

THE ANTI-DOPING RULES
NATIONAL ANTI-DOPING AGENCY, INDIA
(REVISED AS PER THE 2009 WADA CODE)

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INTRODUCTION

Preface

On 7th March, 2008, the National Anti Doping Agency [NADA] has accepted the World Anti-Doping Code (the "Code"). These Anti-Doping Rules are adopted and implemented in conformity with the NADA's responsibilities under the Code, and are in furtherance of NADA's continuing efforts to eradicate doping in India.

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

The Code defines NADA as;

The entity designated by India as possessing the primary authority to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings, all at the national level.

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

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

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education

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

Doping is fundamentally contrary to the spirit of sport.

The National Anti-Doping Programme

The National Anti Doping Agency [NADA] was established by the Government of India, with the objective of acting as the independent Anti-Doping Organization for India. The NADA has the necessary authority and responsibility for:

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

The NADA thereby is a distinct body, independent from the disciplinary authorities (the Anti-Doping Disciplinary Panel and Anti-Doping Appeal Panel).

The NADA Anti-Doping Rules

These Anti-Doping Rules, like Competition rules, are sports rules governing the conditions under which sport is played. Participants accept these rules as a condition of participation in sport and shall be bound by them. These Anti-Doping Rules are distinct in nature and, therefore, not intended to be subject to, or limited by, any requirements and legal standards applicable to criminal proceedings or employment matters.

Scope

These Anti-Doping Rules shall apply to NADA, each National Federation of India, and each Participant in the activities of the National Federations by virtue of the Participant's membership, accreditation, or participation in their National Federations, or their activities or Events. Any Person who is not a member of a National Federation of India and who fulfills the requirements to be part of the NADA Registered Testing Pool, must become a member of the Person's National Federation, and shall make himself or herself available for Testing, at least [twelve (12)] months before participating in International Events or Events of his or her National Federation.

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

ARTICLE 1 APPLICATION OF RULES

1.1 Application to National Sports Federations

1.1.1 National Sports Federations shall accept these Anti-Doping Rules and incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules and thus as part of the rules of sport and the rights and obligations governing their members and Participants.

1.1.2 The application of these Anti-Doping Rules to Participants is based on the membership obligations that exist between National Sports Federations and their members or Participants through those individuals' agreement to participate in sport

according to its rules.

1.1.3 As a condition of receiving financial and/or other assistance from the Government of India and/or the NADA, National Sports Federations shall accept and abide by the spirit and terms of the National Anti-Doping Programme and these Anti-Doping Rules, including the application of its sanctions to individuals, and shall respect the authority of, and co-operate with, the NADA and the hearing bodies in all anti-doping matters which are not governed by the rules of the relevant International Federation in accordance with the Code.

1.1.4 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, National Sports Federations recognize the authority and responsibility of the NADA for implementing the National Anti-Doping Programme and authorize the NADA to carry out Doping Control and their members and Participants accordingly recognize and accept this authority and responsibility.

The International Federation and the NADA respect each other's authority and responsibility as foreseen in the Code.

1.1.5 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, National Sports Federations also formally submit the National Sports Federation and all Athletes under its jurisdiction or control or subject to its governing documents or rules of sport to these Anti-Doping Rules. They agree to abide by the decisions made pursuant to these Anti-Doping Rules, in particular the decisions of the Anti-Doping Disciplinary

Panel, and ___Anti-Doping Appeal Panel. Their International Federations, members and Participants accordingly recognize and accept this submission and agreement subject to the rights of appeal foreseen in these rules.

1.2 Application to Persons

1.2.1 The NADA Anti-Doping Rules apply to all Persons who:

are members of a National Sports Federation of India, regardless of where they reside or are situated;

1.2.1.1 are members of a National Sports Federation's affiliated members, clubs, teams, associations or leagues;

1.2.1.2 participate in any capacity in any activity organized, held, convened or authorized by a National Sports Federation of India or its affiliated members, clubs, teams, associations or leagues; and

1.2.1.3 participate in any capacity in any activity organized, held, convened or authorized by a National Event organization, or a national league not affiliated with a National Sports Federation.

1.2.2 Participants including Minors are deemed to accept, submit to and abide by these Anti-Doping Rules by virtue of their participation in sport.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of these Anti-Doping Rules (Anti-Doping Rule Violations). Athletes and other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

The following constitute Anti-Doping Rule Violations:

- 2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample
 - 2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.
 - 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed; or, where the Athlete's B Sample is analysed and the analysis of the Athletes B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.
 - 2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.
 - 2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.
- 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method
 - 2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. 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.

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

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

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

2.6 Possession of Prohibited Substances and Methods:

2.6.1 Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance Which is prohibited in Out-of-Competition Testing unless the Athlete establishes that the Possession is pursuant to a

therapeutic use exemption (TUE) granted in accordance with Article 4.4 (TUEs) or other acceptable justification.

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

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

2.8 Administration or Attempted administration to any Athlete In-Competition of any Prohibited Method or Prohibited Substance or administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited in Out-of-Competition Testing or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

NADA has the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether NADA has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6 where the Athlete must satisfy a higher burden of proof.

3.2 Methods of Establishing Facts and Presumptions

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

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

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

3.2.2 Departures from any other International Standard or other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Athlete or other Person establishes that a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused the Adverse Analytical Finding or other anti-doping rule violation occurred, then NADA shall have the burden

to establish that such a departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.

3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be 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.

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

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

4.1.1 These Anti-Doping Rules incorporate the Prohibited List which is published and revised by WADA as described in Article 4.1 of the Code. NADA will make the current Prohibited List available to each National Federation, and each National Federation shall ensure that the current Prohibited List is available to its members and constituents.

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by NADA. As described in Article 4.2 of the Code, IFs may [upon the recommendation of their Anti-Doping Commission] request that WADA expand the Prohibited List for their sport. IFs may also, [upon recommendation of their Anti-Doping Commission] request that WADA include additional substances or methods, which have potential for abuse in their sport, in the monitoring program described in Article 4.5 of the Code. As provided in the Code, WADA shall make the final decision on requests by IFs.

4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all Prohibited Substances shall be "Specified Substances" except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the Prohibited List. Prohibited Methods shall not be Specified Substances.

4.2.3 New Classes of Prohibited Substances

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

4.3 Criteria for Including Substances and Methods on the Prohibited List

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

4.4 Therapeutic Use

4.4.1 Athletes with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a TUE. The presence of a Prohibited Substance or its Metabolites or Markers (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances or Prohibited Methods (Article 2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) consistent with the provisions of an applicable TUE issued pursuant to the International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.

4.4.2 Athletes included by NADA in its Registered Testing Pool and other Athletes participating in any National Event must obtain a TUE granted or recognized by NADA. The application for a TUE must be made as soon as possible (in the case of an Athlete in the Registered Testing Pool, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 30 days before the Athlete's participation in the Event. TUE granted by NADA shall be reported to the Athlete's **National Federation**. TUE granted by NADA to

Athletes included in its Registered Testing Pool or to international-level athletes where the rules of the International Federation authorize NADA to grant TUEs to International-Level Athletes shall be reported to the International Federation, and to WADA through ADAMS.

4.4.3 Other Athletes subject to Testing (i.e. Athletes who are not included by NADA in its Registered Testing Pool and who are not participating in any National Event, but who are subject to Testing) must obtain a TUE from their National Anti-Doping Organization or other body designated by their **National Federation**, as required under the rules of the National Anti-Doping Organization/other body. **National Federations** shall promptly report any such TUE's to NADA and WADA.

4.4.4 NADA shall appoint a panel to consider requests for TUE's (the "TUE Panel") in accordance with the International Standard for Therapeutic Use Exemptions. Upon NADA's receipt of a TUE request, the Chair of the TUE Panel shall appoint one or more members of the TUE Panel (which may include the Chair) to consider such request. The TUE Panel member(s) so designated shall promptly evaluate such request in accordance with the International Standard for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of NADA.

4.4.5 WADA or on its own initiative, may review the granting of a TUE to any International-Level Athlete or Athlete entered in an international event for which a TUE pursuant to the International Federation's rules is required or national-level Athlete who is included in NADA or his or her **National Federation's** Registered Testing Pool. Further, upon any request of any such Athlete who has been denied a TUE, WADA may review such denial. If WADA determines that the granting or denial of a TUE did not comply with the International Standard for Therapeutic Use Exemptions in force at the time then WADA may reverse that decision.

Decisions on TUE's are subject to further appeal as provided in Article 13.

ARTICLE 5 TESTING

5.1 Authority to Test

All Athletes under the jurisdiction of a National Federation shall be subject to Testing by NADA, the Athlete's International Federation, the Athlete's National Federation, and any other Anti-Doping Organization responsible for Testing at a Competition or Event in which they participate. All Athletes under the jurisdiction of a National Federation, including Athletes serving a period of ineligibility or a Provisional Suspension, shall be subject to Testing at any time or place, with or without advance notice, In-Competition or Out-of-Competition by NADA, the Athlete's International Federation, WADA, the Athlete's National Federation, the National Anti-Doping Organization of any country where the Athlete is present or of which the Athlete is national, resident, licence-holder or member of a sport organization, the IOC in connection with the Olympic Games, the IPC in connection with Paralympic Games, and any other Anti-Doping Organization responsible for Testing at a Competition or Event in which they participate.

All Athletes must comply with any request for Testing by any Anti-Doping Organization with Testing jurisdiction.

5.2 Test Distribution Plan

The NADA shall be responsible for drawing up a test distribution plan in accordance with Article 4 of the International Standard for Testing, and for the implementation of that plan, including overseeing all Testing conducted by or on behalf of the NADA. Testing may be conducted by members of the NADA [Anti-Doping Commission] or by other qualified persons so authorized by the NADA.

In coordination with other Anti-Doping Organizations conducting Testing on the same Athletes, and consistent with the International Standard for Testing, NADA shall:

5.2.1 Plan and conduct an effective number of In-Competition and Out-of-Competition tests on Athletes over whom it has jurisdiction, including but not limited to Athletes in its Registered Testing Pools.

5.2.2 Except in exceptional circumstances all Out-of-Competition Testing shall be No Advance Notice.

5.2.3 Make Target Testing a priority.

5.2.4 Conduct Testing on Athletes serving a period of Ineligibility or a Provisional Suspension.

5.3 Testing Standards

Testing conducted by the NADA and its **National Federations** shall be in substantial conformity with the International Standard for Testing in force at the time of Testing.

5.3.1 Blood (or other non-urine) Samples may be used to detect Prohibited Substances or Prohibited Methods, for screening procedure purposes, or for longitudinal hematological profiling ("the passport").

5.4 Coordination of Testing

5.4.1 Testing at Events

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

5.4.2 Out-of-Competition Testing

Out-of-Competition Testing shall be initiated and directed by both international and national organizations. Out-of-Competition Testing may be initiated and directed by: (a) WADA; (b) the International Olympic Committee or International Paralympic Committee in connection with the Olympic Games or Paralympic Games; (c) NADA or **National Federations**; or (d) any other Anti-Doping Organization that has Testing jurisdiction over the Athlete as provided in Article 5.1 (Authority to Test). Out-of-Competition Testing shall be coordinated through ADAMS where reasonably feasible in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing of individual Athletes.

5.4.3 Report

NADA shall promptly report completed tests through the WADA clearinghouse in accordance with article 14.5 to avoid unnecessary duplication in Testing.

5.5 Athlete Whereabouts Requirements

5.5.1 NADA shall identify a Registered Testing Pool of those Athletes who are required to comply with the whereabouts requirements of the International Standard for Testing,⁷ and shall publish the criteria for Athletes to be included in this Registered Testing Pool as well as a list of the Athletes meeting those criteria for the period in question. The NADA shall review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with the set criteria. Each Athlete in the Registered Testing Pool.

- (a) shall advise NADA of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the International Standard for Testing;
- (b) shall update that information as necessary, in accordance with

Article 11.4.2 of the International Standard for Testing, so that it remains accurate and complete at all times;; and (c) shall make him/herself available for Testing at such whereabouts, in accordance with Article 11.4 of the International Standard for Testing.

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

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

5.5.4 Each **National Federation** shall also assist its National Anti-Doping Organization in establishing a national level Registered Testing Pool of top level national Athletes to whom the whereabouts requirements of the International Standard for Testing shall also apply.

5.5.5 Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with WADA and other Anti-Doping Organizations having jurisdiction to test an Athlete in accordance with Articles 11.7.1(d) and 11.7.3(d) of the International Standard for Testing, including the strict condition that it be used only for Doping Control purposes.

5.6 Retirement and Return to Competition

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

5.6.2 An Athlete who has given notice of retirement to the NADA may not resume competing unless he or she notifies NADA at least [six] months before he or she expects to return to competition and makes him/herself available for unannounced Out-of-Competition Testing including (if requested) complying with the whereabouts requirements of the International Standard for Testing, at any time during the period before actual return to competition.

5.7 Selection of Athletes to be Tested

5.7.1 At National Events, NADA and/or **National Federations** shall determine the number of finishing placement tests, random tests and target tests to be performed.

[Examples:

Alternative 1: The following Athletes shall be tested for each Competition at a National Event.

[Alt 1: 5.7.1.1 (For sports competed on an individual basis). . . Each Athlete finishing in one of the top [three][four] placements in [random][selected][targeted][disciplines][all disciplines] in the Competition, plus one other Athlete in the Competition selected at random.

[Alt 2: 5.7.1.1 (For Team Sports or other sports in which awards are given to teams). . . [One][Two] Athletes selected at random from each of the top [three][four] finishing teams, plus [one Athlete selected at random from a randomly-selected team outside the top three finishing teams.] [one Athlete selected at random from each of the other teams in the Competition.]]

5.7.1.2 Any Athlete that establishes or breaks a world record.

Alternative 2: NADA and/or **National Federations** shall target a certain number of athletes not necessarily linked to final placements in order to maximize the diversity of athletes tested or based on information provided by the WADA Clearinghouse on previous tests.

5.7.2 At International Events, each International Federation determines the number of Athletes selected for Testing in each Competition and the procedures for selecting the Athletes for Testing.

5.7.3 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 above, NADA and/or National Federations at National Events, may also select Athletes or teams for Target Testing so long as such Target Testing is not used for any purpose other than legitimate Doping Control purposes.

5.7.4 Athletes shall be selected for Out-of-Competition Testing by the NADA and/or by National Federations through a process that substantially complies with the International Standard for Testing in force at the time of selection.

5.8 Independent Observer Program

National Federations and the organizing committees for National Federation Events shall provide access to Independent Observers at Events as directed by NADA.

ARTICLE 6 ANALYSIS OF SAMPLES

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

6.1 Use of Approved Laboratories

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

6.2 Purpose of Collection and Analysis of Samples

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

6.3 Research on Samples

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

6.4 Standards for Sample Analysis and Reporting

Laboratories shall analyze Doping Control Samples and report results in conformity with the International Standard for Laboratories.

6.5 Retesting Samples

A Sample may be reanalyzed for the purposes described in Article 6.2 at any time exclusively at the directive of NADA or WADA. The circumstances and conditions for retesting Samples shall conform with the requirements of the International Standard for Laboratories.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for Tests Initiated by NADA

Results management for tests initiated by NADA (including tests performed by WADA pursuant to agreement with NADA) shall proceed as set forth below:

7.1.1 The results from all analyses must be sent to NADA in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with ADAMS, a database management tool developed by WADA. ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organizations using it.

7.1.2 Upon receipt of an A Sample Adverse Analytical Finding, NADA shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Adverse Analytical Finding.

- 7.1.3 If the initial review of an Adverse Analytical Finding under Article 7.1.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure that caused the Adverse Analytical Finding, NADA shall promptly notify the Athlete, in the manner set out in Article 14.1.1, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or NADA chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis within the time period specified in the International Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. NADA shall also notify the Athlete's International Federation and WADA. If NADA decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete, the Athlete's International Federation and WADA.
- 7.1.4 Where requested by the Athlete or NADA, arrangements shall be made for Testing the B Sample within the time period specified in the International Standard for Laboratories. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. NADA may nonetheless elect to proceed with the B Sample analysis.
- 7.1.5 The Athlete and/or his representative shall be allowed to be present at the analysis of the B Sample within the time period specified in the International Standard for Laboratories. Also a representative of the Athlete's **National Federation** as well as a representative of NADA shall be allowed to be present.
- 7.1.6 If the B Sample proves negative, then (unless NADA takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the Athlete, his **National Federation,**

and NADA shall be so informed.

7.1.7 If a Prohibited Substance or the Use of a Prohibited Method is identified, the findings shall be reported to the Athlete, his National Federation, NADA, and to WADA.

7.1.8 NADA shall conduct any follow-up investigation into a possible anti-doping rule violation not covered by Articles 7.1.1 to 7.1.8. At such time as NADA is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person subject to sanction notice, in the manner set out in Article 14.1.1, of the anti-doping rule violated, and the basis of the violation. NADA shall also notify the Athlete's International Federation and WADA.

7.2 Review of Atypical Findings

7.2.1 As provided in the International Standards, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously as Atypical Findings subject to further investigation.

7.2.2 Upon receipt of an A Sample Atypical Finding, NADA shall conduct a review to determine whether: (a) an applicable TUE has been granted, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Atypical Finding.

7.2.3 If the initial review of an Atypical Finding under Article 7.2.2 reveals an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative and the Athlete, the Athlete's International Federation, and WADA shall be so informed.

7.2.4 If that review does not reveal an applicable TUE or departure that caused the Atypical Finding, NADA shall conduct the required investigation. After the investigation is completed, the Athlete, WADA and the Athlete's International Federation shall be notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding. The Athlete shall be notified as provided in Article 7.1.4.

7.2.5 NADA will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:

(a) If NADA determines the B Sample should be analyzed prior to the conclusion of its follow-up investigation, it may conduct the B Sample analysis after notifying the Athlete, with such notice to include a description of the Atypical Finding and the information described in Article 7.1.4(b) to (f).

(b) If NADA receives a request, either from a Major Event Organization shortly before one of its International Events or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organization or sport organization has a pending Atypical Finding, NADA shall so identify any such Athlete after first providing notice of the Atypical Finding to the Athlete.

7.3 Results Management for Tests initiated by National Federations

Note: This provision may apply where National Federations retain certain responsibilities for results management for tests they have initiated.

Results management conducted by National Federations shall be consistent with the general principles for effective and fair results management which are underlined in the detailed provisions set forth in this Article 7. Adverse Analytical findings, Atypical Findings and other asserted violations of anti-doping rules shall be reported by National Federations in accordance with the principles outlined in this Article 7 to the Athlete's International Federation, NADA and WADA no later than the completion of the National Federation's results management process. Any apparent anti-doping rule violation by an Athlete who is a member of that National Federation shall be promptly referred to an appropriate hearing panel established pursuant to [Alternative 1 the rules of the National Federation [Alternative 2, these Anti-Doping Rules.

7.4 Results Management for an anti-doping rule violation involving an Athlete who is not under the jurisdiction of NADA

Results management and the conduct of hearings for an anti-doping rule violation

arising from a test by, or discovered by, NADA involving an Athlete who is not a national, resident, license-holder or member of a sport organization of India shall be administered as directed by the rules of the applicable International Federation.

7.5 Results Management for Whereabouts Violations

- 7.5.1 Results management in respect of an apparent Filing Failure by an Athlete in NADA's Registered Testing Pool shall be conducted by NADA in accordance with Article 11.6.2 of the International Standard for Testing (unless it has been agreed in accordance with Article 5.5.4 that the International Federation shall take such responsibility).
- 7.5.2 Results management in respect of an apparent Missed Test by an Athlete in NADA's Registered Testing Pool as a result of an attempt to test the Athlete by or on behalf of NADA shall be conducted by NADA in accordance with Article 11.6.3 of the International Standard for Testing. Results management in respect of an apparent Missed Test by such Athlete as a result of an attempt to test the Athlete by or on behalf of another Anti-Doping Organization shall be conducted by that other Anti-Doping Organization in accordance with Article 11.7.6(c) of the International Standard for Testing.
- 7.5.3 Where, in any eighteen-month period, an Athlete in NADA's Registered Testing Pool is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures or Missed Tests adding up to three in total, whether under these Anti-Doping Rules or under the rules of any other Anti-Doping Organization, NADA shall bring them forward as an apparent anti-doping rule violation.

7.6 Provisional Suspensions

- 7.6.1 If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not

reveal an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the Adverse Analytical Finding, a Provisional Suspension shall be imposed promptly after the review and notification described in Article 7.1.

- 7.6.2 In any case not covered by Article 7.6.1 where NADA decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, a Provisional Suspension may be imposed after the review and notification described in Article 7.1, but prior to the analysis of the Athlete's B Sample or the final hearing as described in Article 8 (Right to a Fair Hearing).
- 7.6.3 However, a Provisional Suspension may not be imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, unless the Athlete or other Persons given either (a) an opportunity for a Provisional Hearing either before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension. **National Federations** shall impose Provisional Suspensions in accordance with the principles set forth in this Article 7.6.
- 7.6.4 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 Anti-Doping Organization) 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 of the Code (Presence of a Prohibited Substance or its Metabolites or Markers). In circumstances where the Athlete (or the Athlete's team as may be provided in these anti-doping rules) has been removed from a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if, without otherwise affecting the Competition, it is

still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.

7.7 Retirement from Sport

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

ARTICLE 8 DISCIPLINARY PROCEDURE

8.1 Appointment of the Anti-Doping Disciplinary Panel

8.1.1 The Government of India, the IOA or the NADA shall appoint the independent Anti-Doping Disciplinary Panel which will comprise of the following:

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

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

8.1.2 Each panel member shall be appointed for a term of 2 years.

8.1.3 If a panel member dies or resigns, the Government, the IOA

or the NADA may appoint an independent Person to be a panel member to fill the resultant vacancy. The Person so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.

8.1.4A panel member may be re-appointed by the Government, the IOA or the NADA.

8.2 Jurisdiction of the Anti-Doping Disciplinary Panel

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

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

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

8.3 Hearings Before the Anti-Doping Disciplinary Panel

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

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

- 8.3.3 The appointed members shall have had no prior involvement with the case. Each member, upon appointment, shall disclose to the Chair any circumstances likely to affect impartiality with respect to any of the parties.
- 8.3.4 An Athlete or other Person may forego a hearing by waiving the right to a hearing in writing and acknowledging the violation of these Anti-Doping Rules and accepting the Consequences consistent with Code Article 9 (Automatic Disqualification of Individual Results) and Code Article 10 (Sanctions on Individuals) as notified by NADA.
- 8.3.5 The Anti-Doping Disciplinary Panel shall have the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.
- 8.3.6 The International Federation, and/or the National Sports Federation concerned, if not a party to the proceedings, the Indian Olympic Association, if not a party to the proceedings, and WADA shall each have the right to attend hearings of the Anti-Doping Disciplinary Panel as an observer.
- 8.3.7 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the completion of the results management process described in Article 7 (Results Management), save where exceptional circumstances apply.
- 8.3.8 Unless otherwise agreed between the parties, the Anti-Doping Disciplinary Panel shall;
- 8.3.8.1 commence the hearing within fourteen (14) days of the notification date;
 - 8.3.8.2 issue a written decision within twenty (20) days of the notification date; and
 - 8.3.8.3 issue written reasons for the decision within thirty (30) days of the notification date.

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

8.4 Proceedings of the Anti-Doping Disciplinary Panel

8.4.1 Subject to the provisions of these Anti-Doping Rules, the Anti-Doping Disciplinary Panel and its hearing panels shall have the power to regulate their procedures.

8.4.2 Hearings of the Anti-Doping Disciplinary Panel shall be open to the public, unless the Anti-Doping Disciplinary Panel determines that there are special circumstances warranting otherwise.

8.4.3 NADA shall present the case against the Person before the Anti-Doping Disciplinary Panel and, where requested by NADA, the National Sports Federation of the Person concerned shall assist NADA.

8.4.4 The Person, against whom the case is brought, has the right to respond to the asserted anti-doping rule violation and resulting Consequences.

8.4.5 A failure by any party or their representative to attend a hearing after notification will be deemed to be an abandonment of their right to a hearing. This right may be reinstated on reasonable grounds.

8.4.6 Each party shall have the right to be represented at a hearing, at that party's own expense.

8.4.7 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel. The hearing panel shall determine the identity and responsibility for the cost of any interpreter.

8.4.8 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone, written statement or submission,

whether by fax, email or other means).

8.4.9 Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The hearing panel may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.

8.4.10 The hearing panel may postpone or adjourn a hearing.

8.4.11 The hearing panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.

8.4.12 Any failure by the Person concerned to comply with any requirement or direction of the hearing panel shall not prevent the hearing panel from proceeding and such failure may be taken into consideration by the hearing panel when making its decision.

8.4.13 Hearings may be recorded and the NADA shall own and retain any recording.

8.5 Decisions of the Anti-Doping Disciplinary Panel

8.5.1 The deliberations of the hearing panel on its decision shall be private.

8.5.2 Any minority or dissenting decisions shall be noted in the written reasons. In the event of a majority decision, this shall be the decision of the hearing panel.

8.5.3 The decision of the hearing panel shall be written, dated and signed. In order to expedite the finalization of the hearing, the decision may be handed down without written reasons in accordance with the time schedule outlined in

Article 8.3.8. In any case in which the period of Ineligibility is eliminated under Article 10.5.1 (No Fault or Negligence) or reduced under Article 10.5.2 (No Significant Fault or Negligence) the decision shall explain the basis for the elimination or reduction.

8.5.4 The decision of the hearing panel shall be advised to the parties to the proceedings, WADA, the relevant International Federation (and to the National Olympic Committee and National Sports Federation if not a party to the proceedings) as soon as practicable after the conclusion of the hearing.

8.5.5 Decisions of the Anti-Doping Hearing Panel may be appealed as provided in Article 13 (Appeals).

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.

ARTICLE 10 SANCTIONS ON INDIVIDUALS

10.1 Disqualification of Results in an 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.

10.1.2 If the Athlete establishes that they bear No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be Disqualified unless the

Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation.

10.2 Imposition of Ineligibility for Prohibited Substances and Prohibited Methods

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

First violation: Two (2) years' Ineligibility.

10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations Rules other than as provided in Article 10.2 shall be as follows:

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

10.3.2 For violations of Article Code 2.7 (Trafficking), Code Article 2.8 (Administration of Prohibited Substance or Prohibited Method) the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a Minor shall be considered a particularly serious violation, and, if committed by Athlete Support Personnel for violations other than Specified Substances referenced in Article 4.2.2_ shall result in lifetime Ineligibility for such Athlete Support Personnel. In addition, significant violations of such Articles that also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

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

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

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

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

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

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

10.5 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances.

10.5.1 No Fault or Negligence

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

applicable is eliminated, the anti-doping rule violation shall not be considered a violation only for the limited purpose of determining the period of Ineligibility for multiple violations under Articles 10.7.

10.5.2 No Significant Fault or Negligence

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

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

The Anti-Doping Disciplinary Panel or Anti-Doping Appeal Panel may prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Athlete or other Person has provided to an Anti-Doping Organization criminal authority or professional disciplinary body which results in the Anti-Doping Organization discovering or establishing an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another Person. After a final appellate decision under Article 13 or the expiration of time to appeal, the Anti-Doping Disciplinary Panel or Anti-Doping Appeal Panel may only suspend a part of the applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise

applicable period of Ineligibility be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this section must be no less than 8 years. If the Anti-Doping Disciplinary Panel or Anti-Doping Appeal Panel suspends any part of the period of Ineligibility under this Article, it shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision. If the Anti-Doping Disciplinary Panel or Anti-Doping Appeal Panel subsequently reinstates any part of the suspended period of Ineligibility because the Athlete or other Person has failed to provide the Substantial Assistance which was anticipated, the Athlete or other Person may appeal the reinstatement pursuant to Article 13.2.

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

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

10.5.5 Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article Before applying any reductions under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If

the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of Ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of Ineligibility.

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

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

An Athlete or other Person can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by the Anti-Doping Disciplinary Panel or Anti-Doping Appeal Panel.

10.7 Multiple Violations

10.7.1 Second Anti-Doping Rule Violation

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

<u>Second Violation</u>	<u>RS</u>	<u>FFMT</u>	<u>NSF</u>	<u>St</u>	<u>AS</u>	<u>TRA</u>
<u>First Violation</u>						
<u>RS</u>	<u>1-4</u>	<u>2-4</u>	<u>2-4</u>	<u>4-6</u>	<u>8-10</u>	<u>10-life</u>
<u>FFMT</u>	<u>1-4</u>	<u>4-8</u>	<u>4-8</u>	<u>6-8</u>	<u>10-life</u>	<u>life</u>
<u>NSF</u>	<u>1-4</u>	<u>4-8</u>	<u>4-8</u>	<u>6-8</u>	<u>10-life</u>	<u>life</u>
<u>St</u>	<u>2-4</u>	<u>6-8</u>	<u>6-8</u>	<u>8-life</u>	<u>life</u>	<u>life</u>
<u>AS</u>	<u>4-5</u>	<u>10-life</u>	<u>10-life</u>	<u>life</u>	<u>life</u>	<u>life</u>
<u>TRA</u>	<u>8-life</u>	<u>Life</u>	<u>life</u>	<u>life</u>	<u>life</u>	<u>life</u>

Definitions for purposes of the second anti-doping rule violation table:

RS (Reduced sanction for Specified Substance under Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a Specified Substance and the other conditions under Article 10.4 were met.

FFMT (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).

NSF (Reduced sanction for No Significant Fault or Negligence): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because No Significant Fault or Negligence under Article 10.5.2 was proved by the Athlete.

St (Standard sanction under Article 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under Article 10.2 or 10.3.1.

AS (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the Anti-Doping Organization established the conditions set forth under Article 10.6.

TRA (Trafficking and Administration): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2 for Trafficking or Administration.

10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Violation.

Where an Athlete or other Person who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Article 10.5.3 or Article 10.5.4, the [National] Anti-Doping Disciplinary Panel or [National] Anti-Doping Appeal Panel shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of Ineligibility.

10.7.3 Third Anti-Doping Rule Violation.

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

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

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

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

For purposes of Article 10.7, each anti-doping rule violation must take place within the same eight (8) year period in order to be considered multiple violations.

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

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

10.8.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the Athlete must first repay all prize money forfeited under this Article.

10.8.2 Allocation of Forfeited Prize Money.

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

10.9 Commencement of Ineligibility Period

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

10.9.2 Any period of Provisional Suspension (whether imposed or voluntarily

accepted) shall be credited against the total period of Ineligibility to be served.

10.9.3 Delays Not Attributable to the Athlete or other Person.

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

10.9.4 Timely Admission.

Where the Athlete promptly (which, in all events, means before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by NADA, 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 period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction or the date of a hearing decision imposing a sanction.

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

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

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

10.10 Status During Ineligibility

10.10.1 Prohibition against Participation during Ineligibility

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

10.10.2 Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local sport Events in a sport other than the sport in which the Person committed the anti-doping rule violation, but only so long as the local sport Event is not at a level that could otherwise qualify such Person directly or indirectly to compete in (or accumulate points toward) a National Event or International Event.

A Person subject to a period of Ineligibility shall remain subject to Testing.

10.10.3 Violation of the Prohibition of Participation During Ineligibility.

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

10.10.4 Withholding of Financial Support during Ineligibility.

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

10.11 Reinstatement Testing

10.11.1 As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete shall, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by NADA, the applicable National Sports Federation and/or any Anti-Doping Organization having Testing jurisdiction, and shall, if requested, provide current and accurate whereabouts information as provided in Article 5.5 (Whereabouts Requirements).

10.11.2 If an Athlete, subject to a period of Ineligibility, retires from sport and is removed from Out-of-Competition Registered Testing Pools and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified NADA, Indian Olympic Association, the applicable National Sports Federation and relevant Anti-Doping Organizations and has been subject to Out-of-Competition Testing for a period of time equal to the longer of the period set forth in Article 5.5.2 or the period of Ineligibility remaining as of the date the Athlete had retired. During such remaining period of Ineligibility, the Athlete shall undergo Out-of-Competition Testing. NADA shall determine the number and frequency of Testing.

10.11.3 NADA shall be responsible for conducting the Out-of-Competition Testing required under this Article 10.10, but Testing by any Anti-Doping Organization may be used to satisfy the requirement.

10.11.4 Once the period of an Athlete's suspension has expired, and the Athlete has fulfilled the conditions of reinstatement then the Athlete shall become automatically re-eligible and no application by the

Athlete or by the Athlete's National Sports Federation shall then be necessary.

ARTICLE 11 CONSEQUENCES TO TEAM SPORTS

11.1 Testing of Team Sports

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

11.2 Consequences for Team Sports

If more than two members of a team in a Team Sport are found to have committed an anti-doping rule violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Athlete(s) committing the anti-doping rule violation.

11.3 Event Ruling Body May Establish Stricter Consequences for Team Sports

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

ARTICLE 12 SANCTIONS AGAINST NATIONAL SPORTS FEDERATIONS

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

12.2 Membership or recognition of National Sports Federations by NADA and Government may be withdrawn or withheld until the National Sports Federation anti-doping rules are in compliance with these Anti-Doping Rules and the Code.

12.3 Decisions of the NADA pursuant to this Article 12 (Sanctions against National Sports Federations) may be appealed as provided for in Article 13.9 (Appeals from Decisions Pursuant to Article 12).

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in these rules or in the rules of the Anti-Doping Organization conducting the hearing process as per article 8 must be exhausted (except as provided in Article 13.1.1).

13.1.1 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 NADA's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in NADA's process.

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

A decision that an anti-doping rule violation was committed, a decision 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 under Article 10.10.2 (prohibition of participation during Ineligibility); a decision that an Anti-Doping Organization lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences, a decision by any **National Federation** 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 under Code Article 7.4; and a decision to impose a Provisional Suspension as a result of a Provisional hearing or in violation of Article 7.5 may be appealed exclusively as provided in this Article 13.2.

13.2.1 Appeals Involving International-Level Athletes

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

13.2.2 In cases involving national-level Athletes, that do not have a right to appeal under Article 13.2.1, the decision may be appealed to the Anti-Doping Appeal Panel.

13.2.3 Persons Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS:

- a) the Athlete or other Person who is the subject of the decision being appealed;
- b) the other party to the case in which the decision was rendered;
- c) the relevant International Federation
- d) NADA and 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 including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- f) WADA

In cases under Article 13.2.2, the parties having the right to appeal to the Anti-Doping Appeal Panel shall at a minimum include the:

- (1) Athlete or other Person who is the subject of the decision being appealed;
- (2) The other party to the case in which the decision was rendered;
- (3) relevant International Federation;
- (4) National Olympic Committee;

(5) Athlete's or other Person's National Anti-Doping Organization;
and

(6) WADA.

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

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

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

(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or

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

13.3 Failure to Render a Timely Decision by the NADA

Where, in a particular case, the NADA 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 the NADA had rendered a decision finding no anti-doping rule violation. If the CAS panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by the NADA.

13.4 The Anti-Doping Appeal Panel

13.4.1 The Government of India or the NADA shall appoint the independent Anti-Doping Appeal Panel.

13.4.2 Each panel member shall be appointed for a term of 2 years.

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

13.4.4 A panel member may be re-appointed.

13.5 Jurisdiction of the Anti-Doping Appeal Panel

13.5.1 The Anti-Doping Appeal Panel has the power to hear and determine all issues arising from any matter, which is appealed to it pursuant to Article 13.2.2 of these Anti-Doping Rules. In particular, the Anti-Doping Appeal Panel has the power to determine the Consequences of an Anti-Doping Rule Violation to be imposed pursuant to these Anti-Doping Rules.

13.5.2 The Anti-Doping Appeal Panel shall be independent and impartial in the performance of its functions.

13.5.3 The Anti-Doping Appeal Panel has all powers necessary for, and incidental to, the exercise of its functions.

13.6 Hearings Before the Anti-Doping Appeal Panel

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

13.6.2 Composition of the Appeal Panel.

The Appeal Panel will consist of the following:-

- (a) One legal practitioner as Chairman of not less than 7 years standing;
- (b) One medical practitioner of not less 10 years standing;
- (c) One sports administrator;

(d) One renowned athlete who has retired from active sports.

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

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

13.6.5 The Anti-Doping Appeal Panel has the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.

13.6.6 NADA has the right to join proceedings and attend hearings of the Anti-Doping Appeal Panel as a party.

13.6.7 The International Federation and/or the National Sports Federation concerned, if not a party to the proceedings, the Indian Olympic Association, if not a party to the proceedings, and WADA each have the right to attend hearings of the Anti-Doping Appeal Panel as an observer.

13.6.8 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the date of the decision of the Anti-Doping Disciplinary Panel, save where exceptional circumstances apply.

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

13.7 Proceedings of the Anti-Doping Appeal Panel

13.7.1 Subject to the provisions of these Anti-Doping Rules, the Anti-Doping Appeal Panel shall have the power to regulate

their procedures.

- 13.7.2 Hearings of the Anti-Doping Appeal Panel shall be open to the public, unless the Anti-Doping Disciplinary Panel determines that there are special circumstances warranting otherwise.
- 13.7.3 The appellant shall present their case and the respondent party or parties shall present their cases in reply.
- 13.7.4 A failure by any party or their representative to attend a hearing after notification will be deemed to be an abandonment of their right to a hearing. This right may be reinstated on reasonable grounds.
- 13.7.5 Each party shall have the right to be represented at a hearing, at that party's own expense.
- 13.7.6 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel. The hearing panel shall determine the identity and responsibility for the cost of any interpreter.
- 13.7.7 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the hearing Panel's discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).
- 13.7.8 Facts relating to anti-doping rule violations may be established by any reliable means, including admissions. The Appeal Panel may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 13.7.9 The Appeal Panel may postpone or adjourn a hearing.
- 13.7.10 The Appeal Panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it

and/or the other or other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.

13.7.11 Any failure by any party to comply with any requirement or direction of the Appeal Panel shall not prevent the Appeal Panel from proceeding and such failure may be taken into consideration by the Appeal Panel when making its decision.

13.7.12 Hearings may be recorded and any recording is owned and shall be retained by NADA.

13.8 Decisions of the Anti-Doping Appeal Panel

13.8.1 The deliberations of the Anti-Doping Appeal Panel on its decision shall be private.

13.8.2 Any minority or dissenting decisions shall be noted in the written reasons. In the Event of a majority decision, this shall be the decision of the Anti-Doping Appeal Panel.

13.8.3 The decision of the Anti-Doping Appeal Panel shall be written, dated and signed and shall state brief reasons. In any case in which the period of Ineligibility is eliminated under Article 10.5.1 (No Fault or Negligence) or reduced under Article 10.5.2 (No Significant Fault or Negligence) the decision shall explain the basis for the elimination or reduction. The signature of the Chair or Vice-Chair as applicable shall suffice.

13.8.4 The decision of the Anti-Doping Appeal Panel shall be advised to the parties to the proceedings and to NADA if not a party to the proceedings as soon as practicable after the conclusion of the hearing.

13.9 Appeals from Decisions Granting or Denying a TUE

13.9.1 Decisions by WADA reversing the grant or denial of a TUE

may be appealed exclusively to CAS by the athlete or the Anti Doping Organization whose decision was reversed. Decisions to deny TUE,s, and which are not reversed by WADA, may be appealed by International Level Athletes to CAS and by other Athletes [Alternative 1 : to CAS] [Alternative 2 : to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA].

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

13.10 Appeals from Decisions Pursuant to Article 12

Decisions of NADA pursuant to Article 12 (Sanctions Against National Sporting Federations) may be appealed exclusively to CAS by the National Sports Federation concerned.

ARTICLE 14 REPORTING AND RECOGNITION

14.1 Notice, Confidentiality and Reporting

14.1.1 Notice to Athletes and Other Persons.

Notice to Athletes or other Persons shall occur as provided under Article 7. Notice to an Athlete or other Person who is a member of a National Federation may be accomplished by delivery of the notice to the National Federation.

14.1.2 Notice to NADA [if applicable], International Federations and WADA.

Notice to NADA [if applicable], International Federations and WADA shall occur as provided under Article 7.

14.1.3 Content of Notification.

Notification to NADA [if applicable], the Athlete's International Federation and WADA according to Article 7 shall include: the Athlete'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 and the analytical result reported by the laboratory.

14.1.4 Status Reports.

The same Persons and Anti-Doping Organizations shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals) 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 the Anti-Doping Organization with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.

14.2 Public Disclosure.

14.2.1 The identity of any Athlete or other Person who is asserted by NADA to have committed an anti-doping rule violation, may be publicly disclosed by NADA only after notice has been provided to the Athlete or other Person in accordance with Articles 7.1, 7.2 or 7.4, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2.

14.2.2 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, NADA must publicly report 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 and the Consequences imposed. NADA must also publicly report within twenty (20) days appeal decisions concerning anti-doping rule violations. NADA shall also, within the time period for publication, send all hearing and appeal decisions to WADA.

14.2.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the Athlete or other Person who is the subject of the decision. NADA 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.

14.2.4 For purposes of Article 14.2, publication shall be accomplished at a minimum by placing the required information on the NADA or **National Federations'** Web site and leaving the information up for at least one (1) year.

14.2.5 Neither NADA, nor **National Federation,** or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.

14.3 Athlete Whereabouts Information.

As further provided in the International Standard for Testing, Athletes who have been identified by NADA or **National Federations** for inclusion in a Registered Testing Pool shall provide accurate, current location information. NADA, International Federations and other National Anti-Doping Organizations shall coordinate the identification of Athletes and the collecting of current location information and shall submit these to WADA. This information will be accessible, through ADAMS where reasonably feasible, to other Anti-Doping Organizations having jurisdiction to test the Athlete. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating

or conducting Testing; and shall be destroyed after it is no longer relevant for these purposes.

14.4 Statistical Reporting.

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

14.5 Doping Control Information Clearinghouse.

WADA shall act as a central clearinghouse for Doping Control Testing data and results for International-Level Athletes and national-level Athletes who have been included in NADA's Registered Testing Pool. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, NADA shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse as soon as possible after such tests have been conducted. This information will be made accessible to the Athlete, the Athlete's **National Federation**, National Olympic Committee or National Paralympic Committee, NADA, International Federation, and the International Olympic Committee or International Paralympic Committee.

To enable it to serve as a clearinghouse for Doping Control Testing data, WADA has developed a database management tool, ADAMS, that reflects emerging data privacy principles.. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the protection of privacy.

14.6 Data Privacy.

When performing obligations under these rules, NADA or **National Federations** may collect, store, process or disclose personal information relating to Athletes and third parties. NADA or **National Federations** shall

ensure that they comply with applicable data protection and privacy laws with respect to their handling of such information, as well as the International Standard for the protection of privacy that WADA shall adopt to ensure Athletes and non-athletes are fully informed of and, where necessary, agree to the handling of their personal information in connection with anti-doping activities arising under the Code and these anti-doping rules.

ARTICLE 15 PUBLIC DISCLOSURE

NADA, the Athlete's National Anti-Doping Organization, any National Sports Federation, the Anti-Doping Disciplinary Panel or any other Person shall not Publicly Disclose or Publicly Report the identity of Athletes whose Samples have resulted in Adverse Analytical Findings, or of Persons who are alleged to have committed an anti-doping rule violation pursuant to these Anti-Doping Rules until the administrative review described in Articles 7.3 and 7.4 has been completed. No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 (Disciplinary Procedure) that an anti-doping rule violation has occurred or such hearing has been waived, NADA shall Publicly Report the disposition of the anti-doping matter. This disposition shall include the name of the Person concerned and the reasons for decisions.

ARTICLE 16 MUTUAL RECOGNITION OF DECISIONS

16.1 Recognition of Decisions Pursuant to these Rules

Subject to the right to appeal any decision of the Anti-Doping Disciplinary Panel or CAS, or the Anti-Doping Appeal Panel, regarding a violation of these Anti-Doping Rules within the authority of NADA shall be recognized by all Anti-Doping Organizations and each of their affiliated Organizations, each of which shall take all necessary action to render such results effective.

16.2 Recognition of Decisions of Other Organizations

16.2.1 Subject to any applicable right to appeal, the Testing, TUEs and hearing results or other final adjudications of any

Signatory to the Code which are consistent with the Code and are within the Signatory's authority, shall be recognized and respected by NADA, the National Sports Federations, the Anti-Doping Disciplinary Panel and the Anti-Doping Appeal Panel.

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

ARTICLE 17 STATUTE OF LIMITATION

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

ARTICLE 18 AMENDMENT AND INTERPRETATION

18.1 Amendment

- 18.1.1 NADA shall be responsible for overseeing the evolution and improvement of these Anti-Doping Rules, including implementing any amendments to the Code. Participants and National Sports Federations shall be invited to participate in such process.
- 18.1.2 Amendments to these Anti-Doping Rules initiated by NADA shall, after appropriate consultation, be approved by NADA. NADA shall notify National Sports Federations promptly of all such amendments.
- 18.1.3 Amendments shall, unless provided otherwise in the amendment, go into effect and shall be implemented by National Sports Federations three months after such approval.

18.2 Interpretation

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

- 18.2.1 The headings used in these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.
- 18.2.2 The INTRODUCTION and the DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.
- 18.2.3 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code shall be referred to, where applicable, to assist in the understanding and interpretation of these Anti-Doping Rules.

ARTICLE 19 INFORMATION AND NOTICES

19.1 Information

Any Person who submits information including data or medical information to any organization or Person in accordance with these Anti-Doping Rules shall be deemed to have agreed that such information may be utilised by such organization or Person for the purposes of the implementation of these Anti-Doping Rules.

19.2 Notices

- 19.2.1 All notices referred to in these Anti-Doping Rules shall be governed by the provisions of this Article 19.2 (Notices).
- 19.2.2 Each Athlete in the NADA Registered Testing Pool shall provide NADA with an address to which notice may be delivered and in the event of a change of address it is the responsibility of the Athlete to provide NADA with such amended details.

- 19.2.3 Notice to an Athlete in the NADA Registered Testing Pool shall be delivered by means of registered/speed post to the address provided to NADA by that Athlete. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.
- 19.2.4 Notice to any other Athlete or other Person shall be accomplished by posting the notice by registered/speed post to the address furnished by that Athlete or Person. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.
- 19.2.5 NADA may, with the prior agreement of the intended recipient, as an alternative to, or in conjunction with, notice by registered post, use any other method of communication available, including, but not limited to, facsimile, email, and telephone.

ARTICLE 20 COMMENCEMENT AND VALIDITY

20.1 Commencement

- 20.1.1 These Anti-Doping Rules shall come into full force and effect on, and shall be adopted and incorporated by National Sports Federations pursuant to Article 1.1 (Application to National Sports Federations) by 1st January, 2010.
- 20.1.2 These Anti-Doping Rules shall not apply retrospectively to matters pending before the date these Anti-Doping Rules come into effect. Outstanding protests, appeals and applications for reinstatement initiated under any prior NADA, Indian Olympic Association or National Sports Federation anti-doping policy may be completed under that policy and, to the extent relevant, their results shall be recognized for the purposes of these Anti-Doping Rules. The term of outstanding suspensions under any prior NADA, Indian Olympic Association or National Sports Federation anti-doping policy shall also be recognized under these Anti-Doping Rules.

20.2 Validity

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

20.2.2 If any Article of these Anti-Doping Rules is held invalid, unenforceable or illegal for any reason, these Anti-Doping Rules shall remain otherwise in full force apart from such Article which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

20.2.3 All acts bona fide done by any Person in the implementation of these Anti-Doping Rules, notwithstanding that it be afterwards discovered that there was some defect in the appointment, qualification or authority of such Person so acting, shall be as valid as if every such Person had been duly appointed, qualified or authorized.

20.3 Governing Law

National law governs these Anti-Doping Rules.

21 DEFINITIONS

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

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

Anti-Doping Organization: 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, WADA, International Federations, and National Anti-Doping Organizations.

Athlete: For purposes of Doping Control, any Person who participates in sport at the international level (as defined by each International Federation) or national level (as defined by each National Anti-Doping Organization) and any additional Person who participates in sport at a lower level if designated by the Person's National Anti-Doping Organization. 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.

[Comment to Athlete: This definition makes it clear that all international and national-caliber 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 IFs and National Anti-Doping Organizations, respectively. At the national level, anti-doping rules adopted pursuant to the Code shall apply, at a minimum, to all persons on national teams and all persons qualified to compete in any national championship in any sport. That does not mean, however, that all such Athletes must be included in a National Anti-Doping Organization's Registered Testing Pool. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond national-caliber athletes to competitors at

lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating Athletes participating in or preparing for sports Competition.

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

CAS: The Court of Arbitration for Sport.

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

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

Consequences of Anti-Doping Rules Violations: An Athlete's or other Person's violation of 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 for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.9 of the Code (Status During Ineligibility); and (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition prior to the final decision at a hearing conducted under Article 8 of the Code (Right to a Fair Hearing).

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

Doping Control: The process including test distribution planning, Sample collection and handling, laboratory analysis, results management, hearings and appeals.

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

Government: Government of India.

In-Competition: For purposes of differentiating between In-Competition and Out-of-Competition Testing, unless provided otherwise in the rules of an International Federation or other relevant Anti-Doping Organization, an In-Competition test is a test where an Athlete is selected for Testing in connection with a specific Competition.

Independent Observer Program: A team of observers, under the supervision of WADA, who observe the Doping Control process at certain Events and report on observations. If WADA is Testing In-Competition at an Event, the observers must be supervised by an independent organization.

Indian Olympic Association: The National Olympic Committee of India.

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

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

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

International Standard: A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) must be sufficient to conclude that the procedures addressed by the International Standard were performed properly.

Major Event Organizations: This term refers to 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 parameters that indicates the Use of a Prohibited Substance or Prohibited Method.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural Person who has not reached the age of majority as established by the applicable laws of their country of residence.

NADA: National Anti Doping Agency of India.

Anti-Doping Appeal Panel: The panel appointed by the Government or NADA to adjudicate on appeals from decisions of the Anti-Doping Disciplinary Panel. [unless CAS is preferred]

Anti-Doping Disciplinary Panel: The panel appointed by the Government, the IOA or NADA to adjudicate on alleged violations of these Anti-Doping Rules. [unless CAS is preferred]

National Anti-Doping Agency: The entity designated by India 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 hearings, all at the national level. For the purposes of these Anti-Doping Rules, NADA will be the designated entity.

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

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

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

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

NOC Team: any National Olympic Team or other team selected by the Indian Olympic Association.

No Fault or Negligence: The Athlete's establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance or Prohibited Method.

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

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

Participant: Any Athlete or Athlete Support Personnel.

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

Possession: The actual, physical possession, or the constructive Possession (which must be found only if the Person has exclusive control over the Prohibited Substance/Method or the premises or property in which a Prohibited Substance/Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance/Method or the premises in which a Prohibited Substance/Method exists, constructive Possession must only be found if the Person knew about the presence of the Prohibited Substance/Method and intended to exercise control over it. Provided, however, there must be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person no longer intends to have Possession and has renounced the Person's previous Possession.

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

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

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

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

Provisional Hearing: For purposes of Article 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the Athlete with notice and an opportunity to be heard in either written or oral form.

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

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

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

Retroactive TUE: As defined in the International Standard for Therapeutic Use Exemptions.

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

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

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

Specified Substances: As defined in Article 4.2.2.

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

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

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

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

Trafficking: To sell, give, administer, transport, send, deliver or distribute a Prohibited Substance or Prohibited Method to an Athlete either directly or indirectly or through one or more third parties, but excluding the prescription, dispensing, sale or distribution of a Prohibited Substance for genuine and legal therapeutic purposes.

TUE: Therapeutic use exemption.

TUEC: TUE Committee established by NADA.

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

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

Annexure:

[Comment 1: This will need to be reworded depending on the body adopting these Model Rules. Where the organization does not have direct authority over Participants, then it will need to be clarified that those bodies with direct authority (e.g.: **National Federations**) will have to ensure that this requirement is included in their anti-doping policies.]

[Comment 2: Note that it may not be possible or desirable in all jurisdictions to exclude the impact of the criminal law and employment legislation on these Anti-Doping Rules.]

[Comment to Article 1.1.2: A practical implementation might be to include on the membership card/license of each **National Federation** that the holder of this card is bound by the anti-doping rules of NADA and the relevant International Federation with a signature acknowledging this acceptance.]

[Comment to Article 1.1.3: NADA is encouraged to work cooperatively with their Governments to ensure that the adoption and implementation of **National Federation** anti-doping policies are a pre-condition to receiving any financial and/or other assistance from the Government and/or NADA.]

[Comment to article 1.2.1.4: The NADA should ensure that these bodies are otherwise incorporated into the national anti-doping programme, or this provision will be unenforceable. It may also be possible in some nations to extend this provision to persons using facilities and/or services provided by the Government, NADA and /or NSFs and members of NSFs.]

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

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

circumstances did not intend to enhance his or her sport performance (Article 10.4 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)).

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

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

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

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

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

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

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

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

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

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

[Comment to Article 2: The Code does not make it an anti-doping rule violation for an Athlete or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, NADA may adopt its own specific policy which prohibit such conduct.]

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

[Comment to Article 3.2: For example, NADA may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable

analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples.]

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

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

[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. The Prohibited List in force is available on WADA's website at www.wada-ama.org. The Prohibited List is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the Prohibited List.]

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

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

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

substance listed in the class of anabolic agents does not belong in that class.]

[Comment to Article 5.1: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested (e.g., world-class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purposes other than legitimate Doping Control. The Code makes it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for Target Testing].

[Comment to Article 5.2.3: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested (e.g., world-class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purposes other than legitimate Doping Control. These anti-doping rules make it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, they do not impose any reasonable suspicion or probable cause requirement for Target Testing]

[Comment to Article 5.4.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories and governments.]

[Comment to Article 5.5.1: The purpose of the NADA Registered Testing Pool is to identify top-level National Athletes who the NADA requires to provide whereabouts information to facilitate Out-of-Competition Testing by the NADA and other Anti-Doping Organizations with jurisdiction over the Athletes. The NADA will identify such Athletes in accordance with the requirements of Article 4 and Article 11.2 of the International Standard for Testing.

Examples for the criteria which could be used separately or in combination include:

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

Every **National Federation** shall report to the NADA [the performances, names and addresses of all Athletes whose performances fall within the Registered Testing Pool criteria established the NADA.]

[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use of a Prohibited Substance), or both.]

[Comment to Article 6.5: Although this Article is new, Anti-Doping Organizations have always had the authority to reanalyze Samples. The International Standard for Laboratories or a new technical document which is made a part of the International Standard will harmonize the protocol for such retesting.]

[Comment to Article 7.3.1: Refer to Code Articles 3.2, 3.2.1 and 3.2.2]

[Comment to Article 7.3.2: See Article 7.3.3.4]

[Comment: Reference is to Code Article 14.1]

[Comment to Article 7.3.4.3: Refer to Code Articles 7.5 (Principles Applicable to Provisional Suspensions) and 14.1.]

[Comment to Article 7.3.5.4 :Refer to Code Article 7.2]

[Comment to Article 7.3.5.5 :Refer to the Laboratory Standard]

[Comment to Article 7.3.5.6 :Refer to the Laboratory Standard Article 5.2.4.3.2.2]

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

[Comment to Article 7.4: In some cases, the procedural rules of NADO may specify that results management will be handled by another organization (e.g., the Athlete's **National Federation**). In such event, it shall be NADO's responsibility to confirm that the other organization's rules are consistent with the Code.

The Athlete's or other Person's International Federation has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management. Of course, an International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's **National Federation** shall conduct results management.]

[Comment to Article 7.5.2: Reference Code Articles 14.1, 7.1 & 7.2]

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

[Comment to Article 7.6: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, a Signatory imposing a Provisional Suspension is required to give the Athlete an opportunity for a Provisional Hearing either before or promptly after the imposition of the

Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2

In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.

Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.9.3.]

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

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

[Comment to Article 8.2.4: A 'miscarriage of justice' arises when a decision appears to be clearly mistaken, unfair, or improper based on the facts presented at the hearing. [Note that this wording may need to be altered or deleted in some jurisdictions].]

[Comment to Article 8.3.1: Note that in some nations, the National Sports Federation is required to refer the matter to the Anti-Doping Disciplinary Panel, not the NADA]

[Comment to Article 8.3.6: Also the NADA, if not a party to the proceedings should be included here.]

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

For Team Sports, see Article 11 (Consequences to Teams).

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 NADA.]

[Comment to Article 10.1.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event.]

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

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

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

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

[Comment to Article 10.4: Specified Substances as now defined in Article 4.2.2 are not necessarily less serious agents for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance could be very effective to an Athlete in competition); for

that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation.

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

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

In assessing the Athlete or other Person's degree of fault, the circumstances considered must be specific and relevant to explain the Athlete or other Person's departure from the expected standard of 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 his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]

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

to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.

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

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

For purposes of assessing the Athlete or other Person's fault under Articles 10.5.1 and 10.5.2, the evidence considered must be specific and relevant to explain the Athlete or other Person's departure from the expected standard of 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 his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article.

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

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

[Comment to Article 10.5.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectable in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the period of Ineligibility may be suspended.

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

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

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

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

Example 1.

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

Application of Article 10:

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

at least one-half of the Ineligibility period (minimum three months) after the date of the hearing decision.

Example 2.

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

Application of Article 10:

1. The basic sanction would be between two and four years Ineligibility as provided in Article 10.6.
2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.
3. Article 10.5.5 does not apply.
4. Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.

Example 3.

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

Application of Article 10:

1. Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing panel would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)
2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]
3. Article 10.5.5 does not apply.

4. Under Article 9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)

Example 4.

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

Application of Article 10:

1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.

2. Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced up to one-half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reduced up to three-quarters of the two years.

3. Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)

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

[Comment to Article 10.6: Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually

or involving a conspiracy or common enterprise to commit anti-doping rule violations; the Athlete or other Person used or possessed multiple Prohibited Substances or Prohibited Methods or used or possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation.

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

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

[Comment to Article 10.7.1 RS Definition: See Article 25.4 with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]

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

[Comment to Article 10.8.2: Nothing in NADA's 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.]

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

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

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

[Comment to Articles 10.10.1 and 10.10.2: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the consequences set forth in Article 10.10.2. Sanctions in one sport will also be recognized by other sports (see Article 15).]

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

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

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

[Comment to Article 13.1: Where the NADA wishes to provide an additional post-decision review process (conforming to principals of natural justice) to apply to non International-Level Athletes in these Rules, it must be stated

here that; “Before an appeal is commenced, the post-decision review (however called) provided in the Anti-Doping Rules must be exhausted.”]

[Comment to Article 13.1.1: Where a decision has been rendered before the final stage of NADA’s process (for example, a first hearing) and no party elects to appeal that decision to the next level of NADA’s process (e.g., the Managing Board), then WADA may bypass the remaining steps in NADA’s internal process and appeal directly to CAS.]

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

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

[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for NADA to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with NADA and give NADA an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits NADA from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its **National Federations** has been inappropriately delayed.]

[Comment to Article 13.5.4: A ‘miscarriage of justice’ arises when a decision appears to be clearly mistaken, unfair, or improper based on the facts presented at the hearing. [Note that this wording may need to be altered or deleted in some jurisdictions].]

[Comment to Article 13.6.6: Note that in some nations, it may be that the reference to NADA here is replaced by the National Sports Federation.]

[Comment to Article 13.6.7: Where not a party, the NADA should be included here.]

[Comment to Article 13.7.2: or National Sports Federation as relevant.]

[Comment to Article 14.1: Note that TUEs for Athletes not in the Registered Testing Pool may have to be reported where they are tested at Events or Out-of-Competition by other NADOs (for example).]

[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]

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

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

[Comment to Article 16.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, NADA should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then NADA should recognize the finding of an anti-doping rule violation and it should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]

[Comment to Article 20.1.2: Note that in some nations, where the later amendment is more favourable to the accused party, that later rule will apply retrospectively.]