FIS ANTI-DOPING RULES

COMPILED IN ACCORDANCE WITH THE WORLD ANTI-DOPING CODE

EDITION January 2027

INTERNATIONAL
SKI AND SNOWBOARD
FEDERATION

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FIS ANTI-DOPING RULES

INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented in accordance with the International Ski and Snowboard Federation (FIS)'s responsibilities under the *Code*, and in furtherance of FIS' continuing efforts to eradicate doping in sport.

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

As provided in the *Code*, FIS shall be responsible for conducting all aspects of *Doping Control*. Subject to the requirements in Article 20 of the *Code*, any aspect of *Doping Control* or anti-doping *Education* may be delegated by FIS to a *Delegated Third Party*, such as the International Testing Agency (ITA), however, FIS shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code*, *International Standards*, and these Anti-Doping Rules. Furthermore, FIS shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*. When FIS has delegated its responsibilities to implement part or all of *Doping Control* to the *Delegated Third Party,* any reference to FIS in these Rules should be intended as a reference to that *Delegated Third Party*, where applicable and within the context of the aforementioned delegation. FIS may delegate its *Results Management* adjudication responsibilities to the *CAS* Anti-Doping Division or other *Delegated Third Party*.

Notwithstanding the foregoing, FIS shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *Delegated Third Party* where such delegation could reasonably lead to a potential or actual conflict of interest. Moreover, due to the potential conflict of interest, FIS shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *National Federation*, or any other national sports governing body or other national sports organisation.

Italicised terms in these Anti-Doping Rules are defined terms in Appendix 1.

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

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

Anti-doping is primarily an ethical position based on a vision of the spirit of sport.

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

Anti-doping endeavours to preserve the spirit of sport.

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

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

- Community
- Equality
- Fun and joy
- Respect
- Solidarity

Therefore, in the spirit of sport, *Athletes* demonstrate values such as:

- Accomplishment
- Commitment
- Courage
- Discipline
- Excellence in performance
- Fair play
- Honesty
- Personal responsibility

Equally, *Athlete Support Personnel* have a fundamental role to both demonstrate and promote these values, including the fun and joy of sport, to ensure positive sporting experiences for *Athletes*.

Anti-doping programs seek both to protect the health of *Athletes* and to provide the opportunity for *Athletes* to develop and express their athletic abilities without the *Use* of *Prohibited Substances* and Methods.

Values embedded in anti-doping programs include:

- *Athletes*' rights and responsibilities as set forth in the *Code*
- Cooperation with others
- *Education* and knowledge
- Fairness
- Health
- Respect for human rights
- Respect for rules, laws and justice

The spirit of sport is expressed in how we 'Play True'.

Doping is fundamentally contrary to the spirit of sport.

Description of FIS *Anti-Doping Activities*

The FIS has been one of the most active and innovative leading International Sport Federations in the tough and very complex fight against doping. FIS is strongly committed to the fight against doping, in order to offer to all *Athletes*, *Athlete Support Personnel* and *Participants* in every discipline fair and safe *Competitions*.

The **FIS Sports Integrity Director** is responsible for the day-to-day management of all *Anti-Doping Activities*. She/He oversees the *Testing* programme, as well as the coordination with all external partners. She/He is responsible for handling *Results Management* files and imposes *Provisional Suspensions* according to Article 7.4, and takes any other *Results Management* decision or may enter into *Results Management* agreements according to Article 10.8 on behalf of the FIS.

The **FIS Anti-Doping Manager** is responsible for coordinating *Testing* efforts with the *National Anti-Doping Organisations* (*NADO)*, and supports the other day-to-day business and works closely with the FIS Integrity Director. She/He coordinates the development of the Risk Management, Test Distribution Plan, *Testing Pools* (i.e., the *FIS Registered Testing Pool* and FIS *Testing Pool* established by FIS) and its regular updates. She/He is responsible for developing the *Testing* strategy/programme with advice from the Anti-Doping Advisory Group on an annual basis with adaptations as necessary, and for continuously improving the programme with available and up-to-date scientific knowledge. She/He manages the ISO certification processes and implementation.

The **FIS Sport Integrity Coordinator** supports the FIS Sports Integrity Programme with the *Results Management* process following *Adverse Analytical Findings* and *Atypical Findings*, in accordance with the *Code* and *International Standards*. She/He liaises with *WADA*, *NADOs*, *Testing* authorities and *Athletes* or *Athlete Support Personnel* throughout that process. She/He also regularly checks FIS rules and processes on best standards.

Other staff of the FIS Sports Integrity Unit support the above outlined functions as needed.

The **lab-associated FIS Athlete Passport Management Unit/s (APMU/s)** are responsible to review the *Athlete Biological Passports* (haematological, steroidal and endocrine modules) in line with *WADA* rules and guidelines on a regular basis.

The **FIS Anti-Doping Advisory Group** provides expert guidance to support FIS in the ongoing development, implementation and continuous improvement of its anti-doping programme.

The **FIS Independent Anti-Doping Delegate (FIS IADD)**, acting independently, on applications to lift *Provisional Suspensions* under Articles 7.4.1.1 and 7.4.2.1, decides on requests to lift *Provisional Suspensions* according to Article 7.4.1 or 7.4.2 and issues a decision in cases where the *Athlete* or other *Person* has waived a hearing and agreed with the *Consequences* proposed by the FIS, according to Article 8.3.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to:

(a) FIS, including its board members, directors, officers, senior executives and employees, and employees of *Delegated Third Parties*, who are involved in any aspect of *Doping Control*;

(b) each of its *National Ski Associations* (NSA), including their board members, directors, officers, senior executives and employees, and employees of *Delegated Third Parties*, who are involved in any aspect of *Doping Control*;

(c) the following *Athletes*, *Athlete Support Personnel* and other *Persons*:

(i) all *Athletes* and *Athlete Support Personnel* who are members of FIS, or of any *National Ski Association*, or of any member or affiliate organisation of any *National Ski Association* (including any clubs, teams or associations);

(ii) all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions* and other activities organised, convened, authorised or recognised by FIS, or any *National Ski Association*, or by any member or affiliate organisation of any *National Ski Association* (including any clubs, teams or associations,), wherever held;

(iii) any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of FIS, or of any *National Ski Association*, or of any member or affiliate organisation of any *National Ski Association* (including any clubs, teams or associations), for purposes of anti-doping. To be eligible for participation in *International Events*, an *Athlete* or *Athlete Support Person* or other *Person* shall have a FIS license or accreditation issued by their *National Ski Association*. The FIS license or accreditation will only be issued to *Athletes* or *Athlete Support Personnel* or other *Persons* who have personally signed the consent form as provided by FIS. All forms from *Minors* shall be counter-signed by their legal guardians; and

(iv) *Athletes* who are not regular members of FIS or of one of its *National Ski Associations* but who want to be eligible to compete in a particular *International Event*.

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

Within the overall pool of *Athletes* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Athletes* shall be considered to be *International-Level Athletes* for the purposes of these Anti-Doping Rules, and, therefore, the specific provisions in these Anti-Doping Rules applicable to

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

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

International-Level Athletes (e.g., *Testing*, *Therapeutic Use Exemptions*, whereabouts, and *Results Management*) shall apply to such *Athletes*:

- *Athletes* who are included in the FIS *Registered Testing Pool* and *Testing Pool*;

- *Athletes* who compete in any of the following *International Events*:

    - FIS World Ski Championships;
    - FIS World Cup *Events*;
    - FIS Junior World Ski Championships;
    - Olympic and Paralympic Winter Games.

ARTICLE 1 DEFINITION OF DOPING

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

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.[2]

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's* A *Sample* where the *Athlete* waives analysis of the B *Sample* and the B *Sample* is not analysed; or, where the *Athlete's* B *Sample* is analysed and the analysis of the *Athlete's* B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's* A *Sample*; or where the *Athlete's* A or B *Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.[3]

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

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

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[2] *[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS. An anti-doping rule violation for Presence is established when a Prohibited Substance is detected in the Sample of an Athlete who was subject to rules adopted pursuant to the Code at the time of Sample collection, regardless of whether the Athlete was subject to the Code at the time the Prohibited Substance was Used.]*

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

2.2 *Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method* [4]

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

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

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

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

2.4 Whereabouts Failures by an *Athlete*

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

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

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

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

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

To establish an anti-doping rule violation under this Article 2.2, the alleged Use or Attempted Use shall have occurred when the Athlete was bound by rules adopted pursuant to the Code. However, this does not preclude an Anti-Doping Organisation or other sport organisation from adopting and enforcing eligibility rules that allow the organisation to deny or revoke the membership of a Person who engaged in conduct, before being bound by rules adopted pursuant to the Code, where such conduct would have constituted an anti-doping rule violation had it occurred while the Person was bound by rules adopted pursuant to the Code.]

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

2.5 *Tampering* or *Attempted Tampering* with any Part of *Doping Control* by an *Athlete* or Other *Person*[7]

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

2.6.1 *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* granted in accordance with Article 4.4 or other acceptable justification.[8]

2.6.2 *Possession* by an *Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, competition or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* granted to an *Athlete* in accordance with Article 4.4 or other acceptable justification.[9]

2.7 *Trafficking* or *Attempted Trafficking* by an *Athlete* or Other *Person*

2.8 *Administration* or *Attempted Administration* by an *Athlete* or Other *Person*

2.9 Complicity or *Attempted Complicity* by an *Athlete* or Other *Person*

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*.[10]

2.10 Prohibited Association by an *Athlete* or Other *Person*

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

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

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[7] *[Comment to Article 2.5: the mere failure by an Athlete, Athlete Support Person or other Person to cooperate with Anti-Doping Organisations investigating anti-doping rule violations or violations of Article 10.14.1 does not constitute Tampering under Article 2.5. Such failure to cooperate may, however, be the basis for disciplinary action under a Signatory's rules where such rules include appropriate procedural safeguards.]*

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

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

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

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

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

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

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

Anti-Doping Organisations that are aware of *Athlete Support Personnel* who meet the criteria described in Articles 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to *WADA*.[11]

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

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

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation, alleged violation of Article 10.14.1 or an alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organisation*.

2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation, an alleged violation of Article 10.14.1, or alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional

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

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

disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organisation*.[12]

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.[13]

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

FIS shall have the burden of establishing that an anti-doping rule violation, or a violation of Article 10.14.1 has occurred. The standard of proof shall be whether FIS has established an anti-doping rule violation, or a violation of Article 10.14.1 to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.[14] 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, or violation of Article 10.14.1 to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2, 3.2.3 and 10.2.1.3, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations, or violations of Article 10.14.1 may be established by any reliable means, including admissions.[15] The following rules of proof shall be applicable in doping cases:

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

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

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

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

[15] *[Comment to Article 3.2: For example, FIS may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport. The results of lie-detector tests shall not be considered reliable analytical or scientific evidence.]*

the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.[16]

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

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then FIS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.[17]

3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation;[18] provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then FIS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or whereabouts failure:[19]

(i) a departure from the *International Standard* for *Testing* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case FIS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

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

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

[18] *[Comment to Article 3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for Data Protection, International Standard for Intelligence and Investigations or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defence in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, a Signatory's violation of its anti-doping Education responsibilities under Article 20 of the Code shall not constitute a defence to an anti-doping rule violation.]*

[19] *[Comment to Article 3.2.3: For the avoidance of doubt, an Athlete's assertion of an alleged "fundamental" breach of any International Standard or other anti-doping rule or policy set forth in the Code or in an Anti-Doping Organisation's rules cannot invalidate an Adverse Analytical Finding or anti-doping rule violation unless the Athlete can also establish that the breach could reasonably have caused the Adverse Analytical Finding or anti-doping rule violation.]*

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

(iii) a departure from the *International Standard* for *Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case FIS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;[20]

(iv) a departure from the *International Standard* for *Results Management* related to *Athlete* notification or attempts to locate the *Athlete* which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case FIS shall have the burden to establish that such departure did not cause the whereabouts failure.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained (and who has been charged with an anti-doping rule violation or violation of Article 10.14.1) of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.[21]

3.2.5 The hearing panel in a hearing on an anti-doping rule violation, or a violation of Article 10.14.1 may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation, or a violation of Article 10.14.1 based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or FIS.

ARTICLE 4 THE *PROHIBITED LIST* AND *THERAPEUTIC USE EXEMPTIONS*

4.1 Incorporation of the *Prohibited List*

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

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

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

[21] *[Comment to Article 3.2.4: For the avoidance of doubt, this provision shall not apply to decisions on provisional suspensions.]*

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

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

4.2.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by *WADA* for a particular sport. *Prohibited Substance*s and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.[22]

4.2.2 *Specified Substances* or *Specified Methods*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*. *Specified Substances* and *Specified Methods* identified in this Article should not in any way be considered less important or less dangerous than other doping *Substances* or *Methods*. Rather, they are simply *Substances* and *Methods* which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.[23]

4.2.3 *Substances of Abuse*

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

4.3 *WADA's* Determination of the *Prohibited List*

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

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

[23] *[Comment to Article 4.2.2: Prohibited Substances which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance would include, for example, marijuana or prohibited stimulants found in cold medications.]*

4.4 *Therapeutic Use Exemptions*

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

4.4.2 *Therapeutic Use Exemption* Applications

4.4.2.1 *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organisation* for a *Therapeutic Use Exemption*. If the *National Anti-Doping Organisation* denies the application, the *Athlete* may appeal exclusively to the appellate body described in Article 13.2.2, unless provided otherwise in the *International Standard* for *Therapeutic Use Exemptions*.

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

4.4.3 *Therapeutic Use Exemption* Recognition

4.4.3.1 Where the *Athlete* already has a *Therapeutic Use Exemption* granted by their *National Anti-Doping Organisation* pursuant to Article 4.4 of the *Code* for the substance or method in question, and provided that such *Therapeutic Use Exemption* has been reported in accordance with Article 5.9 of the *International Standard* for *Therapeutic Use Exemptions*, FIS shall automatically recognize it for purposes of international-level *Competition*, unless *WADA* has granted FIS an exception in accordance with Article 7.2(b) of the *International Standard* for *Therapeutic Use Exemptions*.

For *TUE* decisions that are automatically recognized, the *Athlete* does not need to take any further action, and the *TUE* cannot then be subject to further review by FIS.

4.4.3.2 Where *WADA* has granted FIS an exception to the default position of automatic recognition in accordance with Article 7.2(b) of the *International Standard* for *Therapeutic Use Exemptions*, FIS shall publish: (a) which *Therapeutic Use Exemption* decisions it will automatically recognize; and (b) which *Therapeutic Use Exemption* decisions will have to be submitted to it by the *Athlete* for evaluation. FIS' evaluation of an *Athlete's Therapeutic Use Exemption* for the purpose of recognition shall be in accordance with Article 7.0 of the *International Standard* for *Therapeutic Use Exemptions.*

4.4.3.3 If FIS chooses to test an *Athlete* who is not an *International-Level Athlete*, FIS shall recognize a *Therapeutic Use Exemption* granted to that *Athlete* by their *National Anti-Doping Organisation* unless the *Athlete* is required to apply for recognition of the *Therapeutic Use Exemption* pursuant to Articles 6.16 and 7.0 of the *International Standard* for *Therapeutic Use Exemptions*.

4.4.4 *Therapeutic Use Exemption* Application Process [24]

4.4.4.1 If the *Athlete* does not already have a *Therapeutic Use Exemption* granted by their *National Anti-Doping Organisation* for the substance or method in question, or requires their *Therapeutic Use Exemption* to be recognized by FIS in accordance with Article 4.4.3.2, the *Athlete* shall apply directly to FIS.

4.4.4.2 An application to FIS for grant or recognition of a *Therapeutic Use Exemption* should be made as soon as possible, save where Article 4.3 of the *International Standard* for *Therapeutic Use Exemptions* applies. The application shall be made in accordance with the *International Standard* for *Therapeutic Use Exemptions*, as posted on FIS' website.

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

(a) The TUEC shall consist of a Chair and a pool of three (3) other members with experience in the care and treatment of *Athletes* and sound knowledge of clinical, sports, and exercise medicine. Each appointed member shall serve a term of three (3) years, which may be renewed.

(b) Before serving as a member of the TUEC, each member shall sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of FIS or any appointed *Delegated Third Party*.

(c) When an application to FIS for the grant or recognition of a *Therapeutic Use Exemption* is made, the Chair of the TUEC shall appoint three (3) members (which may include the Chair) from the pool of TUEC members to consider the application.

(d) Before considering a *Therapeutic Use Exemption* application, each member shall disclose to the Chair any circumstances likely to affect their impartiality with respect to the *Athlete* making the application. If a member appointed by the Chair to consider an application is unwilling or unable to assess the *Athlete's Therapeutic Use Exemption* application, for any reason, the Chair may appoint a replacement member or appoint a new TUEC. The Chair cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the *Therapeutic Use Exemption* decision. In particular, neither the Chair nor any TUEC member can decide on applications when the *Athlete* applying for a *Therapeutic Use Exemption* has the same nationality.

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

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

(e) When assessing a *Therapeutic Use Exemption* application, the TUEC may seek the assistance of such other medical or scientific experts as it deems appropriate.

(f) Decisions on *Therapeutic Use Exemption* applications should ideally be reached through consensus of the TUEC, with further input from other physicians and/or experts, if necessary. If consensus cannot be reached, a majority decision will be made.

4.4.4.4 The TUEC shall evaluate and decide upon the *Therapeutic Use Exemption* application in accordance with the relevant provisions of the *International Standard* for *Therapeutic Use Exemptions* and, unless exceptional circumstances apply, as soon as possible, and usually within no more than twenty-one (21) days of receipt of a complete application. Where the *Therapeutic Use Exemption* application is made in a reasonable time prior to an *Event*, the TUEC shall use its best endeavours to issue its decision before the start of the *Event*.

4.4.4.5 The TUEC decision shall be the final decision of FIS and may be appealed in accordance with Article 4.4.7. FIS TUEC decision shall be notified in writing to the *Athlete*, and to *WADA* and other *Anti-Doping Organisations* in accordance with the *International Standard* for *Therapeutic Use Exemptions*. FIS shall ensure that all decisions are promptly entered into *ADAMS* and, in any event, no later than twenty-one (21) days from the date of receipt of the decision.

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

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

4.4.5 Retroactive *Therapeutic Use Exemption* Applications

Retroactive *Therapeutic Use Exemptions* may be granted under the conditions described in the *International Standard* for *Therapeutic Use Exemptions*.[25]

[25] *[Comment to Article 4.4.5: If an Athlete is not granted a retroactive Therapeutic Use Exemption in the context of proceedings for an anti-doping rule violation, Article 10.2.4 should also be considered in relation to any period of Ineligibility to be imposed.]*

4.4.6 Expiration, Withdrawal or Reversal of a *Therapeutic Use Exemption*

4.4.6.1 A *Therapeutic Use Exemption* granted pursuant to these Anti-Doping Rules and the *International Standard* for *Therapeutic Use Exemptions*: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn by the TUEC if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *Therapeutic Use Exemption* and/or due to a change in circumstances the *Therapeutic Use Exemption* criteria are no longer met; or (c) may be reversed on review by *WADA* or on appeal.

4.4.6.2 In such event, the *Athlete* shall not be subject to any *Consequences* based on their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *Therapeutic Use Exemption* prior to the effective date of expiry, withdrawal, or reversal of the *Therapeutic Use Exemption*. The review pursuant to Article 5.1.1.1 of the *International Standard* for *Results Management* of an *Adverse Analytical Finding,* reported shortly after the *Therapeutic Use Exemption* expiry, withdrawal or reversal, shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.7 Reviews and Appeals of *Therapeutic Use Exemption* Decisions

4.4.7.1 *WADA* shall review FIS' decision not to recognize a *Therapeutic Use Exemption* granted by the *National Anti-Doping Organisation* that is referred *to WADA* by the *Athlete* or the *Athlete's National Anti-Doping Organisation.* In addition, *WADA* shall review FIS' decision to grant a *Therapeutic Use Exemption* that is referred *to WADA* by the *Athlete's National Anti-Doping Organisation*. *WADA* may review any other *Therapeutic Use Exemption* decisions at any time, whether upon request by those affected or on its own initiative. If the *Therapeutic Use Exemption* decision being reviewed meets the criteria set out in the *International Standard* for *Therapeutic Use Exemptions*, *WADA* will not interfere with it. If the *Therapeutic Use Exemption* decision does not meet those criteria, *WADA* will reverse it.[26]

4.4.7.2 Unless provided otherwise in the *International Standard* for *Therapeutic Use Exemptions*, any *Therapeutic Use Exemption* decision by FIS that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organisation,* exclusively to *CAS*.[27]

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

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

4.4.7.3 A decision by *WADA* to reverse a *Therapeutic Use Exemption* decision may be appealed by the *Athlete,* the *National Anti-Doping Organisation* and/or FIS, exclusively to *CAS*.

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

ARTICLE 5 *TESTING* AND INVESTIGATIONS

5.1 Purpose of *Testing*

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

5.1.2 *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete*'s *Sample*) or Article 2.2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*), and for the purposes described in Article 6.2 of the *Code*.

5.2 Authority to Test

5.2.1 Subject to the limitations for *Event Testing* set out in Article 5.3, FIS shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

5.2.2 FIS may require any *Athlete* over whom it has *Testing* authority who has not retired (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.[28]

5.2.3 *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.8.11 of the *Code*.

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

5.2.5 Except where expressly allowed by the *Code* or an *International Standard,* FIS shall not take any action that unduly impedes or interferes with the ability of any other *Anti-Doping Organisation* to conduct *Testing*, whether performed directly or

[28] *[Comment to Article 5.2.2: FIS may obtain additional authority to conduct Testing by means of bilateral or multilateral agreements with other Signatories. Unless the Athlete has identified a sixty-minute Testing window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to Testing during that period, FIS will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether FIS had sufficient suspicion for Testing during this time period shall not be a defence to an anti-doping rule violation based on such test or attempted test.]*

through delegation, that is authorized by Article 5 of the *Code* or any other *Code* Article or the *International Standard* for *Testing*.

5.3 *Event Testing*

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

5.3.2 If an *Anti-Doping Organisation,* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with FIS (or other international organisation which is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from FIS (or other international organisation which is the ruling body of the *Event*), the *Anti-Doping Organisation* may, in accordance with the procedures described in the *International Standard* for *Testing*, ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*. *WADA* shall not grant approval for such *Testing* before consulting with and informing FIS (or other international organisation which is the ruling body for the *Event*). *WADA's* decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests*. Results Management* for any such test shall be under the authority of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.[29]

5.4 *Testing* Requirements

5.4.1 FIS shall conduct test distribution planning and *Testing* as required by the *International Standard* for *Testing* and use *ADAMS* to coordinate *Testing* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.5 *Athlete* Whereabouts Information

5.5.1 FIS operates a two-tier *Testing Pool* system consisting of a *Registered Testing Pool* and a *Testing Pool* (as further described in Article 5.5.9). FIS has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard* for *Testing*. FIS shall coordinate with *National Anti-Doping Organisations* to identify such *Athletes* and to collect their whereabouts information.

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

5.5.2 *Athletes* included in a *Registered Testing Pool* shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2.

5.5.3 FIS shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. FIS shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically review the list of *Athletes* in its *Registered Testing Pool* in accordance with the *International Standard* for *Testing* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard* for *Testing*.

5.5.4 Where an *Athlete* is included in a *Registered Testing Pool* by FIS and a *Registered Testing Pool* by their *National Anti-Doping Organisation*, the *National Anti-Doping Organisation* and FIS shall agree between themselves which of them shall be the whereabouts custodian; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.

5.5.5 In accordance with the *International Standard* for *Testing*, each *Athlete* in the *Registered Testing Pool* shall comply with the whereabouts requirements as set out in the *International Standard* for *Testing* including, without limitation: (a) advising FIS of their whereabouts on a quarterly basis; (b) updating that information as necessary so that it remains accurate and complete at all times; and (c) making themselves available for *Testing* at such whereabouts.

5.5.6 For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard* for *Testing* shall be deemed a filing failure or a missed test, as defined in Annex B of the *International Standard* for *Results Management*, where the conditions set forth in Annex B are met.

5.5.7 An *Athlete* in FIS' *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set out in the *International Standard* for *Testing* unless and until (a) the *Athlete* gives written notice to FIS that they have retired, in which case FIS shall confirm in writing the *Athlete's* retirement and removal from the *Registered Testing Pool*; or (b) FIS has informed the *Athlete* that they are no longer included in FIS' *Registered Testing Pool*.

5.5.8 Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* will be available and accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organisations* having authority to test that *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for Data Protection.

5.5.9 In accordance with the *International Standard* for *Testing*, FIS has established a *Testing Pool*, which includes Athletes who are subject to less stringent whereabouts requirements than *Athletes* included in FIS' *Registered Testing Pool*.

5.5.10 FIS shall notify *Athletes* before they are included in the *Testing Pool* and when they are removed. Such notification shall include the relevant whereabouts requirements as outlined in the *International Standard* for *Testing* and the consequences that apply if the *Athlete* fails to comply with those requirements, as indicated in Articles 5.5.11 and 5.5.12.

5.5.11 *Athletes* included in the *Testing Pool* shall provide FIS with whereabouts information in *ADAMS* so that they may be located and subjected to *Testing*:

(i) An overnight address;

(ii) Primary training location (if an *Athlete* does not have a fixed training location, they shall provide the address of the location where they will start and finish their training activity);

(iii) *Competition* / *Event* schedule; and

(iv) As part of filing their whereabouts an accurate passport style photograph in accordance with the requirements in *ADAMS* to assist with validating the *Athlete's* identity when selected for a test.

5.5.11.2 For the *Testing Pool*, a complete mailing address and personal e-mail address where correspondence may be sent to the *Athlete* for formal notice purposes are required. Any notice or other item mailed to that address will be deemed to have been received by the *Athlete* at the latest seven (7) days after when it was deposited in the mail and immediately when an e-mail is sent (subject to applicable law).

5.5.11.3 In addition to the mandatory whereabouts requirements listed in Articles 5.5.11.1 to 5.5.11.2:

(a) *Athletes* in the *Testing Pool* may file other alternative location(s) such as work or school where the *Athlete* may be located for *Testing* during the quarter. An *Athlete* may also provide travel information that may impact their availability for *Testing*.

Whereabouts information shall be filed by *Athletes* included in the *Testing Pool* in *ADAMS* to enable better *Testing* coordination with other *Anti-Doping Organisations*. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for Data Protection.

5.5.12 An *Athlete's* failure to provide whereabouts information on or before the date required by FIS or the *Athlete's* failure to provide accurate whereabouts information shall result in FIS elevating the *Athlete* to FIS' *Registered Testing Pool*.

5.6 Retired *Athletes* Returning to *Competition*

5.6.1 If an *International* or *National-Level Athlete* in FIS' *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Event*s until the *Athlete* has agreed

to be bound by applicable anti-doping rules and has made themselves available for *Testing*, by giving six-months prior written notice to FIS and their *National Anti-Doping Organisation*.

WADA, in consultation with FIS and the *Athlete's National Anti-Doping Organisation*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the *Athlete*. [30] The exemption may be subject to one or more conditions that *WADA* and the relevant *Anti-Doping Organisations* may impose at their discretion including, without limitation, a minimum number of tests before participation in *International Events* or *National Events* or a restriction of the participation (during the exemption period) to specific *International Events* or *National Events*.

A decision by *WADA* not to grant an exemption may be appealed under Article 13.2.[31]

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

5.6.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall notify the *Anti-Doping Organisation* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has agreed to be bound by applicable anti-doping rules and has made themselves available for *Testing* by giving prior written notice to FIS and to their *National Anti-Doping Organisation* for a period of time equal to the greater of (i) the period of *Ineligibility* not yet served as of the date of retirement or (ii) six (6) months.[32]

5.7 *Independent Observer Program*

FIS and the organizing committees for FIS' *Events*, as well as the *National Ski Associations* and the organizing committees for *National Events,* shall authorize and facilitate the *Independent Observer Program* at *such Events*.

5.8 Investigations and Intelligence Gathering

FIS shall have the capability to conduct, and shall conduct, investigations and gather intelligence for any anti-doping purpose including, but not limited to, the purposes described in the *Code* and the *International Standard* for Intelligence and Investigations.

ARTICLE 6 ANALYSIS OF *SAMPLES*

Samples shall be analysed in accordance with the following principles:

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[30] *[Comment to Article 5.6.1: Where the Athlete wishes to return to active participation in a sport different than the sport from which the Athlete retired, the relevant International Federation shall be the International Federation for the sport to which the Athlete wishes to return.]*

[31] *[Comment to Article 5.6.1: Guidance for determining whether an exemption is warranted will be provided by WADA.]*

[32] *[Comment to Article 5.6.2: Nothing in the Code precludes an Anti-Doping Organisation or other sport organisation from adopting and enforcing eligibility rules that allow the organisation to deny or revoke the membership of an Athlete who engaged in conduct, during a period of retirement when the Athlete was not subject to the Code, where such conduct would have constituted an anti-doping rule violation had it occurred while the Person was bound by rules adopted pursuant to the Code.]*

6.1 Use of Accredited, Approved Laboratories and Other Laboratories

6.1.1 For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analysed only in *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by FIS.[33]

6.1.2 As provided in Article 3.2, facts related to anti-doping rule violations, or violations of Article 10.14.1, may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

6.2 Analysis of *Samples* and Assessment of Analytical Data for Anti-Doping Purposes

Samples and related analytical data or *Doping Control* information shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the monitoring program described in Article 4.5 of the *Code*, or to assist FIS in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other anti-doping purpose.[34]
In principle, all *Samples* collected shall be promptly analysed. However, the *International Standard* for Laboratories or the *International Standard* for *Testing* may identify specific conditions under which *Samples* may be collected and stored for possible future analysis.

6.3 Research on *Samples* and Data

Samples, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used without the *Athlete's* written consent where the research involves re-analysis of the *Athlete's Sample(s)* for a purpose beyond Article 6.2. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular

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[33] *[Comment to Article 6.1.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]*

[34] *[Comment to Article* ***Error! Reference source not found.****: Other anti-doping purposes would also include, and Athlete consent would not be required for, the following, without limitation, a) using Testing information to support an anti-doping rule violation proceeding under Article 2.2; b) Testing for non-Prohibited Substances or Methods that are included in the WADA Monitoring Program (see Code Article 4.5); c) Testing for non-Prohibited Substances for results interpretation purposes (e.g., confounding factors of the "steroid profile", non-Prohibited Substances that share Metabolite(s) or degradation products with Prohibited Substances); d) Testing for non-Prohibited Substances or Methods (including analysing Samples collected Out-of-Competition for substances prohibited In-Competition only) requested as part of a Results Management process by an Anti-Doping Organisation with Results Management authority, a hearing body or WADA; e) the use of information to direct Target Testing; f) the use of analytical data; and g) additional analysis for research for Quality Assurance processes as permitted by the International Standard for Laboratories, including without limitation: i) improvement of existing analytical methods; ii) development of new analytical methods for detection of presence or Use of substances or methods already prohibited at the time of Sample collection, or for substances including in the WADA Monitoring Program or targeted for results interpretation purposes; iii) application of methods for detection of presence or Use of substances or methods already prohibited at all time of Sample collection to new biological matrices (e.g., blood, DBS, hair, saliva); iv) use of Samples as reference collections/quality control samples; v) establishing reference population ranges or new/revised thresholds/Decision Limits for substances or methods already prohibited at the time of Sample collection or for other statistical purposes.]*

Athlete.[35] Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.

6.4 Standards for *Sample* Analysis and Reporting[36]

FIS shall ask laboratories to analyse *Samples* in conformity with the *International Standard* for Laboratories and Article 4.8 of the *International Standard* for *Testing*.

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

6.5 Additional Analysis of a *Sample* Prior to or During *Results Management*

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

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

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

6.7 Split of A or B *Sample*

Where *WADA*, an *Anti-Doping Organisation* with *Results Management* authority, and/or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organisation* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the

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

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

split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

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

Notwithstanding Article 6.5, *WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organisation*. Upon request by *WADA*, the laboratory or *Anti-Doping Organisation* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organisation* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organisation* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organisation* with authority to test the *Athlete* to assume *Results Management* authority for the *Sample* or data if a potential anti-doping rule violation is discovered.[37]

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

Results Management under these Anti-Doping Rules establishes a process designed to resolve alleged anti-doping rule violations or violations of Article 10.14.1 in a fair, expeditious and efficient manner.

7.1 Authority to Conduct *Results Management*

7.1.1 Except as otherwise provided in Articles 6.6, 6.8 and *Code* Article 7.1, *Results Management* shall be under the authority of, and shall be governed by, the procedural rules of the *Anti-Doping Organisation* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organisation* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that violation). Disputes between *Anti-Doping Organisations* over which *Anti-Doping Organisation* has *Results Management* authority shall be dealt with pursuant to Article 7.1.1 of the *Code*.

7.1.2 In circumstances where the rules of a *National Anti-Doping Organisation* do not give the *National Anti-Doping Organisation* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organisation of that country, or the *National Anti-Doping Organisation* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the applicable International Federation.

7.1.3 If a *Major Event Organisation* assumes only limited *Results Management*

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

[Comment to Article 6.8: WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defence against an anti-doping rule violation or its Consequences.]

authority relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organisation*, or an anti-doping rule violation or violation of Article 10.14.1 occurring during such *Event*, the case shall be referred by the *Major Event Organisation* to the applicable International Federation for completion of *Results Management*.

7.1.4 With respect to a potential whereabouts failure, *Results Management* shall be administered by FIS if it ordered the test that led to the discovery of the potential whereabouts failure; in all other instances, *Results Management* remains with the *Anti-Doping Organisation* with which the *Athlete* files whereabouts information at the time of the potential whereabouts failure. As an exception to the foregoing, if the *Athlete's National Anti-Doping Organisation* ordered the test, it may request that *Results Management* nevertheless be administered by the *Anti-Doping Organisation* with which the *Athlete* files their whereabouts information; if FIS so agrees, it shall administer *Results Management* for the potential whereabouts failure. To the extent there is an issue as to which *Anti-Doping Organisation* has *Results Management* authority for a potential whereabouts failure, the *Athlete's National Anti-Doping Organisation* and FIS may resolve the issue between them. In the event that there is an unresolved dispute between the *Athlete's National Anti-Doping Organisation* and FIS as to which organisation should administer *Results Management* for a whereabouts failure, *WADA* shall determine that question in its entire discretion. For the avoidance of doubt, Article 7.1.1 of the *Code* shall apply by analogy. If FIS determines a filing failure or a missed test, it shall submit that information to *WADA* through *ADAMS*, where it will be made available to other relevant *Anti-Doping Organisations*.

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

7.1.6 *WADA* may direct FIS to conduct *Results Management* in a particular case. If FIS refuses to conduct *Results Management* within a reasonable deadline set by *WADA*, such refusal shall be considered an act of non-compliance, and *WADA* may direct another *Anti-Doping Organisation* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* authority in place of FIS or, if there is no such *Anti-Doping Organisation*, any other *Anti-Doping Organisation* that is willing to do so. In such case, FIS shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organisation* designated by *WADA,* and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations or Violations of Article 10.14.1

FIS shall carry out the review and notification with respect to any potential anti-doping rule violation or violation of Article 10.14.1 in accordance with the *International Standard* for *Results Management*.

7.3 Identification of Prior Anti-Doping Rule Violations

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

7.4 *Provisional Suspensions* [38]

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

If the FIS Integrity Director receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process)[39] for a *Prohibited Substance* or a *Prohibited Method* other than a *Specified Substance, Specified Method* or a *Substance of Abuse*, he/she shall impose a *Provisional Suspension* on the *Athlete* (i) with respect to an *Adverse Analytical Finding*, upon sending the notification required by Article 7.2; and (ii) with respect to an *Adverse Passport Finding*, upon sending the notification of charge (after completion of the *Adverse Passport Finding* review process).

A mandatory *Provisional Suspension* may be lifted if it is demonstrated to FIS, or on appeal that adjudication of the alleged violation is likely[40] to result in a finding of no anti-doping rule violation, *No Fault* or *Negligence* under Article 10.5, a reprimand with no period of *Ineligibility* under Article 10.6.1.2 (*Contaminated Source*), or the time already served by the *Athlete* under the *Provisional Suspension* would exceed the period of *Ineligibility* asserted in the charging letter for the anti-doping rule violation.

7.4.1.1 Application to Lift Mandatory *Provisional Suspension*

As a prerequisite to filing an appeal to *CAS* against a mandatory *Provisional Suspension* imposed by FIS, an *Athlete* must follow the procedures detailed in this Article 7.4.1.1.[41]

If FIS imposes a *Provisional Suspension* against an *Athlete* pursuant to Article 7.4.1, the *Athlete* may apply to lift the *Provisional Suspension* to FIS in writing within fourteen (14) days of receipt of the decision. Such application will be decided by the FIS Independent Anti-Doping Delegate (FIS IADD), acting independently and not previously involved in the decision to impose the *Provisional Suspension*. FIS shall render a decision on the *Athlete's* application promptly, and no later than seven (7) days after receipt of the application. If FIS denies the *Athlete's* application, its decision may be appealed by the *Athlete* to *CAS* in accordance with Article 7.4.3.

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

[39] *[Comment to Article 7.4.1: For the avoidance of doubt, nothing prevents the Results Management Authority from imposing, an optional Provisional Suspension before the completion of the review process of the Adverse Passport Finding.]*

[40] *[Comment to Article 7.4.1: As used in this Article "likely" means a well-founded assertion. This standard is somewhat less than balance of probability but substantially more than mere possibility or plausibility; the assertion shall be supported by a good evidentiary foundation, including concrete evidentiary elements.]*

[41] *[Comment to Article 7.4.1.1: For the avoidance of doubt, the Athlete's challenge of a mandatory Provisional Suspension before an Article 8 hearing panel, where contemplated by an Anti-Doping Organisation's anti-doping rules, is not considered an "appeal" for purposes of Articles 7.4.3 or 13, and any party with the right to appeal a decision to lift a mandatory Provisional Suspension under Article 13.2.3 shall not be required to exhaust internal remedies, including without limitation requesting relief from the Article 8 hearing panel, before filing an appeal with CAS under Article 7.4.3.]*

7.4.2 Optional *Provisional Suspension* Based on an *Adverse Analytical Finding* for *Specified Substances*, *Specified Methods,* or Other Anti-Doping Rule Violations or Violations of Article 10.14.1

The FIS Integrity Director may impose a *Provisional Suspension* for alleged anti-doping rule violations prior to the analysis of the *Athlete's* B *Sample* or final hearing as described in Article 8, for violations of Article 10.14.1 or anti-doping rule violations where a mandatory *Provisional Suspension* is not required by Article 7.4.1.

An optional *Provisional Suspension* may be lifted at the discretion of FIS at any time prior to CAS ADD's decision under Article 8, unless provided otherwise in the *International Standard* for *Results Management.*

7.4.2.1 Application to Lift Optional *Provisional Suspension*

As a prerequisite to filing an appeal to *CAS* against an optional *Provisional Suspension* imposed by FIS, an *Athlete* or other *Person* must follow the procedures detailed in this Article 7.4.2.1.[42]

If FIS imposes a *Provisional Suspension* against an *Athlete* or other *Person* pursuant to Article 7.4.2, the *Athlete* or other *Person* may apply to lift the *Provisional Suspension* to FIS in writing within fourteen (14) days of receipt of the decision. Such application will be decided in accordance with an internal review process established decided by the FIS IADD, acting independently and not previously involved in the decision to impose the *Provisional Suspension*. FIS shall render a decision on the *Athlete* or other *Person's* application promptly, and no later than seven (7) days after receipt of the application. If FIS denies the *Athlete* or other *Person's* application, its decision may be appealed by the *Athlete* or other *Person* to *CAS* in accordance with Article 7.4.3.

7.4.3 Appeals to *CAS* from Decisions regarding *Provisional Suspensions*

Any appeal taken by any *Person* entitled to appeal under Article 13.2.3 from a decision under Article 7.4.1.1 or Article 7.4.2.1 not to impose a *Provisional Suspension*, or to lift or not lift a *Provisional Suspension* shall be made exclusively to *CAS* to be decided by a sole arbitrator. *WADA* shall receive notice of the appeal from all parties to the appeal and *CAS*.[43] *WADA* shall have the right to file an intervention request in any appeal filed by an *Athlete* or other *Person* under this Article within ten (10) days after it has received notification of the answer as further provided in the *International Standard* for *Results Management*.

Appeals challenging *Provisional Suspension* decisions under this Article shall not justify any delay in the underlying case on the merits.

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[42] *[Comment to Article 7.4.2.1: For the avoidance of doubt, the Athlete or other Person's further challenge of an optional Provisional Suspension before an Article 8 hearing panel, where contemplated by an Anti-Doping Organisation's anti-doping rules, is not considered an "appeal" for the purposes of Articles 7.4.3 or 13, and any party with the right to appeal a decision to lift an optional Provisional Suspension under Article 13.2.3 shall not be required to exhaust internal remedies, including without limitation requesting relief from the Article 8 hearing panel, before filing an appeal with CAS under Article 7.4.3.]*

[43] *[Comment to Article 7.4.3: As provided in Article 13.2.3.3, notice of the appeal to WADA is a condition to the admissibility of the appeal.]*

7.4.4 Voluntary Acceptance of *Provisional Suspension*

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

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

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

7.4.5 If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or FIS) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* has been removed from an *Event* 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 *Event*, it is still possible for the *Athlete* to be reinserted, the *Athlete* may continue to take part in the *Event*.

7.5 *Results Management* Decisions

Results Management decisions or adjudications by the FIS Sports Integrity Director or the FIS IADD shall not purport to be limited to a particular geographic area or FIS' sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation or violation of Article 10.14.1 was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s) or violation(s) of Article 10.14.1, including applicable *Disqualifications* under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.[44]

7.6 Notification of *Results Management* Decisions

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

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

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

Notification to an *Athlete* or other *Person* shall be made officially through the relevant *National Ski Association*, provided that the relevant *National Ski Association* shall confirm to FIS that the notification has been delivered to the *Athlete* or other *Person*.

7.7 Retirement from Sport[45]

If an *Athlete* or other *Person* retires while FIS' *Results Management* process is underway, FIS retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and FIS would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation or violation of Article 10.14.1, FIS has authority to conduct *Results Management*. Any retired *Athlete* or other *Person* who during retirement tampers with the ongoing *Results Management* of an anti-doping rule violation or violation of Article 10.14.1 for which they have been charged, shall remain subject to the authority of all relevant *Signatories* for the violation of *Tampering* under Article 2.5.

7.8 Cases Subject to Review by *Independent Review Expert*

7.8.1 This Article 7.8 applies to rare cases where FIS is considering closing a case or not proceeding with normal *Results Management* processes after FIS has received notice of an *Adverse Analytical Finding* and has completed the initial review required under Article 7.2 (i.e., FIS has determined no *Therapeutic Use Exemption* has been granted, there is no apparent departure from the *International Standard* for *Testing* or *International Standard* for Laboratories, and it is not apparent that the *Adverse Analytical Finding* was caused by ingestion of a *Prohibited Substance* through a permitted route). In such cases, FIS shall:

7.8.1.1 Provide notice of the *Adverse Analytical Finding* to the *Athlete* in accordance with Articles 7.2, 7.4.1 and 7.4.2.[46]

7.8.1.2 Promptly submit a request for an opinion from the *Independent Review Expert* as to whether public policy or other compelling reasons, taking into account the rights of and impact on clean *Athletes*, justify the departure from the normal *Results Management* process for addressing *Adverse Analytical Findings*.[47] A copy of the request shall be provided simultaneously to *WADA* and to each other party entitled to appeal the decision under Article 13. FIS shall provide its full file to, and fully cooperate with, the *Independent Review Expert*.

7.8.2 After reviewing the file, and obtaining any other information deemed necessary from FIS, *WADA* or third parties, the *Independent Review Expert* shall issue a

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

[46] *[Comment to Article 7.8.1.1: For the avoidance of doubt, the notice shall include the imposition of a mandatory Provisional Suspension where required by Article 7.4.1 or an optional Provisional Suspension if the Anti-Doping Organisation determines an optional Provisional Suspension is merited.]*

[47] *[Comment to Article 7.8.1.2: For the avoidance of doubt, the Independent Review Expert process is intended to be reserved for exceptional cases where proceeding with the normal Results Management processes would be considered an unjustified and unconscionable result by most stakeholders. One example of such a case would be where an Anti-Doping Organisation determines it is likely that Adverse Analytical Findings for multiple Athletes resulted from a Contaminated Source and that the Athletes have a reasonable likelihood of establishing No Fault or Negligence. For the avoidance of doubt, Article 7.8 does not apply to cases concluded by the Anti-Doping Organisation in accordance with Article 10.8.]*

written opinion and recommendation to FIS, with a copy to *WADA*, advising whether a departure from the normal *Results Management* process is justified in the particular circumstances of the case.

7.8.3 Upon receiving the *Independent Review Expert's* opinion and recommendation, FIS shall issue a written decision on whether it will proceed with normal *Results Management* processes or not move forward with the *Adverse Analytical Findings*. This decision shall be provided to *WADA*, and the decision along with the *Independent Review Expert's* opinion and recommendation shall be provided to each other party entitled to appeal the decision under Article 13. The decision is subject to appeal directly to *CAS* in accordance with the applicable provisions in Article 13. If a decision by FIS to not move forward with the *Adverse Analytical Findings* is set aside or reversed on appeal, *CAS* may maintain jurisdiction to rule on the merits of any alleged anti-doping rule violation related to the *Adverse Analytical Findings* or may direct FIS to proceed with the normal *Results Management* process.

7.8.4 Where FIS fails to go forward with the normal *Results Management* processes without seeking and obtaining an opinion and recommendation from the *Independent Review Expert*, or fails to go forward with the normal *Results Management* processes in contravention of the *Independent Review Expert's* opinion and recommendation, and it is ultimately determined on appeal that an anti-doping rule violation occurred, FIS may be subject to non-compliance proceedings under Article 24 of the *Code* and the *International Standard* for *Code* Compliance by *Signatories* and shall be required to reimburse the appealing part(y)(ies) for costs and reasonable legal fees incurred in connection with each level of the appellate process.

7.8.5 The process to be followed for cases under this Article 7.8 shall be described in greater detail in the *International Standard* for *Results Management*.

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

For any *Person* who is asserted to have committed an anti-doping rule violation or violation of Article 10.14.1, FIS shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard* for *Results Management*. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* and *Disqualification* of results under Article 10.10 shall be *Publicly Disclosed* by FIS as provided in Article 14.3.[48]

8.1 Fair Hearings

8.1.1 Fair, Impartial and *Operationally Independent* Hearing Panel

FIS has delegated its Article 8 first instance hearing responsibilities to the *CAS* Anti-Doping Division (*CAS* ADD). The procedural rules of *CAS* ADD pertaining to the hearing of first instance shall apply. *CAS* ADD will always ensure that the *Athlete* or other *Person* is provided with a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing

[48] *[Comment to Article 8: This Article requires that at some point in the Results Management process, the Athlete or other Person shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each Anti-Doping Organisation's own rules for hearings but rather to ensure that each Anti-Doping Organisation provides a hearing process consistent with these principles.]*

panel in compliance with the *Code* and the *International Standard* for *Results Management*.

8.2 Notice of Decisions

8.2.1 At the end of the hearing, or promptly thereafter, the *CAS* ADD shall issue a written decision that conforms with Article 9 of the *International Standard* for *Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, if (and to what extent) any period of *Provisional Suspension* is credited against the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10, any forfeiture of medals or prizes, any other relevant *Consequences*, including *Financial Consequences*, appeal routes and deadline to appeal, and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

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

8.3 Waiver of Hearing

8.3.1 An *Athlete* or other *Person* against whom an anti-doping rule violation or violation of Article 10.14.1 is asserted may waive a hearing expressly and agree with the *Consequences* proposed by FIS.

8.3.2 However, if the *Athlete* or other *Person* against whom an anti-doping rule violation or violation of Article 10.14.1 is asserted fails to dispute that assertion within twenty (20) days of the date of the notice sent by FIS asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.

8.3.3 In cases where Article 8.3.1 or 8.3.2 applies, a hearing before the *CAS* ADD shall not be required. Instead the FIS IADD shall promptly issue a written decision that conforms with Article 9 of the *International Standard* for *Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, if (and to what extent) any period of *Provisional Suspension* is credited against the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10, any forfeiture of medals or prizes, any other relevant *Consequences*, including *Financial Consequences*, appeal routes and deadline to appeal, and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

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

8.4 Single Hearing Before *CAS*

Anti-doping rule violations or violations of Article 10.14.1 asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the

Athlete or other *Person*, FIS (where it has *Results Management* authority in accordance with Article 7) and *WADA*, be heard in a single hearing directly at *CAS*.[49]

ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test or violation of Article 10.14.1 by participation in a *Competition* automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.[50]

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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 any benefits awarded or advantages afforded based on those results to be vacated, including forfeiture of all medals, points and prizes awarded to the *Athlete* (whether individually or to a team of which the *Athlete* was a part) based on those results, except as provided in Article 10.1.1. [51]

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

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

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

Article 10.2 provides the framework for determining the period of *Ineligibility* for violations of Articles 2.1 (Presence), 2.2 (*Use* or *Attempted Use*) or 2.6 (*Possession*). This determination is based on several variables such as: the substance or method involved (i.e., non-*Specified Substances*/non-*Specified Methods*, *Specified Substances*/*Specified Methods*, or *Substances of Abuse*); whether the *Athlete* or other *Person* committed the anti-

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[49] *[Comment to Article 8.4: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organisations to incur the extra expense of two (2) hearings. An Anti-Doping Organisation may participate in the CAS hearing as an observer.]*

[50] *[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or lower placement of the Team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation. In cases where team points earned by an Athlete who committed anti-doping rule violations during the team Competition are taken away, resulting in a lower placement for the team, that shall not be considered a sanction or disciplinary action against either the team or the other Athletes participating in the team Competition who have not committed an anti-doping rule violation.]*

[51] *[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the swimming World Championships).]*

doping rule violation intentionally; whether the context of the ingestion, *Use* or *Possession* was unrelated to sport performance; and whether the *Athlete* can establish how the *Prohibited Substance* entered their system.

Article 10.2.1 addresses the period of *Ineligibility* for violations of Articles 2.1 or 2.2 involving non-*Specified Substances* and non-*Specified Methods*. Article 10.2.2 addresses the period of *Ineligibility* for violations of Articles 2.1 or 2.2 involving *Specified Substances* or *Specified Methods*. Article 10.2.3 addresses the period of *Ineligibility* for violations of Articles 2.1 or 2.2 involving *Substances of Abuse*. Article 10.2.4 addresses the period of *Ineligibility* in special circumstances involving criteria for *Therapeutic Use Exemptions*. Article 10.2.5 addresses the period of *Ineligibility* for violations of Article 2.6. Article 10.2.6 provides the definition of "intentional" for purposes of Article 10.2.[52]

10.2.1 Non-*Specified Substances* or Non-*Specified Methods*

For violations of Articles 2.1 or 2.2 that involve a non-*Specified Substance* or a non-*Specified Method*, the period of *Ineligibility* shall, subject to Articles 10.2.3 and 10.2.4, be four (4) years. The four (4) year period of *Ineligibility* may be reduced as follows:

10.2.1.1 Where the *Athlete* can establish how the *Prohibited Substance* entered their system or the *Prohibited Method* was *Used* and that the violation was not intentional, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.1.2 Where the *Athlete* cannot establish that the violation was not intentional, but can establish how the *Prohibited Substance* entered their system or the *Prohibited Method* was *Used*, and that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years. This period of *Ineligibility* is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.1.3 Where the *Athlete* cannot establish how the *Prohibited Substance* entered their system or the *Prohibited Method* was *Used*, but in exceptional cases can establish to the comfortable satisfaction of the decision making body that, based on reliable scientific evidence, the anti-doping rule violation was not compatible with intentional use of a *Prohibited Substance*, then the period of *Ineligibility* may be reduced to two (2) years.[53] This period of *Ineligibility* is not subject to elimination or reduction under Articles 10.5 or 10.6.

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[52] *[Comment to Article 10.2: Before considering whether Article 10.5 or Article 10.6 apply, the Anti-Doping Organisation (or hearing panel) shall first determine whether the Athlete has satisfied their burden of establishing that the violation was not intentional. To do that, the Athlete shall, except for the narrowest of corridors described in Article 10.2.1.3, show how the Prohibited Substance entered their system and also that the timing of such ingestion or Use is consistent with the analytical results from their Sample.]*

[53] *[Comment to Article 10.2.1.3: While it is theoretically possible for an Athlete to establish entitlement to a reduction under this Article without showing how the Prohibited Substance entered their system, this has been described in cases as the "narrowest of corridors." In order to access this exceptionally narrow corridor, an Athlete shall present reliable scientific evidence establishing that the anti-doping rule violation was not compatible with intentional Use of a Prohibited Substance. For example, reliable scientific evidence could include the detection of a non-therapeutic amount of the Prohibited Substance in the Athlete's Sample coupled with a metabolic profile indicating very recent Administration or prior or subsequent Samples from the Athlete which confirm that the Prohibited Substance detected was not the tail end of the excretion curve from a therapeutic dose or other doping regimen. Hair tests are unlikely to serve as reliable evidence to disprove intentional doping. With respect to the results of lie-detector tests, see Comment to Article 3.2. Further, evidence in the form of negative Testing history, change, or lack of change, in body mass or competitive results, lack of motivation to dope and testimony of the Athlete and the Athlete supporters, shall not*

10.2.1.4 For violations resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was ingested or *Used Out-of-Competition* in a context unrelated to sport performance, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.2 *Specified Substances* or *Specified Methods*

For violations of Articles 2.1 or 2.2 that involve a *Specified Substance* or a *Specified Method*, the period of *Ineligibility*, subject to Articles 10.2.3 and 10.2.4, shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Articles 10.5, 10.6 or 10.7.1 and is subject to increase as follows:

10.2.2.1 Subject to Article 10.2.2.2, where FIS can establish that the violation was intentional, the period of *Ineligibility* shall be four (4) years; provided, however, if the *Athlete* can establish that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years. The period of *Ineligibility* imposed under this Article 10.2.2.1 is not subject to elimination or reduction under Articles 10.5 or 10.6.

10.2.2.2 Where an anti-doping rule violation results from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was used *Out-of-Competition*, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.3 *Substances of Abuse*

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

10.2.3.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be two (2) months.[54]

For any subsequent violation involving any *Substance of Abuse*, the period of *Ineligibility* calculated under this Article 10.2.3.1 shall be four (4) months which may be reduced to two (2) months if the *Athlete* enters a *Substance of Abuse* treatment program approved by FIS.[55]

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be sufficient to justify a reduction in the period of Ineligibility. For the avoidance of doubt, the Athlete may submit and the hearing body may consider non-scientific evidence as well, but reliable scientific evidence is a necessary element to establish entitlement to a reduction under this Article. As used in this Article, "exceptional case" is not intended to create an independent element that must be established by the Athlete, but rather indicates the rarity and uniqueness of cases where the required elements of proof will be met.]

[54] *[Comment to Article 10.2.3.1: While the Code does not condition the two-month period of Ineligibility for a first violation on the Athlete entering a treatment program, FIS should consider, in their discretion and to the extent of their expertise and resources, adopting policies that would encourage and facilitate the Athlete's seeking of a professional medical evaluation after a first violation, and, if recommended, to enter a treatment or rehabilitation program as appropriate.]*

[55] *[Comment to Article 10.2.3.1: The determinations as to whether the treatment program is approved shall be made in the sole discretion of FIS. This Article is intended to give FIS the leeway to apply their own judgment to identify and approve legitimate and*

The period of *Ineligibility* established in this Article 10.2.3.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.3.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the period of *Ineligibility* shall be between six (6) months and two (2) years depending on the circumstances of the case.[56] This provision is without prejudice to the potential application of Articles 10.5, 10.6 or 10.7.1.[57]

10.2.3.3 Where neither 10.2.3.1 or 10.2.3.2 applies, then the period of *Ineligibility* shall be determined under the applicable provision in Articles 10.2.1 or 10.2.2.

10.2.4 *Therapeutic Use Exemption* Criteria

10.2.4.1 Notwithstanding any other provision in Article 10.2, where the *Athlete* can establish that the presence, *Use* or *Attempted Use* or *Possession* met each of the criteria in Article 4.2 of the *International Standard* for *Therapeutic Use Exemptions* (except for the need to show there was no reasonable permitted Therapeutic[58] alternative) at the time the presence, *Use* or *Attempted Use* or *Possession* occurred, then the period of *Ineligibility* shall be two (2) months. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.5 *Possession*

For violations of Article 2.6, the period of *Ineligibility* shall subject to Article 10.2.3.2, be as follows:

10.2.5.1 Where the violation involves a non-*Specified Substance* or non-*Specified Method*, the period of *Ineligibility* shall be two (2) years if the *Athlete* or other *Person* can establish the violation was not intentional; three (3) years if the *Athlete* or other *Person* cannot establish that the violation was not intentional, but can establish the *Possession* was unrelated to sport performance; and four (4) years if the *Athlete* or other *Person* cannot

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reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs. FIS may also impose a sanction of two (2) months if, in its sole discretion, it determines that treatment is not necessary, for example the Adverse Analytical Finding resulted from the ingestion of coca tea. This Article also applies to different routes by which a Substance of Abuse may be ingested, e.g., drinking coca tea.]

[56] *[Comment to Article 10.2.3.2: The "circumstances of the case" may include, for example, the specific nature of the Use or Possession, the type and quantity of the Prohibited Substance detected, the proximity in time between the ingestion and the Athlete's actually competing, the potential benefit (actual or perceived) to the Athlete of the ingestion in relation to the Athlete's performance in the Competition, the Athlete or other Person's level of anti-doping experience and education, and other fault-related considerations that might not otherwise satisfy the requirements for application of Article 10.5.]*

[57] *[Comment to Article 10.2.3.2: While it is theoretically possible for the Athlete to establish No Fault or Negligence or No Significant Fault or Negligence with respect to the In-Competition ingestion, Use or Possession of a Substance of Abuse, this would occur only in rare, exceptional cases.]*

[58] *[Comment to Article 10.2.4.1: For purposes of this Article, the term "Therapeutic" shall be defined in accordance with the definition contained in the International Standard for Therapeutic Use Exemptions.]*

establish the violation was not intentional and cannot establish the *Possession* was unrelated to sport performance.

10.2.5.2 Where the violation involves a *Specified Substance* or *Specified Method*, the period of *Ineligibility* shall be four (4) years if FIS can establish the violation was intentional, subject to a reduction to three (3) years if the *Athlete* or other *Person* can establish that the context of the *Possession* was unrelated to sport performance; and two (2) years if FIS cannot establish the violation was intentional.

10.2.5.3 If the period of *Ineligibility* imposed under Articles 10.2.5.1 or 10.2.5.2 is two (2) years, the period of *Ineligibility* is subject to potential elimination or reduction under Articles 10.5, 10.6 or 10.7.1.

10.2.6 As used in Article 10.2, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.[59]

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

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

10.3.1 For violations of Articles 2.3 or 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in a case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person*'s degree of *Fault*; or (iii) in a case of failing to submit to *Sample* collection involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete*'s degree of *Fault*.

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on if the *Athlete* can establish circumstances mitigating the *Athlete's* degree of *Fault*. *Fault* shall be assessed equally against all three whereabouts failures with the expectation that the *Athlete* should be on heightened alert after the first and second failures. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.[60]

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[59] *[Comment to Article 10.2.6: Article 10.2.6 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.]*

[60] *[Comment to Article 10.3.2: The whereabouts requirements in the Code and International Standard for Testing are a fundamental part of any effective effort to combat doping in sport. In order to deter and detect cheating, Anti-Doping Organisations shall be able to conduct no advance notice, Out-of-Competition Testing based upon reliable whereabouts information. The whereabouts requirements in the Code also allow clean Athletes to credibly claim that they are subject to Testing at any time so that the public can have confidence that they are clean. Whereabouts*

10.3.3 For violations of Articles 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* or *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.[61]

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation; where the violation involves a *Protected Person* or *Minor*, the period of *Ineligibility* imposed shall be a minimum of four (4) years, up to a lifetime *Ineligibility*, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.[62]

10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.[63]

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

If FIS establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (Complicity or *Attempted* Complicity) or 2.11 (Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the otherwise applicable sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that they did not knowingly commit the anti-doping rule violation.[64]

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failures are not just "paperwork violations," they directly undermine the ability of Anti-Doping Organisations to catch doped Athletes and the public's confidence in the accountability of clean Athletes.]

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

[62] *[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 (Prohibited Association by an Athlete or Other Person) is an entity and not an individual, that entity may be disciplined as provided in Article 12.]*

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

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

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

If an *Athlete* or other *Person* establishes in an individual case that they bear *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.[65]

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

10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Articles 2.1, 2.2 or 2.6.

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

10.6.1.1 *Specified Substances* or *Specified Methods*

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

10.6.1.2 *Contaminated Source*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Source*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.[66]

10.6.1.3 *Protected Persons* or *Recreational Athletes*

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

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

Where the Athlete establishes that an Adverse Analytical Finding results from a Contaminated Source in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, No Fault or Negligence under Article 10.5 may be applicable.]

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

10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1[67]

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

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

10.7.1 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 **Error! Reference source not found.**, before receiving first notice of the admitted violation pursuant to Article **Error! Reference source not found.**) 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.[68] For purposes of this Article 10.7.1, the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, and 10.6.

10.7.2 Period of *Ineligibility* Reduction for Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

No later than twenty (20) days after receiving notice of an anti-doping rule violation charge, an *Athlete* or other *Person* who accepts that the violation is established and accepts all asserted *Consequences* (including, for the avoidance of doubt, the start date of any period of *Ineligibility*) will receive a twenty-five percent (25%) reduction from the period of *Ineligibility* asserted in the notice of

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

[68] *[Comment to Article 10.7.1: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes they are about to be caught. (e.g. where the Athlete discloses the Use of a Prohibited Substance while knowing or having reason to believe that a pending test will result in an Adverse Analytical Finding). The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had they not come forward voluntarily.]*

anti-doping rule violation charge.[69] Where the asserted period of *Ineligibility* is more than four (4) years but less than lifetime, the reduction shall be one (1) year.[70] Where the asserted period of *Ineligibility* is lifetime, there shall be no reduction under this Article 10.7.2.

Article 10.7.2 shall not be applicable to charged violations under Articles 10.2.3.1 or 10.2.4.1.

Where the *Athlete* or other *Person* receives a reduction in the period of *Ineligibility* under this Article 10.7.2, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.[71] If the *Athlete* or other *Person* does not accept the reduction in the period of *Ineligibility* within the time period established in this Article, then this Article, including but not limited to, what the reduction under this Article would or should have been, may not be raised in any hearing or appeal.

10.7.3 *Substantial Assistance* in Discovering or Establishing *Code* Violations[72]

10.7.3.1 Where it has *Results Management* authority FIS may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority, or professional disciplinary body or sport integrity authority which results in:

(i) the *Anti-Doping Organisation* discovering facts constituting, or bringing forward a case involving an anti-doping rule violation or violation of Article 10.14.1 by another *Person*; or

(ii) a criminal or disciplinary body discovering facts constituting, or bringing forward a case involving, a criminal offense or breach of professional rules committed by another *Person* providing *Substantial Assistance* is made available to FIS; or

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[69] *[Comment to Article 10.7.2: For the avoidance of doubt, the reduction is calculated from the period of Ineligibility asserted in the charging letter rather than the period of Ineligibility stated in the initial notice of potential anti-doping rule violation However, an Athlete or other Person does not need to wait for the charging letter before accepting the violation in accordance with this Article; where the Athlete or other Person accepts the violation in accordance with this Article prior to issuance of the charging letter, the reduction would be calculated from the period of Ineligibility asserted in the initial notice of potential anti-doping rule violation. In some countries, the imposition of a period of Ineligibility is left entirely to a hearing body. In those countries, the Anti-Doping Organisation cannot assert a specific period of Ineligibility in a charging letter for purposes of Article 10.7.2. In these circumstances, the hearing body may consider applying Article 10.7.2 where the Athlete or other Person has met the requirements for the reduction.]*

[70] *[Comment to Article 10.7.2: For example, if an Anti-Doping Organisation alleges that an Athlete has violated Article 2.2 for Use of an anabolic steroid and asserts the applicable period of Ineligibility is four (4) years in the charging letter, then the Athlete may unilaterally reduce the period of Ineligibility to three (3) years by admitting the violation and accepting the three-year period of Ineligibility within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]*

[71] *[Comment to Article 10.7.2: For the avoidance of doubt, this Article does not preclude a suspension of the period of Ineligibility under Article 10.7.3 or 10.7.4.]*

[72] *[Comment to Article 10.7.3: 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.]*

(iii) *WADA* discovering facts constituting, or bringing forward a case involving non-compliance with the *Code*, *International Standard, Technical Document* or *Technical Letter* against a *Signatory*, *WADA*-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories); or

(iv) with the approval of *WADA*, a criminal or disciplinary body discovering facts constituting or bringing forward a case involving, a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

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

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. Information involving the potential doping of *Protected Persons* or *Minors* shall be considered particularly valuable. In determining the length of the period for which the period of *Ineligibility* is suspended, the value of the *Substantial Assistance* shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*.[73] However, no more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. For purposes of this Article 10.7.3, the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1,10.7.2, 10.9 and 10.14.3. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article shall be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2 of these Anti-Doping Rules.

FIS may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information received, increase the amount of *Consequences* suspended.

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

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of *Consequences* was based, FIS shall reinstate the

[73] *[Comment to Article 10.7.3.1: In evaluating the value of the Substantial Assistance provided, priority shall be given to assistance which is important to anti-doping efforts and enforcement of the Code. Most important are situations where: Protected Persons or Minors have been doped by Athlete Support Personnel or other Persons: where a doping scheme involves a public authority, Anti-Doping Organisation, WADA accredited or approved laboratory, or other Code Signatories or their members: where the doping scheme involves the Use of a Prohibited Substance or Prohibited Method which is particularly difficult to detect, or where the doping scheme involves multiple Athletes.]*

original *Consequences*. If FIS decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

WADA shall be notified of any appeal to *CAS* involving Article 10.7. If *WADA* is not already a party, *WADA* shall have the right to intervene as a party in that proceeding.

10.7.3.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of FIS or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or violation of Article 10.14.1, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article.

10.7.3.3 If FIS suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 as provided in Article 14.

In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize FIS to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

10.7.4 Other Valuable Information and Assistance in the Effort to Eliminate Doping in Sport

Where it has *Results Management* authority for an anti-doping rule violation or violation of Article 10.14.1, FIS may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided other valuable information and assistance which does not meet all of the requirements for *Substantial Assistance* but is still very valuable to the effort to eliminate doping in sport.[74] Information involving the potential doping of *Protected Persons* or *Minors* shall be considered particularly valuable.

[74] *[Comment to Article 10.7.4: Substantial Assistance under Article 10.7.3 requires the disclosure of misconduct by another Person. This Article 10.7.4 does not. The Athlete or other Person is still required to provide full and credible information without holding anything back, including the identity of other involved parties. However, it may simply be the case that they don't have any information regarding the conduct of another Person. For example, if an Athlete discloses their use of an effective doping regimen or new substance in a prohibited class which they learned about from the internet that has allowed their doping to avoid being detected, this type of information and assistance would be highly valuable to the effort to eliminate doping even if the Athlete is not able to provide evidence regarding the involvement of another Person.]*

After an appellate decision relating to an anti-doping rule violation or a violation of Article 10.14.1 under Article 13 or the expiration of time to appeal that decision, FIS may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA*.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the information and assistance provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. In determining the length of the period for which the period of *Ineligibility* is suspended, the value of the information and assistance shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*. However, no more than fifteen percent (15%) of the otherwise applicable period of *Ineligibility* may be suspended. For purposes of this Article 10.7.4 the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1,10.7.2, 10.9 and 10.14.3. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article shall be no less than sixteen (16) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

FIS may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information and assistance received, increase the amount suspended.

If so requested by an *Athlete* or other *Person* who seeks to provide other valuable information and assistance, FIS shall allow the *Athlete* or other *Person* to provide the information to FIS subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the other valuable information and assistance upon which the suspension of *Consequences* was based, the *Anti-Doping Organisation* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organisation* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

WADA shall be notified of any appeal to *CAS* involving Article 10.7. If *WADA* is not already a party, *WADA* shall have a right to intervene as a party in that proceeding.

10.8 Case Resolution Agreements

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by FIS and agrees to *Consequences* acceptable to FIS and *WADA*, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by FIS and *WADA* of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person*'s degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) without prejudice to the *Athlete* or other *Person's* right under Article 10.13.1, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going

forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or the effective date of a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*.[75] The decision by *WADA* and FIS to enter or not enter into a case resolution agreement, and the *Consequences* agreed to by *WADA* and FIS and the *Athlete* or other *Person*, including the starting date of the period of *Ineligibility* are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, FIS shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.[76]

10.9 Multiple Violations

10.9.1 Second or Third Anti-Doping Rule Violation

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

(a) A six-month period of *Ineligibility*; or

(b) A period of *Ineligibility* in the range between:

(i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and

(ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

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

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

10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further suspended by the application of Articles 10.7 or 10.7.4.

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[75] *[Comment to Article 10.8: For purposes of calculating the "one half of the period of eligibility going forward" the agreed upon period of ineligibility shall first be reduced before any period by which the period of ineligibility has been backdated.]*

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

10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of this Article 10.9. In addition, an anti-doping rule violation sanctioned under Articles 10.2.3.1 or 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

10.9.3 Additional Rules for Certain Potential Multiple Violations[77]

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if FIS can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received initial notification pursuant to Article 7 in accordance with the *International Standard* for *Results Management*, of the first potential anti-doping rule violation, or the relevant *Anti-Doping Organisation* made reasonable efforts to give such notice. If FIS cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.[78]

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

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

10.9.3.4 Where an *Athlete* is charged with a second anti-doping rule violation under Article 2.1, and the *Athlete* can establish that the *Adverse Analytical Finding* for the second anti-doping rule violation resulted solely from the residual presence of the *Prohibited Substance* in their

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[77] *[Comment to Article 10.9.3: This Article does not address violations of Article 10.14.1, as the Consequences for violations of Article 10.14.1 are addressed separately in Article 10.14.3.]*

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

system from the same ingestion or *Use* that resulted in the first anti-doping rule violation, the *Athlete* shall be deemed to have established they bear *No Fault* or *Negligence* for the second violation, and the second violation shall not be considered a violation for purposes of Article 10.9.[79]

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

10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

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

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.[80]

10.11 Forfeited Prize Money

If FIS recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.[81]

10.12 *Financial Consequences*

10.12.1 Where an *Athlete* or other *Person* commits an anti-doping rule violation, FIS may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or (b) fine the *Athlete* or other *Person* in an amount up to 100,000 Swiss Francs, only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

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[79] *[Comment to Article 10.9.3.4: For the avoidance of doubt, the second violation would still subject the Athlete to other Consequences including, without limitation, under Articles 7.4, 9, 10.1 and 14.3 where applicable.]*

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

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

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

10.13 Commencement of *Ineligibility* Period

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

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, FIS or *CAS* ADD, if applicable, may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.[82]

10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

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

10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from FIS and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party

[82] *[Comment to Article 10.13.1: In Athlete Biological Passport cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used. Where the body determines that substantial delays attributable to parties other than the Athlete or other Person justifies commencing the period of Ineligibility at an earlier date, the backdated period of time should not exceed the amount of delay attributable to the parties and should not include any period of delay attributable to the Athlete or other Person. For the avoidance of doubt, the period of time between the original analysis of a Sample and the further analysis under Article 6.6 shall not be considered a delay under Article 10.13.1.]*

entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.[83]

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

10.14 Status During *Ineligibility* or *Provisional Suspension*

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

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*:

(i) compete or participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized, organized or funded by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation;

(ii) compete or participate in any capacity in *Competitions* or training activities authorized or organized by any professional league, any professional *Event*[84] organisation or any international or national-level *Event* organisation where not already covered by Article 10.14.1(i);

(iii) compete or participate in any capacity in *Competitions* or training activities funded by a governmental agency;

(iv) provide any sport-related services, including without limitation serving as a coach or other *Athlete Support Personnel*, to any *Athlete* or other *Person* bound by rules adopted pursuant to the *Code* (and doing so could also result in a violation of Article 2.10 by such *Athlete*(s));

(v) serve as a board member, officer, director, official or senior executive, or in any position involving *Doping Control* or involving direct contact with *Athletes* or *Athlete Support Personnel*, of any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation; or

(vi) receive compensation from any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, except for compensation for employment for services not prohibited as described in Article 10.14.1 (v) above.[85]

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

[84] *[Comment to Article 10.14.1 (ii): With respect to the terms "professional league" and "professional Event", further guidance may be provided in the International Standard for Results Management or guidelines.]*

[85] *[Comment to Article 10.14.1: The term "activity" as used in this Article includes all competitive, training and administrative functions, as well as social functions where the Person has a formal or official role or receives recognition, authorized or organized by the referenced organisations.*

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

An *Athlete* or other *Person* subject to a period of *Ineligibility* who has not retired shall remain subject to *Testing* and any requirement by FIS to provide whereabouts information.[86]

10.14.2 Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of FIS' or other *Signatory's* member organisation during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed. The permitted training window for *Athletes* that were *Protected Persons* at the time of the anti-doping rule violation shall be the last one-half of the period of *Ineligibility* imposed. [87]

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

By way of example, this Article does not prohibit an Ineligible Person from engaging in the following activities so long as the Ineligible Person is not acting as an Athlete Support Personnel, the activity is not funded by a government and is not authorized, organized or funded by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation:

(1) an Ineligible basketball player could participate in a pick-up basketball game with former teammates;

(2) an Ineligible distance runner could go for a run with friends or other elite Athletes;

(3) an Ineligible swimmer could swim in a separate lane in the same pool where a national team trains as long as the swimmer has no involvement with the team training;

(4) an Ineligible figure skater could receive coaching or athletic training services from Athlete Support Personnel who also work for a referenced organisation as long as the services provided to the figure skater are not performed as part of the Athlete Support Personnel's job duties for the referenced organisation; and

(5) an Ineligible gymnast could receive payments from an individual sponsor as long as the payments are not connected to or arranged by a referenced organisation.

Ineligibility imposed in one sport shall be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). Any performance standard accomplished during a period of Ineligibility shall not be recognized by a Signatory or its National Federations for any purpose.

Without prejudice to Article 5.6.2 and for the avoidance of doubt, the prohibition against participating in any capacity in the activities identified in this Article shall continue to apply to retired Persons through the duration of their period of Ineligibility.

For the avoidance of doubt, where the Ineligible Person is an Athlete under a club contract of employment for athletic services, Article 10.14.1 (vi) does not prohibit the club from continuing to make contractual payments to the Athlete during the period of Ineligibility or Provisional Suspension so long as the Athlete does not engage in any activities prohibited in Article 10.14.1 (v).]

[86] *[Comment to Article 10.14.1: For the avoidance of doubt, the prohibition against participation in any capacity in the activities identified in this Article shall continue to apply to retired Persons through the duration of their period of Ineligibility.]*

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

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted down to a reprimand and no period of *Ineligibility* based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. Subject to Article 7.1.4 of the *Code*, the determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organisation* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

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

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

10.14.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Articles 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by FIS and its *National Ski Associations*, as well as by other *Signatories* or *Signatories'* member organisations, as applicable.

10.15 Automatic Publication of Sanction

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

ARTICLE 11 *CONSEQUENCES* TO TEAMS

11.1 *Testing* of Teams

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

11.2 *Consequences* for Teams

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

11.2.2 An anti-doping rule violation or violation of Article 10.14.1 committed by a member of a team occurring during or in connection with an *Event* (e.g. FIS World

Championships) may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all *Consequences* for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.2.3.[88]

11.2.3 Where an *Athlete* who is a member of a team committed an anti-doping rule violation or violation of Article 10.14.1 during or in connection with one (1) *Competition* in an *Event,* if the other member(s) of the team establish(es) that they bear *No Fault* or *Negligence* for that violation, the results of the team in any other *Competition(s)* in that *Event* shall not be *Disqualified* unless the results of the team in the *Competition(s)* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation or violation of Article 10.14.1.

ARTICLE 12 SANCTIONS BY FIS AGAINST OTHER SPORTING BODIES

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

12.1 Withhold some or all funding or other financial and non-financial support to that organisation or body.

12.2 Oblige that organisation or body to reimburse FIS for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of these Anti-Doping Rules committed by an *Athlete* or other *Person* affiliated with that organisation or body.

12.3 Exclude all, or some group of, members of that organisation or body from specified future *Events* or all *Events* conducted within a specified period of time.

12.4 Take additional disciplinary actions with respect to that organisation's or body's recognition, the eligibility of their members to participate in FIS' activities, and/or fine that organisation or body based on the following:

12.4.1 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with that organisation or body during a twelve (12) month period. In such event FIS may, at its discretion, elect to: (a) withdraw some or all FIS membership rights, including the right to participate in FIS Calendar competitions and voting rights at the FIS Congress; and/or (b) declare officials of the relevant organisation or body ineligible to participate in any FIS activities for a period of up to two (2) years; and/or (c) cancel the right of the organisation or body to host future FIS Events in the disciplines concerned; and/or (d) impose a financial sanction up to the total amount of FIS financial support payable over a two (2)-year period, but not less than CHF 50'000 (Swiss francs); and/or (e) reduce quota places for the Olympic Winter Games, FIS World Championships and FIS World Cups in accordance with Article 12.4.3. (For purposes of this article, any fine paid pursuant to Article 12.4.4 shall be credited against any fine assessed.)

12.4.2 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.4.1 by *Athletes* or other *Persons* affiliated with that organisation or body

[88] *[Comment to Article 11.2.2: See Comment to Article 9 regarding team Competition in Individual Sports.]*

during a twelve (12) month period. In such event, that organisation or body may be suspended for a period of up to four (4) years.

12.4.3 Where Article 12.4.1 applies, the following reduction of quotas places at the Olympic Winter Games, FIS World Championships and FIS World Cups will apply:

Number of violations:	Reduction of quota places:
Four (4) to six (6)	Next Olympic Winter Games and next FIS World Ski Championships: reduction of two (2) quota places in the discipline and gender concerned; Next FIS World Cup season: reduction of two (2) quota places in the discipline and gender concerned.
Seven (7) to eleven (11)	Next Olympic Winter Games and next FIS World Ski Championships: reduction of four (4) quota places in the discipline and gender concerned; Next FIS World Cup season: reduction of six (6) quota places in the discipline and gender concerned.

12.4.4 More than one *Athlete* or other *Person* affiliated with that organisation or body commits an anti-doping rule violation during an *International Event.* In such event, that organisation or body may be fined in an amount up to CHF 50'000 (Swiss Francs).

12.4.5 That organisation or body has failed to make diligent efforts to keep FIS informed about an *Athlete's* whereabouts after receiving a request for that information from FIS. In such event, that organisation or body may be fined in an amount up to CHF 1'000 (Swiss Francs) per *Athlete*, in addition to reimbursement of all of FIS' costs incurred in *Testing* that organisation's or body's *Athletes*.

ARTICLE 13 *RESULTS MANAGEMENT*: APPEALS[89]

13.1 Decisions Subject to Appeal

Decisions made under the *Code* or these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

13.1.1 Scope of Review Not Limited

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

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

same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.[90]

13.1.2 *CAS* Shall Not Defer to the Findings Being Appealed

Subject to Article 13.1.4, in making its decision, *CAS* shall not give deference to the discretion exercised by the body whose decision is being appealed.[91]

All anti-doping proceedings before *CAS* involving *WADA*, FIS and/or a *Major Event Organisation* as a party shall be conducted in French or English. Such proceedings may only be conducted in a language other than French or English if *WADA*, FIS and/or the *Major Event Organisation* (all) agree with such request at their entire discretion.

13.1.3 *WADA* Not Required to Exhaust Internal Remedies[92]

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

13.1.4 Appeals from Decisions Made by *WADA*

Where the *Code* or *International Standards* provide a right of appeal against a decision made by *WADA*, such appeal shall be made exclusively to *CAS*. Notwithstanding any other provision of Article 13.1, the appellate standard of review for such appealable decisions made by *WADA* under the *Code* or *International Standards*, or made with *WADA's* approval under Articles 5.3.2, 5.6.1, 7.1.1, 10.7 and 14.1.1, shall be whether *WADA*'s decision was arbitrary.

13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Violations of Article 10.14.1, *Consequences*, *Provisional Suspensions,* Implementation of Decisions and Authority

The following decisions may be appealed exclusively as provided in this Article 13.2:

- a decision that an anti-doping rule violation or violation of Article 10.14.1 was committed;

- a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation or violation of Article 10.14.1, or a decision that no anti-doping rule violation or violation of Article 10.14.1 was committed;

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

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

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

- a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);

- a decision by *WADA* not to grant an exemption to the six-months notice requirement for a retired *Athlete* to return to competition under Article 5.6.1;

- a decision by FIS to disqualify, or to not disqualify results under Article 5.6.1.1;

- a decision by *WADA* assigning *Results Management* under Article 7.1 of the *Code*;

- a decision by FIS not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, an *Adverse Passport Finding* or an *Atypical Passport Finding* after review, or a decision not to go forward with an anti-doping rule violation or violation of Article 10.14.1 or whereabouts failure after an investigation in accordance with the *International Standard* for *Results Management* or *International Standard* for Intelligence and Investigations;

- a decision not to impose, or a decision to lift or not to lift, a *Provisional Suspension* (with all such appeals made exclusively to *CAS* as provided in Article 7.4.3);

- a decision that FIS lacks authority to rule on an alleged anti-doping rule violation or violation of Article 10.14.1 or its *Consequences*;

- a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Articles 10.7.3 and 10.7.4;

- failure to comply with Article 7.1.4 of the *Code* and Article 7.1.6;

- failure to comply with Article 10.8;

- a decision under Article 10.14.3;

- a decision by FIS that the requirements for recording a whereabouts failure are not met;

- a decision by FIS not to implement another *Anti-Doping Organisation's* decision under Article 15; and

- a decision under Article 24.4.4.

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

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to *CAS*.[93]

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

[93] *[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.]*

In cases where Articles 7.4.3 and 13.2.1 are not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the *National Anti-Doping Organisation* having authority over the *Athlete* or other *Person*.

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

Also, if no such body as described above is in place and available at the time of the appeal, the *Athlete* or other *Person* shall have a right to appeal to *CAS*.[94]

13.2.3 *Persons* Entitled to Appeal

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

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

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

In cases under Article 13.2.2, the parties having the right to appeal to the appellate body shall be as provided in the *National Anti-Doping Organisation's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FIS; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*.

For decisions rendered under Article 13.2.2 by a national-level appellate body, the same parties identified in (a) through (f) above shall also have the right to appeal the decision to *CAS*.[95]

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

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[94] *[Comment to Article 13.2.2: For Therapeutic Use Exemption appeals it is recommended that the appellate body include at least one physician with experience of Therapeutic Use Exemptions.]*

[95] *[Comment to Article 13.2.3.2: In such cases, the respondent(s) shall also have the right to cross-appeal.]*

13.2.3.3 Duty to Notify as a Condition to Admissibility of Appeal

As a condition to the admissibility of an appeal to *CAS* authorized in this Article 13, an appealing party shall have provided notice of the appeal to *WADA* and all other parties with a right to appeal. For other appeals authorized in this Article 13, all parties to an appeal shall ensure that *WADA* and all other parties with a right to appeal have been given notice of the appeal.

13.2.3.4 Appeal from Imposition of *Provisional Suspension*

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

13.2.3.5 Appeal from Decisions under Article 12

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed [96]

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

13.2.5 In any case where *WADA* is provided a right to appeal in this Article 13.2 (subject to the further provisions of Article 7.4.3), *WADA* may elect, at its sole discretion and within its deadline for filing an appeal, or within ten (10) days of being notified of the appeal if later, to join in the appeal as a party in support or opposition to the appeal or cross-appeal. In such event, *WADA* shall have the right, but not the obligation, to file pleadings, examine witnesses and present argument.[97]

13.3 Failure to Render a Timely Decision by FIS [98]

Where, in a particular case, FIS fails to render an appealable decision under its authority with respect to whether an anti-doping rule violation or violation of Article 10.14.1 was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* (subject to *CAS* Appeal Division Rules by analogy) as if FIS had rendered a decision finding no anti-doping rule violation or violation of Article 10.14.1. If the *CAS* hearing panel determines that *WADA* acted reasonably in electing to appeal directly to *CAS*, then *WADA's* costs and attorney fees in prosecuting the appeal shall be reimbursed to *WADA* by FIS.

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

[97] *[Comment to Article 13.2.5: For the avoidance of doubt, this provision is not intended to limit any other available right of intervention for any Anti-Doping Organisation such as, for example, under the CAS Code.]*

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

13.4 Appeals Relating to *Therapeutic Use Exemptions*

Therapeutic Use Exemption decisions may be appealed exclusively as provided in Article 4.4 and the *International Standard* for *Therapeutic Use Exemptions*.

13.5 Notification of Appeal Decisions

FIS shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

13.6 Time for Filing Appeals

13.6.1 Appeal Deadline for Parties other than *WADA*

The deadline to file an appeal for parties other than *WADA* shall be the later of:

(a) Twenty-one (21) days after receipt of the decision;[99] or

(b) Where the appealing party makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after receipt of the complete file relating to the decision.

13.6.2 Appeal Deadline for *WADA*

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

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

(b) Where *WADA* makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.[100]

ARTICLE 14 CONFIDENTIALITY AND REPORTING

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:

14.1 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and Other Asserted Anti-Doping Rule Violations or Violations of Article 10.14.1

14.1.1 Notice of Anti-Doping Rule Violations or Violations of Article 10.14.1 to *National Anti-Doping Organisations* and *WADA*

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[99] *[Comment to Article 13.6.1(a): Where a reasoned decision is required, the twenty-one (21) day deadline shall begin to run from receipt of the reasoned decision; where a reasoned decision is not required (e.g., imposition of a mandatory Provisional Suspension), the deadline shall run from the receipt of the operative decision.*

Whether governed by CAS rules or Article 13.6, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

[100] *[Comment to Article 13.6.2: For purposes of determining whether the complete file has been received, see also Article 14.2.3.]*

Notice of the assertion of an anti-doping rule violation or violation of Article 10.14.1 to the *Athlete's* or other *Person's National Anti-Doping Organisation*, any other *Anti-Doping Organisation* with a right to appeal under Article 13.2.3, and *WADA* shall occur as provided under Articles 7 and 14, simultaneously with the notice to the *Athlete* or other *Person*; provided, however, FIS may, upon *WADA's* written approval which it may grant or deny at its discretion, delay or withhold the notice required by this Article 14.1.1.[101]

If at any point during *Results Management* up until the anti-doping rule violation or violation of Article 10.14.1 charge, FIS decides not to move forward with a matter, it shall give notice (with reasons) to the *Anti-Doping Organisations* with a right of appeal under Article 13.2.3, at the same time it gives notice to the *Athlete* or other *Person*.

14.1.2 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the *International Standard* for *Results Management*, or, for anti-doping rule violations other than under Article 2.1 or violation of Article 10.14.1, the rule violated and the basis of the asserted violation.

14.1.3 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 7.2, the *Anti-Doping Organisations* referenced in Article 14.1.1 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.4 Confidentiality

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Ski Association*) until FIS has made *Public Disclosure* as permitted by Article 14.3.

14.1.6 Protection of Confidential Information by an Employee or Agent of FIS

FIS shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, other asserted anti-doping rule violations or violations of Article 10.14.1, remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3. FIS shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

[101] *[Comment to Article 14.1.1: By way of example, WADA could decide to approve FIS' request to delay notice where a highly confidential investigation is ongoing which might implicate a party who would otherwise receive notice of the asserted anti-doping rule violation.]*

14.2 Notice of Decision of Anti-Doping Rule Violations or Violations of Article 10.14.1 and Request for Files

14.2.1 Decisions that are subject to appeal, (whether under Article 13.2 or otherwise) and including, without limitation any anti-doping rule violation decisions, decisions related to Article 10.14.1 and decisions related to whereabouts failures shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, FIS shall provide an English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision. The case file shall be produced in machine readable form and, to the greatest extent practicable, in electronic, digital, and word-searchable format. If the case file contains documents in a language other than English or French, a case file index shall be provided promptly in English or French with a short description of each document in English or French.

14.2.3 For purposes of Articles 13.6.1 and 13.6.2, the complete file shall not be considered to have been received by *WADA* or other parties with a right to appeal until the complete file has been produced in accordance with Article 14.2.2.

14.3 *Public Disclosure*

14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard* for *Results Management*, and to the applicable *Anti-Doping Organisations* in accordance with Article 14.1.1, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation or violation of Article 10.14.1, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by FIS.

14.3.2 Subject to Article 14.3.3 and applicable laws, no later than twenty (20) days after a decision or determination finding an anti-doping rule violation or violation of Article 10.14.1 has become final under the applicable rules and is not subject to further appeal provided for under the *Code,* FIS:

(i) shall *Publicly Disclose* the disposition of the anti-doping matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. Where *Public Disclosure* as required by Article 14.3.2 would result in a breach of other applicable laws, FIS' failure to make the *Public Disclosure* will not result in a determination of non-compliance with the *Code* as set forth in Article 4.2 of the *International Standard* for Data Protection.

(ii) may make public such decision or determination and may comment publicly on the matter.

14.3.3 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 or violation of Article 10.14.1 or has established that they bear *No Fault or Negligence* for the anti-doping rule violation, no *Public Disclosure* shall be made concerning the

determination or the case, except with the consent of the *Athlete* or other *Person* who is the subject of the decision. FIS 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. As exceptions, and subject to applicable laws, if the identity of the *Athlete* or the other *Person* is already public or *Consequences* have been or are being imposed, or there are other compelling circumstances supporting *Public Disclosure*, then FIS may, without consent, *Publicly Disclose* the matter to the extent necessary to explain the outcome of the case.

14.3.4 Publication shall be accomplished at a minimum by placing the required information on FIS' website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

14.3.5 Except as provided in Article 14.3.1 and 14.3.3, no *Anti-Doping Organisation*, *National Federation*, or *WADA*-accredited laboratory, or any official of any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by the *Athlete*, other *Person* or their entourage or other representatives.

14.3.6 The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation or violation of Article 10.14.1 is a *Minor*, *Protected Person* or *Recreational Athlete*.

14.3.7 Any optional *Public Disclosure*, under any provision of Article 14, in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case and shall take into consideration the best interests of the individual. In exceptional cases, the importance of transparency to the credibility to the anti-doping system may also be subsidiarily considered.

14.4 Statistical Reporting

FIS shall, at least annually, publish on its website a general statistical report of its *Doping Control* activities, with a copy provided to *WADA*. The report shall include, without limitation, a separate listing (which shall maintain the anonymity of the *Athlete* or other *Person* involved) of each anti-doping decision finding *No Fault or Negligence* under Article 10.5, and for each such decision, provide: the year the decision was made; the sport involved; the *Code* article violated; the *Prohibited Substance* or *Prohibited Method* involved; and whether the decision has been appealed. FIS may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

14.5 *Doping Control* Information Database and Monitoring of Compliance

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

(a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,

(b) Whereabouts information for *Athletes* in accordance with the *International Standard* for *Testing*,

(c) *Therapeutic Use Exemption* decisions, and

(d) *Results Management* decisions,

and any other information as required under the applicable *International Standard(s)*.

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

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

14.5.3 To facilitate *WADA*'*s* oversight and appeal rights for *Results Management*, FIS shall report the following information into *ADAMS* in accordance with the requirements and timelines outlined in the *International Standard* for *Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; (d) violations of Article 10.14.1; and (e) any decision imposing, lifting or reimposing a *Provisional Suspension*.

14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete*'s *National Anti-Doping Organisation*, and any other *Anti-Doping Organisations* with *Testing* authority over the *Athlete*.[102]

14.6 Data Privacy

14.6.1 FIS may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its *Anti-Doping Activities* under the *Code*, the *International Standards* (including specifically the *International Standard* for Data Protection), these Anti-Doping Rules, and in compliance with applicable law.

14.6.2 FIS shall not use personal information in *ADAMS* for purposes other than anti-doping.

14.6.3 Without limiting the foregoing, FIS shall:

(a) Only process personal information in accordance with a valid legal ground;

[102] *[Comment to Article 14.5: ADAMS is operated, administered and managed by WADA, and is designed to be consistent with data privacy laws and norms applicable to WADA and other organisations using such system. Personal information regarding Athletes or other Persons maintained in ADAMS is and will be treated in strict confidence and in accordance with the International Standard for Data Protection.]*

(b) Notify any *Participant* or *Person* subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the *International Standard* for Data Protection, that their personal information may be processed by FIS and other *Persons* for the purpose of the implementation of these Anti-Doping Rules;

(c) Ensure that any third-party agents (including any *Delegated Third Party*) with whom FIS shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

ARTICLE 15 IMPLEMENTATION OF DECISIONS

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

15.1.1 A decision of an anti-doping rule violation or violation of Article 10.14.1 made by a *Signatory Anti-Doping Organisation*, an appellate body (Article 13.2.2 of the *Code*) or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon FIS and its *National Ski Associations*, as well as every *Signatory* in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

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

15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation or violation of Article 10.14.1 automatically binds all *Signatories*.

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

15.1.2 FIS and its *National Ski Associations* shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date FIS receives actual notice of the decision or the date the decision is placed into *ADAMS*.

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

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation or violation of Article 10.14.1 by a *Major Event Organisation* made in an expedited process during an *Event* shall not be binding on FIS or its *National Ski Associations* unless the rules of the *Major Event Organisation*

provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.[103]

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

FIS may decide to implement other anti-doping decisions rendered by *Anti-Doping Organisations* not described in Article 15.1.1 above.[104] In such circumstances, such decisions shall be automatically implemented by FIS' *National Ski Associations*.

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

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by FIS , if FIS finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.[105] In such circumstances, such decisions shall be automatically implemented by FIS' *National Ski Associations*.

ARTICLE 16 STATUTE OF LIMITATIONS

No anti-doping rule violation or violation of Article 10.14.1 proceeding may be commenced against an *Athlete* or other *Person* unless they have been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

ARTICLE 17 *EDUCATION*

Within its scope of responsibility, FIS shall plan, implement, monitor and evaluate an *Education* program in line with the requirements of Article 18 of the *Code* and the *International Standard* for *Education*.

FIS shall ensure that its *Education* program raises awareness, provides accurate information, enhances decision-making capability, and develops clean sport behaviors in line with the spirit of sport and to be in compliance with the *Code*.

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

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

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

FIS shall ensure that its *Education* program is progressive and in line with the main stages of the *Athlete* pathway, underpinned by a clear curriculum that includes (at a minimum) all topics as listed in the *International Standard* for *Education*. Such topics and content should be adapted in line with the *Athlete* pathway.

ARTICLE 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF *NATIONAL SKI ASSOCIATIONS* AND FIS AFFILIATES

18.1 All *National Ski Associations* and their members shall comply with the *Code, International Standards*, and these Anti-Doping Rules. All *National Ski Associations* and all affiliates of FIS (e.g., Continental Federations) shall include in their policies, rules, and programs the provisions necessary to ensure that FIS may enforce these Anti-Doping Rules (including carrying out *Testing*) directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under FIS' anti-doping authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

18.2 Each *National Federation* shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that FIS may enforce them directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under its jurisdiction.

18.3 By adopting these Anti-Doping Rules and incorporating them into their governing documents and rules of sport, *National Ski Associations* shall cooperate with and support FIS in that function. They shall also recognize, abide by and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on *Persons* under the *National Ski Associations'* authority.

18.4 As a condition of membership, the policies, rules and programs of all *National Ski Associations* and affiliates of FIS shall be in compliance with the *Code* and the *International Standards*, and all *National Ski Associations* and affiliates of FIS shall take appropriate action to enforce compliance with the *Code*, *International Standards*, and these Anti-Doping Rule.

18.5 All *National Ski Associations* shall:

(i) respect the autonomy and independence of the *National Anti-Doping Organisation* in their country as well as the requirements of *National Anti-Doping Organisation Operational Independence*; and

(ii) recognize the authority of the *National Anti-Doping Organisation* in their country in accordance with Article 5.2.1 of the *Code* and assist as appropriate with the *National Anti-Doping Organisation's* implementation of the national *Testing* program for their sport.

18.6 *National Ski Associations* shall use their best efforts to ensure that the *National Anti-Doping Organisation* in their country possesses complete authority to implement their *Anti-Doping Activities* over all *Athletes* and other *Persons* under the jurisdiction of the *National Ski Associations.*

18.7 *National Ski Associations* shall ensure that any national level anti-doping rule violation cases discovered by them are immediately reported to the *National Anti-Doping Organisation* in their country so that they may be addressed in accordance with the anti-doping rules of the *National Anti-Doping Organisation* by an *Operationally Independent* hearing panel in accordance with Article 8.1 of the *Code* and the *International Standard* for *Results Management*.

18.8 All *National Ski Associations* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *National Federation* or one of its member organisations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to be bound by these Anti-Doping Rules and to submit to the *Results Management* authority of an *Anti-Doping Organisation* in conformity with the *Code* as a condition of such participation.

18.9 All *National Ski Associations* shall report any information suggesting or relating to an anti-doping rule violation or violation of Article 10.14.1 to FIS and to their *National Anti-Doping Organisations* and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

18.10 All *National Ski Associations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the authority of FIS or the *National Federation*.

18.11 All *National Ski Associations* shall adopt and implement Code of Conduct provisions allowing the imposition of disciplinary action against *Athlete Support Personnel* under its authority who violate their obligations under Article 21 where such violation would not otherwise constitute an anti-doping rule violation or violation of Article 10.14.1.

18.12 All *National Ski Associations* shall conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organisation*.

18.13 All affiliates of FIS shall conduct *Testing* only under the documented authority of FIS[106] and use their *National Anti-Doping Organisation* or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard* for *Testing*.

18.14 All affiliates of FIS shall analyse all *Samples* collected using a *WADA*-accredited or *WADA*-approved laboratory in accordance with Article 6.1.

ARTICLE 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF FIS

19.1 In addition to the roles and responsibilities described in Article 20.3 of the *Code* for International Federations, FIS shall report to *WADA* on FIS' compliance with the *Code* and the *International Standards* in accordance with Article 24.1.1 of the *Code*.

19.2 FIS shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *Delegated Third Party* where such delegation could reasonably lead to a potential or actual conflict of interest; moreover, due to the potential conflict of interest, FIS shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *National Federation*, or any other national sports governing body or other national sports organisation.

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETES*

20.1 To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code*.

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[106] *[Comment to Article 18.13: For the avoidance of doubt, National Federations or other national affiliates of International Federations shall not conduct Testing.]*

20.2 To be available for *Sample* collection at all times.[107]

20.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

20.4 To inform medical personnel of their obligation not to *Use Prohibited Substance*s and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

20.5 To disclose to FIS and their *National Anti-Doping Organisation* any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

20.6 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations or violations of Article 10.14.1.[108]

Failure by any *Athlete* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under FIS ethics rules.

20.7 To disclose the identity of their *Athlete Support Personnel* upon request by FIS, or any other *Anti-Doping Organisation* with authority over the *Athlete*.

20.8 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FIS ethics rules.

20.9 *Athletes* shall make themselves available for *Education*.

ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETE SUPPORT PERSONNEL*

21.1 To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.

21.2 *Athlete Support Personnel* shall make themselves available for *Education* in order to support the provision of accurate anti-doping information to the *Athletes* who they support, particularly in the case of *Protected Persons* and *Minors*.

21.3 To cooperate with the *Athlete Testing* program.

21.4 To use their influence on *Athlete* values and behaviour to foster anti-doping attitudes.

21.5 To disclose to FIS and their *National Anti-Doping Organisation* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

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

[108] *[Comment to Article* ***Error! Reference source not found.****.: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under FIS' rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

21.6 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations or violations of Article 10.14.1.[109]

Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under FIS ethics rules.

21.7 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.[110]

Any such *Use* or *Possession* may result in a charge of misconduct under FIS ethics rules.

21.8 No *Person* subject to a period of *Ineligibility* shall provide *Athlete Support Personnel* services to any *Athlete* or other *Person* who is bound by rules adopted pursuant to the *Code*.

21.9 To exercise the highest duty of care in supporting *Athletes* to protect them from the risk of an unintentional anti-doping rule violation.

21.10 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by *Athlete Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FIS ethics rules.

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

22.1 To be knowledgeable of and comply with these Anti-Doping Rules and rules adopted pursuant to the *Code* and which are applicable to them.

22.2 To disclose to FIS and their *National Anti-Doping Organisation* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

22.3 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations or violations of Article 10.14.1.[111]

22.4 Failure by any other *Person* subject to these Anti-Doping Rules to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under FIS ethics rules.

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[109] *[Comment to Article **Error! Reference source not found.**: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under FIS' rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

[110] *[Comment to Article **Error! Reference source not found.**: In those situations where Use or personal Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Person without justification is not an anti-doping rule violation under the Code, it should be subject to other sport disciplinary rules. Coaches and other Athlete Support Personnel are often role models for Athletes. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Athletes not to dope.]*

[111] *[Comment to Article **Error! Reference source not found.**: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under FIS' rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

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

ARTICLE 23 INTERPRETATION OF THE *CODE*

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

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

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

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

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

23.6 Where the term "shall" is used in the *Code* or an *International Standard*, it means a mandatory obligation that must be adhered to; where the term "should" is used in the *Code* or an *International Standard*, it means something is considered a best practice or is encouraged to be followed but is not mandatory.

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

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

ARTICLE 24 FINAL PROVISIONS

24.1 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

24.2 The comments annotating various provisions of these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

24.3 These Anti-Doping Rules shall enter into force and shall apply in full as of 1 January 2027 (the "Effective Date"). They repeal any previous version of FIS' Anti-Doping Rules.

24.4 These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:

24.4.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

24.4.2 Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).

24.4.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard* for *Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard* for *Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.

24.4.4 With respect to cases where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to FIS or other *Anti-Doping Organisation* which had *Results Management* authority for the anti-doping rule violation or violation of Article 10.14.1 to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application shall be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered and the period of *Ineligibility* has expired.

24.4.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.[112]

24.4.6 Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to FIS or other *Anti-Doping Organisation* which had *Results Management* authority for the anti-

[112] *[Comment to Article 24.4.5: Other than the situation described in Article 24.4.5, where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered prior to the Effective Date and the period of Ineligibility imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation.]*

doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

APPENDIX 1 DEFINITIONS[113]

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

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

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

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

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

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

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

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

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

Use Exemptions.[114] However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* shall be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code* is an *Athlete*.[115]

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

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

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

Atypical Finding: A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory which requires further investigation as provided by the applicable *International Standards* (including *Technical Documents* or *Technical Letters*), or as directed by *WADA*, prior to the final determination about the finding (i.e., the establishing, or not, of an anti-doping rule violation).

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping *Code*.

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

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

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[114] *[Comment to Athlete: For the avoidance of doubt, FIS may not adopt different rules for such Athletes (including with respect to Therapeutic Use Exemptions) except with respect to the matters explicitly referenced above or as expressly allowed by an International Standard.]*

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

Contaminated Source: An unforeseeable source of a *Prohibited Substance*, such as using or taking a medication or supplement that contains a *Prohibited Substance* that is not disclosed on the product label or in information accessible by a reasonable artificial intelligence or comparable search; consumption of a food or drink, such as contaminated meat or liquid, that contains a *Prohibited Substance* with no advance warning, disclosure or other basis to suspect that it may contain a *Prohibited Substance*; exposure to a *Prohibited Substance* through the *Athlete's* direct physical contact with a third person or physical contact with objects touched or handled by the third person.

Decision Limit: The value above which a quantitative analytical result for a Threshold Substance in a *Sample* shall be reported as an *Adverse Analytical Finding*.[116]

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

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

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

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

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

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

Event Venues: Those venues so designated by the ruling body for the *Event*. This includes all locations requiring an official accreditation or ticket to gain entry, such as team accommodations, competition venues, and training and practice facilities.

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person* or a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered shall be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility,* or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.[117]

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[116] *[Comment to Decision Limit: For more information on Decision Limits and which Threshold Substances they are applied for, refer to the ISL TD DL and other applicable Technical Documents (e.g., ISL TD GH, ISL TD CG/LH.)]*

[117] *[Comment to Fault: The criterion for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.6.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]*

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

In-Competition: The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. [[118]

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

Independent Review Expert: The role of the *Independent Review Expert* is to review those rare cases where, as described in Article 7.8.1, FIS has decided not to proceed with the normal *Results Management* process. Two individuals will be appointed to undertake the *Independent Review Expert* responsibilities described in Article 7.8 – a Primary *Independent Review Expert* and a Backup *Independent Review Expert* who will serve in the event the Primary *Independent Review Expert* is not available to promptly review a case or has a conflict of interest. The Primary and Backup *Independent Review Experts* shall be legal experts having extensive experience with anti-doping *Results Management* and with an established reputation of integrity and fairness. Stakeholders will be invited to submit, or encourage individuals to submit, *Independent Review Expert* applications to *WADA*'s Independent Nominations Committee. That Committee will nominate at least two individuals which it believes are qualified to serve as the Primary *Independent Review Expert* or Backup *Independent Review Expert*. The Primary and Backup *Independent Review Experts* will then be selected by the *WADA* Executive Committee to serve under terms of reference which will address compensation, length of service term and other details of the engagement.

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

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

Institutional Independence: In addition to the requirements of *Operational Independence*, hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organisation* responsible for *Results Management* as well as from any national sports governing body or other national sports organisation. They shall therefore not in any way be administered by, connected or subject to the *Anti-Doping Organisation* responsible for *Results Management* or any national sports governing body or other national sports organisation.

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

International-Level Athlete: *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard* for *Testing*. For the sport of Skiing and Snowboarding, *International-Level Athletes* are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.[119]

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[118] *[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from Substances prohibited Out-of-Competition being carried over to the Competition period.]*

[119] *[Comment to International-Level Athlete: Consistent with the International Standard for Testing, FIS is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, or by type of license within a specified prior time window, etc. However, it shall publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation shall publish a list of those International Events and the retrospective time period which applies.]*

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

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

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

Metabolite: Any substance produced by a biotransformation process.

Minimum Reporting Level: Value below which an estimated analytical result for some Non-Threshold Substances should not be reported as an *Adverse Analytical Finding*.[120]

Minor: A natural *Person* who has not reached the age of eighteen (18) years.[121]

Monitoring Program: Laboratory Analytical *Testing* program including substances or methods that are not in the *Prohibited List*, but that *WADA* wishes to monitor in order to detect potential patterns of misuse in sport.

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

National Anti-Doping Organisation Operational Independence: This means that (1) a *National Anti-Doping Organisation* shall establish sufficient legal, organisational, procedural, and/or contractual safeguards in order to prevent any undue influence, interference, or involvement in its management or operational activities to ensure the independent implementation of its anti-doping program; and (2) a *National Anti-Doping Organisation* shall ensure that no *Person* is involved in its management or operational activities if such *Person* has a real or potential conflict of interest regarding the implementation of its operational activities; without limitation this would occur in circumstances where a *Person* is concurrently involved in the management or operational activities of the *National Anti-Doping Organisation* and the management or operational activities of a *National Federation*, other national sports governing body or other national sports organisation, or government department with responsibility for sport or anti-doping.[122]

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[120] *[Comment to Minimum Reporting Level: For more information on Minimum Reporting Levels and the Non-Threshold Substances to which they shall be applied, refer to the ISL TD MRPL.]*

[121] *[Comment to Minor: For context, see Comment to Protected Person. Any circumstance where a Minor is to be treated differently than other Persons or Athletes has been specifically identified in the Code. It should not be assumed that different treatment was intended where it is not specifically expressed.]*

[122] *[Comment to National Anti-Doping Organisation Operational Independence: A National Anti-Doping Organisation's operational activities include the implementation of day-to-day administration and decision-making regarding staff and budget allocation, and the Doping Control process.*

The requirement of National Anti-Doping Organisation Operational Independence would not prohibit, for example, the collaboration between Signatory staff members at International Events; National Anti-Doping Organisation representatives providing expert advice to other Anti-Doping Organisations; the involvement of state-employed doctors or nurses as sample collection personnel; the participation of National Anti-Doping Organisation staff in local sports associations or clubs; or the involvement of National Federation staff in anti-doping Education activities.

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

National Ski Association: A national entity which is a member of or is recognized by FIS as the entity governing FIS' sport in that nation or region.

National-Level Athlete: *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organisation,* consistent with the *International Standard* for *Testing*.[123]

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

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

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

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

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organisation* with *Results Management* authority or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organisation* with *Results Management* authority and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organisation* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case. In addition, hearings shall not be conducted (whether by delegation or otherwise) by *Persons* appointed by, or under the authority of, *National Federations* or any other national sports governing bodies or other national sports organisations.[124]

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

Where the National Olympic Committee is acting as a National Anti-Doping Organisation pursuant to Article 20.4.6, it shall comply with the requirements of National Anti-Doping Organisation Operational Independence. If, however, the National Olympic Committee acting as the National Anti-Doping Organisation cannot ensure that it fully respects the requirements of National Anti-Doping Organisation Operational Independence, it should delegate its Doping Control activities to a Delegated Third Party for independent implementation.]

[123] *[Comment to National-Level Athlete: Each National Anti-Doping Organisation shall publish its definition (with supporting criteria, if any) of National-Level Athlete in a manner sufficient to provide guidance to Athletes in ascertaining whether an Athlete is a National-Level Athlete.]*

[124] *[Comment to Operational Independence: Further description of the requirements for service on hearing panels, with examples, may be provided by WADA in the Guidelines for the International Standard for Results Management.]*

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

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.[125]

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

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

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

Protected Person: An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.[126]

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

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

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

[126] *[Comment to Protected Person: Not every Minor is a Protected Person. The Code differentiates between different groups of Minors based on two criteria: (i) age and (ii) level of sporting performance. Below the age of 16, Minors always qualify as Protected Persons. It is assumed that they are unable, in principle, to control their behavior in the same way as adults and therefore need to be given special treatment. Where Minors are over 16 (but below 18) years of age, they are assumed to have a higher level of understanding and, depending on their sporting level, better access to anti-doping Education. This justifies treating the age group between 16-18 differently from the age group below 16. The term "open category" is meant to exclude competition that is limited to junior or age group categories.*

Athletes with a documented lack of legal capacity due to an intellectual impairment always qualify as Protected Persons independently of their age.

The purpose of the category of Protected Person is to take into account that an Athlete or other Person may not possess the mental capacity to sufficiently understand and appreciate the prohibitions against conduct contained in the Code. The special treatment of Protected Person flows from the fact that the central criteria to determine the period of Ineligibility is "Fault".

Those circumstances where a Protected Person, Minor or Recreational Athlete is to be treated differently than other Persons or Athletes have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]

Quality Assurance: Processes aimed at maintaining and improving the quality of Analytical *Testing* Procedures (as further defined in the *International Standard* for Laboratories), i.e., quality control, quality improvement, method development and validation, generation and evaluation of reference population data, analysis of substances included in the *WADA Monitoring Program* as described in *Code* Article 4.5, and any other legitimate *Quality Assurance* process, as determined by *WADA*, aimed at monitoring the validity of Analytical *Testing* Procedures applied to the analysis of *Prohibited Substances* and *Prohibited Methods* for the purposes established in *Code* Article 6.2.

Recreational Athlete: A natural *Person* who is so defined by the relevant *National Anti-Doping Organisation*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has, in the same sport, been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard* for *Testing*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organisation* consistent with the *International Standard* for *Testing*), has participated in the sport in a professional capacity[127], has competed in an *International Event* or *National Event*, represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organisation*.[128]

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

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

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard* for *Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard* for *Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).
Sample or *Specimen*: Any biological material collected for the purposes of *Doping Control*.[129]

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

Specified Method*:* See Article 4.2.2.

Specified Substance: See Article 4.2.2.

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

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[127] [*Comment to Recreational Athlete: With respect to the term "professional capacity," further guidance may be provided in the International Standard for Results Management or guidelines.]*

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

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

Substance of Abuse: See Article 4.2.3.

Substantial Assistance: For purposes of Article 10.7.3, a *Person* providing *Substantial Assistance* shall: (1) fully disclose in a signed written statement or recorded interview all information they possess in relation to anti-doping rule violations or other proceeding described in Article 10.7.3.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided shall remain credible and valuable throughout any subsequent investigation or proceeding.

Tampering: Intentional conduct which subverts the *Doping Control* process. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organisation* or *Therapeutic Use Exemption* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organisation* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.[130]

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

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

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

Technical Letter: Mandatory technical requirements provided by *WADA* from time to time to address particular issues relating to the analysis, interpretation and reporting of specific *Prohibited Substance(s)* and/or *Prohibited Method(s)* or to the application of specific Laboratory or *Athlete Biological Passport* Laboratory procedures.

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

Testing Pool: The pool of *Athletes* that FIS considers to be a lesser priority and from sport/disciplines of lesser risk than those *Athletes* in the *Registered Testing Pool* and who are subject to at least a minimum level of *Out-of-Competition Testing* and required to provide whereabouts information as outlined in the *International Standard* for *Testing.*

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

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include: (1) the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes (2) actions involving one or more *Prohibited Substance(s)* which is/are not prohibited in *Out-of-Competition*

[130] *[Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or Attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Sample collection personnel should be permitted to carry out their duties in a safe environment without interference or harassment. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.]*

Testing unless the circumstances as a whole demonstrate such *Prohibited Substance(s)* (a) is/are not intended for genuine and legal therapeutic purposes or (b) is/are intended to enhance sport performance; or (3) other acceptable justification.[131]

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

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

WADA: The World Anti-Doping Agency.

Without Prejudice Agreement: For purposes of Articles 10.7.3.1 and 10.8, a written agreement between an *Anti-Doping Organisation* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organisation* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organisation* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organisation* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organisation* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organisation*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

[131] *[Comment to Trafficking: Acceptable justification would not include, for example, giving, transporting or delivering a Prohibited Substance to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., transporting and delivering Insulin to a diabetic child.]*