

2015 IWAS Anti-Doping Code

International Wheelchair & Amputee Sports Federation



IWAS Anti-Doping Code

The IWAS Anti-Doping Code was first published in January 2004, and amended in 2006 and 2009. This version of the IWAS Anti-Doping Code was approved by the IWAS Executive Board on the 28th February 2015 and will take effect as of 1 January 2015.

Published by:

IWAS, Olympic Lodge, Guttman Road, Aylesbury, Bucks, HP21 9PP, UK

Website: www.iwasf.com URL: <http://www.iwasf.com/iwasf/index.cfm/anti-doping/>

Tel: +44 1296 436179 Fax: +44 1296 436484 Email: sport@iwasf.com

TABLE OF CONTENTS

PREAMBLE		5
IWAS ANTI-DOPING CODE ADMINISTRATION		5
ARTICLE 1	DEFINITION OF DOPING	6
ARTICLE 2	ANTI-DOPING RULE VIOLATIONS	6
2.1	PRESENCE OF A PROHIBITED SUBSTANCE OR ITS METABOLITES OR MARKERS IN AN ATHLETE'S SAMPLE	6
2.2	USE OR ATTEMPTED USE BY AN ATHLETE OF A PROHIBITED SUBSTANCE OR A PROHIBITED METHOD	7
2.3	EVADING, REFUSING OR FAILING TO SUBMIT TO SAMPLE COLLECTION	7
2.4	WHEREABOUTS FAILURE	7
2.5	TAMPERING OR ATTEMPTED TAMPERING WITH ANY PART OF DOPING CONTROL	7
2.6	POSSESSION OF A PROHIBITED SUBSTANCES OR A PROHIBITED METHOD	8
2.7	TRAFFICKING OR ATTEMPTED TRAFFICKING IN ANY PROHIBITED SUBSTANCE OR PROHIBITED METHOD	8
2.8	ADMINISTRATION OR ATTEMPTED ADMINISTRATION TO ANY ATHLETE IN-COMPETITION OF ANY PROHIBITED SUBSTANCE OR PROHIBITED METHOD, OR ADMINISTRATION	8
2.9	COMPLICITY	8
2.10	PROHIBITED ASSOCIATION	8
ARTICLE 3	PROOF OF DOPING	9
3.1	BURDENS AND STANDARDS OF PROOF	9
3.2	METHODS OF ESTABLISHING FACTS AND PRESUMPTIONS	10
ARTICLE 4	THE PROHIBITED LIST	11
4.1	INCORPORATION OF THE PROHIBITED LIST	11
4.2	PROHIBITED SUBSTANCES AND PROHIBITED METHODS IDENTIFIED ON THE PROHIBITED LIST	11
4.3	CRITERIA FOR INCLUDING SUBSTANCES AND METHODS ON THE PROHIBITED LIST	12
4.4	THERAPEUTIC USE EXEMPTIONS ("TUES")	12
ARTICLE 5	TESTING AND INVESTIGATIONS	14
5.1	PURPOSE OF TESTING AND INVESTIGATIONS	14
5.2	SCOPE OF TESTING	15
5.3	EVENT TESTING	16
5.4	TEST DISTRIBUTION PLANNING	16
5.5	TESTING REQUIREMENTS	16
5.6	ATHLETE WHEREABOUTS INFORMATION	16
5.7	RETIRED ATHLETES RETURNING TO COMPETITION	18
5.8	INDEPENDENT OBSERVER PROGRAM	18
ARTICLE 6	ANALYSIS OF SAMPLES	18
6.1	USE OF ACCREDITED AND APPROVED LABORATORIES	18
6.2	PURPOSE OF ANALYSIS OF SAMPLES	18
6.3	RESEARCH ON SAMPLES	19
6.4	STANDARDS FOR SAMPLE ANALYSIS AND REPORTING	19
6.5	FURTHER ANALYSIS OF SAMPLES	19
ARTICLE 7	RESULTS MANAGEMENT	20
7.1	RESPONSIBILITY FOR CONDUCTING RESULTS MANAGEMENT	20
7.2	REVIEW REGARDING ADVERSE ANALYTICAL FINDINGS	20
7.3	NOTIFICATION AFTER INITIAL REVIEW REGARDING ADVERSE ANALYTICAL FINDINGS	21
7.4	REVIEW OF ATYPICAL FINDINGS	21
7.5	REVIEW OF ATYPICAL PASSPORT FINDINGS AND ADVERSE PASSPORT FINDINGS	22
7.6	REVIEW OF WHEREABOUTS FAILURES	23
7.7	REVIEW OF OTHER ANTI-DOPING RULE VIOLATIONS NOT COVERED BY ARTICLES 7.1	23
7.8	IDENTIFICATION OF PRIOR ANTI-DOPING RULE VIOLATIONS	23
7.9	PRINCIPLES APPLICABLE TO PROVISIONAL SUSPENSIONS	23

7.10	RESOLUTION WITHOUT A HEARING	24
7.11	NOTIFICATION OF RESULTS MANAGEMENT DECISIONS	25
7.12	RETIREMENT FROM SPORT	25
ARTICLE 8	RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION	25
8.1	PRINCIPLES FAIR HEARINGS	25
8.2	DECISIONS	26
8.3	SINGLE HEARING BEFORE CAS	26
ARTICLE 9	AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS	26
ARTICLE 10	SANCTIONS ON INDIVIDUALS	27
10.1	DISQUALIFICATION OF RESULTS IN THE EVENT DURING WHICH AN ANTI-DOPING RULE VIOLATION OCCURS	27
10.2	INELIGIBILITY FOR PRESENCE, USE OR ATTEMPTED USE, OR POSSESSION OF A PROHIBITED SUBSTANCE OR PROHIBITED METHOD	27
10.3	INELIGIBILITY FOR OTHER ANTI-DOPING RULE VIOLATIONS	28
10.4	ELIMINATION OF THE PERIOD OF INELIGIBILITY WHERE THERE IS NO FAULT OR NEGLIGENCE	28
10.5	REDUCTION OF THE PERIOD OF INELIGIBILITY BASED ON NO SIGNIFICANT FAULT OR NEGLIGENCE	29
10.6	ELIMINATION, REDUCTION, OR SUSPENSION OF PERIOD OF INELIGIBILITY OR OTHER CONSEQUENCES FOR REASONS OTHER THAN FAULT	29
10.7	MULTIPLE VIOLATIONS	32
10.8	DISQUALIFICATION OF RESULTS IN COMPETITIONS SUBSEQUENT TO SAMPLE COLLECTION OR COMMISSION OF AN ANTI-DOPING RULE VIOLATION	33
10.9	ALLOCATION OF CAS COST AWARDS AND FORFEITED PRIZE MONEY	33
10.10	FINANCIAL CONSEQUENCES	33
10.11	COMMENCEMENT OF INELIGIBILITY PERIOD	33
10.12	STATUS DURING INELIGIBILITY	35
10.13	AUTOMATIC PUBLICATION OF SANCTIONS	36
ARTICLE 11	CONSEQUENCES TO TEAMS	36
11.1	TESTING OF TEAM SPORTS	36
11.2	CONSEQUENCES FOR TEAM SPORTS	36
11.3	EVENT RULING BODY MAY ESTABLISH STRICTER CONSEQUENCES FOR TEAM SPORTS	37
ARTICLE 12	SANCTIONS AGAINST SPORTING BODIES	37
ARTICLE 13	APPEALS	37
13.1	DECISIONS SUBJECT TO APPEAL	37
13.2	APPEALS FROM DECISIONS REGARDING ANTI-DOPING RULE VIOLATIONS, CONSEQUENCES, AND PROVISIONAL SUSPENSIONS, RECOGNITION OF DECISIONS AND JURISDICTION	38
13.3	FAILURE TO RENDER A TIMELY DECISION BY AN ANTI-DOPING ORGANIZATION	40
13.4	APPEALS RELATING TO TUES.	40
13.5	NOTIFICATION OF APPEAL DECISIONS	40
13.6	UNDER PART THREE AND PART FOUR OF THE CODE	40
13.7	APPEALS FROM DECISIONS SUSPENDING OR REVOKING LABORATORY ACCREDITATION.	40
ARTICLE 14	CONFIDENTIALITY AND REPORTING	41
14.1	INFORMATION CONCERNING ADVERSE ANALYTICAL FINDINGS, ATYPICAL FINDINGS, AND OTHER ASSERTED ANTI-DOPING RULE VIOLATIONS	41
14.2	NOTICE OF ANTI-DOPING RULE VIOLATION DECISIONS AND REQUEST FOR FILES	42
14.3	PUBLIC DISCLOSURE	42
14.4	STATISTICAL REPORTING	43
14.5	DOPING CONTROL INFORMATION CLEARINGHOUSE	43
14.6	DATA PRIVACY	44

ARTICLE 15	APPLICATION AND RECOGNITION OF DECISIONS	44
ARTICLE 16	INCORPORATION OF IWAS ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS	44
ARTICLE 17	STATUTE OF LIMITATIONS	45
ARTICLE 18	IWAS COMPLIANCE REPORTS TO WADA	45
ARTICLE 19	EDUCATION	45
19.1	BASIC PRINCIPLE AND PRIMARY GOAL	45
19.2	PROGRAMS AND ACTIVITIES	46
19.3	PROFESSIONAL CODES OF CONDUCT	46
19.4	COORDINATION AND COOPERATION	46
ARTICLE 20	AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES	47
ARTICLE 21	RESEARCH	48
21.1	PURPOSE AND AIMS OF ANTI-DOPING RESEARCH	48
21.2	TYPES OF RESEARCH	48
21.3	COORDINATION OF RESEARCH AND SHARING OF RESULTS	48
21.4	RESEARCH PRACTICES	48
21.5	RESEARCH USING PROHIBITED SUBSTANCES AND PROHIBITED METHODS	48
21.6	MISUSE OF RESULTS	48
ARTICLE 22	INTERPRETATION OF THE CODE	49
ARTICLE 23	ADDITIONAL RESPONSIBILITIES AND RESPONSIBILITIES OF SIGNATORIES	49
23.1	ROLES AND RESPONSIBILITIES OF <i>IWAS AS AN INTERNATIONAL FEDERATION & MAJOR EVENT ORGANISER</i>	49
23.2	ROLES AND RESPONSIBILITIES OF <i>IWAS NATIONAL MEMBER ORGANISATIONS</i>	50
ARTICLE 24	ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS	51
24.1	ROLES AND RESPONSIBILITIES OF <i>ATHLETES</i>	51
24.2	ROLES AND RESPONSIBILITIES OF <i>ATHLETE SUPPORT PERSONNEL</i>	51
APPENDIX 1	DEFINITIONS OF TERMS	52
APPENDIX 2	EXAMPLES OF THE APPLICATION OF ARTICLE 10	59

PREAMBLE

The *International Wheelchair & Amputee Sports Federation (IWAS)* is the governing body of all IWAS Games and the International Federation for the sports of wheelchair fencing and power-chair hockey.

Its members are *IWAS National Member Organisations* or *National Paralympic Committees*. *IWAS* supervises and co-ordinates the *IWAS World Games* and *IWAS Junior Games*.

The following Athletes shall be considered to be International-Level Athletes for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Athletes (as regards Testing but also as regards TUEs, whereabouts information, results management, and appeals):

- All Athletes who have been included in the *IWAS Registered Testing Pool*;
- All Athletes who are members of or who hold a licence issued by *IWAS*;
- All Athletes who participate in Events organized by *IWAS* or where *IWAS* is the ruling body for an Event.

IWAS requires as a condition of recognition by the *IWAS*, that *IWAS National Member Organisations*, as *Anti-Doping Organisations* and as *Signatories* to the *WADC*, comply with the *Code*, and that all *IWAS National Member Organisations* have domestic anti-doping rules consistent with and reflecting the provisions of this *IWAS Code*.

The *IWAS Code* shall apply to all *IWAS Games* and to all *Events* and *Competitions* of *IWAS* governed sports sanctioned by *IWAS*. Anti-doping rules, like *Competition* rules, are sport rules governing the conditions under which sport is played. All *Athletes* and *Athlete Support Personnel* who participates in *IWAS Games* and to *Events* and *Competitions* sanctioned by the *IWAS* as coach, trainer, manager, team staff, official, medical or paramedical personnel agrees to be bound by this *IWAS Code* as a condition of such participation.

The *IWAS* has established the *IWAS Anti-Doping Code* (the *IWAS Code*) in compliance with the general principles of the *World Anti-Doping Code* (*Code*), including the *International Standards*, expecting that, in the spirit of sport, it will lead the fight against doping in sport for *Athletes* with a disability.

IWAS ANTI-DOPING CODE ADMINISTRATION

The ***IWAS Executive Board*** endorsed by the *IWAS General Assembly of Nations* shall approve the *IWAS Code* and any amendments to it, and shall exercise any further responsibilities specified by the *Code*.

The ***IWAS Medical and Sport Sciences Committee*** is responsible for the two Sub-Committees, *IWAS anti-doping* and *IWAS TUEC* and is chaired by the *Medical and Sport Sciences Officer*, member of the *Executive Board*.

IWAS Anti-Doping Subcommittee is responsible for establishing policies, guidelines and procedures with respect to the fight against doping, including anti-doping rule violation management and compliance with internationally accepted regulations, including the *WADC*.



IWAS Therapeutic Use Exemption Committee is responsible to assess or review each *Therapeutic Use Exemption (TUE)* application submitted in accordance with the *IWAS Code*, and to administer the requirements of Article 4.4 of the *IWAS Code*.

Administration of the Provisions of the IWAS Code is a staff position within IWAS under the guidance of the *IWAS Medical & Sport Sciences Officer*.

Notice

Notice under the *IWAS Code* to an *Athlete* or other *Person* who is a member of a National Federation may be done by delivery of the notice to the applicable *IWAS Member Organisation* as provided in articles 14.1.1.

DOPING CONTROL

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 this IWAS Code.

Article 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

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

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

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

[Comment to Article 2.1.2: The IWAS with results management responsibility may, at its discretion, choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.]

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

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List* or other *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

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

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

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

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

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

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

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

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 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 an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]

2.4 Whereabouts Failures

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

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

Conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods.

Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation or intimidating or attempting to intimidate a potential witness.

[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 organisations.]

2.6 Possession of a Prohibited Substance or a Prohibited Method.

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

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

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

2.9 Complicity

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

2.10 Prohibited Association

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

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

2.10.2 If not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional

proceedings to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.3 Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organisation* with jurisdiction over the *Athlete* or other *Person*, or by WADA, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid association. *The Anti-Doping Organisation* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organisation* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 25.)

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity. *Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.

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

Article 3 PROOF OF DOPING

3.1 Burden and Standards of Proof

The *IWAS* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *IWAS* has established an anti-doping rule violation to the comfortable satisfaction of the hearing body 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 rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

[Comment to Article 3.1: This standard of proof required to be met by the IWAS 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 IWAS may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport]

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS, on its own initiative, may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.

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

If the Athlete or other Person rebuts the preceding presumption by showing that a departure from International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, and then IWAS 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 Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to IWAS 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 IWAS Code or these 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 *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then the IWAS shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision

pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

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

Article 4 THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

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

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

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

4.2.1 Prohibited Substances and Prohibited Methods.

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

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

4.2.2 Specified Substances

For purposes of the application of Article 10, all *Prohibited Substances* shall be "Specified Substances" except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of Specified Substances shall not include Prohibited Methods.

[*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 an Athlete for a purpose other than the enhancement of sport performance.*]

4.3 Criteria for Including Substances and Methods on the Prohibited List.

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

4.4 Therapeutic Use Exemptions ("TUEs")

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

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

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

[Comment to Article 4.4.2.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, IWAS may publish notice on its website <http://www.iwasf.com/iwasf/index.cfm/anti-doping/> that it will automatically recognize TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organizations. If an Athlete's TUE falls into a category of automatically recognized TUEs, then he/she does not need to apply to IWAS for recognition of that TUE.

If IWAS 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 in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to IWAS.]

4.4.2.2 If the *Athlete* does not already have a TUE granted by his/her *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to IWAS for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions.

If IWAS denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If IWAS grants the *Athlete's* application, it shall notify not only the *Athlete* but also his/her *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by IWAS 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 IWAS remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision. If the *National Anti-Doping Organization* does not refer the matter to WADA for review, the *TUE* granted by IWAS becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

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

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

4.4.4 An application to IWAS for grant or recognition of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Athlete's* next *Competition*. IWAS shall appoint a panel to consider applications for the grant or recognition of *TUEs* (the "*TUE Committee*"). The *TUE Committee* shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific IWAS' protocols posted on its website. Subject to Article 4.4.6 of these Rules, its decision shall be the final decision of IWAS, and shall be reported to WADA and other relevant *Anti-Doping Organizations*, including the *Athlete'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.

An *Athlete* should 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 *Athlete's* own risk.]

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

4.4.5.1 A *TUE* granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *TUE Committee* upon grant of the *TUE*; (c) may be withdrawn

by the TUE Committee if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or (d) may be reversed on review by WADA or on appeal.

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

4.4.6.2 Any *TUE* decision by IWAS (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of IWAS) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization* exclusively to CAS, in accordance with Article 13.

[Comment to Article 4.4.6.2: In such cases, the decision being appealed is the IWAS' 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 *Athlete*, the *National Anti-Doping Organization* and/or IWAS 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 specific protocols of IWAS supplementing that International Standard.

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

(a) in relation to *Atypical 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 2.2; and

(b) 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 IWAS 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 Scope of IWAS Testing

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

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

[Comment to Article 5.2.2: Unless the Athlete 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, IWAS will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether IWAS had sufficient suspicion for Testing in that period shall not be a defence 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 IWAS delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* (directly or through a *National Federation*), that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, IWAS shall be notified.

5.3 Event Testing

5.3.1 Except as otherwise provided below, only IWAS will be responsible for initiating and directing Testing at Event Venues during an Event Period. At the World Games the collection of Samples shall be initiated and directed by IWAS which is the ruling body for the Event (e.g. IWAS World Games and IWAS World Junior Games). At the request of IWAS, any Testing during the Event Period outside of the Event Venues shall be coordinated with IWAS.

5.3.2 If an Anti-Doping Organisation which would otherwise have testing authority but is not responsible for initiating and directing testing at an Event desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with IWAS as the ruling body of the Event to obtain permission to conduct and coordinate such testing. If the Anti-Doping Organisation is not satisfied with the response IWAS, the Anti-Doping Organisation, may, in accordance with procedures published by WADA, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing IWAS as the ruling body for the Event. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of IWAS as the ruling body of the Event.

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 *Athletes*, IWAS shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of Athletes, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. IWAS 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 Athlete Whereabouts Information

5.6.1 IWAS shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, and shall make available through ADAMS, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. IWAS shall coordinate with *National Anti-Doping Organizations* the identification of such *Athletes* and the collection of their whereabouts information. IWAS shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria.

Athletes shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Athlete* in the *Registered Testing Pool* shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise IWAS of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for *Testing* at such whereabouts.

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

5.6.3 An *Athlete* in IWAS' *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 *Athlete* gives written notice to IWAS that he/she has retired or (b) IWAS has informed him or her that he/she no longer satisfies the criteria for inclusion in IWAS' *Registered Testing Pool*.

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

Athletes who have been included in a *Registered Testing Pool* by IWAS shall provide whereabouts information in the manner specified in the International Standard for Testing and Investigations. The IWAS shall coordinate the identification of such *Athletes* and the collection of their whereabouts information. IWAS shall make available, through ADAMS or another system approved by WADA, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria.

Athletes shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. The whereabouts information they provide while in the *Registered Testing Pool* will be accessible, through ADAMS or another system approved by WADA, to WADA and to other *Anti-Doping Organisations* having authority to test the *Athlete* as provided in Article 5.2. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information.

5.7 Retired Athletes Returning to Competition

5.7.1 An *Athlete* in IWAS's *Registered Testing Pool* who has given notice of retirement to IWAS may not resume competing in *International Events* or *National Events* until he/she has given IWAS written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months before returning to *Competition*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. WADA, in consultation with the IWAS may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 13.

5.7.1.1 Any competitive results obtained in violation of Article 5.7.1 shall be *Disqualified*.

5.7.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility* and then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving to IWAS six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) of his or her intent to resume competing and has made himself or herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8 Independent Observer Program

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

Article 6 ANALYSES OF SAMPLES

Samples shall be analysed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

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

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

6.2 Purpose of Analysis of Samples.

Samples shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the Monitoring Program described in article 4.5 of the IWAS Code, or to assist the IWAS in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

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

6.3 Research on Samples

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

6.4 Standards for Sample Analysis and Reporting.

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

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

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

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

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

6.5 Further Analysis of Samples

Any *Sample* may be stored and subjected to further analysis for the purposes set out in Article 6.2 by IWAS 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 IWAS to the *Athlete* 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

Immediately following the conclusion of all IWAS Official and Sanctioned Events, including all IWAS Games, copies of all original *Doping Control* forms shall be forwarded to the IWAS. The original forms will be provided to the IWAS whenever there is an adverse analytical finding. The WADA-accredited laboratory (or other method approved by WADA) used for the *Sample* analysis of any IWAS Sanctioned Competitions shall forward the *Results* from all A and B *Sample* analyses to the IWAS. The reports will be signed by an authorised representative and confidentiality will be maintained at all times.

[Comment to Article 7: Various Signatories have created their own approaches to results management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for results management. The IWAS Code does not supplant each of the Signatories' results management systems. This Article does, however, specify basic principles in order to ensure the fundamental fairness of the results management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping proceedings which have been initiated by an Anti-Doping Organisation need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the IWAS Code or which the Anti-Doping Organisation considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and published as provided in Article 14.3.2.]

7.1 Responsibility for Conducting Results Management.

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

7.1.2 The IWAS Executive shall appoint a Doping Review Panel consisting of a Chair and two [2] other members with experience in anti-doping. Each panel member shall serve a term of four years. When a potential violation is referred to the Doping Review Panel by IWAS, the Chair of the Doping Review Panel shall appoint one or more members of the Panel (which may include the Chair) to conduct the review discussed in this Article 7.

7.2 Review of Adverse Analytical Findings From Tests Initiated by IWAS

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

7.2.1 The results from all analyses must be sent to IWAS 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*, IWAS 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 Analytical Finding*, the entire test shall be considered negative and the

Athlete, the *Athlete'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 International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, IWAS shall promptly notify the *Athlete*, and simultaneously the *Athlete's National Anti-Doping Organization* and WADA, in the manner set out in Article 14.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis if the *Athlete* or IWAS chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If IWAS decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete's National Anti-Doping Organization* and WADA.

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

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

7.3.4 If the *B Sample* analysis does not confirm the *A Sample* analysis, then (unless IWAS takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organization* and WADA shall be so informed.

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

7.4 Review of Atypical Findings

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

7.4.2 Upon receipt of an *Atypical Finding*, the IWAS 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 Investigation* or *International Standard for Laboratories* that caused the *Atypical Finding*. If that review does not reveal an applicable TUE or departure that caused the *Atypical Finding*, IWAS shall conduct the required investigation.

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 *Athlete*, the *Athlete's National Anti-Doping Organization* and WADA shall be so informed.

7.4.4 If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, IWAS 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 *Athlete*, the *Athlete'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 IWAS shall not provide notice of an *Atypical Finding* until it has completed its investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

(a) If IWAS determines the B Sample should be analysed prior to the conclusion of its investigation under Article 7.4, IWAS may conduct the B Sample analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3(d)-(f).

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

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

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as IWAS is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* and simultaneously the *Athlete's National Anti-Doping Organization* and WADA) notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other *Anti-Doping Organisations* shall be notified as provided in Article 14.1.2.

7.6 Review of Whereabouts Failures.

IWAS shall review potential filing failures and missed tests as provided in the International Standard for Testing and Investigations, in respect of Athletes who file their whereabouts information with IWAS, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as IWAS is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organization* and *WADA*) notice, in the manner set out in its rules, that it is asserting a violation of Article 2.4 and the basis of that assertion. Other *Anti-Doping Organisations* shall be notified as provided in Article 14.1.2.

7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1 – 7.6

IWAS shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2 – 7.6. At such time as the *IWAS* is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* or other *Person's National Anti-Doping Organization* and *WADA*) notice, in the manner set out in its rules, of the anti-doping rule violation asserted, and the basis of the violation. Other *Anti-Doping Organisations* shall be notified as provided in Article 14.1.2.

7.8 Identification of Prior Anti-Doping Rule Violations.

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

7.9 Principles Applicable to 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, *IWAS* may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2–7.7 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 *Athlete* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

7.9.3.1 The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

7.9.3.2 The *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Athlete* or other *Person* establishes that: (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*; or (b) the *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4; or (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.

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

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

[Comment to Article 7.9: Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Articles 10.11.3.1 and 10.11.3.2.]

7.10 Resolution Without a Hearing

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

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

discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by IWAS.

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

7.11 Notification of Results Management Decisions.

In all cases where an *Anti-Doping Organisation* has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Athlete* or other *Person* to the imposition of a sanction without a hearing, that *Anti-Doping Organisation* shall give notice thereof as set forth in Article 14.2.1 to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

7.12 Retirement from Sport.

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

[Comment to Article 7.11: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports Organisation.]

Article 8 RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

8.1 Principles for a Fair Hearing

8.1.1 When IWAS sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the IWAS Doping Hearing Panel for hearing and adjudication.

8.1.2 Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.

[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 Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

8.1.3 The IWAS Doping Hearing Panel shall determine the procedure to be followed at the hearing.

8.1.4 WADA and the *National Federation* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, IWAS shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.1.5 The IWAS Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times.

8.2 Decisions

8.2.1 At the end of the hearing, or on a timely basis thereafter, the IWAS Doping Hearing Panel shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.

8.2.2 The decision may be appealed to the CAS as provided in Article 13. Copies of the decision shall be provided to the *Athlete* 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 *Athlete* or other *Person* who is the subject of the decision. IWAS shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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

8.3 Single Hearing Before CAS

Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the *Athlete*, IWAS, 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 8.3: 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.]

Article 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

[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 IWAS Sanctioned Events during which an Anti-Doping Rule Violation Occurs*

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

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

[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete has committed an anti-doping rule violation (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the IWAS World Championships)]

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

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

The period of *Ineligibility* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Article 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 *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

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

10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Article 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 Athlete 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 Athlete's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.

10.3.3 For violations of Article 2.7 or 2.8, 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 2.8 violation involving a Minor shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Article 2.7 or 2.8 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 Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport Organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

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 Athlete or other Person's degree of Fault and other circumstances of the case.

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

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

[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 an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they

entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction 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 Violation 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 *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

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

[*Comment to Article 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favourable for the Athlete if the Athlete 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 an *Athlete* 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 *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

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

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

10.6.1.1 The IWAS Executive Board with results management responsibility for an anti-doping violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information

provided by the *Person* providing *Substantial Assistance* is made available to the IWAS. After a final appellate decision under Article 13 or the expiration of time to appeal, IWAS may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, IWAS shall reinstate the original period of *Ineligibility*. If IWAS 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 *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of IWAS or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, 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 Organisation*.

10.6.1.3 If IWAS suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize IWAS 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 *Athletes*, *Athlete Support Personnel* and other *Persons* who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the IWAS Code where the suspension of an otherwise applicable period of *Ineligibility* is authorised.]

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an 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 7.2) 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 an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he or she not come forward voluntarily.]

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.

An *Athlete* 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 IWAS, and also upon the approval and at the discretion of both WADA and IWAS, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction.

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, 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 *Athlete* 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 hearing panel determines which of the basic sanctions (Articles 10.2, 10.3, 10.4, or 10.05) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel 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 an Athlete or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:

(a) six months;

(b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; 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 fulfils 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 an Athlete or other Person has established No Fault or Negligence shall not be considered a prior violation for **purposes of this Article**.

10.7.4 Additional Rules for Certain Potential Multiple Violations.

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if *IWAS* can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after *IWAS* made reasonable efforts to give notice, of the first anti-doping rule violation. If *IWAS* 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, *IWAS* discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then *IWAS* 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 *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

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

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 *Athletes*; and third, reimbursement of the expenses of IWAS.

10.10 Financial Consequences

Where an *Athlete* or other *Person* commits an anti-doping rule violation, IWAS may, in its discretion and subject to the principle of proportionality, elect to a) recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or b) fine the *Athlete* or other *Person* in an amount to be determined at the time, only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

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

10.11 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date the *Ineligibility* is accepted or otherwise imposed.

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, IWAS 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 Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

10.11.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by *IWAS*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* already has 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 *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

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

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

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

10.11.3.4 In *Team 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 *Athlete*, timely admission by the *Athlete* and *Provisional Suspension* are the only justifications for starting the period of *Ineligibility* earlier than the date of the final hearing decision.]

10.12 Status During *Ineligibility*

10.12.1 Prohibition Against Participation During *Ineligibility*.

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

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

An *Athlete* 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 Athlete* cannot participate in a training camp, exhibition or practice organized by his or her *IWAS NATIONAL MEMBER ORGANISATION* or National Federation or a club which is a member of that *IWAS NATIONAL MEMBER ORGANISATION* or National Federation. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-*Signatory International Event Organisation* or a non-*Signatory national-level event Organisation* 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 organisation 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, an *Athlete* may return to train with a team or to use the facilities of a club or other member Organisation of *IWAS' member Organisation* during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an *Athlete* cannot effectively train on his or her own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 10.12.1 other than training.]

10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, 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 *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether *Athlete* or other *Person* has violated the

prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.

Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, IWAS 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 IWAS and its *National Federations*.

10.13 Automatic Publication of Sanctions

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 Organisations 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 Organisations.*]

Article 11 CONSEQUENCES TO TEAMS

11.1 Testing of Team Sports.

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

IWAS WHEELCHAIR FENCING AND POWERCHAIR HOCKEY If a member of a team is found to have committed a violation of these Anti-Doping Rules during an *Event* in which he or she competed, the team shall be Disqualified from the *Event* with all of the resulting consequences including forfeiture of any medals, points and prizes and the other teams ranked after the team disqualified move up one place in the results of the competition.

11.2 Consequences for Team Sports.

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

11.3 Event Ruling Body may Establish Stricter Consequences to Team Sports.

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

IWAS WHEELCHAIR FENCING AND POWERCHAIR HOCKEY In addition to the automatic Disqualification of the results in the Competition which produced a Sample found to be positive under Article 11.1, all other competitive results obtained by teams in which the person competed, from the date the positive Sample was collected (whether In-Competition or Out-of-Competition), or other doping 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 and the other teams ranked after the team disqualified move up one place in the results of the competition (until the beginning of the provisional suspension or the suspension).

[Comment to Article 11.3: For example, the IWAS could establish rules which would require Disqualification of a Team from the Games of the All IWAS Games based on a lesser number of anti-doping rule violations during the period of the All IWAS Games.]

Article 12 SANCTIONS AGAINST SPORTING BODIES

IWAS may establish rules for the purpose of imposing sanctions on another sporting body over which the IWAS has authority.

[Comment to Article 12: This Article makes it clear that the IWAS Code does not restrict whatever disciplinary rights between Organisations may otherwise exist.]

Article 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Articles 13.3 through 13.5 or as otherwise provided in these Anti-Doping Rules, the IWAS Code or 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 authorized in Article 7 (*Results Management*) must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided for 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 the IWAS' process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the IWAS process.

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

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

The following decisions may be appealed:

- A decision that an Anti-Doping Rule Violation was committed
- A decision imposing Consequences or not imposing Consequence for an Anti-Doping Rule Violation
- A decision that no Anti-Doping Rule Violation was committed
- A decision that an Anti-Doping Rule Violation proceeding cannot go forward for procedural reasons (including, for example, prescription)
- A decision by WADA not to grant an exception to the six months' notice requirement for a retired Athlete to return to competition under Article 5.7
- A decision by the IWAS not to bring forward an Adverse Analytical Finding or an a typical 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.
- A decision to impose a Provisional Suspension under Article 7.5 may be appealed exclusively as provided in this article 13.2.
- An *Anti-Doping Organisation's* failure to comply with Article 7.9;
- A decision that an *Anti-Doping Organisation* 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 an *Anti-Doping Organisation* not to recognize another *Anti-Doping Organisation's* decision under Article 15 may be appealed exclusively as provided in this Article 13.2.

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

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

[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 Involving Other Athletes or Other Persons.

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organisation*. The rules for such appeal shall respect the following principles:

- a timely hearing;
- a fair, and impartial and independent hearing panel;
- the right to be represented by counsel at the *Person's* own expense; and
- a timely, written, reasoned decision.

13.2.3 *Persons Entitled to Appeal.*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered;; (c) IWAS; the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. 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 Organisation's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) IWAS; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and IWAS shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.

The filing deadline for an appeal filed by WADA shall be the later of twenty-one days after the last day on which any other party in the case could have appealed, or twenty-one days after WADA's receipt of the complete file relating to the decision. Notwithstanding any other provision herein, the only *Person* who may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

13.2.4 *Cross Appeals and other Subsequent Appeals Allowed.*

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the IWAS 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 an Athlete the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

13.3 Failure to Render a Timely Decision by an Anti-Doping Organisation

Where, in a particular case, IWAS 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 IWAS had rendered a decision finding no anti-doping rule violation. If the CAS hearing body 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 IWAS.

[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 IWAS to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with IWAS and give IWAS 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.

13.5 Notification of Appeal Decisions

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

13.6 Appeals from Decisions Pursuant to Article 12.

Decisions by IWAS pursuant to Article 12 may be appealed exclusively to CAS by the *National Federation*.

13.7 Time for Filing Appeals

13.7.1 Appeals to CAS

The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the 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.

Article 14 CONFIDENTIALITY AND REPORTING

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

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

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

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

14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organisations*, International Federations 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 *Athlete* or other *Person*.

14.1.3 Content of an Anti-Doping Rule Violation Notice.

Notification of an anti-doping rule violation under Article 2.1 shall include the *Athlete's* name, country of national sport governing body, sport and discipline within the sport, the *Athlete's* competitive level whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory and other information as required by the International Standard for Testing and Investigations. Notice of anti-doping rule violations other than 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 Organisations* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient Organisations shall not disclose information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *IWAS National Member Organisation*, National Federation, and team in a *Team Sport*) until the *IWAS* has made Public Disclosure or has failed to make public disclosure as required in Article 14.3.

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 maximum potential sanction was not imposed. Where the decision is not in English or French, *IWAS* shall provide a short English or French summary of the decision and the supporting reasons.

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

14.3 Public Disclosure

14.3.1 The identity of any *Athlete* or other *Person* who is asserted by the *IWAS* to have committed an anti-doping rule violation, may be *Publicly Disclosed* by the *IWAS* only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to *WADA* and the , and to the applicable *Anti-Doping Organisations* in accordance with Article 14.1 and no later than twenty days after notification of the final decision of the *IWAS Executive Board* following the corresponding Hearing (Article 10).

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 a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the *IWAS* must *Publicly Report* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. The *IWAS* must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above. The *IWAS* shall also, within the time period for publication, send all hearing and appeal decisions to *WADA*.

14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *IWAS* shall use reasonable efforts to obtain such consent, and if consent is obtained, *IWAS* shall Publicly Disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

14.3.4 Publication shall be accomplished at a minimum by placing the required information on the *IWAS*' website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of Ineligibility.

14.3.5 Neither *IWAS*, nor its *National Federations* or any other *Anti-Doping Organisation*, or 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 *Athlete*, other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

14.3.6 The mandatory *Public Reporting* required in 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

14.4 Statistical Reporting

IWAS shall publish an annual statistical report of its *Doping Control* activities. A copy will be provided to *WADA*. *IWAS* may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*. *WADA* shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organisations* and laboratories.

14.5 Doping Control Information Clearing House

WADA shall act as a central clearinghouse for *Doping Control Testing* data and results, including, in particular, *Athlete Biological Passport* data for *International Level Athletes* and *National-Level Athletes* and whereabouts information for *Athletes* including those in *Registered Testing Pool*. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organisations*, *IWAS* shall report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* to the *WADA* clearinghouse, using *ADAMS* or another system approved by *WADA*, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's IWAS National Member Organisation*, relevant *National Federation* where applicable, *National Anti-Doping Organisation* and any other *Anti-Doping Organization* with *Testing* authority over the *Athlete*.

To enable it to serve as a clearinghouse for *Doping Control Testing* data and results management decisions, *WADA* has developed a database management tool, *ADAMS*, which reflects data privacy principles. In particular, *WADA* has developed *ADAMS* to be consistent with data privacy statutes and norms applicable to *WADA* and other *Organisations* using *ADAMS*.

Private information regarding an *Athlete* (including whereabouts information), *Athlete Support Personnel*, or others involved in anti-doping activities shall be maintained by IWAS and by WADA, the former of which is supervised by British law in respect to data protection and the latter of which is supervised by Canadian privacy authorities, in strict confidence at all times and both of which are in accordance with the *International Standard* for the protection of privacy.

14.6 Data Privacy

14.6.1 IWAS may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *IWAS Code*, the *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information) and these Anti-Doping Rules.

14.6.2 Any *Participant* who submits information including personal data to any *Person* in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of these Anti-Doping Rules, in accordance with the *International Standard* for the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

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 IWAS and all its *National Federations*.

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

15.2 IWAS and its *National Federations* shall recognise 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 WADC is in some respects WADC compliant and in other respects not WADC compliant, the IWAS and its National Federations shall attempt to apply the decision in harmony with the principles of the WADC. For example, if in a process consistent with the WADC a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules, then IWAS shall recognize the finding of an anti-doping rule violation should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed.]

Article 16 INCORPORATION OF IWAS ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS

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

directly as against *Athletes* under its anti-doping jurisdiction (including *National-Level Athletes*).

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

16.3 All *National Federations* shall report any information suggesting or relating to an anti-doping rule violation to *IWAS* 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 *National Federations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of *IWAS* or the *National Federation*.

16.5 All *National Federations* 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 under this *IWAS Code* against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule as provided in Article 7, or notification has been reasonable attempted, within ten years from the date the violation is asserted to have occurred.

Article 18 IWAS COMPLIANCE REPORTS TO WADA

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

Article 19 EDUCATION

19.1 Basic Principle and Primary Goal.

The basic principle for information and education programs for doping-free sport is to preserve the spirit of sport, as described in the Introduction to the *IWAS Code*, from being undermined by doping. The primary goal of such programs is prevention. The objective shall be to prevent the intentional or unintentional *Use by Athletes of Prohibited Substances* and *Prohibited Methods*.

Information programs should focus on providing basic information to *Athletes* as described in Article 18.2. Education programs should focus on prevention. Prevention programs should be values based and directed towards *Athletes* and *Athlete Support Personnel* with a particular focus on young people through implementation in school curricula.

All *Signatories* shall within their means and scope of responsibility and in cooperation with each other, plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport.

19.2 Programs and Activities.

These programs shall provide *Athletes* and other *Persons* with updated and accurate information on at least the following issues:

- Substances and methods on the *Prohibited List*
- Anti-doping rule violations
- *Consequences* of doping, including sanctions, health and social consequences
- *Doping Control* procedures
- *Athletes'* and *Athlete Support Personnel's* rights and responsibilities
- *TUEs*
- Managing the risks of nutritional supplements
- Harm of doping to the spirit of sport
- Applicable whereabouts requirements

The programs shall promote the spirit of sport in order to establish an environment that is strongly conducive to doping-free sport and will have a positive and long-term influence on the choices made by *Athletes* and other *Persons*.

Prevention programs shall be primarily directed at young people, appropriate to their stage of development, in school and sports clubs, parents, adult *Athletes*, sport officials, coaches, medical personnel and the media.

Athlete Support Personnel shall educate and counsel *Athletes* regarding anti-doping policies and rules adopted pursuant to the IWAS Code.

All *Signatories* shall promote and support active participation by *Athletes* and *Athlete Support Personnel* in education programs for doping-free sport.

[Comment to Article 18.2: Anti-doping informational and educational programs should not be limited to National- or International-Level Athletes but should include all Persons, including youth, who participate in sport under the authority of any Signatory, government or other sports Organisation accepting the IWAS Code. (See definition of Athlete.) These programs should also include Athlete Support Personnel.]

These principles are consistent with the UNESCO Convention with respect to education and training.]

19.3 Professional Codes of Conduct.

All *Signatories* shall cooperate with each other and governments to encourage relevant, competent professional associations and institutions to develop and implement appropriate Codes of Conduct, good practice and ethics related to sport practice regarding anti-doping, as well as sanctions, which are consistent with the IWAS Code.

19.4 Coordination and Cooperation.

WADA shall act as a central clearinghouse for informational and educational resources and/or programs developed by WADA or *Anti-Doping Organisations*.

All *Signatories* and *Athletes* and other *Persons* shall cooperate with each other and governments to coordinate their efforts in anti-doping information and education in order to share experience and ensure the effectiveness of these programs in preventing doping in sport.

Article 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

20.1 These Anti-Doping Rules may be amended from time to time by IWAS.

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

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

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

20.5 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *IWAS Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *IWAS Code*. The Introduction shall be considered an integral part of these Anti-Doping Rules.

20.6 The comments annotating various provisions of the *IWAS Code* are incorporated by reference into these Anti-Doping Rules, shall be treated as if set out in full herein, and shall be used to interpret these Anti-Doping Rules.

20.7 These Anti-Doping Rules have come into full force and effect on [1 January 2015] (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

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

20.7.2 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.

20.7.3 Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for 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.

20.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or

other *Person* may apply to 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 Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

20.7.5 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 Anti-Doping Rules been applicable, shall be applied.

Article 21 RESEARCH

21.1 Purpose and Aims of Anti-Doping Research.

Anti-doping research contributes to the development and implementation of efficient programs within *Doping Control* and to information and education regarding doping-free sport.

All *Signatories* shall, in cooperation with each other and governments, encourage and promote such research and take all reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the *IWAS Code*.

21.2 Types of Research.

Relevant anti-doping research may include, for example, sociological, behavioral, juridical and ethical studies in addition to medical, analytical and physiological investigation. Studies on devising and evaluating the efficacy of scientifically-based physiological and psychological training programs that are consistent with the principles of the *IWAS Code* and respectful of the integrity of the human subjects, as well as studies on the *Use* of emerging substances or methods resulting from scientific developments should be conducted.

21.3 Coordination of Research and Sharing of Results.

Coordination of anti-doping research through *WADA* is essential. Subject to intellectual property rights, copies of anti-doping research results shall be provided to *WADA* and, where appropriate, shared with relevant *Signatories* and *Athletes* and other stakeholders.

21.4 Research Practices.

Anti-doping research shall comply with internationally-recognized ethical practices.

21.5 Research Using *Prohibited Substances* and *Prohibited Methods*.

Research efforts should avoid the *Administration of Prohibited Substances* or *Prohibited Methods* to *Athletes*.

21.6 Misuse of Results.

Adequate precautions should be taken so that the results of anti-doping research are not misused and applied for doping purposes.

Article 22 INTERPRETATION OF THE CODE

22.1 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.

22.2 The comments annotating various provisions of the Code shall be used to interpret the IWAS Code.

22.3 The IWAS 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.

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

22.5 The IWAS Code shall not apply retroactively to matters pending before the date the IWAS Code is accepted by a *Signatory* and implemented in its rules. However, pre-IWAS 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-IWAS Code violations.

22.6 The Purpose, Scope and Organization of the World Anti-Doping Program and the IWAS Code and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the IWAS Code.

Article 23 ADDITIONAL RESPONSIBILITIES AND RESPONSIBILITIES OF SIGNATORIES

23.1 Roles and Responsibilities of IWAS as an International Federation & Major Event organiser

23.1.1 To adopt and implement anti-doping policies and rules which conform to the IWAS Code.

23.1.2 To require as a condition of membership that the policies, rules and program of their National federations and other members are in compliance with the IWAS Code.

23.1.3 To withhold some or all funding of any sport Organisation not in compliance with the IWAS Code.

23.1.4 To authorize and facilitate the *Independent Observer Programme* and Athlete Outreach programmes.

23.1.5 To require all Athletes and each Athlete Support staff, official, medical or paramedical personnel within an IWAS event to agree to be bound by anti-doping rules in conformity with the IWAS Code as a condition of such participation.

23.1.6 To require all Athletes and each Athlete Support Person who participates as coach, trainer, manager, team, staff, medical or paramedical personnel in a Competition or activity authorized or organized by IWAS or one of its member organisations to agree to be bound by anti-doping rules in conformity with the IWAS Code as a condition of such participation.

23.1.7 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether Athlete Support Personnel or other Persons who may have been involved in each case of doping, to ensure proper enforcement of Consequences, and to conduct an automatic investigation of Athlete Support Personnel in the case of any anti-doping rule violation involving a Minor or Athlete Support Person who has provided support to more than one Athlete found to have committed an anti-doping rule violation.

23.1.8 To accept bids for IWAS events from countries where the government has ratified, accepted, approved or acceded to UNESCO Convention and the National Paralympic Committee and National Anti-Doping Organisation are in compliance with the IWAS code.

23.1.9 To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable National Anti-Doping Organisation.

23.1.10 To cooperate with relevant national organisations, agencies and other Anti-Doping Organisations.

23.1.11 To cooperate fully with WADA in connection with investigations conducted

23.1.12 To have disciplinary rules in place and require National Federations to have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes within the authority of IWAS.

23.2 Roles and Responsibilities of *IWAS National Member Organisations*

23.2.1 Require that all National Federations comply with this IWAS Code. National Federation shall include in their regulations the provisions necessary to ensure that IWAS may enforce this IWAS Code directly against Athletes and Athlete Support Personnel under their anti-doping jurisdiction (including National Level Athletes). This IWAS Code shall also be incorporated either directly or by reference into each National Federation's rules so that they may enforce them itself directly as against Athletes and Athlete Support Personnel under its anti-doping jurisdiction (including National-Level Athletes).

23.2.2 Require each of the National Federations to establish rules requiring all Athletes and *Athlete Support Personnel* who participates as a coach, trainer, manager, team staff, official, medical or paramedical personnel in a Competition or activity authorized or organized by an IWAS National Member Organisation or one of their member Organisations to agree to be bound by this IWAS Code and to submit to Anti-Doping Organisation results management authority in conformity with the IWAS Code as a condition of such participation.

23.2.3 National Federations to report any information suggesting or relating to an anti-doping violation to their National Anti-Doping Organisation and International Federation and to cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.

23.2.4 To have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification

from providing support to Athletes under the jurisdiction of IWAS and the National Federation.

23.2.5 To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable National

Article 24 ADDITIONAL ROLES AND RESONSIBILITIES OF ATHLETES AND OTHER PERSONS

24.1 Roles and Responsibilities of Athletes

24.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the IWAS Code.

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

[Comment to Article 20.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes Use low doses of EPO during these hours so that it will be undetectable in the morning.]

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

24.1.4 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 anti-doping policies and rules adopted pursuant to the IWAS Code.

24.1.5 To disclose to their National Anti-Doping Organisation and International Federation any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within the previous ten years.

24.1.6 To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.

24.1.7 Failure by any *Athlete* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under IWAS' disciplinary rules.

24.2 Roles and Responsibilities of Athlete Support Personnel

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

24.2.2 To cooperate with the *Athlete Testing* programme.

24.2.3 To use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes.

24.2.4 To disclose to his or her *National Anti-Doping Organisation* and to IWAS any decision by a non-Signatory finding that he or she committed an anti-doping rule violation within the previous ten years.

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

24.2.6 Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under IWAS' disciplinary rules/code of conduct.

24.2.7 Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

24.2.8 Use or Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Personnel without valid justification may result in a charge of misconduct under IWAS' disciplinary rules/code of conduct.

APPENDIX 1: DEFINITION OF TERMS

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

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

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

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

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

Athlete: Any Person who competes in sport at the international level (as defined by the IWAS or each International Federation) or the national level (as defined by each National Anti-Doping Organisation). An Anti-Doping Organisation has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of "Athlete." In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organisation may elect to: conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation has authority who competes below the International or national level, then the Consequences set forth in the IWAS Code (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any Person

who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the IWAS Code is an Athlete.

[Comment: This definition makes it clear that all International and National-Level Athletes are subject to the anti-doping rules of the IWAS Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping programme beyond International or National Level Athletes 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 Organisation 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 IWAS Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse 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 Biological Passport: The program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.

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

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

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

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

CAS: The Court of Arbitration for Sport

Code: The World Anti-Doping Code.

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

Consequences of Anti-Doping Rule Violations (“Consequences”): An Athlete’s or other Person’s violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the Athlete’s Results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the Athlete or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Event or other activity or funding as provided in Article 10.12.1; (c) *Provisional Suspension* means the

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

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., all IWAS Games).

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

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

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

[*Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.5.2, 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 Athlete or other Person was involved.*]

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

In-Competition: Unless provided otherwise in the rules of an International Federation or the ruling body of the Event in question, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

[*Comment: An International Federation or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.*]

Independent Observer Programme: 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

Internal Appeal: An Appeal, conducted by IWAS, lodged due to a decision taken as a result of an *Expedited Hearing*.

Internal Appeal Hearing: Hearing held as a result of an *Internal Appeal* with or without the requirement for a *B Sample Analysis*.

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

International-Level Athlete: Athletes shall be considered to be International-Level Athletes for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Athletes (as regards Testing but also as regards TUEs, whereabouts information, results management, and appeals):

- All Athletes who have been included in the IWAS Registered Testing Pool;
- All Athletes who are members of or who hold a licence issued by IWAS;
- All Athletes who participate in Events organized by IWAS or where IWAS is the ruling body for an Event.

International Standard: A standard adopted by WADA in support of the WADC. 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*.

IWAS: *International Wheelchair & Amputee Sports Federation*

IWAS Anti-Doping Sub-committee: The Subcommittee responsible for establishing policies, guidelines and procedures with respect to the fight against doping, including *Results* management and compliance with internationally accepted regulations, including the WADC.

IWAS Anti-Doping Subcommittee Chairperson: A Person appointed by the IWAS Executive Board as Chairperson of the IWAS Anti-Doping Committee.

IWAS Code: *the IWAS Anti-Doping Code*

IWAS Executive Board: The *IWAS Executive Board* is the representative of the IWAS Membership, elected at the General Assembly. The *IWAS Executive Board* is responsible for overseeing the affairs of the IWAS in between meetings of the IWAS General Assembly.

IWAS Games: IWAS World Games, IWAS Junior Games. Games event competition represents part of an athlete's pathway within the paralympic movement in their chosen sport. They form a specific goal relating to international achievement.

IWAS National Member Organisations: The Organisation recognised by the IWAS as the national body representing international Athletes with a physical disability.

IWAS Sport Science & Medical Officer: A Person appointed by the IWAS Executive Board with responsibilities for the IWAS Medical & Scientific issues.

IWAS Therapeutic Use Exemption Committee (TUEC): The Body designated by the IWAS Executive Board to assess all *Therapeutic Use Exemptions*.

Major Event Organisations: IWAS and other international multi-sport Organisations recognised by IWAS that function as the ruling body for any continental, regional or other *International Event*.

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

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

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

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

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

[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* that is not *In-Competition*

Participant: Any *Athlete or Athlete Support Person*.

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

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

[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organisation must establish that the Athlete knew the steroids were in the cabinet and that the Athlete 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 WADC 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 (Right to a Fair Hearing) that provides the Athlete 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 Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.9, 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 Organisation: A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of Samples, the management of results, the review of TUEs, the conduct of hearings, and the conduct of educational programs at a regional level.

Registered Testing Pool: The pool of highest priority Athletes established separately at the international level by IWAS, each International Federation and at the national level by

National Anti-Doping Organisation who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of the IWAS' or that International Federation's or Organisation's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the IWAS Code and the International Standard for Testing and Investigations. IWAS shall publish a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria.

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.]

Sanctioned or Recognised Event: An *Event* that meets the appropriate Organisational and technical requirements of the IWAS.

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

Specified Substance: See Article 4.2.2

Strict Liability: The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, negligence, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping 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 Organisation* or hearing body. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

Team: *Team* is a combination of *Participants* playing as one entity in a sport event. The definition of *Team* includes, not only those of *Team Sports* but also team events in individual sports (e.g. wheelchair fencing)

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

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

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided,

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

TUE: Therapeutic Use Exemption as described in Article 4.4

UNESCO Convention: The International Convention against Doping in Sport adopted by the 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 analyse 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 Article 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 (Article 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.