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ISU ANTI-DOPING RULES

compiled in accordance with

**The World Anti-Doping
Code 2015**

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INTRODUCTION

Preface

This Communication is issued based on Rule 139 of the current ISU General Regulations and in accordance with the World Anti-Doping Code (hereinafter “the *Code*”).

As a condition of participation in ISU activities, especially ISU *Events* and Competitions according to Rules 100/3, b) and c) and 107 of the ISU General Regulations each ISU *Member* shall adopt these ISU Anti-Doping Rules as effective to govern the conduct of all *Skaters*, and other *Persons* participating or claiming the right to participate in the national and international sporting activities of the ISU *Member*. Each ISU *Member* shall cooperate fully in all aspects of the ISU Anti-Doping program, and designate an appropriate independent national body, committee or tribunal to consider claimed violations of the ISU Anti-Doping Rules occurring on the national basis level and to apply sanctions when appropriate.

The ISU shall have sole jurisdiction over alleged violations of the ISU Anti-Doping Rules of *Skaters*, and other *Persons* which relate to their participation in ISU *Events* according to Rule 100/3, b) and c) of the General Regulations or to Out-of-Competition Testing of *International-level Skaters* and or to seminars or training programs and camps that are organized, financed and/or sponsored by the ISU.

By Agreement between the ISU and WADA, and to meet conditions required by the IOC for ISU participation in the Olympic Winter Games, jurisdiction of the ISU may be shared or superseded as specified in such Agreement or conditions.

Fundamental Rationale for the *Code* and ISU 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, it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

Scope of these ISU Anti-Doping Rules

These ISU Anti-Doping Rules shall apply to the ISU, its *Members*, their members, *Skaters*, *Skaters Support Personnel*, *other Persons* and each participant in activities of the ISU and its *Members*.

These ISU Anti-Doping Rules shall apply to all Anti-Doping *Testing* over which the ISU and its *Members* have jurisdiction.

It is the responsibility of the ISU *Members*, to ensure that all national-level *testing* on their *Skaters* complies with these ISU Anti-Doping Rules. In some countries, the ISU *Member* itself will be conducting the Anti-Doping *Testing* described in these ISU Anti-Doping Rules. In other countries, many of the Anti-Doping *Testing* responsibilities of the ISU *Members* have been delegated or assigned by statute or agreement to a *National Anti-Doping Organization*. In those countries, references in these ISU Anti-Doping Rules to the ISU *Member* shall apply, as applicable, to the *Member's National Anti-Doping Organization*.

The following *Skaters* are considered to be *International-Level Skaters* to whom the specific provisions of these ISU Anti-Doping Rules regarding *Testing*, *TUEs*, whereabouts information, results management and appeals apply:

- a. Any *Skater* who is part of the ISU Registered Testing Pool.
- b. Any *Skater* who participates in ISU *Events*, according to Rule 100/3, b) and c) of the ISU General Regulations.

ISU *Events* according to Rule 100/3, b) and c) of the ISU General Regulations currently organized are:

- ISU Championships
- ISU Grand Prix of Figure Skating Final and Series (ISU Grand Prix of Figure Skating)
- ISU Junior Grand Prix of Figure Skating Final and Series (ISU Junior Grand Prix of Figure Skating)
- ISU World Team Trophy in Figure Skating
- ISU Synchronized Skating Junior World Challenge Cup
- ISU Speed Skating World Cup Senior and Junior
- ISU Short Track Speed Skating World Cup

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of these ISU Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

Skaters 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 a *Skater's Sample*

2.1.1 It is each *Skater's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Skaters* 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 *Skater's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to a Skater's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". A Skater's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]

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 *Skater's A Sample* where the *Skater* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Skater's B Sample* is analyzed and the analysis of the *Skater's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Skater's A Sample*; or, where the *Skater'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.

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

2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Skater'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 a *Skater* of a *Prohibited Substance* or a *Prohibited Method*

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

2.2.1 It is each *Skater'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 *Skater'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.

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

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

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 ISU Anti-Doping Rules or other applicable anti-doping rules.

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

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 a *Skater* 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 Organization*, or intimidating or attempting to intimidate a potential witness.

[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]

2.6 Possession of a Prohibited Substance or a Prohibited Method

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

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

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

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

2.8 *Administration or Attempted Administration to any Skater In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Skater 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 a *Skater* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Skater Support Person* who:

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

2.10.2 If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a results management process pursuant to

the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six 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 *Skater* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Skater* or other *Person*, or by *WADA*, of the *Skater Support Person*'s disqualifying status and the potential *Consequence* of prohibited association and that the *Skater* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Skater Support Person* who is the subject of the notice to the *Skater* or other *Person* that the *Skater Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* 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 *Skater Support Person*'s disqualifying conduct occurred prior to the effective date provided in Article 20.7.)

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

Anti-Doping Organizations that are aware of *Skater 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*.

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

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

The ISU shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the ISU 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 ISU Anti-Doping Rules place the burden of proof upon the *Skater* 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.

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

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:

[Comment to Article 3.2: For example, the ISU may establish an anti-doping rule violation under Article 2.2 based on the Skater's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Skater's blood or urine Samples, such as data from the Skater Biological Passport.]

3.2.1 Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subjects of peer review are presumed to be scientifically valid. Any *Skater* 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 *Skater* 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 *Skater* or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the ISU shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

[Comment to Article 3.2.2: The burden is on the Skater or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Skater or other Person does so, the burden shifts to the ISU to prove to the comfortable satisfaction of the hearing panel that the 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 ISU Anti-Doping Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Skater* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then the ISU shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the ISU 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 *Skater* or other *Person* to whom the decision pertained of those facts unless the *Skater* or other *Person* establishes that the decision violated principles of natural justice.

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

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

These ISU Anti-Doping Rules incorporate the *Prohibited List*, which is published and revised by *WADA* as described in Article 4.1 of the *Code*. All ISU *Members* are obliged to respect any amendments to the *Prohibited List* and ensure that the current *Prohibited List* is available to its members and constituents.

[Comment to Article 4.1: The current Prohibited List is available on WADA's website at www.wada-ama.org and on the ISU website at www.isu.org]

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 ISU Anti-Doping Rules three months after publication by *WADA*, without requiring any further action by the ISU or its *Members*. All *Skaters* 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 *Skaters* 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*.

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

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 a *Skater* 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 (“TUEs”)

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

An International-Level Skater must apply for any TUE to the ISU.

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

4.4.2.1 If the *Skater* has a *TUE* granted by his or her *National Anti-Doping Organization* for the substance or method in question, that *TUE* is not automatically valid for *ISU Events*. Rather, the *Skater* must apply to the ISU 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, the ISU shall recognize it for purposes of *ISU Events*. If the ISU considers that the *TUE* does not meet those criteria and refuses to recognize it, the ISU shall notify the *Skater* and his or her *National Anti-Doping Organization* promptly, with reasons. The *Skater* and the *National Anti-Doping Organization* shall 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 Organization* remains valid except for *ISU Events* pending *WADA*’s decision. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose including national-level-competitions at the expiry of the 21-day review deadline.

[Comment to Article 4.4.2.1: If the ISU refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria set out in the International Standard for Therapeutic Use Exemptions, the matter shall not be referred to WADA. Instead, the file shall be completed and re-submitted to the ISU.]

4.4.2.2 If the *Skater* does not already have a *TUE* granted by his/her *National Anti-Doping Organization* for the substance or method in question, the *Skater* must apply directly to the ISU for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions, using the form posted on the ISU website at <https://www.isu.org/anti-doping> Therapeutic Use Exemption. If the ISU denies the *Skater*’s application, it must notify the *Skater* promptly, with reasons. If the ISU grants the *Skater*’s application, it shall notify not only the *Skater* but also his/her *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by the ISU 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 Organization* refers the matter to *WADA* for review, the *TUE* granted by the ISU remains valid for *ISU Events* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*’s decision. If the *National Anti-Doping*

Organization does not refer the matter to *WADA* for review, the *TUE* granted by the ISU becomes valid for national-level *Competition* as well upon expiry of the 21-day review deadline.

[Comment to Article 4.4.2: The ISU may agree with a National Anti-Doping Organization that the National Anti-Doping Organization will consider TUE applications on behalf of the ISU.]

4.4.3 If the ISU chooses to test a *Skater* who is not an *International-Level Skater*, the ISU shall recognize a *TUE* granted to that *Skater* by his or her *National Anti-Doping Organization*. If the ISU chooses to test a *Skater* who is not an *International-Level* or a *National-Level Skater*, the ISU shall permit that *Skater* 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 the ISU 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 *Skater's* next *ISU Event*. ~~The members of the ISU Medical Commission are the ISU's standing "TUE Committee"~~ The ISU standing "TUE Committee" for considering application for the grant or recognition of TUEs consists of the members of the ISU Medical Commission and Medical experts appointed by the ISU. Upon receipt of a *TUE* request, the ~~ISU's Anti-Doping Administrator~~ ISU shall appoint 3 members of the *TUE Committee* who will form the panel for this request. The panel shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Its decision shall be the final decision of the ISU, and shall be reported to the *Skater's Member*, *WADA* and other relevant *Anti-Doping Organizations*, including the *Skater's National Anti-Doping Organization*, through *ADAMS*, in accordance with the *International Standard for Therapeutic Use Exemptions*.

[Comment to Article 4.4.4: The submission of false or misleadingly incomplete information in support of a *TUE* application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another *Anti-Doping Organization* for such a *TUE*) may result in a charge of *Tampering* or *Attempted Tampering* under Article 2.5.

A Skater may not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Skater's own risk.]

4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE

4.4.5.1 A *TUE* granted pursuant to these ISU 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 *Skater* 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 met; or (d) may be reversed on review by *WADA* or on appeal.

4.4.5.2 In such event, the *Skater* shall not be 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* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of *TUE* Decisions

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

4.4.6.2 Any *TUE* decision by the ISU that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Skater* and/or the *Skater's National Anti-Doping Organization* exclusively to *CAS*, in accordance with Article 13.

[Comment to Article 4.4.6.2: In such cases, the decision being appealed is the ISU's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

4.4.6.3 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Skater*, the *National Anti-Doping Organization* and/or the ISU 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.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of *Testing* and Investigations

Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the ISU Anti-Doping Rules and ISU Anti-Doping Procedures supplementing that International Standard.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Skater'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 the ISU shall be in conformity with the International Standard for Testing and Investigations. The ISU shall determine the number of finishing placement tests, random tests and target tests to be performed, in accordance with the criteria established by 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 shall be undertaken:

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

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

5.1.3 The ISU 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*, the ISU shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Skaters* specified in the Introduction to these Anti-Doping Rules (under the heading "Scope").

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

[Comment to Article 5.2.2: Unless the Skater has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the ISU will not test a Skater during that period unless it has a serious and specific suspicion that the Skater may be engaged in doping. A challenge to whether the ISU had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

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

5.2.4 If the ISU delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* (directly or through its respective *Member*), that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping*

Organization's expense. If additional *Samples* are collected or additional types of analysis are performed, the ISU shall be notified.

5.3 *Event Testing*

5.3.1 Except as provided in Article 5.3 of the *Code*, only a single organization shall be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At ISU *Events*, *Open International Competitions* and Olympic Qualifying *Events*, the collection of *Samples* shall be initiated and directed by the ISU. At the request of the ISU, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with the ISU.

5.3.2 If an *Anti-Doping Organization* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Skaters* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ISU (or any other international organization which is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ISU (or any other international organization which is the ruling body of the *Event*), the *Anti-Doping Organization* 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 the ISU (or any other international organization which is the ruling body for the *Event*). *WADA's* decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

5.3.3 ~~Any *Skater* who achieves a World Record result must have been selected for doping control on the day of the race and have tested negative on the day of the race as per.~~ For the selection for doping control of *Skaters* who achieve a World Record Rule 221, 2 ~~f~~ **h), i) and j)** and Rule 292, 1 ~~d~~ **e), f) and g)** of the ISU Special Regulations for Speed Skating and Short Track Speed Skating apply.

5.4 *Test Distribution Planning*

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Skaters*, the ISU ~~Anti-Doping Administrator jointly with the ISU Medical Commission~~ shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Skaters*, 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. The ISU shall provide *WADA* upon request with a copy of its current test distribution plan.

5.5 Coordination of Testing

Where reasonably feasible, *Testing* shall 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 Skater Whereabouts Information

5.6.1 The ISU shall identify a *Registered Testing Pool* of those *Skaters* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, and shall make available through *ADAMS*, a list which identifies those *Skaters* included in its *Registered Testing Pool* by name. This list shall be published on the ISU Website (www.isu.org). The ISU shall coordinate with *National Anti-Doping Organizations* the identification of such *Skaters* and the collection of their whereabouts information. The ISU shall review and update as necessary its criteria for including *Skaters* 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, which shall be published on the ISU website (www.isu.org). *Skaters* shall be notified when they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Skater* 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 the ISU 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, a *Skater'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 A *Skater* in the ISU's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the *Skater* gives written notice to the ISU that he/she has retired or (b) the ISU has informed him or her that he/she no longer satisfies the criteria for inclusion in ISU's *Registered Testing Pool*.

5.6.4 Whereabouts information relating to a *Skater* shall be shared (through *ADAMS*) with *WADA* and other *Anti-Doping Organizations* having authority to test that *Skater*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the *Code*, and shall 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 Skaters Returning to Competition

5.7.1 A Skater who has been informed about his/her future inclusion in the *ISU Registered Testing Pool* or who is included in the *ISU Registered Testing Pool* must give written notice to the ISU that he/she has retired or that he/she is temporarily not participating in any *ISU Event*. Failure to do so can result in a disciplinary sanction according to Article ~~24~~ 25/9 of the ISU Constitution.

5.7.2 A *Skater* in the ISU's *Registered Testing Pool* who has given notice of retirement or of temporary non participation in *ISU Events* may not resume competing in *ISU Events* until he/she has given the ISU 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 *ISU Events*, including, if applicable, complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. The ISU, in consultation with WADA and the *Skater's National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair. The refusal to grant such exemption may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.

5.7.3 If a *Skater* retires from sport while subject to a period of *Ineligibility*, the *Skater* shall not resume competing in *ISU Events*, *Competitions according to Rule 107 of the ISU General Regulations* or *National Events* until the *Skater* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Skater* retired, if that period was longer than six months) to the ISU and to his/her *National Anti-Doping Organization* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including, if applicable, complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8 Independent Observer Program

The ISU and the organizing committees for *ISU Events*, as well as *ISU Members* and the organizing committees for *Competitions according to Rule 107 of the ISU General Regulations* and of *National Events*, shall authorize and facilitate the *Independent Observer Program* at such *Events*.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

For purposes of Article 2.1, *Samples* shall be analyzed only in laboratories accredited or otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by the ISU or the *Anti-Doping Agency* acting on its behalf.

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

6.2 Purpose of Analysis of *Samples*

6.2.1 *Samples* shall be analyzed 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 the ISU in profiling relevant parameters in a *Skater'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.

[Comment to Article 6.2.1: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]

6.2.2 The ISU shall ask laboratories to analyze *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 *Skater's* written consent. *Samples* used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Skater*.

6.4 Standards for *Sample* Analysis and Reporting

Laboratories shall analyze *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 analyze *Samples* in conformity with those menus, except as follows:

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

6.4.2 The ISU may request that laboratories analyze 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 analyze *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.

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

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. (a) by *WADA* at any time; and/or (b) by the ISU at any

time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by the ISU to the *Skater* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management

The circumstances in which the ISU shall take responsibility for conducting results management in respect of anti-doping rule violations involving *Skaters* and other *Persons* under its jurisdiction shall be determined by reference to and in accordance with Article 7 of the *Code*.

7.2 Review of *Adverse Analytical Findings* from Tests Initiated by the ISU

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

7.2.1 The results from all analyses must be sent to the ISU 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 ISU ~~Anti-Doping Administrator~~ shall conduct a review to determine whether:

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

7.2.3 If the review of an *Adverse Analytical Finding* under Article 7.2.2 reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Atypical Finding*, the entire test shall be considered negative and the *Skater through the ISU Member*, the *Skater's National Anti-Doping Organization* 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 ISU Anti-Doping Rules, the ISU Anti-Doping Procedures, International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the ISU ~~Anti-Doping Administrator~~ shall promptly notify the *ISU Member* which shall promptly forward such notification to the *Skater*. The ISU shall simultaneously notify the

Skater's National Anti-Doping Organization and WADA, in the manner set out in Article 14.1.

In addition to the information required under Art. 14.1.3, the notification shall include:

- a) the *Adverse Analytical Finding*;
- b) the ISU Anti-Doping Rule violated;
- c) the *Skater'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 *Skater* or the ISU chooses to request an analysis of the B *Sample*;
- e) the opportunity for the *Skater* and/or the *Skater's* representative to attend the B *Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested;
- f) the *Skater'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;
- g) the *Skater's* right, within 15 days from receipt of notification of the positive A sample, to submit a written explanation to the ISU Director General about the overall circumstances of the case or to dispute the ISU assertion that an anti-doping rule violation has occurred;
- h) the imposition of a Provisional Suspension, if applicable;
- i) the *Skater's* opportunity to promptly admit the anti-doping rule violation and consequently request the reduction of the period of ineligibility according to art 10.6.3 of these ISU Anti-Doping Rules;
- j) the *Skater's* opportunity to cooperate and provide Substantial Assistance in discovering or establishing anti-doping rule violations according to art 10.6.1 of these ISU Anti-Doping Rules.

If the ISU decides not to bring forward the *Adverse Analytical Finding* as an ISU Anti-Doping Rule Violation, it shall so notify the *Skater* through the *Member*, the *Athlete's National Anti-Doping Organization* and *WADA*.

7.3.2 Where requested by the *Skater* or the ISU, arrangements shall be made to analyze the B *Sample* in accordance with the International Standard for Laboratories. A *Skater* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. The ISU may nonetheless elect to proceed with the B *Sample* analysis.

7.3.3 The *Skater* and/or his/her representative shall be allowed to be present at the analysis of the B *Sample*. Also, a representative of the ISU as well as a representative of the *Skater's National Federation* shall be allowed to be present.

7.3.4 If the B *Sample* analysis does not confirm the A *Sample* analysis, the entire test shall be considered negative and the *Skater* through the *ISU Member*, the *Skater's National Anti-Doping Organization* and *WADA* shall be so informed, unless the ISU takes the case forward as an ISU Anti-Doping Rule Violation under Article 2.2

7.3.5 If the *B Sample* analysis confirms the *A Sample* analysis, the findings shall be reported to the *Skater* through the *ISU Member*, the *Skater's National Anti-Doping Organization* 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 ISU ~~Anti-Doping Administrator~~ shall conduct a review to determine whether:

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

7.4.3 If the review of an *Atypical Finding* under Article 7.4.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Skater* through the *ISU Member*, the *Skater's National Anti-Doping Organization* and *WADA* shall be so informed.

7.4.4 If the 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*, the ISU ~~Anti-Doping Administrator~~ shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Skater* through the *ISU Member*, the *Skater's National Anti-Doping Organization* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.4.5 The ISU 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 the ISU determines the *B Sample* should be analyzed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis after notifying the *Skater* through the *ISU Member*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3.1(d)-(f).

7.4.5.2 If the ISU is asked (a) by a *Major Event Organization* shortly before one of its *International Events*, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Skater* identified on a list provided by the *Major Event Organization* or sport

organization has a pending *Atypical Finding*, the ISU shall so advise the *Major Event Organization* or sports organization after first providing notice of the *Atypical Finding* to the *Skater* through the *ISU Member*.

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

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the ISU is satisfied that an ISU Anti-Doping Rule Violation has occurred, it shall promptly give the *Skater* through the *ISU Member*, the *Skater's National Anti-Doping Organization* and *WADA* notice of the ISU Anti-Doping Rule Violation asserted and the basis of that assertion.

7.6 Review of Whereabouts Failures

The ISU shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Skaters* who file their whereabouts information with the ISU, in accordance with Annex I to the International Standard for Testing and Investigations. If the ISU is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Skater* through the *ISU Member*, the *Skater's National Anti-Doping Organization* 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

The ISU shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2- 7.6. If the ISU is satisfied that an ISU Anti-Doping Rule Violation has occurred, it shall promptly give the *Skater* through the *ISU Member* or other *Person* (and simultaneously the *Skater's* or other *Person's National Anti-Doping Organization* and *WADA*) notice of the ISU Anti-Doping Rule Violation asserted and the basis of that assertion.

7.8 Identification of Prior Anti-Doping Rule Violations

Before giving a *Skater* or other *Person* notice of an asserted ISU Anti-Doping Rule Violation as provided above, the ISU shall refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organizations* 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 upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5.

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, ~~the ISU Director General, after approval by~~ the ISU President may impose a *Provisional Suspension* on the *Skater* 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 and prior to the final hearing as described in Article 8.

7.9.3 Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2, the *Skater* or other *Person* may request to be given either:

- (a) 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*.

If the *Skater* or Other *Person* requests a *Provisional Hearing* the case will be submitted to the ISU Disciplinary Commission.

7.9.3.1 The *Provisional Suspension* shall be lifted if the *Skater* demonstrates to the ISU Disciplinary Commission that

- a) the violation is likely to have involved a *Contaminated Product*; or b) 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 *Skater* or other *Person*; or
- c) the *Skater* 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 violation is likely to be eliminated by application of Article 10.4; or
- d) other facts make it seem disproportionate in consideration of all circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8.

The ISU Disciplinary Commission decision shall not be appealable.

[Comment to Article 7.9.3.1.d): This provision is to be construed narrowly and to be applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Skater or other Person from participating in a particular Competition or Event shall not qualify as exceptional circumstance 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, the ~~Director General~~ **President** shall lift the *Provisional Suspension* with immediate effect.

7.10 Resolution Without an Oral Hearing

7.10.1 A *Skater* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time.

7.10.2 A *Skater* or other *Person* against whom an anti-doping rule violation is asserted may waive an oral hearing either explicitly or by failing to request an oral hearing within the deadline specified by the ISU Disciplinary Commission.

7.11 Notification of Results Management Decisions

In all cases where the ISU has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, the ISU shall give notice thereof in accordance with Article 14.2.1 to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.

7.12 Retirement from Sport

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

[Comment to Article 7.12: Conduct by a Skater or other Person before the Skater or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Skater or other Person membership in a sports organization.]

7.13 Results Management for Tests initiated by ISU Members

Results management conducted by ISU *Members* shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7. Results of all ISU Anti-Doping Tests shall be reported to the ISU and to WADA within ten (10) days of the conclusion of the *Member's* results management process. Any apparent anti-doping rule violation by a *Skater* who is a member of that ISU *Member* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the Member or national law according to the principles of the *Code*. Apparent anti-doping rule violations by *Skaters* who are members of another ISU *Member* shall be referred to the ISU to pass on to the *Skater's* *Member* for hearing.

7.13.1 Any sanction imposed by an ISU *Member* upon its members for an *Adverse Analytical Findings* shall be in compliance with those specified in Article 10 of these ISU Anti-Doping Rules. In the case that the sanction applied by the ISU *Member* for an anti-doping rule violation is below the lower limit of the sanction that would be applicable under these ISU Anti-Doping Rules, the ISU Council shall have the right to apply sanctions to the ISU *Member* according to these ISU Anti-Doping Rules and to file a complaint to the ISU Disciplinary Commission asking that the correct sanctions specified in Article 10 be applied to the *Skater* concerned, which sanction will be applicable for any national and international appearances of the *Skater*.

7.13.2 All decisions taken by the body designated by the ISU *Member* to decide cases of alleged violation of the ISU Anti-Doping rules shall be rendered in writing and English-language true copies of such decisions shall be sent within ten (10) days after the date such decision is taken, by email or postal mail to the ISU ~~Director General~~ and WADA.

The ISU *Member* shall at the same time inform the ISU and WADA about the name of the appellate tribunal and whether or not an appeal has been or will be lodged, mentioning all relevant dates and deadlines. If an appeal is filed, the ISU *Member* shall notify the ISU and WADA within ten (10) days upon receipt of

the decision of the appellate body attaching English-language true copies thereof to such notice. The appeal procedures shall be in compliance with the principles specified in Article 13 of these ISU Anti-Doping Rules and article 13 of the *Code*.

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Principles for a Fair Hearing

8.1.1 If the ISU sends a notice to a *Skater* or other *Person* asserting an ISU Anti-Doping Rule Violation, the case shall be referred to the ISU Disciplinary Commission for hearing and deciding the case.

8.1.2 Oral Hearings, if applicable, shall be scheduled without delay and the hearing procedure and the decision of the ISU Disciplinary Commission rendered within a reasonable time. Oral Hearings held in connection with *Events* or *Competition* that are subject to these ISU Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.

[Comment to Article 8.1.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Skater's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Skater's results or continued participation in the Event.]

8.1.3 If an oral hearing takes place, *WADA* and a representative of the *Member* of the *Skater* or other *Person* may attend as observers. In any event, the ISU shall keep *WADA* fully apprised as to the status of pending cases and the final decision of the ISU Disciplinary Commission.

8.2 Decisions

8.2.1 At the end of the hearing, or on a timely basis thereafter, the ISU Disciplinary Commission 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 *CAS* as provided in Article 13. Copies of the decision shall be provided to the *Skater* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.

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; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Skater* or other *Person* who is the subject of the decision. The ISU shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Skater* or other *Person* may approve.

8.3 Single Hearing Before CAS

Cases asserting anti-doping rule violations may be heard directly by *CAS*, with no requirement for a prior hearing, with the consent of the *Skater*, the ISU, *WADA*, and any

other *Anti-Doping Organization* that would have had a right to appeal a first instance hearing decision to *CAS*.

[Comment to Article 8.2: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

8.4 Hearings Arising Out of National Testing

8.4.1 If the results management process described in Article 7 indicates a violation of these ISU Anti-Doping Rules in connection with *Testing* other than with *WADA Testing*, *ISU Testing* or *Testing* at an *ISU Event*, the *Skater* or other *Person* involved shall be brought before the hearing panel of the *Skater's* or other *Person's Member*.

8.4.2 In proceedings before the hearing panel of the *Skater* or other *Person's Member*, the principles for the fair hearing according to Article 8 apply. If the completion of the hearing is delayed beyond three months, the respective *ISU Member* shall be requested to give reasons and be warned of the sanctions according to Article 12 .1 and 3 of these ISU Anti-Doping Rules.

8.4.3 *ISU Members* shall keep the ISU and WADA informed as to the status of pending cases and the results of all hearings.

8.4.4 The ISU and WADA shall have the right to attend oral hearings, if conducted, as an observer.

8.4.5 Decisions by *ISU Members* and the *ISU Member's* hearing bodies, whether as the result of a hearing or the *Skater* or other *Person's* acceptance of *Consequences*, may be appealed as provided in Article 13.

8.4.6 Hearing decisions by the *ISU Member* shall not be subject to further administrative review at the national level except as provided in Article 13 or required by applicable national law.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these ISU Anti-Doping Rules 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.

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

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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

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

[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Skater tested positive, this Article may lead to Disqualification of all results in all races during the Event]

10.1.1 If the *Skater* establishes that he or she bears *No Fault or Negligence* for the violation, the *Skater's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Skater's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Skater'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 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

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

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Skater* 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 ISU can establish that the anti-doping rule violation was intentional.

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

10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” is meant to identify those *Skaters* who cheat. The term therefore requires that the *Skater* 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 *Skater* 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 *Skater* 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 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

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

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Skater's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Skater* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Skater* was trying to avoid being available for *Testing*.

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

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

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.

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

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

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

If a *Skater* 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.

[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in

exceptional circumstances, for example where a Skater could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Skaters are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Skater's personal physician or trainer without disclosure to the Skater (Skaters are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Skater's food or drink by a spouse, coach or other Person within the Skater's circle of associates (Skaters are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on *No Significant Fault or Negligence*.]

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

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

10.5.1.1 Specified Substances

Where the anti-doping rule violation involves a *Specified Substance*, and the *Skater* 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 *Skater's* or other *Person's* degree of *Fault*.

10.5.1.2 Contaminated Products

In cases where the *Skater* 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 *Skater's* or other *Person's* degree of *Fault*.

[Comment to Article 10.5.1.2: In assessing that *Skater's* degree of *Fault*, it would, for example, be favorable for the *Skater* if the *Skater* had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.]

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

If a *Skater* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Skater* 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.

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

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 ISU Disciplinary Commission may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Skater* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in:

- i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or
- ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the ISU.

After a final appellate decision under Article 13 or the expiration of time to appeal, the ISU Disciplinary Commission 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 *Skater* or other *Person* and the significance of the *Substantial Assistance* provided by the *Skater* 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 *Skater* 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 ISU Disciplinary Commission shall reinstate the original period of *Ineligibility*. If the ISU Disciplinary Commission 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.

10.6.1.2 To further encourage *Skaters* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of the ISU Disciplinary Commission or at the request of the *Skater* 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, 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, *WADA*'s

decisions in the context of this Article may not be appealed by any other *Anti-Doping Organization*.

10.6.1.3 If the ISU Disciplinary Commission suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize the ISU to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

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

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

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

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

A *Skater* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by the ISU, and also upon the approval and at the discretion of both *WADA* and the ISU, 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 *Skater* or other *Person's* degree of *Fault*.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction

Where a *Skater* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4,

and 10.5. If the *Skater* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the ISU Disciplinary Commission (ISU DC) determines which of the basic sanctions (Articles 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the ISU DC must determine the applicable sanction within that range according to the Skater or other Person's degree of Fault. In a third step, the ISU DC establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the ISU DC decides on the commencement of the period of Ineligibility under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2.]

10.7 Multiple Violations

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

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

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

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

10.7.3 An anti-doping rule violation for which a *Skater* 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 ISU can establish that the *Skater* or other *Person* committed the second anti-doping rule violation after the *Skater* or other *Person* received notice pursuant to Article 7, or after the ISU made reasonable efforts to give notice of the first anti-doping rule violation. If the ISU 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, the ISU discovers facts involving an anti-doping rule violation by the *Skater* or other *Person* which occurred prior to notification regarding the first violation, then the ISU Disciplinary Commission shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

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

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

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

[Comment to Article 10.8: Nothing in these ISU Anti-Doping Rules precludes clean Skaters or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

10.9 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*; second, reallocation of forfeited prize money to other *Skaters*; and third, reimbursement of the expenses of the ISU.

10.10 Financial Consequences

If a *Skater* or other *Person* commits an anti-doping rule violation, the ISU DC may, regardless of the period of *Ineligibility* imposed fine the *Athlete* or other *Person* in an amount up to CHF 50'000.00 if is imposed.

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 oral hearing is waived or there is no oral 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 *Skater* or other *Person*, the ISU Disciplinary Commission 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*.

[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Skater or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

10.11.2 Timely Admission

Where the *Skater* or other *Person* promptly (which, in all events, for a *Skater* means before the *Skater* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the ISU, 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 *Skater* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Skater* 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.

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 *Skater* or other *Person*, then the *Skater* 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 *Skater* 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 a *Skater* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from the ISU and thereafter respects the *Provisional Suspension*, the *Skater* 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 *Skater* 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.

[Comment to Article 10.11.3.2: A Skater's voluntary acceptance of a Provisional Suspension is not an admission by the Skater and shall not be used in any way as to draw an adverse inference against the Skater.]

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 *Skater* elected not to compete or was suspended by his or her team.

10.11.3.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or

otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Skater, timely admission by the Skater and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]

10.12 Status During *Ineligibility*

10.12.1 Prohibition Against Participation During *Ineligibility*

No *Skater* 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 any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

A *Skater* 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 a *Skater* 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 *Skater* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Skater* or other *Person* working in any capacity with *Minors*.

A *Skater* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Skater cannot participate in a training camp, exhibition or practice organized by his or her ISU Member or a club which is a member of that ISU Member or which is funded by a governmental agency. Further, an Ineligible Skater may not compete in a non-Signatory professional league, Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]

10.12.2 Return to Training

As an exception to Article 10.12.1, a *Skater* may return to train with a team or to use the facilities of a club or other member organization of the *ISU Member* concerned during the shorter of: (1) the last two months of the *Skater's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

[Comment to Article 10.12.2: In the sport of Skating, a Skater cannot effectively train on his/her own so as to be ready to compete at the end of the Skater's period of Ineligibility. During the training period described in this Article, an Ineligible Skater may not compete or engage in any activity described in Article 10.12.1 other than training.]

10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where a *Skater* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1,

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*. The new period of *Ineligibility* may be adjusted based on the *Skater* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether a *Skater* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where a *Skater Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, the ISU Disciplinary Commission shall impose sanctions for a violation of Article 2.9 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, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by the ISU and its *Members*.

10.13 Automatic Publication of Sanction

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

[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Teams

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

11.2 Consequences for Teams

11.2.1 If any competing member of a Team including substitutes, is found to have committed a violation of these ISU Anti-Doping Rules during a *Competition* for *Team Discipline Skaters*, the *Team* shall be *Disqualified* from that *Competition* and any *Skater* who is found to have committed an ISU Anti-

Doping violation in that *Competition* shall be sanctioned individually according to these ISU Anti-Doping Rules.

11.2.2 If any competing *Skater* on a *Team* including substitutes committed a violation of these ISU Anti-Doping Rules during a prior *competition* of the same *Event*, whether for individual *Skaters* or for *Team Discipline Skaters*, the *Skater's* result and the *Team's* result shall be *Disqualified* and the *Team* shall not be permitted to compete in any subsequent part of that *Competition* and if any such subsequent part of that *Competition* has taken place, all results of that team in such *Competition* are *Disqualified*, regardless of whether the *Skater* who committed the violation participated in such subsequent part of the *Competition* or not.

11.2.3 Article 10.8 applies to the subsequent results of *Teams* in which the *Skater* who committed a violation of the Anti-Doping Rules competed as a member of the *Team*.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST ISU MEMBERS

12.1 The ISU Council has the authority to withhold some or all funding and any non-financial support to ISU *Members* that are not in compliance with these ISU Anti-Doping Rules.

12.2 ISU *Members* shall be obligated to reimburse the ISU for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these ISU Anti-Doping Rules committed by a *Skater* or other *Person* affiliated with that ISU *Member*.

12.3 The ISU Council may elect to take additional disciplinary action against ISU *Members* with respect to recognition, the eligibility of its officials and *Skaters* to participate in *International Events* and fines based on the following:

12.3.1 If four or more violations of these ISU Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Skaters* or other *Persons* affiliated with an ISU *Member* within a 12-month period in testing conducted by the ISU or *Anti-Doping Organizations* other than the ISU *Member* or its *National Anti-Doping Organization*, the ISU Council may in its discretion elect to:

- a) Withdraw some or all ISU membership rights, including participation in all ISU *Events*, voting rights at the ISU Congress, ban all officials from that ISU *Member* for participation in any ISU activities for a period of up to two years;
- b) Cancel the organization of future ISU *Events* in that country in the disciplines concerned;
- c) Withdraw some or all ISU funding to the ISU *Member*. (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If four or more violations of these ISU Anti-Doping Rules (other than violations involving Articles 2.4) are committed in addition to the violations described in Article 12.3.1 by *Skaters* or other *Persons*

affiliated with an ISU *Member* within a 12-month period in *Testing* conducted by the ISU or *Anti-Doping Organizations* other than the ISU *Member* or its *National Anti-Doping Organization*, then the ISU Council may suspend that ISU *Member's* membership for a period of up to 4 years.

12.3.2 If more than one *Skater* or other *Person* affiliated to an ISU *Member* commits an ISU *Anti-Doping Rule Violation* during an *ISU Event*, the ISU Council may fine that ISU *Member* in an amount up to CHF 50'000.

12.3.3 If an ISU *Member* has failed to make diligent efforts to keep the ISU informed about a *Skater's* whereabouts after receiving a request for that information from the ISU, the ISU Disciplinary Commission may fine the ISU *Member* in an amount up to CHF 1'000 per *Skater*.

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these ISU Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.7 or as otherwise provided in these ISU 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 the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

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.

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

13.1.3 WADA Not Required to Exhaust Internal Remedies

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

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

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 *Skater* to return to *Competition* under Article 5.7.1; a decision by *WADA* assigning results management under Article 7.1 of the *Code*; a decision by the ISU 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; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; ISU's failure to comply with Article 7.9; a decision that the ISU 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; a decision under Article 10.12.3; and a decision by the ISU not to recognize another *Anti-Doping Organization's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

13.2.1 Appeals Involving *International-Level Skaters* or *ISU Events*, *Open International Competitions*, *Olympic Qualifying Events* or *International Events*

In cases arising from participation in an *ISU Event* *Open International Competitions*, *Olympic Qualifying Events* or *International Events* or in cases involving *International-Level Skaters*, the decision of the ISU Disciplinary Commission may be appealed exclusively to *CAS*.

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

13.2.2 Appeals against decision of the hearing panel of *ISU Members*

Appeals against decision of the hearing panel of *ISU Members* 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 Organization* having jurisdiction over the *Skater* 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 Organization* has not established such a body, the decision may be appealed to *CAS* in accordance with the provisions applicable before such national appeal body.

13.2.3 *Persons* Entitled to Appeal

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

- a) the *Skater* or other *Person* who is the subject of the decision being appealed;
- b) the other party to the case in which the decision was rendered;
- c) the ISU;
- d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or *ISU Member*; 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, the parties having the right to appeal to the national-level appeal body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties:

- a) the *Skater* or other *Person* who is the subject of the decision being appealed;
- b) the other party to the case in which the decision was rendered;
- c) the ISU;
- d) the *National Anti-Doping Organization* 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, *WADA*, the International Olympic Committee, the International Paralympic Committee, and the ISU 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 Organization* 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 *Skater* 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.

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

13.3 Failure to Render a Timely Decision

Where, in a particular case, the ISU fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* as if the ISU 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 the ISU.

[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the ISU to render a decision

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

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 Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Skater* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

13.6 Appeals from Decisions Pursuant to Article 12

Decisions by the ISU pursuant to Article 12 may be appealed exclusively to *CAS* by the *Member*.

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 decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- a) Within fifteen 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 Organization* shall be indicated by the same rules of the *National Anti-Doping Organization*.

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.

13.8 Article 13.7 also applies to any appeal to the national review body against the decision of the ISU *Member*-designated hearing panel deciding an anti-doping violation under Article 7.13 and to appeals against decisions of such national review body.

ARTICLE 14 CONFIDENTIALITY AND REPORTING

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

14.1.1 Notice of Anti-Doping Rule Violations to *Skaters* and other *Persons*

Notice to *Skaters* or other *Persons* of anti-doping rule violations asserted against them shall be given as provided under Articles 7 and 14 of these ISU Anti-Doping Rules. Notice to any *Person* who is a member of an ISU *Member* shall be notified through the respective *Member*.

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

Notice of the assertion of an anti-doping rule violation to *National Anti-Doping Organizations* and *WADA* shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules, simultaneously with the notice to the *Skater* 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 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 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, *National Anti-Doping Organizations* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee, Members*, and team in a *Team*

Sport) until the ISU has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3.

14.1.6 The ISU shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3, and shall include provisions in any contract entered into between the ISU 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 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 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 *Skater* or other *Person* who is asserted by the ISU to have committed an anti-doping rule violation may be *Publicly Disclosed* by the ISU only after notice has been provided to the *Skater* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to *WADA* and the *National Anti-Doping Organization* of the *Skater* or other *Person* in accordance with Article 14.1.2.

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, or such appeal has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the ISU must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Skater* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any), and the *Consequences* imposed. The ISU must 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 Publication shall be accomplished at a minimum by placing the required information on the ISU'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*.

14.3.4 Neither the ISU, nor its *Members*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public

comments attributed to the *Skater* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

14.4 Statistical Reporting

The ISU shall publish at least annually a general statistical report of its *Doping Control* activities during the previous season, with a copy provided to *WADA*. The ISU may also publish reports showing the name of each *Skater* 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 Organizations*, the ISU shall report all *In-Competition* and *Out-of-Competition* tests on such *Skaters* 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 *Skater*, the *Skater's National Anti-Doping Organization* and any other *Anti-Doping Organizations* with *Testing* authority over the *Skater*.

14.6 Data Privacy

14.6.1 The ISU may collect, store, process or disclose personal information relating to *Skaters* 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 ISU Anti-Doping Rules.

14.6.2 Any *Participant* who submits information including personal data to any *Person* in accordance with these ISU 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 ISU 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.

ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

15.1 Subject to the right to appeal provided in Article 13, *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 shall be recognized and respected by the ISU and all its *Members*.

[Comment to Article 15.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]

15.2 The ISU and its *Members* shall 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*.

[Comment to Article 15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, The ISU and its Members shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found a Skater to have committed an anti-doping rule violation on account of the presence of a Prohibited

Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these ISU Anti-Doping Rules, then the ISU shall recognize the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed.]

15.3 Subject to the right to appeal provided in Article 13, any decision of the ISU regarding a violation of these ISU Anti-Doping Rules shall be recognized by all ISU *Members*, which shall take all necessary action to render such decision effective.

ARTICLE 16 INCORPORATION OF THE ISU ANTI-DOPING RULES AND OBLIGATIONS OF THE ISU *MEMBERS*

16.1 All ISU *Members* and their members shall comply with these ISU Anti-Doping Rules. All ISU *Members* and other members shall include in their regulations the provisions necessary to ensure that the ISU may enforce these ISU Anti-Doping Rules directly as against *Skaters* under their anti-doping jurisdiction (including *National-Level Skaters*). These ISU Anti-Doping Rules shall also be incorporated either directly or by reference into each *ISU Member's* rules so that the *ISU Member* may enforce them itself directly as against *Skaters* under its anti-doping jurisdiction (including *National-Level Skaters*).

16.2 All ISU *Members* shall establish rules requiring all *Skaters* and each *Skater Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by an ISU *Member* or one of its member organizations to agree to be bound by these ISU Anti-Doping Rules and to submit to the results management authority of the *Anti-Doping Organization* responsible under the *Code* as a condition of such participation.

16.3 All ISU *Members* shall report any information suggesting or relating to an anti-doping rule violation to the ISU and to their *National Anti-Doping Organizations*, and shall cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

16.4 All ISU *Members* shall have disciplinary rules in place to prevent *Skater Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Skaters* under the jurisdiction of the ISU or the ISU *Member*.

16.5 All ISU *Members* shall be required to conduct anti-doping education in coordination with their *National Anti-Doping Organizations*.

ARTICLE 17 STATUTE OF LIMITATIONS

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

ARTICLE 18 ISU COMPLIANCE REPORTS TO WADA

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

ARTICLE 19 EDUCATION

The ISU shall 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 *Skaters* and *Skater Support Personnel* in such programs.

ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

20.1 Except as provided in Article 20.5, these ISU Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

20.2 The headings used for the various Parts and Articles of these ISU Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these ISU Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

20.3 The *Code* and the *International Standards* shall be considered integral parts of these ISU Anti-Doping Rules and shall prevail in case of conflict.

20.4 These ISU 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 ISU Anti-Doping Rules.

20.5 The comments annotating various provisions of the *Code* and these Anti-Doping Rules shall be used to interpret these ISU Anti-Doping Rules.

20.6 These ISU Anti-Doping Rules shall come into force on 1 January 2015 (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 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 are procedural rules and should 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 *Skater* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Skater* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these ISU Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These ISU 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, 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 ISU Anti-Doping Rules been applicable, shall be applied.

ARTICLE 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* shall be used to interpret the *Code*.

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 Organization 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*.

ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF *SKATERS* AND OTHER *PERSONS*

22.1 Roles and Responsibilities of *Skaters*

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

22.1.2 To be available for *Sample* collection at all times.

[Comment to Article 22.1.2: With due regard to a Skater's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, some Skaters might use low doses of EPO during these hours so that it will be undetectable in the morning.]

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 ISU Anti-Doping Rules.

22.1.5 To disclose to their *National Anti-Doping Organization* and to the ISU any decision by a non-*Signatory* finding that the *Skater* committed an anti-doping rule violation within the previous ten years.

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

22.1.7 It is the responsibility of the *Skater* to make sure that he/she has not been selected for Testing.

If the absent *Skater* nevertheless gains knowledge of having been selected for Testing, he/she must return to the Doping Control Station immediately, at the latest before the testing procedures for the competition in which he/she participated are completed.

A *Skater* who fails to receive notification for sample collection due to not reporting at the Doping Control Station at the end of each segment of the Event in which he/she has participated to confirm whether he/she has been selected for Testing is subject to the following disciplinary sanctions:

First time violation: from a reprimand to a period of up to one year suspension from competing at any ISU Event.

Any additional violation: up to two years suspension from competing at any ISU Event.

The above-mentioned sanctions shall not constitute an anti-doping rule violation as defined in Article 2 and the *Skater* shall not be subject to any of the Consequences set out in Articles 9 and 10.

22.1.8 Failure by any *Skater* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of a disciplinary or ethical offense under the ISU Code of Ethics.

22.2 Roles and Responsibilities of *Skater Support Personnel*

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

22.2.2 To cooperate with the *Skater Testing* program.

22.2.3 To use his or her influence on *Skater* values and behavior to foster anti-doping attitudes.

22.2.4 To disclose to his or her *National Anti-Doping Organization* and to the ISU 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 Organizations* investigating anti-doping rule violations.

22.2.6 Failure by any *Skater Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of a disciplinary or ethical offense under the ISU Code of Ethics.

22.2.7 *Skater 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 a *Skater Support Personnel* without valid justification may result in a charge of a disciplinary or ethical offense under the ISU Code of Ethics

Tubbergen,
Lausanne,

November xx, 2018

Jan Dijkema, President

Fredi Schmid, Director General

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

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

[Comment: This definition makes it clear that all International- and National-Level Athletes/Skaters are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes/Skaters to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes/Skaters who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]

Athlete/Skater 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/Skater 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/Skater* 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 stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the ISU rules. A single skating competition or race, regardless of how many segments, heats or qualifying rounds it consists of, provided that it leads to one final result. The *Skaters* competing in such *Competition* may be competing as individuals or as members of a *Team*.

Consequences of Anti-Doping Rule Violations ("Consequences"): A *Skater's* or other *Person's* violation of an ISU Anti-Doping Rule may result in one or more of the following: (a) *Disqualification* means the *Skater'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 *Skater* or other *Person* is barred on account of an ISU Anti-Doping Rule Violation for a specified period of time from participating in any *Competition*, *Event* or other *ISU activity* or funding as provided in Article 10.12.1; (c) *Provisional Suspension* means the *Skater* or other *Person* is barred temporarily from participating in any *Competition*, *Event* or other *ISU activity* prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an ISU Anti-Doping Rule Violation or to recover costs associated with an ISU 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: A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games). ISU *Events* according to Rule 100/3, b) and c) of the ISU General Regulations currently are

ISU Championships, ISU Grand Prix of Figure Skating Final and Series (ISU Grand Prix of Figure Skating), ISU Junior Grand Prix of Figure Skating Final and Series (ISU Junior Grand Prix of Figure Skating), ISU World Team Trophy in Figure Skating, ISU Synchronized Skating Junior World Challenge Cup, ISU Speed Skating World Cup Senior and Junior and ISU Short Track Speed Skating World Cup.

Event Venues: Those venues so designated by the ruling body for the *Event*. For the ISU *Events*, *Event Venues* are the official training, accommodation and competition venues for the ISU *Event*.

Event Period: The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*. For the ISU, the *Event Period* corresponds to the In-Competition period, as defined in these ISU Anti-Doping rules.

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 a *Skater* or other *Person's* degree of *Fault* include, for example, the *Skater's* or other *Person's* experience, whether the *Skater* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Skater* and the level of care and investigation exercised by the *Skater* in relation to what should have been the perceived level of risk. In assessing the *Skater's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Skater's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that a *Skater* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Skater* 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.

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

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

In-Competition: “*In-Competition*” means the period commencing 24 hours before the official draw and ending 12 hours after the end of the *Event* (last race/program/exhibition) and the *Sample* collection process related to such *Event*.

Independent Observer Program: A team of observers, under the supervision of *WADA*, who observe and provide guidance on the *Doping Control* process at certain *Events* 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: An *Event* or *Competition* where the ISU, the International Olympic Committee, the International Paralympic Committee, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

International-Level Skater: *Skaters* who compete in sport at the international level, as defined by the ISU, consistent with the International Standard for Testing and Investigations. For the sport of Skating, *International-Level Skaters* are defined as set out in the Scope section of the Introduction to these ISU 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*.

ISU Member: Members are those organizations recognized by the ISU as controlling in a country either or both of the Branches of skating (Figure and Speed).

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

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

Metabolite: Any substance produced by a biotransformation process.

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

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of 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: A skating *Event* involving *International-* or *National-Level Skaters* that is not an *International Event*.

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

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

No Fault or Negligence: The *Skater* 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 *ISU Anti-Doping Rule*. Except in the case of a *Minor*, for any violation of Article 2.1, the *Skater* must also establish how the *Prohibited Substance* entered his or her system.

No Significant Fault or Negligence: The *Skater* 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 *ISU Anti-Doping Rule Violation*. Except in the case of a *Minor*, for any violation of Article 2.1, the *Skater* must also establish how the *Prohibited Substance* entered his or her system.

[Comment: For *Cannabinoids*, an *Athlete* may establish *No Significant Fault or Negligence* by clearly demonstrating that the context of the *Use* was unrelated to sport performance.]

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

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

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or

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

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

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 *Skater* with notice and an opportunity to be heard in either written or oral form.

[*Comment: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Skater remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule.*]

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

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

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

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

Skater: Refer to *Athlete/Skater* definition.

Skater Biological Passport: Refer to *Athlete/Skater Biological Passport* definition.

Skater Support Personnel: Refer to *Athlete/Skater Support Personnel* definition.

Specified Substance: See Article 4.2.2.

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

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 Organization* 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 *Skaters* 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 a *Skater*, *Skater Support Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

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

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

WADA: The World Anti-Doping Agency.

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

APPENDIX 2 EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1

Facts: An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *In-Competition* test (Article 2.1); the *Athlete* promptly admits the anti-doping rule violation; the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provides *Substantial Assistance*.

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Athlete* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Article 10.2.2).

2. In a second step, the panel would analyze whether the *Fault*-related reductions (Articles 10.4 and 10.5) apply. Based on *No Significant Fault or Negligence* (Article 10.5.2) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)

3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to *Fault*). In this case, only Article 10.6.1 (*Substantial Assistance*) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Article 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months.* The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)

4. Under Article 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Athlete* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Athlete* would have to serve at least one-half of the *Ineligibility* period (i.e., three months) after the date of the hearing decision (Article 10.11.2).

5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically *Disqualify* the result obtained in that *Competition* (Article 9).

6. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

7. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

8. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one and one-half months before the end of the period of *Ineligibility*.

EXAMPLE 2

Facts: An *Adverse Analytical Finding* results from the presence of a stimulant which is a *Specified Substance* in an *In-Competition* test (Article 2.1); the *Anti-Doping Organization* is able to establish that the *Athlete* committed the anti-doping rule violation intentionally; the *Athlete* is not able to establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance; the *Athlete* does not promptly admit the anti-doping rule violation as alleged; the *Athlete* does provide *Substantial Assistance*.

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Anti-Doping Organization* can establish that the anti-doping rule violation was committed intentionally and the *Athlete* is unable to establish that the substance was permitted *Out-of-Competition* and the *Use* was unrelated to the *Athlete's* sport performance (Article 10.2.3), the period of *Ineligibility* would be four years (Article 10.2.1.2).
2. Because the violation was intentional, there is no room for a reduction based on *Fault* (no application of Articles 10.4 and 10.5). Based on *Substantial Assistance*, the sanction could be suspended by up to three-quarters of the four years.* The minimum period of *Ineligibility* would thus be one year.
3. Under Article 10.11, the period of *Ineligibility* would start on the date of the final hearing decision.
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 3.

Facts: An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *Out-of-Competition* test (Article 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; the *Athlete* also establishes that the *Adverse Analytical Finding* was caused by a *Contaminated Product*.

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Athlete* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault* in *Using a Contaminated Product* (Articles 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two years (Articles 10.2.2).
2. In a second step, the panel would analyze the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the *Athlete* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)

3. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

4. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one month before the end of the period of *Ineligibility*.

EXAMPLE 4.

Facts: An *Athlete* who has never had an *Adverse Analytical Finding* or been confronted with an anti-doping rule violation spontaneously admits that she *Used* an anabolic steroid to enhance her performance. The *Athlete* also provides *Substantial Assistance*.

Application of Consequences:

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.

2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).

3. Based on the *Athlete's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete's Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.* Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.

4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last *Use* of the anabolic steroid.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 5.

Facts:

An *Athlete Support Person* helps to circumvent a period of *Ineligibility* imposed on an *Athlete* by entering him into a *Competition* under a false name. The *Athlete Support Person* comes forward with this anti-doping rule violation (Article 2.9) spontaneously before being notified of an anti-doping rule violation by an *Anti-Doping Organization*.

Application of Consequences:

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).
3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)
4. The information referred to in Article 14.3.2 must be *Publicly Disclosed* unless the *Athlete Support Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

EXAMPLE 6

Facts: An *Athlete* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended because of *Substantial Assistance*. Now, the *Athlete* commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance* in an *In-Competition* test (Article 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provided *Substantial Assistance*. If this were a first violation, the panel would sanction the *Athlete* with a period of *Ineligibility* of 16 months and suspend six months for *Substantial Assistance*.

Application of Consequences:

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.
2. Under Article 10.7.1, the period of *Ineligibility* would 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 (in this example, that would equal one-half of 14 months, which is seven months); 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 (in this example, that would equal two times 16 months, which is 32 months).

Thus, the period of *Ineligibility* for the second violation would be the greater of (a), (b) and (c), which is a period of *Ineligibility* of 32 months.

3. In a next step, the panel would assess the possibility for suspension or reduction under Article 10.6 (non-*Fault*-related reductions). In the case of the second violation, only Article 10.6.1 (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months.* The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years.)

4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*

* Upon the approval of *WADA* in exceptional circumstances, the maximum suspension of the period of *Ineligibility* for *Substantial Assistance* may be greater than three-quarters, and reporting and publication may be delayed.