FIL](#) 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 14.1.⁵⁸

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

10.13.2.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

10.14 Status During Ineligibility or Provisional Suspension

⁵⁷ [Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the *Athlete* or other *Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

⁵⁸ [Comment to Article 10.13.2.2: An *Athlete's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way to draw an adverse inference against the *Athlete*.]

10.14 Status During *Ineligibility* or *Provisional Suspension*

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

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international- or national-level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

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

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by FIL to provide whereabouts information.⁵⁹

10.14.2 Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of FIL's or other *Signatory's* member organization during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.⁶⁰

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

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

⁵⁹ [Comment to Article 10.14.1: For example, subject to Article 10.14.2 below, *Ineligible Athletes* cannot participate in a training camp, exhibition or practice organized by their *National Federation* or a club which is a member of that *National Federation* or which is funded by a governmental agency. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league (e.g., the *National Hockey League*, the *National Basketball Association*, etc.), *Events* organized by a non-*Signatory International Event* organization or a non-*Signatory* national-level *Event* organization without triggering the *Consequences* set forth in Article 10.14.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. *Ineligibility* imposed in one sport shall also be recognized by other sports (see Article 15.1, *Automatic Binding Effect of Decisions*). An *Athlete* or other *Person* serving a period of *Ineligibility* is prohibited from coaching or serving as an *Athlete Support Person* in any other capacity at any time during the period of *Ineligibility*, and doing so could also result in a violation of Article 2.10 by another *Athlete*. Any performance standard accomplished during a period of *Ineligibility* shall not be recognized by FIL or its *National Federations* for any purpose.]

⁶⁰ [Comment to Article 10.14.2: In many *Team Sports* and some individual sports (e.g., *ski jumping* and *gymnastics*), *Athletes* cannot effectively train on their own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 10.14.1 other than training.]

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The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

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

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

10.14.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by FIL and its *National Federations*.

10.15 Automatic Publication of Sanction

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

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Teams

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

11.2 Consequences for Teams

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

11.2.2 An anti-doping rule violation committed by a member of a team occurring during or in connection with an *Event* may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all *Consequences* for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.2.3.

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

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ARTICLE 12 SANCTIONS BY FIL AGAINST OTHER SPORTING BODIES

When FIL becomes aware that a *National Federation* or any other sporting body over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Rules within that organization's or body's area of competence, FIL has the authority and may take the following additional disciplinary actions:

- 12.1 Exclude all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.
- 12.2 Take additional disciplinary actions with respect to that organization's or body's recognition, the eligibility of their members to participate in FIL's activities, and/or fine that organization or body based on the following:
 - 12.2.1 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event: (a) all or some group of members of that organization or body may be banned from participation in any FIL activities for a period of up to two (2) years and/or (b) that organization or body may be fined in an amount up to 10'000 Euros.
 - 12.2.2 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.2.1 by *Athletes* or other *Persons* affiliated with that organization or body during a twelve (12) month period. In such event, that organization or body may be suspended for a period of up to four (4) years.
 - 12.2.3 More than one *Athlete* or other *Person* affiliated with that organization or body commits an anti-doping rule violation during an *International Event*. In such event, that organization or body may be fined in an amount up to 10'000 Euros.
 - 12.2.4 That organization or body has failed to make diligent efforts to keep FIL informed about an *Athlete's* whereabouts after receiving a request for that information from FIL. In such event, that organization or body may be fined in an amount up to 10'000 Euros per Athlete, in addition to reimbursement of all of the FIL costs incurred in *Testing* that organization's or body's *Athletes*.
- 12.3 Withhold some or all funding or other financial and non-financial support to that organization or body.
- 12.4 Get that organization or body to reimburse FIL for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by an *Athlete* or other *Person* affiliated with that organization or body.

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ARTICLE 13 RESULTS MANAGEMENT: APPEALS ⁶¹

13.1 Decisions Subject to Appeal

Decisions made under the *Code* or these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.⁶²

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

In making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.⁶³

13.1.3 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within FIL's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in FIL's process.⁶⁴

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six (6) months notice requirement for a retired *Athlete* to return to *Competition*

⁶¹ [Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of Interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their National Federations, who might benefit from having another competitor Disqualified.]

⁶² [Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]

⁶³ [Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

⁶⁴ [Comment to Article 13.1.3: Where a decision has been rendered before the final stage of FIL's process (for example, a first hearing) and no party elects to appeal that decision to the next level of FIL's process (e.g., the Managing Board), then WADA may bypass the remaining steps in FIL's internal process and appeal directly to CAS.]

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under Article 5.6.1; a decision by WADA assigning *Results Management* under Article 7.1 of the *Code*; a decision by FIL not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; FIL's failure to comply with Article 7.4; a decision that FIL lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5 of the *Code*; failure to comply with Article 10.8.1; a decision under Article 10.14.3; a decision by FIL not to implement another *Anti-Doping Organization's* decision under Article 15; and a decision under Article 27.3 of the *Code* may be appealed exclusively as provided in this Article 13.2.

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

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.⁶⁵

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

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the *National Anti-Doping Organization* having authority over the *Athlete* or other *Person*.

The rules for such appeal shall respect the following principles: a timely hearing; a fair, impartial, *Operationally Independent* and *Institutionally Independent* hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision.

If no such body as described above is in place and available at the time of the appeal, the decision may be appealed to CAS in accordance with the applicable procedural rules.

13.2.3 *Persons* Entitled to Appeal

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

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

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

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

⁶⁵ [Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

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

For cases under Article 13.2.2, *WADA*, the International Olympic Committee, the International Paralympic Committee, and FIL shall also have the right to appeal to CAS with respect to the decision of the [appellate](#) body.

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

13.2.3.3 Duty to Notify

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

13.2.3.4 Appeal from Imposition of *Provisional Suspension*

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

13.2.3.5 Appeal from Decisions under Article 12

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.⁶⁶

13.3 Failure to Render a Timely Decision by FIL

Where, in a particular case, FIL fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to CAS as if FIL had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that *WADA* acted reasonably in electing to appeal directly to CAS, then *WADA's* costs and attorney fees in prosecuting the appeal shall be reimbursed to *WADA* by FIL.⁶⁷

⁶⁶ [Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

⁶⁷ [Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation [and](#) Results Management [and hearing](#) process, it is not feasible to establish a fixed time period for FIL to render a decision before WADA may

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13.4 Appeals Relating to TUEs

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

13.5 Notification of Appeal Decisions

FIL shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

13.6 Time for Filing Appeals⁶⁸

13.6.1 Appeals to CAS

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

- (a) Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organization* that had *Results Management* authority;
- (b) If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

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

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

13.6.2 Appeals Under Article 13.2.2

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

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

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

⁶⁸ *intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with FIL and give FIL an opportunity to explain why it has not yet rendered a decision.*

⁶⁸ *[Comment to Article 13.6: Whether governed by CAS rules or these Anti-Doping Rules, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]*

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

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*

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14.

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14.

If at any point during *Results Management* up until the anti-doping rule violation charge, FIL decides not to move forward with a matter, it must notify the *Athlete* or other *Person*, (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*).

Notice shall be delivered or emailed to *Athletes* or other *Persons*. If the notification takes place via *National Federations*, the *National Federations* shall confirm the notification to the FIL.

14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations* and *WADA*

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

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

Notice shall be delivered or emailed.

14.1.3 Content of an Anti-Doping Rule Violation Notice

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

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

14.1.4 Status Reports

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

14.1.5 Confidentiality

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

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14.1.6 Protection of Confidential Information by an Employee or Agent of the FIL

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

14.2 Notice of Anti-Doping Rule Violation or violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files

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

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

14.3 Public Disclosure

14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by FIL.

14.3.2 No later than twenty (20) days after it has been determined in an appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has

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been resolved under Article 10.8, or a new period of *Ineligibility*, or reprimand, has been imposed under Article 10.14.3, FIL must *Publicly Disclose* the disposition of the anti-doping matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. FIL must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.⁶⁹

- 14.3.3** After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, FIL may make public such determination or decision and may comment publicly on the matter.
- 14.3.4** In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. FIL shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.5** Publication shall be accomplished at a minimum by placing the required information on the FIL's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*. It will be removed immediately after the expiry of the indicated time periods.
- 14.3.6** Except as provided in Articles 14.3.1 and 14.3.3, no *Anti-Doping Organization*, *National Federation*, or *WADA*-accredited laboratory, or any official of any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, other *Person* or their entourage or other representatives.
- 14.3.7** The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

14.4 Statistical Reporting

⁶⁹ [Comment to Article 14.3.2: Where *Public Disclosure* as required by Article 14.3.2 would result in a breach of other applicable laws, FIL's failure to make the *Public Disclosure* will not result in a determination of non-compliance with Code as set forth in Article 4.1 of the International Standard for the Protection of Privacy and Personal Information.]

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

14.5 Doping Control Information Database and Monitoring of Compliance

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

- (a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
- (b) Whereabouts information for *Athletes* including those in *Registered Testing Pools*,
- (c) *TUE* decisions, and
- (d) *Results Management* decisions,

as required under the applicable *International Standard(s)*.

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

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

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

14.5.3 To facilitate WADA's oversight and appeal rights for *Results Management*, FIL shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the *International Standard for Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

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

14.6 Data Privacy

14.6.1 FIL may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its *Anti-*

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

14.6.2 Without limiting the foregoing, FIL shall:

- (a) Only process personal information in accordance with a valid legal ground;
- (b) Notify any *Participant* or *Person* subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the *International Standard* for the Protection of Privacy and Personal Information, that their personal information may be processed by FIL and other *Persons* for the purpose of the implementation of these Anti-Doping Rules;
- (c) Ensure that any third-party agents (including any *Delegated Third Party*) with whom FIL shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

ARTICLE 15 IMPLEMENTATION OF DECISIONS

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

15.1.1 A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2 of the *Code*) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon FIL and its *National Federations*, as well as every *Signatory* in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

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

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

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

15.1.2 FIL and its *National Federations* shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on

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the earlier of the date FIL receives actual notice of the decision or the date the decision is placed ~~by WADA~~ into ADAMS.

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

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on FIL or its *National Federations* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.⁷⁰

15.2 Implementation of Other Decisions by *Anti-Doping Organizations*

FIL and its *National Federations* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.⁷¹

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

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by FIL and its *National Federations*, if FIL finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.⁷²

ARTICLE 16 STATUTE OF LIMITATIONS

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

⁷⁰ [Comment to Article 15.1.4: By way of example, where the rules of the Major Event Organization give the Athlete or other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the Major Event Organization is binding on other Signatories regardless of whether the Athlete or other Person chooses the expedited appeal option.]

⁷¹ [Comment to Articles 15.1 and 15.2: Anti-Doping Organization decisions under Article 15.1 are implemented automatically by other Signatories without the requirement of any decision or further action on the Signatories' part. For example, when a National Anti-Doping Organization decides to Provisionally Suspend an Athlete, that decision is given automatic effect at the International Federation level. To be clear, the "decision" is the one made by the National Anti-Doping Organization, there is not a separate decision to be made by the International Federation. Thus, any claim by the Athlete that the Provisional Suspension was improperly imposed can only be asserted against the National Anti-Doping Organization. Implementation of Anti-Doping Organizations' decisions under Article 15.2 is subject to each Signatory's discretion. A Signatory's implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]

⁷² [Comment to Article 15.3: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, FIL, other Signatories and National Federations should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in the Athlete's body but the period of Ineligibility applied is shorter than the period provided for in the Code, then FIL and all other Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed. FIL or other Signatory's implementation of a decision, or their decision not to implement a decision under Article 15.3, is appealable under Article 13.]

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ARTICLE 17 EDUCATION

FIL shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

FIL may decide to request *Athletes* to complete *Educational* activities before and/or during their participation to selected *Event* (e.g: Youth World Championships) as a condition of such participation. The list of *Events* for which *Athletes* will be required to complete *Educational* activities as a condition of participation will be published on FIL's website.

Failure by the *Athlete* to complete *Educational* activities as requested by FIL may result in the imposition of sanction under FIL's disciplinary rules, unless the *Athlete* provides to FIL a justification for such failure, which shall be assessed by FIL on a case by case basis.

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ARTICLE 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL FEDERATIONS

- 18.1** All *National Federations* and their members shall comply with the *Code*, *International Standards*, and these Anti-Doping Rules. All *National Federations* and other members shall include in their policies, rules and programs the provisions necessary to ensure that FIL may enforce these Anti-Doping Rules (including carrying out *Testing*) directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under their anti-doping authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").
- 18.2** Each *National Federation* shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the *National Federation* may enforce them itself directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under its anti-doping authority.
- 18.3** By adopting these Anti-Doping Rules, and incorporating them into their governing documents and rules of sport, *National Federations* shall cooperate with and support FIL in that function. They shall also recognize, abide by and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on *Persons* under their authority.
- 18.4** All *National Federations* shall take appropriate action to enforce compliance with the *Code*, *International Standards*, and these Anti-Doping Rules by *inter alia*:
- (i) conducting *Testing* only under the documented authority of FIL and using their *National Anti-Doping Organization* or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing and Investigations*;
 - (ii) recognizing the authority of the *National Anti-Doping Organization* in their country in accordance with Article 5.2.1 of the *Code* and assisting as appropriate with the *National Anti-Doping Organization's* implementation of the national *Testing* program for their sport;
 - (iii) analyzing all *Samples* collected using a *WADA*-accredited or *WADA*-approved laboratory in accordance with Article 6.1; and

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(iv) ensuring that any national level anti-doping rule violation cases discovered by *National Federations* are adjudicated by an *Operationally Independent* hearing panel in accordance with Article 8.1 and the *International Standard for Results Management*.

- 18.5** All *National Federations* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *National Federation* or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to be bound by these Anti-Doping Rules and to submit to the *Results Management* authority of the *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation.
- 18.6** All *National Federations* shall report any information suggesting or relating to an anti-doping rule violation to FIL and to their *National Anti-Doping Organizations* and shall cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 18.7** All *National Federations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the authority of FIL or the *National Federation*.
- 18.8** All *National Federations* shall conduct anti-doping *Education* in coordination with their *National Anti-Doping Organizations*.

ARTICLE 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF FIL

- 19.1** In addition to the roles and responsibilities described in Article 20.3 of the *Code* for International Federations, FIL shall report to WADA on FIL's compliance with the *Code* and the *International Standards* in accordance with Article 24.1.2 of the *Code*.
- 19.2** Subject to applicable law, and in accordance with Article 20.3.4 of the *Code*, all FIL board members, directors, officers, and those employees (and those of appointed Delegated Third Parties) who are involved in any aspect of *Doping Control*, must sign a form provided by FIL, agreeing to be bound by these Anti-Doping Rules as *Persons* in conformity with the *Code* for direct and intentional misconduct.
- 19.3** Subject to applicable law, and in accordance with Article 20.3.5 of the *Code*, any FIL employee who is involved in *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) must sign a statement provided by FIL confirming that they are not *Provisionally Suspended* or serving a period of *Ineligibility* and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to them.

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

- 20.1** To be knowledgeable of and comply with these Anti-Doping Rules.
- 20.2** To be available for *Sample* collection at all times.⁷³
- 20.3** To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

⁷³ [Comment to Article 20.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some Athletes *Use* low doses of *EPO* during these hours so that it will be undetectable in the morning.]

- 20.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.
- 20.5 To disclose to FIL and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.
- 20.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.
Failure by any *Athlete* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under FIL's disciplinary rules.
- 20.7 To disclose the identity of their *Athlete Support Personnel* upon request by FIL or a *National Federation*, or any other *Anti-Doping Organization* with authority over the *Athlete*.
- 20.8 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FIL's disciplinary rules.

ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETE SUPPORT PERSONNEL

- 21.1 To be knowledgeable of and comply with these Anti-Doping Rules.
- 21.2 To cooperate with the *Athlete Testing* program.
- 21.2 To cooperate with the *Athlete Testing* program.
- 21.3 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.
- 21.4 To disclose to FIL and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.
- 21.5 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.
Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under FIL's disciplinary rules.
- 21.6 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
Any such *Use* or *Possession* may result in a charge of misconduct under FIL's disciplinary rules.
- 21.7 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by *Athlete Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FIL's disciplinary rules.

ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES

- 22.1 To be knowledgeable of and comply with these Anti-Doping Rules.

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22.2 To disclose to FIL and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

22.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

Failure by any other *Person* subject to these Anti-Doping Rules to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under FIL's disciplinary rules.

22.4 Not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

22.5 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FIL's disciplinary rules.

ARTICLE 23 INTERPRETATION OF THE CODE

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

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

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

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

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

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

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

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ARTICLE 24 FINAL PROVISIONS

24.1 Where the term "days" is used in these Anti-Doping Rules, it shall mean calendar days unless otherwise specified.

24.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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- 24.3** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.
- 24.4** The Introduction and Appendix 1 shall be considered integral parts of these Anti-Doping Rules.
- 24.5** The comments annotating various provisions of these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.
- 24.6** These Anti-Doping Rules shall enter into force on 1 January 2021 (the "Effective Date"). They repeal previous versions of FIL's Anti-Doping Rules.
- 24.7** These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:
- 24.7.1** Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
- 24.7.2** Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date).
- 24.7.3** Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.
- 24.7.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to FIL or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an

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anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

24.7.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.⁷⁴

24.7.6 Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a Prohibited Method has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or Prohibited Method may apply to FIL or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

Kommentiert [SR28]: Reflects last editorial changes to the Code.

Kommentiert [CK29R28]: okay

⁷⁴ [Comment to Article 24.7.5: Other than the situation described in Article 24.7.5, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of *Ineligibility* imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation.]

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APPENDIX 1 DEFINITIONS⁷⁵

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

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

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

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

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

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

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

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "*Athlete*". In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an

⁷⁵ [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

Anti-Doping Organization has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* 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 organization accepting the *Code* is an *Athlete*.⁷⁶

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

Consequences of Anti-Doping Rule Violations ("Consequences"): An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

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

⁷⁶ [Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]

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

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

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

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management*, and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

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

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

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

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, 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 behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.⁷⁷

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

In-Competition: The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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

⁷⁷ [Comment to *Fault*: 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 10.6.2, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that No Significant *Fault* or Negligence on the part of the *Athlete* or other *Person* was involved.]

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

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

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

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

International-Level Athlete: Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard* for *Testing* and *Investigations*. For the sport of luge, *International-Level Athletes* are defined as set out in the *Scope* section of the *Introduction* to these Anti-Doping Rules.⁷⁹

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

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

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

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

⁷⁹ [Comment to *International-Level Athlete*: Consistent with the *International Standard* for *Testing* and *Investigations*, FIL is free to determine the criteria it will use to classify Athletes as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the *International Federation* must publish a list of those *International Events*.]

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

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

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

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 *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

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

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

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

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

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.⁸⁰

⁸⁰ [Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, FIL must establish that, even though the Athlete did not have

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

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

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

Protected Person: An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.⁸¹

Provisional Hearing: For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.⁸²

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

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

Recreational Athlete: A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.⁸³

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

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

exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, FIL must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

⁸¹ [Comment to Protected Person: The Code treats Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

⁸² [Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing", as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]

⁸³ [Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

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whereabouts information as provided in Article 5.5 and the *International Standard for Testing and Investigations*.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).
Sample or Specimen: Any biological material collected for the purposes of *Doping Control*.⁸⁴

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

Specified Method: See Article 4.2.2.

Specified Substance: See Article 4.2.2.

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

Substance of Abuse: See Article 4.2.3.

Substantial Assistance: For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

Tampering: Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.⁸⁵

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

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

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

⁸⁴ [Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

⁸⁵ [Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management and hearing process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]

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

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

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

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include 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.

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

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

WADA: The World Anti-Doping Agency.

Without Prejudice Agreement: For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

hat formatiert: Nicht Hervorheben



FIL ETHICS CODE

2022 Edition

Approved at the 70th FIL Congress in Hall in Tirol / AUT

www.fil-luge.org

FIL Ethics Code

I FIL Ethical Principles

The FIL is the highest authority in all matters concerning the sport of luge. It is the only representative of the international sport of luge and represents the interests of the sport of luge worldwide, so far as the luge sports are recognized. The FIL recognizes the Artificial Track sport and the Natural Track sport.

The FIL allows no discrimination against its members or other persons or institutions associated with the FIL for political, racial, religious, or any other reasons protects the personal rights of all parties.

The FIL, whose activity is not for profit, have the following aims:

- to develop, oversee, promote, and direct the sport of luge worldwide;
- to lead the sport of luge within the framework and spirit of the Olympic Sports Movement and the Olympic Charter;
- to support the objectives of the National Federations in the form of help in theory and practice;
- collaboration with other international sport and sports science organizations;
- the organization and promotion of the sports movement;
- the organization of World Championships, Continental Championships, World and Continental Cups, as well as others from Congress or from Executive Board approved competitions;
- the establishment and maintenance of a highest court of appeal for protests and other legal issues from international competitions, as well as all matters concerning the FIL Statutes and FIL Regulations;
- the promotion of the exchange of experience and insight for the development of the sport of luge on an international level;
- the implementation of binding rules for all luge disciplines;
- the recognition that international luge competitions will be executed in accordance with the FIL Statutes and Regulations;
- the implementation of necessary measures to ensure that the current Statutes and Regulations will be observed at FIL recognized competitions;
- the implementation, if possible, of effective measures for accident prevention and sufficient medical treatment;
- the consideration of the environment;

- the guarantee of “Fair Play” – principles as well as rules – and law abidance;
- the transparency of the federation’s leadership, and the awarding and execution of sporting events;
- the comprehensive documentation of the sport of luge, in particular through the retention and protection of film, photographic, and audio material;
- the advertising for and with the sport of luge.

II Specification of the Guidelines for Action

1. Addressed audience of the FIL Ethics Code

The FIL Ethics Code is aimed at all Members of the FIL (NFs), bodies of the FIL including their members and representatives (for example coaches and judges), all athletes and other parties involved in FIL competitions and training events as well as all other persons who are under the membership of or are contractually under the control of the Statutes, resolutions or orders of the FIL, including all persons who establish and support artificial and natural tracks for the sport of luge, as well as those who deliver or install equipment or facilities for these tracks.

2. The Concrete Guidelines for Action

All actions carried out by the FIL, or in the interest of the FIL, including those carried out by associated federations, clubs, institutions, and athletes must satisfy the ethical principles laid out in Section I as well as the following ethically required guidelines for action:

- 2.1** Equal opportunities for athletes in training and competitions (sporting events) must be maintained.
- 2.2** The sanitary integrity of all parties at a sporting competition must be maintained.
- 2.3** The privacy, as well as the personal and sexual integrity, of all parties at a sporting competition must be maintained, including in the execution of doping tests and in the provision of changing room facilities and toilets.
- 2.4** The personal dignity and honor, mutual respect, and appreciation of personal rights must be guaranteed.
- 2.5** Help and protection must be given to the disabled and incident victims, also with regard to the media and public opinion.

- 2.6** The physical integrity and safety of the athletes and all other parties at a sporting event must be protected by means of the equipment, sleds, and sports facilities.
- 2.7** The integrity of the sporting competitions must be guaranteed in every respect, in particular:
- 2.7.1** Transparency of the bidding procedure and the awarding procedure as well as the uniformity of the invitation to bid for all competitions,
 - 2.7.2** The independence of awarding decisions from unfair influence through financial or other measures,
 - 2.7.3** The guarantee of uniform training opportunities in the spirit of "Fair Play",
 - 2.7.4** The guarantee of the neutrality and rule compliance of all official parties at a sporting competition, including the Jury and judges,
 - 2.7.5** The regular execution of doping controls both within and outside of the sporting competitions on the basis of the FIL Anti-Doping Codes,
 - 2.7.6** Transparency of the inspections of athletes' equipment and their sleds in accordance with the rules of the IRO,
 - 2.7.7** The fight against the manipulation of sporting competitions and their results and the execution of all sporting competitions according to the principle of "Fair Play".
 - 2.7.8** The monitoring and enforcement of prohibitions in Article 1 and Article 2 and the rules of Article 6 of the "Olympic Movement Code on the Prevention of the Manipulation of Competitions" (supplement enclosed).
- 2.8** The principles of environmental protection and sustainability are observed when constructing and operating sports venues.

- 2.9** The right of all member federations (NFs) to equal treatment within sporting competitions is observed.
- 2.10** Conflicts of interest must be disclosed and, where possible, strictly avoided.
- 2.11** The leadership of federations and all administrative bodies is neutral in respect of religious, racial, and sexual aspects and carried out without any discrimination.
- 2.12** The sporting performance of all athletes in sporting competitions is encouraged, also accordingly through the FIL development program.
- 2.13** With regards to hiring decisions; the transparency and neutrality of choices is ensured and internationality is guaranteed.
- 2.14** The combination of private interests with the FIL's interests and / or the interests of the National Federations is to be strictly avoided and can at best be accepted after the disclosure of which through the responsible body.
- 2.15** The acceptance and / or promise of financial or non-material benefits in connection with the planning, handling, or closing of business for the FIL or National Federations is forbidden.
- 2.16** All financial transactions for the benefit of or at the expense of the FIL must be made transparent to and disclosed to the Congress as a FIL institution and to the relevant auditing bodies.
- 2.17** The transparency of all payments to members of FIL bodies, FIL representatives and business partners is guaranteed.
- 2.18** Suspected corruption must be disclosed to the responsible FIL bodies with concrete, substantiated facts.

- 2.19** All actions which could risk the loss of non-profit status and tax integrity must be avoided.
- 2.20** If any noticeable competition is present on the relevant purchasing market, applicable to the purchase of goods or services in the value of at least €50,000, there is an obligation to obtain at least three competing offers. If according to any mandatory, statutory regulations there exists an obligation to tender, these regulations must be observed.
- 2.21** The management of the Federation budget must satisfy the principles of the economy.
- 2.22** The management of the Federation should, if possible, affordable, and practical, endeavor to implement reasonable insurance cover to protect the risks from sporting competitions, and the activity of institutions and representatives of the FIL.

III Procedure for suspicion of violations of the FIL Ethics Code

1. Responsible Investigative Bodies

- 1.1** The responsible investigative bodies of the FIL are the FIL Ethics Authority and the three member FIL Ethics Commission. Both bodies are to be elected through Congress. At the request of the Executive Board, all members of the Legal Committee can also be members of the FIL Ethics Commission.
- 1.2** The FIL Ethics Authority and the FIL Ethics Commission will each be elected at the Congress that is held in the same year as the next Winter Olympic Games.
- 1.3** The FIL Ethics Authority and the FIL Ethics Commission are independent and neutral and are not subject to instructions. The FIL Ethics Authority is not a member of the Executive Board and may not belong to any other body of the FIL. The FIL Ethics Commission are not members of the Executive Board and also may not belong to any other body of the FIL, with the exception of the Legal Committee.

2. Notification of violations against the Ethics Code

A notification of a violation of the FIL Ethics Code can be submitted by any FIL body, any national Federation, any athlete or any third party who feels that they have been affected by the alleged violation. A notification can also be made anonymously. Notifications of violations of the FIL Ethics Code must be submitted to the FIL Ethics Authority.

When the FIL Ethics Authority believes there could be a violation of the FIL Ethics Code, in the case of a minor violation they will speak with the parties concerned to request that they voluntarily cease the prohibited behavior. If the request is refused, or in the case of a more serious violation, the FIL Ethics Authority will request that the FIL Ethics Commission begin investigation proceedings, unless the court of arbitration are deemed to be the responsible body. If the FIL Ethics Authority believes that the initial suspicion is unfounded they can discontinue the proceedings.

3. Conduct of Investigations

At the request of the FIL Ethics Authority, the Chairman of the FIL Ethics Commission leads the preliminary proceedings and carries out a hearing from the parties concerned and a clarification of the violation of the FIL Ethics Code. If required, the Chairman of the FIL Ethics Commission can consult with the other members of the FIL Ethics Commission. The FIL Ethics Commission can also call in or question third parties in connection with the investigation.

4. Conclusion by the FIL Ethics Commission

If after the assessment the FIL Ethics Commission have a sufficient suspicion regarding a violation of the FIL Ethics Code, they can at their discretion, according to the seriousness of the offence, impose suitable provisional sanctions, without anticipating the outcome of the overall investigation. In particular, the FIL Ethics Commission can provisionally suspend the parties concerned from their position and duties for a maximum period of 90 days

and/or prohibit them from other activities. In urgent cases of suspected contest manipulation, or a serious violation of the FIL Ethics Code, athletes can be provisionally banned for a maximum period of 90 days.

In addition, the FIL Ethics Commission apply for the execution of proceedings by the court of arbitration.

The FIL Ethics Commission end the proceedings if as a result of their investigation no sufficient suspicion is found, if the violation is classified as minor, or if the matter can be settled with the payment of a fine.

5. Sanctioning of Violations of the FIL Ethics Code

The court of arbitration have to punish proven violations of the FIL Ethics Code with the sanctions that are specified for this purpose in the FIL Statutes. The court of arbitration also decide upon the costs of the investigations and the arbitration proceedings. In the case of a termination of proceedings, the court of arbitration can, upon application to the FIL Ethics Commission, impose the cost of the investigation either in full or in part onto the complainant whose claim is considered an abuse of law.

6. Conduct of Proceedings

The arbitration process is led under the exclusion of the public. The results of these arbitration proceedings may be published by the FIL Ethics Commission in an appropriate manner and with the protection of the personal rights of the parties involved.

7. Other Applicable Rules and Commencement

In addition, the Statutes, Legal Order, Rules of Procedure of the FIL as well as the IOC Code of Ethics are applied.

The "Olympic Movement Code on the Prevention of the Manipulation of Competitions" applies to the following versions of Article 1 and Article 2, and Article 6:

Article 1 - Definitions

- 1.1 "Benefit" means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts;
- 1.2 "Competition" means any sports competition, tournament, match or event, organized in accordance with the rules of a Sports Organization or its affiliated organizations, or, where appropriate, in accordance with the rules of any other competent sports organization;
- 1.3 "Inside Information" means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition;
- 1.4 "Participant" means any natural or legal person belonging to one of the following categories:
 - a. "athlete" means any person or group of persons, participating in sports competitions;
 - b. "athlete support personnel" means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions, and all other persons working with the athletes;
 - c. "official" means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organize and/or promote sports competitions, as well as referees, jury members and any other accredited or engaged persons. The term also covers the executives and staff of the sports organization, or where appropriate, other competent sports organization or club that recognizes the competition.
- 1.5 "Sports Betting, Bet or Betting" means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition

Article 2 – Violations

The following conduct as defined in this Article constitutes a violation of this Code:

2.1 Betting

Betting in relation either: to the Participant's sport.

2.2 Manipulation of sports competitions

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.

2.3 Corrupt conduct

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of a competition or any other form of corruption.

2.4 Inside information

2.4.1. Using Inside Information for the purposes of Betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.

2.4.2. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of competitions or any other corrupt purposes.

2.4.3 Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

2.5 Failure to report

2.5.1 Failing to report to the **FIL** concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of this Code.

2.5.2 Failing to report to the **FIL** concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of this Code.

2.6 Failure to cooperate

2.6.1 Failing to cooperate with any investigation carried out by the **FIL** in relation to a possible breach of this Code, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the **FIL** as part of such investigation.

2.6.2 Obstructing or delaying any investigation that may be carried out by the **FIL** in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

2.7 Application of Articles 2.1 to 2.6

2.7.1 For the determination of whether a violation has been committed, the following are not relevant:

- a. Whether or not the Participant is participating in the Competition concerned;
- b. Whether or not the outcome of the Competition on which the Bet was made or intended to be made;
- c. Whether or not any Benefit or other consideration was actually given or received;
- d. The nature or outcome of the Bet;
- e. Whether or not the Participant's effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;
- f. Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question;
- g. Whether or not the manipulation included a violation of a technical rule of the **FIL**;
- h. Whether or not the competition was attended by the competent national or international representative of the **FIL**.

2.7.2 Any form of aid, abetment or attempt by a Participant that could culminate in a violation of this Code shall be treated as if a violation had been committed, whether or not such an act in fact resulted in a violation and/or whether that violation was committed deliberately or negligently.

Article 6 – Mutual recognition

6.1 Subject to the right of appeal, any decision in compliance with this Code by a Sporting Organizations must be recognized and respected by all other Sporting Organizations.

6.2 All Sporting Organizations must recognize and respect the decision(s) made by any other sporting body or court of competent jurisdiction which is not Sporting Organization as defined under this Code.

Otherwise, the rules of procedure and sanctions of FIL Statutes, the FIL Law and Procedure Regulations, and the FIL Ethics Code apply.

The FIL Ethics Code comes into force with the passing of a resolution during the 70th FIL Congress 2022

Amended on June 18, 2022