

# UIPM **ANTI-DOPING** RULES

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UNION INTERNATIONALE  
DE PENTATHLON MODERNE



## UIPM ANTI-DOPING RULES

### INTRODUCTION

#### Preface

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

These Anti-Doping Rules are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and harmonized manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules implementing 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.

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

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

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity
- Doping is fundamentally contrary to the spirit of sport.

#### Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to UIPM and to each of its *National Federations*, their members and each participant in the activity of UIPM or any of its *National Federations* by virtue of the participant's membership, accreditation or participation in UIPM or its *National Federations* activities or *Competitions*.

Within the overall pool of *Athletes* set out above who are bound by and required to comply with these Anti-Doping Rules, the *Athletes*, who compete at UIPM competitions as specified in Article 1.7 UIPM Competition Rules, shall be considered to be *International-Level Athletes* for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to *International-Level Athletes* (as regards *Testing* but also as regards *TUEs*, whereabouts information, results management, and appeals) shall apply to such *Athletes*.

## 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 2.10 of these Anti-Doping Rules.

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

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

**2.2.1** It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body 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.

## **2.3 Evading, Refusing or Failing to Submit to Sample Collection**

Evading *Sample* collection, or without compelling justification refusing or failing to submit to *Sample* collection after notification as authorized in these Anti-Doping Rules or other applicable anti-doping rules.

## **2.4 Whereabouts Failures**

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

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

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

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

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

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

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

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

**2.9      *Complicity***

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.12.1 by another *Person*.

**2.10     *Prohibited Association***

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

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

**2.10.2**      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 years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or **2.10.3** Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organisation* with jurisdiction over the *Athlete* or other *Person*, or by WADA, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organisation* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organisation* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 20.6.)

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

UIPM and other *Anti-Doping Organisations* applying these Rules that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.



## 3

## PROOF OF DOPING

### 3.1 Burdens and Standards of Proof

UIPM or any other *Anti-Doping Organisation* bound to apply these Rules shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether UIPM or any other *Anti-Doping Organisation* bound to apply these Rules has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, 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 may be established by any reliable means, including admissions. 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 and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking 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. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.

**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 UIPM or other *Anti-Doping Organisation* bound to apply these Rules shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Dop-

ing Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then UIPM or other *Anti-Doping Organisation bound to apply these Rules* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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

## 4

## THE PROHIBITED LIST

### 4.1 Incorporation of the *Prohibited List*

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

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

#### 4.2.1 *Prohibited Substances and Prohibited Methods*

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

#### 4.2.2 *Specified Substances*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the



classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

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

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

#### 4.4 Therapeutic Use Exemptions

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

**4.4.2** If an *International-Level Athlete* is using a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons:

**4.4.2.1** Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organisation* for the substance or method in question, that *TUE* is not automatically valid for international-level *Competition*. However, the *Athlete* may apply to UIPM to recognize that *TUE*, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then UIPM will recognize it for purposes of international-level *Competition* as well. If UIPM considers that the *TUE* does not meet those criteria and so refuses to recognize it, UIPM will notify the *Athlete* and his or her *National Anti-Doping Organisation* promptly, with reasons. The *Athlete* and the *National Anti-Doping Organisation* will have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the matter is referred to WADA for review, the *TUE* granted by the *National Anti-Doping Organisation* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

**4.4.2.2** If the *Athlete* does not already have a *TUE* granted by his/her *National Anti-Doping Organisation* for the substance or method in question, the *Athlete* must apply directly to UIPM for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions using the form posted on UIPM's website at pentathlon.org. If UIPM denies the *Athlete's* application, it will notify the *Athlete* promptly, with reasons. If UIPM grants the *Athlete's* application, it will notify not only the *Athlete* but also his/her *National Anti-Doping Organisation*. If the *National Anti-Doping Organisation* considers that the *TUE* granted by UIPM does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the *National Anti-Doping Organisation* refers the matter to WADA for review, the *TUE* granted by UIPM 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 *TUE* granted by UIPM becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

**4.4.3** If UIPM chooses to test an *Athlete* who is not an *International-Level Athlete*, UIPM will recognize a *TUE* granted to that *Athlete* by his or her *National Anti-Doping Organisation*. If UIPM chooses to test an *Athlete* who is not an *International-Level* or a *National-Level Athlete*, UIPM will permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he/she is using for therapeutic reasons.

**4.4.4** An application to UIPM for grant or recognition of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Athlete's* next *Competition*. UIPM has appointed a panel to consider applications for the grant or recognition of *TUEs* (the "**UIPM TUE Committee**"). The UIPM TUE Committee will promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific UIPM's protocols posted on its website. Its decision is the final decision of UIPM, and will be reported to WADA and other relevant *Anti-Doping Organisations*, including the *Athlete's* *National Anti-Doping Organisation*, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.

**4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE**

**4.4.5.1** A *TUE* granted pursuant to these Anti-Doping Rules:  
(a) shall expire automatically at the end of any term for

which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

- 4.4.5.2** In such event, the *Athlete* is not subject to any *Consequences* based on his/her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Article 7.2 of any subsequent *Adverse Analytical Finding* includes 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.

#### 4.4.6 Reviews and Appeals of TUE Decisions

- 4.4.6.1** WADA may review any decision by UIPM not to recognize a TUE 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 may review any decision by UIPM to grant a TUE that is referred to WADA by the *Athlete's National Anti-Doping Organisation*. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.
- 4.4.6.2** Any TUE decision by UIPM 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, in accordance with Article 13.
- 4.4.6.3** A decision by WADA to reverse a TUE decision may be appealed by the *Athlete*, the *National Anti-Doping Organisation* and/or UIPM exclusively to CAS, in accordance with Article 13.
- 4.4.6.4** A failure to take action within a reasonable time on a properly submitted application for grant or recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.



## 5

**TESTING AND INVESTIGATIONS****5.1 Purpose of *Testing* and Investigations**

*Testing* and investigations are only undertaken for anti-doping purposes. They must be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of UIPM supplementing that International Standard.

**5.1.1** *Testing* is undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities conducted by UIPM shall be in conformity with the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such *Testing*.

**5.1.2** Investigations are undertaken:

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

**5.1.2.2** in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10 above.

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

**5.2 Authority to conduct *Testing***

**5.2.1** Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, UIPM has *In-Competition* and *Out-of-Competition Testing* authority over all of the *Athletes* specified in the Introduction to these Anti-Doping Rules (under the heading "Scope").

**5.2.2** UIPM may require any *Athlete* over whom it has *Testing* authority (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.

**5.2.3** WADA has *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *Code*.

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

### 5.3 *Event Testing*

**5.3.1** Except as provided in Article 5.3 of the *Code*, only a single organisation is responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the collection of *Samples* is initiated and directed by UIPM (or any other international organisation which is the ruling body for the *Event*). At the request of UIPM (or any 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 UIPM (or the relevant 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 UIPM (or any 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 UIPM (or any other international Organisation which is the ruling body of the *Event*), the *Anti-Doping Organisation* may ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such *Testing* before consulting with and informing UIPM (or any 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 the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

**5.3.3** It is hereby understood that the allocation of the overall costs of *Doping Control* and *Event Testing* shall be part of the responsibility of the hosting National Federation and local organizing committee according to the respective competition bid issued by the UIPM for international major *Events* or by the continental confederations for continental *Events*, as the case may be.

#### 5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organisations* conducting *Testing* on the same *Athletes*, UIPM will develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. UIPM will provide WADA upon request with a copy of its current test distribution plan.

UIPM shall ensure that the test distribution planning and the process of selection of *Athletes* for *Testing* are not affected by conflict of interest. Any *Athlete Supporting Personnel* and/or any other *Person* who may be in conflict of interest shall be excluding participating in any manner in test distribution planning or from selecting *Athletes* for *Testing*

#### 5.5 Coordination of Testing

Where reasonably feasible, *Testing* will be coordinated through ADAMS or another system approved by WADA in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

#### 5.6 Athlete Whereabouts Information

**5.6.1** UIPM shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, and will make available through ADAMS, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. UIPM shall coordinate with *National Anti-Doping Organisations* the identification of such *Athletes* and the collection of their whereabouts information. UIPM shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Athlete* in the *Registered Testing Pool* shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise UIPM of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for *Testing* at such whereabouts.

**5.6.2** For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.

**5.6.3** An *Athlete* in UIPM's *Registered Testing Pool* will continue to be subject to the obligation to comply with the whereabouts re-



quirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the *Athlete* gives written notice to UIPM that he/she has retired or (b) UIPM has informed him or her that he/she no longer satisfies the criteria for inclusion in UIPM's *Registered Testing Pool*.

- 5.6.4** Whereabouts information relating to an *Athlete* will be shared (through *ADAMS*) with *WADA* and other *Anti-Doping Organisations* having authority to test that *Athlete*, will be maintained in strict confidence at all times, will be used exclusively for the purposes set out in Article 5.6 of the *Code*, and will be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

## **5.7 Retired Athletes Returning to Competition**

- 5.7.1** An *Athlete* in UIPM's *Registered Testing Pool* who has given notice of retirement to UIPM may not resume competing in *International Events* or *National Events* until he/she has given UIPM written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months before returning to *Competition*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with UIPM 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 manifestly unfair to an *Athlete*. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.
- 5.7.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to UIPM and to his/her *National Anti-Doping Organisation* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.
- 5.7.3** An *Athlete* who is not in UIPM's *Registered Testing Pool* who has given notice of retirement to UIPM may not resume competing unless he/she notifies UIPM and his/her *National Anti-Doping Organisation* at least six months before he/she wishes to return to *Competition* and makes him/herself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, during the period before actual return to *Competition*.

### 5.8 ***Independent Observer Program***

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

## 6

## **ANALYSIS OF SAMPLES**

*Samples* are analysed in accordance with the following principles:

### 6.1 **Use of Accredited and Approved Laboratories**

For purposes of Article 2.1 above, *Samples* will be analysed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis will be determined exclusively by UIPM.

### 6.2 **Purpose of Analysis of *Samples***

**6.2.1** *Samples* will be analysed to detect *Prohibited Substances* and *Prohibited Methods* 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 UIPM in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

**6.2.2** UIPM will ask laboratories to analyse *Samples* in conformity with Article 6.4 of the *Code* and Article 4.7 of the International Standard for Testing and Investigations.

### 6.3 **Research on *Samples***

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

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

Laboratories shall analyse *Samples* and report results in conformity with the International Standard for Laboratories. To ensure effective *Testing*, the Technical Document referenced at Article 5.4.1 of the *Code* will establish risk assessment-based *Sample* analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyse *Samples* in conformity with those menus, except as follows:

**6.4.1** UIPM may request that laboratories analyse its *Samples* using more extensive menus than those described in the Technical Document.

**6.4.2** UIPM may request that laboratories analyse its *Samples* using less extensive menus than those described in the Technical Document only if it has satisfied WADA that, because of the particular circumstances of its sport, as set out in its test distribution plan, less extensive analysis would be appropriate.

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

## **6.5 Further Analysis of Samples**

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2 above: (a) by WADA at any time; and/or (b) by UIPM at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by UIPM to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform to the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

# 7

## **RESULTS MANAGEMENT**

### **7.1 Responsibility for Conducting Results Management**

**7.1.1** The circumstances in which UIPM takes responsibility for conducting results management in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its jurisdiction is determined by reference to and in accordance with Article 7 of the *Code*.

### **7.2 Review of Adverse Analytical Findings from Tests Initiated by UIPM**

Results management in respect of the results of tests initiated by UIPM (including tests performed by WADA pursuant to agreement with UIPM) shall proceed as follows:

**7.2.1** The results from all analyses must be sent to UIPM in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with *ADAMS*.

**7.2.2** Upon receipt of an *Adverse Analytical Finding*, the UIPM Anti-Doping Officer conducts a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard



for Testing and Investigations or International Standard for Laboratories that caused the *Adverse Analytical Finding*.

- 7.2.3** If the review of an *Adverse Analytical Finding* under Article 7.2.2 above reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA shall be so informed.

### **7.3 Notification after Review Regarding *Adverse Analytical Findings***

- 7.3.1** If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, UIPM shall promptly notify the *Athlete*, and simultaneously the *Athlete's National Anti-Doping Organisation* and WADA, in the manner set out in Article 14.1 below, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis if the *Athlete* or UIPM chooses to request an analysis of the B *Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the B *Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If UIPM decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it will so notify the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA.
- 7.3.2** Where requested by the *Athlete* or UIPM, arrangements shall be made to analyse the B *Sample* in accordance with the International Standard for Laboratories. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. UIPM may nonetheless elect to proceed with the B *Sample* analysis.
- 7.3.3** The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. Also, a representative of UIPM as well as a representative of the *Athlete's National Federation* shall be allowed to be present.
- 7.3.4** If the B *Sample* analysis does not confirm the A *Sample* analysis, then (unless UIPM takes the case forward as an anti-doping rule violation under Article 2.2 above) the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA shall be so informed.

- 7.3.5** If the *B Sample* analysis confirms the *A Sample* analysis, the findings shall be reported to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and to WADA.

## **7.4 Review of Atypical Findings**

- 7.4.1** As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously, as *Atypical Findings*, i.e., as findings that are subject to further investigation.
- 7.4.2** Upon receipt of an *Atypical Finding*, the UIPM Anti-Doping Officer will conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*.
- 7.4.3** If the review of an *Atypical Finding* under Article 7.4.2 above reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test will be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA will be so informed.
- 7.4.4** If that review does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, UIPM will conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1 above, or else the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA will be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.
- 7.4.5** UIPM will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:
- 7.4.5.1** If UIPM determines the *B Sample* should be analysed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3.1(d)-(f) above.
- 7.4.5.2** If UIPM is asked (a) by a *Major Event organisation* shortly before one of its *International Events*, or (b) by a sport organisation responsible for meeting an imminent deadline for selecting team members for an *Inter-*

*national Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event organisation* or sport organisation has a pending *Atypical Finding*, UIPM will so advise the *Major Event organisation* or sports organisation after first providing notice of the *Atypical Finding* to the *Athlete*.

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

Review of *Atypical Passport Findings* and *Adverse Passport Findings* will take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as UIPM is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organisation* and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

## 7.6 **Review of Whereabouts Failures**

UIPM will review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Athletes* who file their whereabouts information with UIPM, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as UIPM is satisfied that an Article 2.4 anti-doping rule violation has occurred, it will promptly give the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organisation* and WADA) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

## 7.7 **Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2–7.6 above**

UIPM will conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2 - 7.6 above. At such time as UIPM is satisfied that an anti-doping rule violation has occurred, UIPM shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* or other *Person's National Anti-Doping Organisation* and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

## 7.8 **Identification of Prior Anti-Doping Rule Violations**

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

## 7.9 **Provisional Suspensions**

**7.9.1 *Mandatory Provisional Suspension:*** If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed by UIPM upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5 above.



- 7.9.2** **Optional *Provisional Suspension*:** In case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Article 7.9.1 above, UIPM may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2–7.7 above and prior to the final hearing as described in Article 8 below.
- 7.9.3** Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2 above, the *Athlete* or other *Person* will be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 below (save as set out in Article 7.9.3.1 below).
- 7.9.3.1** The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the UIPM Doping Review Panel that the violation is likely to have involved a *Contaminated Product*. A panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.
- 7.9.3.2** The *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Athlete* or other *Person* establishes that: (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*; or (b) the *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4 below; or (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8 below. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.
- 7.9.4** If a *Provisional Suspension* is imposed based on an A Sample *Adverse Analytical Finding* and subsequent analysis of the B Sample does not confirm the A Sample analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 above. In circumstanc-

es where the *Athlete* (or the *Athlete's* team) has been removed from a *Competition* based on a violation of Article 2.1 above and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, then if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Competition*, the *Athlete* or team may continue to take part in the *Competition*. In addition, the *Athlete* or team may thereafter take part in other *Competitions* in the same *Event*.

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

## **7.10 Resolution Without a Hearing**

- 7.10.1** An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by UIPM.

- 7.10.2** Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by UIPM asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by UIPM.

- 7.10.3** In cases where Article 7.10.1 or Article 7.10.2 above applies, a hearing before a hearing panel shall not be required. Instead UIPM will promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. UIPM shall send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 below, and shall *Publicly Disclose* that decision in accordance with Article 14.3.2 below.

## **7.11 Notification of Results Management Decisions**

In all cases where UIPM has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Athlete* or other *Person* on the imposition of *Consequences* without a hearing, UIPM will give notice thereof in accordance with Article 14.2.1 below to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 below.

### 7.12 Retirement from Sport

If an *Athlete* or other *Person* retires whilst UIPM is conducting the results management process, UIPM retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, and UIPM 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, UIPM has authority to conduct results management in respect of that anti-doping rule violation.

## 8

## RIGHT TO A FAIR HEARING

### 8.1 Principles for a Fair Hearing

- 8.1.1** When UIPM sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2 above, then the case shall be referred to the UIPM Doping Review Panel for hearing and adjudication.
- 8.1.2** Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.
- 8.1.3** The UIPM Doping Review Panel will determine the procedure to be followed at the hearing.
- 8.1.4** WADA and the *National Federation* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, UIPM will keep WADA fully apprised as to the status of pending cases and the result of all hearings.
- 8.1.5** The UIPM Doping Review Panel shall act in a fair and impartial manner towards all parties at all times.

### 8.2 Decisions

- 8.2.1** At the end of the hearing, or on a timely basis thereafter, the UIPM Doping Review Panel shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.
- 8.2.2** The decision may be appealed to the UIPM Court of Arbitration and thereafter to CAS as provided in Article 13 below and Article 17.3 UIPM Anti-Doping Procedures. Copies of the decision will be provided to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 below.



**8.2.3**

If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.3.2 below; but (b) if the decision is that no anti-doping rule violation was committed, then the decision will only be *Publicly Disclosed* with the consent of the *Athlete* or other *Person* who is the subject of the decision. The UIPM Secretary General will 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.

The principles contained at Article 14.3.6 below will be applied in cases involving a *Minor*.

**8.3****Single Hearing Before CAS**

Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the *Athlete*, UIPM, WADA, and any other *Anti-Doping Organisation* that would have had a right to appeal a first instance hearing decision to CAS.

**9****AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

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

**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 all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1 below.

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 he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* other than the *Competition* in

which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

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

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

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

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

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

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

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

## **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 above shall be as follows, unless Articles 10.5 or 10.6 below are applicable:

### **10.3.1** For violations of Article 2.3 or Article 2.5 above, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3 above), in which case the period of *Ineligibility* shall be two years.

- 10.3.2** For violations of Article 2.4 above, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.
- 10.3.3** For violations of Article 2.7 or 2.8 above, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 above which may also violate non-sporting laws and regulations, shall be reported by UIPM to the competent administrative, professional or judicial authorities.
- 10.3.4** For violations of Article 2.9 above, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- 10.3.5** For violations of Article 2.10 above, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

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

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

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

- 10.5.1** Reduction of Sanctions for *Specified Substances* or *Contaminated Products* for Violations of Article 2.1, 2.2 or 2.6 above.

**10.5.1.1 *Specified Substances***

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

**10.5.1.2 *Contaminated Products***

In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and that the



detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

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

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

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

**10.6.1** *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations

**10.6.1.1** The UIPM Doping Review Panel may, prior to a final appellate decision under Article 13 below or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which UIPM has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to UIPM. After a final appellate decision under Article 13 below or the expiration of time to appeal, the UIPM Doping Review Panel may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise

applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the UIPM Doping Review Panel shall reinstate the original period of *Ineligibility*. If the UIPM Doping Review Panel decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13 below.

**10.6.1.2** To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of the chairperson of the UIPM Doping Review Panel or at the request of the *Athlete* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13 below, 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*, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13 below, WADA's decisions in the context of this Article may not be appealed by any other *Anti-Doping Organisation*.

**10.6.1.3** If the UIPM Doping Review Panel 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 below as provided in Article 14.2 below. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize UIPM to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an an-

ti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1 above, before receiving first notice of the admitted violation pursuant to Article 7 above) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

**10.6.3 *Prompt Admission of an Anti-Doping Rule Violation after being confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1 above***

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 above (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by the chairperson of the UIPM Doping Review Panel and so informed by UIPM, and also upon the approval and at the discretion of both WADA and UIPM, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

**10.6.4 *Application of Multiple Grounds for Reduction of a Sanction***

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

**10.7 Multiple Violations**

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

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

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

**10.7.2** A third anti-doping rule violation will always result in a lifetime



period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5 above, or involves a violation of Article 2.4 above. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

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

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

**10.7.4.1** For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the UIPM Doping Review Panel can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7 above, or after UIPM made reasonable efforts to give notice of the first anti-doping rule violation. If the UIPM Doping Review Panel 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.

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

**10.7.5 Multiple Anti-Doping Rule Violations during Ten-Year Period**

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

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9 above, 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.

**10.9 Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money

shall be: first, payment of costs awarded by CAS; and second, reimbursement of the expenses of UIPM.

#### 10.10 Financial Consequences

Where an *Athlete* or other *Person* commits an anti-doping rule violation, the UIPM Doping Review Panel may, in its discretion and subject to the principle of proportionality, elect to recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed.

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

#### 10.11 Commencement of *Ineligibility* Period

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.

##### 10.11.1 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* not attributable to the *Athlete* or other *Person*, the UIPM Doping Review Panel may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

##### 10.11.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the UIPM Secretary General, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3 above.

##### 10.11.3 Credit for Provisional Suspension or Period of *Ineligibility* Served

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

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

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

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

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

## 10.12 Status During *Ineligibility*

### 10.12.1 *Prohibition Against Participation During Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by UIPM or any *National Federation* or a club or other member organisation of UIPM or any *National Federation*, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction 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 champi-



onship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Minors*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

#### 10.12.2 Return to Training

As an exception to Article 10.12.1 above, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of UIPM's member federation 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.

#### 10.12.3 Violation of the Prohibition of Participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1 above, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility* by the UIPM Doping Review Panel. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13 below.

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

#### 10.12.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5 above, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by UIPM and its *National Federations*.

### 10.13 Automatic Publication of Sanction

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

## 11

## CONSEQUENCES FOR TEAMS

### 11.1 Testing of Teams

Where one member of a team has been notified of an anti-doping rule violation under Article 7 above in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of all members of the

team during the *Event Period*.

## 11.2 **Consequences for Teams**

- 11.2.1** An anti-doping rule violation committed by a member of a team in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained by the team in that *Competition*, with all resulting consequences for the team and its members, including forfeiture of any medals, points and prizes.
- 11.2.2** An anti-doping rule violation committed by a member of a team occurring during or in connection with an *Event* may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all consequences for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.2.3 below.
- 11.2.3** Where an *Athlete* who is a member of a team committed an anti-doping rule violation during or in connection with one *Competition* in an *Event*, if the other member(s) of the team establish(es) that he/she/they bear(s) *No Fault or Negligence* for that violation, the results of the team in any other *Competition(s)* in that *Event* shall not be *Disqualified* unless the results of the team in the *Competition(s)* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

# 12

## **SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES**

- 12.1** UIPM has the authority to withhold some or all funding or other non-financial support to *National Federations* that are not in compliance with these Anti-Doping Rules.
- 12.2** *National Federations* shall be obligated to reimburse UIPM 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 *National Federation*.
- 12.3** UIPM may elect to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and *Athletes* to participate in International Events and fines based on the following:
- 12.3.1** Four or more violations of these Anti-Doping Rules (other than violations involving Article 2.4 above) are committed by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by UIPM or *Anti-Doping Organisations* other than the *National Federation* or its *National Anti-Doping Organisation*. In such event the UIPM Executive Board may in its discretion elect to: (a) ban all officials from that *National Federation* for participation in any UIPM activities for

a period of up to two years and/or (b) fine the *National Federation* in an amount up to \$ 300 U.S. Dollars. (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 below shall be credited against any fine assessed.)

**12.3.1.1** If four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 above) are committed in addition to the violations described in Article 12.3.1 above by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period in *Testing* conducted by UIPM or *Anti-Doping Organisations* other than the *National Federation* or its *National Anti-Doping Organisation*, then the UIPM Executive Board may suspend that *National Federation's* membership for a period of up to 4 years.

**12.3.2** More than one *Athlete* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event*. In such event the UIPM Executive Board may fine that *National Federation* in an amount up to 300 U.S. Dollars.

**12.3.3** A *National Federation* has failed to make diligent efforts to keep the UIPM informed about an *Athlete's* whereabouts after receiving a request for that information from UIPM. In such event the UIPM Executive Board may fine the *National Federation* in an amount up to \$ 300 U.S. Dollars per *Athlete* in addition to all of the UIPM costs incurred in *Testing* that *National Federation's Athletes*.

## 13

## APPEALS

### 13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.7 read together with Article 17.3 UIPM Anti-Doping Procedures 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. Before an appeal is commenced, any post-decision review provided in these Rules must be exhausted, except for WADA (see Article 13.1.3 below).

#### 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.

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

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

#### 13.1.3 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 13 and no oth-

er party has appealed a final decision within UIPM's process, WADA may appeal such decision directly to CAS without having to appeal to the UIPM Court of Arbitration.

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1 above; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by the chairperson of the UIPM Doping Review Panel not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7 above; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; UIPM's failure to comply with Article 7.9 above; a decision that UIPM lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1 above; a decision under Article 10.12.3 above; and a decision by UIPM not to recognize another *Anti-Doping Organisation's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

#### **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.

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

In cases where Article 13.2.1 above is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the *National Anti-Doping Organisation* having jurisdiction over the *Athlete* or other *Person*. The rules for such appeal shall respect the following principles: a timely hearing; a fair and impartial hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision. If the *National Anti-Doping Organisation* has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

#### **13.2.3 *Persons Entitled to Appeal***

In cases under Article 13.2.1 above, 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) UIPM; (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.

In cases under Article 13.2.2 above, the parties having the right to appeal to the national-level appeal 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) UIPM; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. For cases under Article 13.2.2 above, WADA, the International Olympic Committee, the International Paralympic Committee, and UIPM shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. 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.

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

#### **13.2.4 Cross Appeals and other Subsequent Appeals Allowed**

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

### **13.3 Failure to Render a Timely Decision**

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

### **13.4 Appeals Relating to TUEs**

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

### **13.5 Notification of Appeal Decisions**

Any *Anti-Doping Organisation* that is a party to an appeal 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 above as provided under Article 14.2 below.

### 13.6 Appeal from Decisions Pursuant to Article 12

Decisions by the UIPM Executive Board pursuant to Article 12 above may be appealed exclusively to the UIPM Court of Arbitration and thereafter to CAS by the *National Federation*.

### 13.7 Time for Filing Appeals

#### 13.7.1 Appeals to CAS

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

- a. Within fifteen days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b. If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to CAS.

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

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

#### 13.7.2 Appeals under Article 13.2.2

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

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

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

## 14

**CONFIDENTIALITY AND REPORTING****14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations****14.1.1 Notice of Anti-Doping Rule Violations to Athletes and other Persons**

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 above and 14 of these Anti-Doping Rules. Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

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

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

**14.1.3 Content of an Anti-Doping Rule Violation Notice**

Notification of an anti-doping rule violation under Article 2.1 above shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

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

**14.1.4 Status Reports**

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

**14.1.5 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 Federation*, and team in a *Team Sport*) until UIPM has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3 below.

**14.1.6** UIPM ensures that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule

violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3 below, and includes provisions in any contract entered into between UIPM and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

## **14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files**

**14.2.1** Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.12.3 or 13.5 above shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, UIPM shall provide a short 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 above may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

## **14.3 Public Disclosure**

**14.3.1** The identity of any *Athlete* or other *Person* who is asserted by UIPM to have committed an anti-doping rule violation may be *Publicly Disclosed* by UIPM only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 above and simultaneously to WADA and the *National Anti-Doping Organisation* of the *Athlete* or other *Person* in accordance with Article 14.1.2 above.

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

**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, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The UIPM Secretary General will use reasonable efforts to obtain such consent. If consent is obtained, UIPM will



*Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

- 14.3.4** Publication shall be accomplished at a minimum by placing the required information on the UIPM's website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.3.5** Neither UIPM, nor its *National Federations*, nor any official of either body, will publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.
- 14.3.6** The mandatory *Public Reporting* required in Article 14.3.2 above shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

#### **14.4 Statistical Reporting**

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

#### **14.5 Doping Control Information Clearinghouse**

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organisations*, UIPM will report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* to the WADA clearinghouse, using ADAMS, as soon as possible after such tests have been conducted. This information 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*.

#### **14.6 Data Privacy**

- 14.6.1** UIPM may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code*, the *International Standards* (including specifically the International Standard for the Protection of Privacy and Personal Information) and these Anti-Doping Rules.
- 14.6.2** Any *Participant* who submits information including personal data to any *Person* in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of these Anti-Doping Rules, in accordance with the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

## 15 APPLICATION AND RECOGNITION OF DECISIONS

- 15.1** Subject to the right to appeal provided in Article 13 above, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority shall be applicable worldwide and will be recognized and respected by UIPM and all its *National Federations*.
- 15.2** UIPM and its *National Federations* will recognize the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.
- 15.3** Subject to the right to appeal provided in Article 13 above, any decision of UIPM regarding a violation of these Anti-Doping Rules shall be recognized by all *National Federations*, which shall take all necessary action to render such decision effective.

## 16 INCORPORATION OF UIPM ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS

- 16.1** All *National Federations* and their members shall comply with these Anti-Doping Rules and the UIPM Anti-Doping Procedures as far as the latter are applicable. All *National Federations* and other members shall include in their regulations the provisions necessary to ensure that UIPM may enforce these Anti-Doping Rules and the UIPM Anti-Doping Procedures directly as against *Athletes* under their anti-doping jurisdiction (including *National-Level Athletes*). These Anti-Doping Rules and the UIPM Anti-Doping Procedures shall also be incorporated either directly or by reference into each *National Federation's* rules so that the *National Federation* may enforce them itself directly as against *Athletes* under its anti-doping jurisdiction (including *National-Level Athletes*).
- 16.2** All *National Federations* shall establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by a *National Federation* or one of its member organisations to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the *Anti-Doping Organisation* responsible under the *Code* as a condition of such participation.
- 16.3** All *National Federations* shall report any information suggesting or relating to an anti-doping rule violation to UIPM and to their *National Anti-Doping Organisations*, and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.
- 16.4** All *National Federations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of UIPM or the *National Federation*.
- 16.5** All *National Federations* shall be required to conduct anti-doping education in coordination with their *National Anti-Doping Organisations*.

## 17 STATUTE OF LIMITATIONS

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

## 18 UIPM COMPLIANCE REPORTS TO WADA

UIPM will report to WADA on UIPM's compliance with the *Code* in accordance with Article 23.5.2 of the *Code*.

## 19 EDUCATION

UIPM will plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the *Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programs.

## 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

- 20.1 These Anti-Doping Rules and the UIPM Anti-Doping Procedures may be amended from time to time by UIPM.
- 20.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 20.3 The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.
- 20.4 The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.
- 20.5 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The Introduction shall be considered an integral part of these Anti-Doping Rules.
- 20.6 These Anti-Doping Rules and the UIPM Anti-Doping Procedures, which latter are to be considered an integral part of the UIPM Anti-Doping Rules, have come into full force and effect on 1 January 2016 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

- 20.6.1** 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 above for violations taking place after the Effective Date.
- 20.6.2** The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 above are procedural rules and shall be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to 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, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.
- 20.6.3** Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.
- 20.6.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organisation* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2 above. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.
- 20.6.5** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1 above, 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.

## 21

**INTERPRETATION OF THE CODE**

- 21.1** 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.



- 21.2** The comments annotating various provisions of the *Code* are incorporated by reference into these Anti-Doping Rules, shall be treated as if set out in full herein, and shall be used to interpret these Anti-Doping Rules.
- 21.3** The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 21.4** 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.
- 21.5** 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.
- 21.6** The Purpose, Scope and organisation of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

## 22

## ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

### 22.1 Roles and Responsibilities of *Athletes*

- 22.1.1** To be knowledgeable of and comply with these Anti-Doping Rules.
- 22.1.2** To be available for *Sample* collection at all times.
- 22.1.3** To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 22.1.4** To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.
- 22.1.5** To disclose to their *National Anti-Doping Organisation* and to UIPM any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.
- 22.1.6** To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 22.1.7** 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 UIPM’s Code of Ethics.

## 22.2 Roles and Responsibilities of *Athlete Support Personnel*

- 22.2.1 To be knowledgeable of and comply with these Anti-Doping Rules.
- 22.2.2 To cooperate with the *Athlete Testing* program.
- 22.2.3 To use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes.
- 22.2.4 To disclose to his or her *National Anti-Doping Organisation* and to UIPM any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.
- 22.2.5 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 22.2.6 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 UIPM's Code of Ethics.
- 22.2.7 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
- 22.2.8 *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Personnel* without valid justification may result in a charge of misconduct under UIPM's Code of Ethics.

## APPENDIX 1

### DEFINITIONS

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

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

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

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

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

*Athlete*: Any *Person* who 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 *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code* is an *Athlete*.

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

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

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

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

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

*CAS*: The Court of Arbitration for Sport.

*Code*: The World Anti-Doping Code.

*Competition*: A single race, match, game or singular sport contest. For anti-doping purposes and as far as the application and interpretation of these anti-doping rules is concerned, *Competition* shall be considered as a stage of as many events (following the definition of event contained in the UIPM Competition Rules) for UIPM sports as provided in the UIPM Competition Rules (five for Modern Pentathlon, two for Modern Biathlon, three for Modern Triathlon).

*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 10.12.1; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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

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

*Event*: For anti-doping purposes and as far as the application and interpretation of these anti-doping rules is concerned, *Event* is a series of individual *Competitions* conducted together under one ruling body.

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

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

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

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

*In-Competition*: "*In-Competition*" means the period commencing twelve hours before the start of a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* (victory or closing ceremony) and the *Sample* collection process related to such *Competition*.

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

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

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

International Event/Competition: 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 and Investigations. For the sports of Modern Pentathlon, Modern Biathlon and Modern Triathlon *International-Level Athletes* are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.

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

Major Event 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.

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

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*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

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

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

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

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.

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

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

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

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

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

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.

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*.

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

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 *TUEs*, the conduct of hearings, and the conduct of educational programs at a regional level.

Registered Testing Pool: The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organisations*, who are subject to focused *In-Competition* and *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 5.6 of the *Code* and the International Standard for Testing and Investigations.

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

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23 of the *Code*.

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.

Substantial Assistance: For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

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

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

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a *Prohibited Substance* used for genuine and legal



therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

UNESCO Convention: The International Convention against Doping in Sport adopted by the 33<sup>rd</sup> 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.

## APPENDIX 2

EXAMPLES OF THE APPLICATION OF ARTICLE 10 can be found on the UIPM website  
[www. uipmworld.org](http://www.uipmworld.org)

## APPENDIX 3

### CONSENT FORM

As a member of [National Federation] and/or a participant in an event authorized or recognized by [National Federation or UIPM], I hereby declare as follows:

I acknowledge that I am bound by, and confirm that I shall comply with, all of the provisions of UIPM Constitution, UIPM Rules on Internal Organisation, UIPM Competition Rules, UIPM Anti-Doping Rules and UIPM Anti-Doping Procedures, UIPM Medical Rules, UIPM Advertising and Media Rules and UIPM Code of Ethics (all as amended from time to time) and the *International Standards* issued by the World Anti-Doping Agency and published on its website.

I acknowledge the authority of UIPM and its member National Federations and/or National Anti-Doping Organisations under the UIPM Anti-Doping Rules and UIPM Anti-Doping Procedures to enforce, to manage results under, and to impose sanctions in accordance with, the UIPM Anti-Doping Rules, UIPM Anti-Doping Procedures and the UIPM Code of Ethics.

**I also acknowledge and agree that any dispute arising out of a decision made pursuant to the UIPM Anti-Doping Rules and UIPM Anti-Doping Procedures, after exhaustion of the process expressly provided for in the UIPM Anti-Doping Rules and UIPM Anti-Doping Procedures, may be appealed exclusively as provided in Article 13 of the UIPM Anti-Doping Rules and Article 17.3 UIPM Anti-Doping Procedures to an appellate body for final and binding arbitration, which in the case of International-Level Athletes is the UIPM Court of Arbitration and thereafter the Court of Arbitration for Sport (CAS).**

**Further to that I acknowledge and agree that any other dispute under the UIPM Constitution, UIPM Rules on Internal Organisation, UIPM Competition Rules, UIPM Medical Rules, UIPM Marketing and Media Rules, as well as UIPM Code of Ethics, as far as not specified differently by these rules will be finally decided by the UIPM Executive Board with appeal exclusively to the UIPM Court of Arbitration with eventual further appeal exclusively to CAS.**

I acknowledge and agree that the decisions of the arbitral appellate bodies referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.

As a competitor, further to the above, I agree that UIPM shares with my National Anti-Doping Organisation all my personal data with relevance for the Athlete Biological Passport according to the WADA Operating Guidelines; that personal data are collected by the UIPM and such data are stored and used by the UIPM, and when necessary, third parties, for the purposes of, and to the extent necessary in relation to facilitate their participation in, and/or organizing competitions; to the transfer of my personal data to UIPM and by them to such third parties, and to the processing of such data and potentially any relevant sensitive personal data (including about unspent criminal convictions), as are necessary for security and other background checks by UIPM in order for them to gain the necessary accreditation for competitions; that UIPM and other necessary third parties, including National Anti-Doping Organisations, law enforcement and border services agencies, may share amongst themselves and with third parties my personal data for the purposes of investigating and/or prosecuting breaches of any of the relevant provisions of UIPM Statutes and UIPM Rules on In-

ternal Organisation. This includes in particular my personal data with relevance for the Athlete Biological Passport according to the WADA Operating Guidelines and/or betting rules; to the collection and use of personal data, photos, films and statistics in UIPM approved research or other projects (e.g. athlete biographies, questionnaires, filming, measures, medical encounters etc.) conducted during the competitions; to my personal data being used in any other way to which I provide my express consent to the UIPM.

I have read and understand the present declaration.

*Date*

*Print Name (Last Name, First Name)*

*Function (Competitor/Official)*

*Place of Residence*

*Date of Birth (Day/Month/Year)*

*Signature*

*(or, if a minor, signature of legal guardian)*





UNION INTERNATIONALE  
DE PENTATHLON MODERNE