

## **STICHTING LOWLANDS THROWDOWN ANTI-DOPING REGULATIONS**

Based on the NATIONAL ANTI-DOPING REGULATIONS FOR DUTCH SPORT  
Based on the World Anti-Doping Code<sup>1</sup>

AUTHOR: Stichting Lowlands Throwdown in conjunction with The Doping Authority

VERSION: 1.0

### Contents

#### Part I Concepts

Article 1 Definitions

Article 2 Doping

#### Part II Violations

Article 3 Presence of prohibited substance(s) and/or evidence of prohibited method(s)

Article 4 Use/attempted use of prohibited substance(s) and/or prohibited method(s)

Article 5 Evasion/attempted evasion of a doping control

Article 6 Failure to provide information

Article 7 Tampering/attempted tampering

Article 8 Possession/attempted possession

Article 9 Trafficking/attempted trafficking

Article 10 Administration/attempted administration

#### Part III Proof of doping

Article 11 Burdens and standards of proof

Article 12 Methods of establishing facts and assumptions

#### Part IV Prohibited substances and prohibited methods

Article 13 Prohibited list

Article 14 Therapeutic use exemptions

Article 15 Boosting & autonomous dysreflexion

#### Part V General

Article 16 Athletes with disabilities

Article 17 Confidentiality

Article 18 Minors

Article 19 Costs

Article 20 Jurisdiction/Application

Article 21 Testing agencies

Article 22 Information activities

#### Part VI The doping control

Article 23 Implementation of the doping control

Article 24 Testing Pool

Article 25 Identification

Article 26 Notification for doping control

Article 27 Urine sample collection

1 2009 World Anti-Doping Code 2

Part VII Results management

- Article 28 Review of control results
- Article 29 Communication of control results
- Article 30 Follow-up investigation
- Article 31 Disciplinary measure

Part VIII Disciplinary procedures

- Article 32 Disciplinary procedures, general
- Article 33 Reporting suspected violations
- Article 34 Institution of proceedings in respect of suspected violations
- Article 35 Right to a fair hearing
- Article 36 Automatic invalidation of competition result(s)

Part IX Sanctions

- Article 37 Sporting sanctions & fines
- Article 38 Ineligibility
- Article 39 Specified substances
- Article 40 No fault or negligence
- Article 41 No significant level of fault or negligence
- Article 42 Admission of an anti-doping rule violation in the absence of other evidence
- Article 43 Aggravating circumstances
- Article 44 Reduction in sanction under more than one provision of this article
- Article 45 Multiple violations
- Article 46 Commencement of ineligibility period
- Article 47 Status during ineligibility
- Article 48 Consequences for teams (where applicable)
- Article 49 Statute of limitations

Part X Appeals

- Article 50 Institution of appeals
- Article 51 Decisions subject to appeal
- Article 52 International testing pool
- Article 53 Other athletes
- Article 54 Appeals/WADA intervention
- Article 55 Appeals relating to therapeutic use exemptions
- Article 56 Filing deadlines for appeals

Part XI Announcements

- Article 57 Provision of information
- Article 58 Initial review of suspected violation
- Article 59 Proceedings instituted for suspected violations
- Article 60 Disciplinary decision
- Article 61 Other suspected violations

Part XII Miscellaneous

- Article 62 Legal status of regulations
- Article 63 In absentia proceedings
- Article 64 Interpretation
- Article 65 Reporting to judicial authorities
- Article 66 Final provision 3

## Part I Concepts

### Article 1 Definitions

- 1.1. Foundation: the Lowlands Throwdown (LLTD).
- 1.2. Participant; a natural person subject to the statutes, regulations and decisions of the Foundation. This includes the athlete competing and athlete support personnel (1.8).
- 1.3. Notification: informing individual athletes that they have been selected for a doping control.
- 1.4. Metabolite: any substance produced by a biotransformation process.
- 1.5. Sampling procedure: the procedure starting from the arrival of the individual athlete at the doping control station and continuing until the relevant forms have been signed.
- 1.6. Assistant doping control official: an officer trained or instructed by the testing agency and appointed to carry out specific tasks relating to notification, monitor the individual athlete and/or implement the sampling procedure. The title given to this officer may vary: chaperone, steward, etcetera.
- 1.7. Atypical finding: a result of an analysis conducted by a laboratory of the kind referred to in article 21.8 or other analysis institution when the said result requires further investigation as provided by the International Standard for Laboratories or another International Standard listed in article 1.27 in order to determine whether there is an adverse analytical finding.
- 1.8. Athlete support personnel: any coach, trainer, manager, agent, member of the team staff, official, medical, paramedical personnel, parent, legal representative or any other person who works with, assists, supports, analyses or treats an athlete participating in or preparing for sports competition.
- 1.9. Representative: any person designated by an individual athlete who accompanies that athlete during the sampling procedure.
- 1.10. Adverse analytical finding: a report from a laboratory or other analysis institution of the kind referred to in article 21.8 that concludes that a sample contains a prohibited substance or its metabolites (including elevated quantities of endogenous substances), markers or evidence of the use of a prohibited method.
- 1.11 Board: the board of the Foundation.
- 1.12 Confirmation: when referring to the analysis of the B sample, "confirmation" means that the same prohibited substance and/or evidence of the use of a prohibited method has been found in the B sample as in the A sample. If a substance is prohibited in excess of a specific level, confirmation requires the B sample to contain a prohibited level of the substance found in the A sample, unless this is an exogenous substance for which there is a specific threshold value based on the prohibited list and/or the International Standard for Laboratories, in which case the general rule referred to in the first sentence of article 1.12 shall apply.
- 1.13 In Competition: the period starting 12 hours before a competition and continuing until the competition in question has been completed, or until the completion of the planned doping control(s) after the end of the competition (where relevant).
- 1.14 Out of competition: any period that is not in competition.
- 1.15 Control findings: all information obtained from a doping control.
- 1.16 Therapeutic use exemption: a statement issued by or on behalf of the competent body relating to (i) the provisional and conditional approval of the therapeutic use of a prohibited substance and/or prohibited method by an athlete or (ii) the presence of a naturally elevated endogenous production by the athlete of a prohibited substance.

- 1.17 The Doping Authority: stichting Anti-Doping Autoriteit Nederland (the National Anti-Doping Organisation designated by the Dutch government as referred to in article 1.30).
- 1.18 Doping control: the part of the doping control process that includes both the notification component of the doping control process and sample collection.
- 1.19 Doping control process: the process that includes the request for, assessment of and approval of a therapeutic use exemption/a request for such an exemption, the planning of sampling procedures, the selection and notification of athletes, the taking and collection of samples, the transportation of sample to a laboratory, the analysis of samples, results management and disciplinary procedures.
- 1.20 Doping control official: an officer appointed and trained by the testing agency who is assigned the delegated authority for the implementation of the sampling procedure.
- 1.21 Testing agency: the organisation responsible for conducting doping controls. As a rule, this shall be the Doping Authority.
- 1.22 Prohibited list: the list of prohibited substances and prohibited methods accompanying these regulations.
- 1.23 Suspected violation: a possible violation of these regulations.
- 1.24 Event: a series of individual competitions conducted together under the ruling of the Foundation.
- 1.25 Use: the utilisation, application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method.
- 1.26 DNA
- 1.27 International Standard: international standard associated with the World Anti-Doping Code, including at least: the Prohibited List International Standard, the International Standard for Testing, the International Standard for Laboratories, the International Standard for Therapeutic Use Exemptions and the International Standard for the Protection of Privacy (These international standards can be found on: [www.wada-ama.org](http://www.wada-ama.org)) The technical documents associated with an international standard are considered to be part of the international standard in question.
- 1.28 Marker: a compound, group of compounds or biological parameters that indicates the use of a prohibited substance or prohibited method.
- 1.29 Sample: any biological material collected for the purposes of doping control.
- 1.30 NADO: National Anti-Doping Organisation.
- 1.31 Negative result: if the doping control shows that:
- no prohibited substance(s), prohibited quantities of a substance or metabolites of a substance and/or evidence of the use of a prohibited method have been found in the sample taken from the athlete in question; and
  - no marker(s) have been found; and
  - a prohibited method has not been used; or
  - an athlete has, for the prohibited substance(s) and/or prohibited method(s) found, a valid therapeutic use exemption in the sense referred to in these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the conditions associated with that therapeutic use exemption.
- 1.32 Attempt: purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of a violation of these regulations. Provided, however, there shall be no anti-doping rule violation based solely on an attempt to commit a violation if the Participant renounces the attempt prior to it being discovered by a third party not involved in the attempt.
- 1.33 Positive result: if the doping control shows that:

- one or more prohibited substances, prohibited quantities thereof or metabolites thereof and/or evidence of the use of prohibited methods have been found in the sample taken from the athlete in question; and/or
- a marker has been found; and/or
- a prohibited method has been used; and
- an athlete does not have, for the prohibited substance(s) and/or prohibited method(s) found, a valid therapeutic use exemption in the sense referred to in these regulations and/or the International Standard for Therapeutic Use Exemptions, and/or has not acted in accordance with the conditions associated with that therapeutic use exemption.

1.34 Pre-test: a doping control that (a) has not been conducted by the Doping Authority, and (b) has not been conducted in accordance with the provisions of the International Standard for Testing and the International Standard for Laboratories.

1.35 Selection: the selection of athletes for doping controls. Selection can take place by drawing lots, on the basis of competition results and/or any other way permitted by the International Standard for Testing.

1.36 Specified substance: a prohibited substance as referred to by article 39.1.

1.37 Athlete: a natural person who intends to participate, participates and/or has participated in competitions organised under the auspices of the Foundation.

1.38 Athlete with a disability: an athlete who has been certified by a competent body or a competent organisation as an athlete with a mental, sensorial or physical disability so that the athlete is subject to the provisions of these regulations that have been specifically declared to be applicable to this category of athletes.

1.39 Team sport: a sport in which the substitution of players is permitted during a competition.

1.40 T/E ratio: the ratio between the testosterone and epitestosterone levels found in the sample.

1.41 Testing Pool: the group of athletes designated by the Doping Authority for each event organised by the Foundation. This group shall be the testing pool for the Foundation, unless explicitly stated otherwise.

1.42 Disciplinary body: the body that, pursuant to these regulations, the articles of association and/or other regulations of the Foundation is competent to make rulings in disciplinary proceedings.

1.43 Ineligibility: sanction in which the Participant in question may not participate in any competition or other activity, act or participate in any capacity in the Foundation's events, or receive any remuneration/financial remuneration of the kind referred to in article 47.2. See article 47 for a more detailed definition.

1.44 Prohibited substance and/or prohibited method: those substances, methods or metabolites on the prohibited list.

1.45 Invalidation of competition result(s): declaring invalid an athlete's individual results in a particular race, competition or event, with all the associated consequences such as the loss of medals, points, prizes and prize money.

1.46 Provisional hearing: an expedited hearing occurring prior to a normal hearing with the aim of informing the Participant and giving him or her an opportunity to be heard in either written or oral form.

1.47 Competition: a single race, match, game or singular athletic contest organised by the Foundation or under the auspices of the Foundation.

1.48 Whereabouts error: (a) the failure to provide the data referred to in article 6 or the failure to do so correctly, fully and or in good time or (b) the failure to attend a doping control.

## Article 2 Doping

- 2.1. In these regulations, "doping" means the violation of one or more of the provisions of articles 3 to 10 (inclusive).
- 2.2. Athletes, affiliated persons and entities, and athlete support personnel are considered to be familiar with the contents of these regulations, to know what conduct constitutes a violation of these regulations, and to know which substances and methods are on the prohibited list.

## Part II Violations

### Article 3 Presence of prohibited substance(s) and/or evidence of prohibited method(s)

- 3.1. The presence of a prohibited substance and/or evidence of a prohibited method, the associated metabolites and/or markers in an athlete's sample constitute a violation of these regulations.
- 3.2. Excepting those substances for which a quantitative threshold is specifically identified in the prohibited list and/or the International Standard for Laboratories, the presence of any quantity of a prohibited substance, evidence of a prohibited method, the associated metabolites and/or markers in an athlete's sample constitute a violation of these regulations.
- 3.3. The prohibited list or another international standard may establish special criteria for the evaluation of prohibited substances (including the presence of the substance and/or the amount found) that can also be produced endogenously.
- 3.4. Presence shall be considered to have been proven when:
- a. there is a positive result after the analysis of the A sample when the athlete waives analysis of the B sample; and/or
  - b. there is a positive result when the analysis of the B sample confirms the result of the analysis of the A sample.
- 3.5. A violation shall not be considered to have occurred when an athlete has, for the prohibited substance(s) and/or prohibited method(s) found, a relevant and valid therapeutic use exemption in the sense referred to in these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the conditions associated with that therapeutic use exemption.
- 3.6. The Doping Authority has the right to conduct or issue instructions for the analysis of the B sample, even if the athlete waives analysis of the B sample.
- 3.7. It is each athlete's personal duty to ensure that no prohibited substance, metabolite and/or marker enters his or her body, and that no prohibited method is used on his or her body. Athletes are responsible for all prohibited substances, evidence of prohibited methods, metabolites and/or markers found 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 a violation of article 3.

### Article 4 Use/attempted use of prohibited substance(s) and/or prohibited method(s)

- 4.1. The use or attempted use of a prohibited substance and/or a prohibited method constitute a violation of these regulations. The success or failure of the use or attempted use of a prohibited substance or prohibited method is not material for the establishment of a violation.
- 4.2. If, in the case of a positive result, the analysis of the B sample does not confirm

the analysis of the A sample, use may nevertheless be established, and there will therefore be a violation of article 4, if:

- a. there are reliable analysis data from the A sample; and
- b. an adequate explanation can be given for the lack of confirmation of the positive result of the analysis of the A sample.

4.3. A violation shall not be considered to have occurred when an athlete has or has had, for the prohibited substance(s) and/or prohibited method(s) used, a relevant and valid therapeutic use exemption in the sense referred to in these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the conditions associated with that therapeutic use exemption.

4.4. It is each athlete's personal duty to ensure that no prohibited substance, metabolite and/or marker enters his or her body, and that no prohibited method is used on his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish a violation of article 4. Demonstrating the attempted use of a prohibited substance does require proof of intent on the athlete's part.

#### Article 5 Evasion/attempted evasion of a doping control

5.1. Refusing or failing without compelling justification to submit to sample collection after notification as authorized in applicable anti-doping rules, or otherwise evading sample collection, constitutes a violation of these regulations.

5.2. Athletes, athlete support personnel and the Foundation are required to cooperate with doping controls, to comply with the instructions and/or requests of the doping control official/assistant doping control official in full, timely and otherwise satisfactorily. Any failure to do so shall constitute a violation of these regulations.

#### Article 6 Failure to provide information

6.1. Athletes who are included in the testing pool referred to in article 24 are required to provide the Doping Authority with accurate and complete whereabouts information in good time, including at least information about how to contact them and where they are resident. Any combination of three missed tests and/or filing failures within an eighteen-month period shall constitute an anti-doping rule violation.

6.2. The whereabouts annex, which is a constituent part of these regulations, determines:

- a. which information the athlete should provide;
- b. the method, frequency and the time for providing the information referred to in the preceding provision, or any changes to that information;
- c. the way in which the Doping Authority records and reviews the information provided;
- d. the way in which the Doping Authority records and reviews the failure to provide the information correctly, in full and/or in time;
- e. the way in which the Doping Authority records and reviews any failure by an athlete to undergo a doping control;
- f. the way in which the Doping Authority conducts a review and decides whether a whereabouts violation has taken place;
- g. the way in which the Doping Authority communicates with the athlete, the Foundation and other parties about issues covered by this article; and
- h. the elaboration of the provisions of article 6.1.

6.3. The whereabouts annex is drawn up by the Doping Authority, and is adopted by

the board.

6.4. The Foundation shall support the Doping Authority in its efforts to acquire whereabouts information for athletes in the testing pool when the Doping Authority asks the Foundation to do so.

6.5. Athletes subject to disciplinary measures as referred to in article 31 or who are serving an ineligibility period shall provide the data referred to in article 6.1 during the period covered by a disciplinary measure or during the ineligibility period.

#### Article 7 Tampering/attempted tampering

7.1. Tampering or any attempted tampering shall constitute a violation of these regulations.

7.2. Tampering is:

- a. altering any part of the doping control process for an improper purpose or in an improper way;
- b. bringing improper influence to bear on any part of the doping control process;
- c. interfering improperly in the doping control process to alter results or prevent normal procedures from occurring;
- d. falsifying a therapeutic use exemption or a request for such an exemption in any way and/or bringing improper influence to bear and/or concealing information that may be of importance for a therapeutic exemption or a request for such an exemption;
- e. obstructing and/or misleading the doping control process or engaging in any fraudulent conduct with respect to that process; and/or
- f. providing fraudulent information and/or data to the Doping Authority and/or the Foundation, either personally or through a third party.

#### Article 8 Possession/attempted possession

8.1. Possession or attempted possession at any time or place of a substance and/or method prohibited out of competition constitutes a violation of these regulations.

8.2. Possession in competition or attempted possession in competition of a substance and/or method prohibited in competition constitutes a violation of these regulations.

8.3. Possession means:

- a. the Participant is in actual physical possession of a prohibited substance and/or prohibited method;
- b. the Participant has exclusive control over the prohibited substance and/or prohibited method or the premises in which a prohibited substance and/or prohibited method exists but there is no question of actual physical possession as referred to in article 8.3(a);
- c. the Participant does not have exclusive control over the prohibited substance and/or prohibited method or the premises in which a prohibited substance and/or prohibited method exists but that Participant was aware of the presence of the prohibited substance and/or of the prohibited method and intended to exercise control over it; and/or
- d. the Participant has purchased or acquired a prohibited substance and/or prohibited method through the Internet and/or in any other way.

8.4. There shall be no anti-doping rule violation based solely on possession if the Participant has taken concrete action demonstrating that:

- a. the person never intended to have possession;
- and

b. has renounced possession by explicitly declaring it to the Doping Authority prior to there being any reasonable suspicion of possession with respect to the said Participant.

8.5. There is no violation if:

a. the Participant can demonstrate that the possession or attempted possession is justified on the basis of a relevant and valid therapeutic use exemption relating to the prohibited substance and or prohibited method in question in the sense of these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the conditions associated with that therapeutic use exemption; or

b. the Participant can supply another acceptable justification.

8.6. Possession or attempted possession by support staff of a substance and/or method prohibited out of competition will constitute a violation of these regulations unless:

a. the support staff can demonstrate that the possession or attempted possession is justified on the basis of a relevant and valid therapeutic use exemption relating to the prohibited substance and or prohibited method in question in the sense of these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the conditions associated with that therapeutic use exemption; or

b. the support staff can provide another acceptable justification.

#### Article 9 Trafficking/attempted trafficking

9.1. Trafficking or attempted trafficking in any prohibited substance and/or prohibited method constitute a violation of these regulations.

9.2. Trafficking means selling, giving, transporting, sending, delivering or distributing a prohibited substance or prohibited method (either physically or by any electronic or other means) by an athlete, athlete support personnel or any other person subject to the jurisdiction of an anti-doping organisation to any third party;

9.3. This definition does not include the actions of "bona fide" medical personnel involving a prohibited substance and/or prohibited method used for genuine and legal therapeutic purposes or other acceptable justification.

9.4. There is no violation if:

a. the support staff can demonstrate that the trafficking or attempted trafficking is the result of a relevant and valid therapeutic use exemption relating to the prohibited substance and/or prohibited method in question in the sense of these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the conditions associated with that therapeutic use exemption; or

b. the support staff can provide another acceptable justification.

#### Article 10 Administration/attempted administration

10.1. The administration or attempted administration, at any time or place, of a substance and/or method prohibited out of competition to an athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity in doping constitute a violation of these regulations.

10.2. Administration in competition or attempted administration in competition of a substance and/or method prohibited in competition constitute a violation of these regulations.

10.3. There is no violation if:

- a. the support staff can demonstrate that the administration or attempted administration is justified on the basis of a relevant and valid therapeutic use exemption relating to the prohibited substance and or prohibited method in question in the sense of these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the condition(s) associated with that therapeutic use exemption; or
- b. the support staff can provide another acceptable justification.

## **Part III Proof of doping**

### Article 11 Burden of proof

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

11.2. Where these regulations place the burden of proof upon the Participant 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.

11.3. The preceding sentence of this article shall not apply to the situations referred to in articles 39 and 43 in so far as these regulations place the burden of proof upon the Participant alleged to have committed an anti-doping rule violation. The burden of proof as defined in the final sentence of article 11.1 shall apply to situations of this kind.

11.4. Where article 11 or article 12 places the burden of proof on the Foundation, the Foundation may ask the Doping Authority to supply the required evidence on behalf of the Foundation. The Doping Authority shall determine if and to what extent it can accede to a request of this kind, and inform the Foundation accordingly in good time.

### Article 12 Methods of establishing facts and assumptions

12.1. Facts related to anti-doping rule violations may be established by any reliable means, including admissions.

12.2. The laboratories referred to in article 21.8 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 or the factual basis for the violation of these regulations.

12.3. If the athlete or other person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred of the kind referred to in this article, then the Foundation shall have the burden to establish that such departure did not cause the adverse analytical finding.

12.4. Departures from these regulations or any other international standard or other anti-doping rule or policy which did not cause an adverse analytical finding or

other anti-doping rule violation shall not invalidate such results. If the athlete or other person establishes that a departure from the international standard(s) and/or these regulations which could reasonably have caused the adverse analytical finding or other anti-doping rule violation occurred, then the board shall have the burden to establish that such departure(s) did not cause the adverse analytical finding or the factual basis for the anti-doping rule violation.

12.5. 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.

12.6. The hearing panel in a hearing on an anti-doping rule violation may, if serious evidence has been presented against a Participant, draw an inference adverse to the Participant who is asserted to have committed an anti-doping rule violation based on the Participant's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel with respect to the anti-doping rule violation.

## **Part IV Prohibited substances and prohibited methods**

### Article 13 Prohibited list

13.1. The prevailing prohibited list is the doping list most recently adopted by the World Anti-Doping Agency (WADA) that has gone into effect. Neither the prohibited list nor any substance and/or method on the list may be susceptible to discussion in procedures relating to anti-doping rule violations.

13.2. A new prohibited list shall come into effect as such on the date determined by WADA.

13.3. Every Participant is required to keep informed about the prevailing prohibited list as published on the sites of the WADA and the Doping Authority.

13.4. The Anti-Doping Organisation referred to in the prohibited list is, for the purposes of the application of these regulations, the Doping Authority.

13.5. Any performance-enhancing effect of a substance and/or method on the prohibited list is not relevant for the evaluation of a possible violation or for the imposition of any sanction subsequent to the violation of these regulations, unless these regulations explicitly state otherwise.

13.6. Where, in the application of these regulations, reference is made to a prohibited substance, this shall also be taken to mean, where applicable, any metabolites and markers related to that prohibited substance.

### Article 14 Therapeutic use exemptions

14.1. The use of prohibited substances and/or prohibited methods is, subject to the exceptions in the annex relating to therapeutic use exemptions included in these regulations and/or the International Standard for Therapeutic Use Exemptions, permitted only if the athlete has obtained a therapeutic use exemption for the aforesaid use from a competent body or a competent organisation and acts or has acted in accordance with the condition(s) associated with that exemption.

14.2. Applications for therapeutic use exemptions shall be processed, assessed and

granted in accordance with the International Standard for Therapeutic Use Exemptions and in accordance with the Annex relating to therapeutic use exemptions included in these regulations. This Annex is drawn up by the Doping Authority, and is adopted by a decision of the board.

14.3. If, after an adverse analytical result pursuant to a doping control that the athlete has undergone, an athlete has, for the prohibited substance(s) and/or prohibited method(s) found, a relevant and valid therapeutic use exemption in the sense referred to in these regulations and/or the International Standard for Therapeutic Use Exemptions, and has acted in accordance with the conditions associated with that therapeutic use exemption, the result shall be considered to be negative.

14.4. On the basis of the Annex relating to therapeutic use exemptions included in these regulations and/or the International Standard for Therapeutic Use Exemptions, different rules or requirements may apply with respect to therapeutic use exemptions or requests for those exemptions for athletes who are not included in a testing pool.

14.5. Participants are bound by the decisions of the Therapeutic Use Exemptions committee.

#### Article 15 Boosting & autonomous dysreflexion

15.1. People with cervical or high-thoracic spinal cord injury may suffer from an atypical sympathetic reflex known as autonomous dysreflexion. This reflex is caused by pain stimuli in the lower part of the body, particularly irritation or excessive tension in the bladder. The symptoms of dysreflexion are a rapid increase in blood pressure, headache, transpiration, patchy skin colour, and cutis anserina (goose bumps). In severe cases, autonomous dysreflexion may result in confusion and strokes and it may even be fatal. Autonomous dysreflexion may be spontaneous or induced. When induced, it is known as boosting. Autonomous dysreflexion is a threat to health, and participation in competition is therefore not permitted when the condition is present. Autonomous dysreflexion is diagnosed using the examination procedures described in article 15.

15.2. The examination for determining boosting and/or autonomous dysreflexion may be conducted at the request of the Doping Authority or a competent doping control official by a doctor designated by or on behalf of the Doping Authority. This examination may take place at any time and at any place prior to competition. Examinations at other times are permitted, if reasonable as determined by or on behalf of a competent body or a competent organisation.

15.3. Any refusal and/or failure to cooperate with the examination referred to in article 15.2 shall result in the exclusion of the athlete in question from the competition or event for the purposes of which the examination was planned.

15.4. An athlete shall be considered to be in a condition of autonomous dysreflexion in which a threat to health is considered to be present if the systolic blood pressure is 180 millimetres of mercury (mmHg) or higher.

15.5. An athlete with a systolic blood pressure of 180 millimetres of mercury (mmHg) or higher shall be examined again approximately ten minutes after the first examination referred to in article 15.2. If the second examination also indicates a systolic blood pressure of 180 millimetres of mercury (mmHg) or higher, the athlete in question shall be excluded from the competition for the purposes of which the examination was planned.

15.6. Regardless of the systolic blood pressure, boosting or attempted boosting constitutes a violation of these regulations and shall result in the exclusion of the athlete from the competition for the purposes of which the autonomous

dysreflexion examination was planned.

15.7. If an athlete with a high spinal cord injury (damage to the spinal cord above T6) suffers from hypertension, the athlete should supply evidence of this in the form of medical data at least three days before the start of a competition or event.

15.8. The medical data referred to in article 15.7 should indicate the athlete's blood pressure and the prescribed treatment. The athlete shall supply this data to the body that evaluates therapeutic use exemptions.

15.9. Athletes with a high spinal cord injury (damage to the spinal cord above T6) who suffer from hypertension may be subjected to a medical examination prior to competitions and during events.

## **Part V General**

### Article 16 Athletes with disabilities

16.1. The general provisions of these regulations apply to athletes with disabilities, as do the specific provisions that have been declared applicable to athletes with disabilities. If a specific provision contradicts a general provision, the specific provision shall prevail.

16.2. Article 15 applies solely to athletes with a physical disability.

### Article 17 Privacy

17.1. The Foundation, the Doping Authority, and any other testing agencies shall be responsible for managing the personal information collected as part of the implementation of doping controls in accordance with the provisions of the Dutch Data Protection Act.

17.2. Picture or sound recordings of the doping control, as well as the showing, display or publication of picture and/or sound recordings of the doping control, are permitted only subject to the permission of the athlete in question and the testing agency.

17.3. Athletes' personal information, including their whereabouts information, therapeutic use exemption data and control results shall be sent to the Foundation, the testing agency(ies), laboratories, the Doping Authority, international Foundation(s) and WADA (i) solely on a 'need to know' basis and (ii) subject to compliance with the Dutch Data Protection Act.

17.4. Notwithstanding the provisions of article 17.1 and article 17.3, the Foundation and participants in competitions organised under the auspices of the Foundation are considered to have granted permission for the processing of the personal data referred to in article 17.3 in accordance with these regulations.

17.5. The Doping Authority and the Foundation shall distribute information relating to control results and/or suspected violations in accordance with the provisions of these regulations.

17.6. The Doping Authority saves control results (and, in any case, positive results, adverse analytical results and atypical findings), decisions and disciplinary decisions regarding suspected violations as well as therapeutic exemptions for a period of eight years starting on the date on which the sample is taken, the date on which the decision is taken, or the date of the disciplinary decision.

17.7. The Foundation makes arrangements for saving disciplinary decisions relating to

suspected violations for a period of eight years starting on the date of the disciplinary decision.

17.8. Data shall be destroyed before the end of the stated period of eight years if they can reasonably be considered to be no longer important. All data shall be destroyed after the period of eight years elapses.

#### Article 18 Minors

18.1. For the purposes of the application of these regulations, a minor shall be considered to be a natural person who has not yet reached the age of 18 years.

18.2. If the articles of association and the regulations of the Foundation do not include or make any distinction with respect to the rights and obligations of minor and adult Participants, all of the rights and obligations included in these regulations shall apply equally to minor and adult Participants, unless these regulations and/or one or more International Standards explicitly state otherwise.

18.3. Notwithstanding the provisions of article 18.2, age and lack of experience can be factors that, in cases involving minors, may be taken into consideration when determining sanctions on the basis of Part IX.

18.4. In the case of minor athletes in a testing pool who have not yet reached the age of 16 at the start of a competition season, the Dutch Data Protection Act states that the legal representative must provide specific and written permission for the processing of personal information. The legal representative shall grant permission for all this data processing before the qualifier begins in the form of specific written authority. If the written agreement is not provided in the form of this written authority, the athlete in question may not engage in competition until the Foundation has received the aforesaid authority. Any failure to provide the aforesaid authority shall not constitute a violation of the provisions in articles 5 or 6.

18.5. In the case of minor athletes in a testing pool who have not yet reached the age of 16 and who will be included in a testing pool during a competition season, the legal representative shall provide specific and written permission for the processing of personal information and as soon as possible after being notified that the athlete in question will be included in the aforesaid pool.

18.6. The board may decide to adopt a point in time other than the one stated in the first sentence of article 18.4 to determine the age of the athlete.

#### Article 19 Costs

19.1. The costs for the implementation of the doping control shall be for the account of the Foundation unless this article states otherwise.

19.2. In so far as the conducting of the analysis is concerned, the athlete shall meet the costs of the analysis of the B sample referred to in article 29.3 unless:

- a. the analysis of the sample takes place at the request of the Doping Authority, in which case the aforementioned costs shall be for the account of the Doping Authority regardless of the result of the analysis; or
- b. the result of the analysis of the B sample does not confirm the result from the A sample, in which case the aforementioned costs shall be for the account of the Doping Authority.

19.3. The other costs incurred by the athlete with respect to the analysis of the B sample, such as attendance at the laboratory by the athlete and/or the person the athlete designates shall be for the account of the athlete in question.

19.4. The defence costs incurred by the Participant in respect of a suspected violation shall

be for the account of the Participant unless a competent disciplinary body, arbitration board or court decides otherwise.

19.5. Costs incurred for in respect of the investigation of a problematic T/E ratio as well as an atypical finding in accordance with the provisions of these regulations and/or the prohibited list shall be for the account of the Foundation unless the investigation shows that the athlete has violated these regulations, in which case the costs shall be for the account of the athlete.

19.6. The costs related to the documentation package referred to in section 29.2(g) (in respect of both the A and B samples) shall be for the account of the athlete, unless a competent disciplinary authority decides that the athlete in question is not guilty of a violation of these regulations.

#### Article 20 Jurisdiction/Application

20.1. In the case of a suspected violation, these regulations continue, for the duration of the procedures/disciplinary procedures associated with the violation including any appeals, to apply in full to:

- a. the Participant in question, even if there is a change in the status of the Participant, such as the termination of collaboration with the athlete; and
- b. a person who was an athlete in the sense of article 1.37 of these regulations at the time of the alleged violation.

20.2. The Doping Authority can subject all participants in competitions organised under the auspices of the Foundation to control, even out of competition before or shortly before the start or after the termination of a competition or event.

20.3. During events organised by the Foundation, doping controls are initiated, organised and coordinated by the Doping Authority.

20.4. The following organisations are authorised to carry out doping controls in competition, or to instruct others to do so:

- a. the Foundation;
- b. the Doping Authority;

20.5. In addition to the Foundation, the following organisations have the authority to conduct doping controls, or to instruct others to do so, out of competition:

- a. DNA;
- b. WADA;
- c. the Doping Authority; and
- d. any other organisation with the statutory or regulatory competence to conduct doping controls out of competition or to instruct others to do so.

20.6. DNA

20.7. Control results from: a (i) doping control not conducted by or on behalf of the Doping Authority and/or the Foundation or a (ii) doping control not conducted at a competition organised under the auspices of the Foundation can, where appropriate with the exception of the provisions of article 36, be dealt with in accordance with the provisions of these regulations (if necessary including the provisions of Part VII).

Where appropriate, the Foundation should, immediately after being informed by the relevant international Foundation, provide the Doping Authority with written information about all control results, and provide it with all documentation relating to the case(s) in question.

20.8. If an athlete has undergone a control conducted by a body without the appropriate jurisdiction, and if this control results in an atypical finding or an adverse analytical result, these regulations shall apply and the Doping Authority and the Foundation shall be competent to conduct the proceedings/disciplinary

proceedings relating to the suspected violation in accordance with these regulations.

20.9. Doping control officials/assistant doping control officials have the authority to conduct investigations of possible violations of these regulations in so far as there are no statutory provisions precluding them from doing so.

#### Article 21 Testing agencies

21.1. Doping controls conducted pursuant to instructions from the Foundation shall be conducted by organisations that have at least relevant ISO certification.

21.2. If a doping control is conducted by or on behalf of the Doping Authority, the Doping Authority shall designate the laboratory.

21.3. If doping controls are conducted by or on behalf of the Doping Authority:

- a. the Doping Authority shall determine how many times controls are conducted;
- b. the Doping Authority shall select the competitions, training sessions, times and locations at which doping controls will be conducted in and out of competition; and

c. the Doping Authority shall select the athletes (this can be done nonrandomly).

21.4. The Foundation shall supply the Doping Authority, both on request and at its own initiative, with correct, complete and timely information about activities organised under the auspices of the Foundation when it is reasonable to assume that athletes from a testing pool will be participating. These activities shall include at least the following: national and international competitions, tournaments, events, races and central training dates, locations, times and any changes to the above.

21.5. DNA

21.6. DNA

21.7. Conducting pre-tests or issuing instructions to that effect constitutes a violation of these regulations. If an athlete undergoes a pre-test, this shall be considered to be the equivalent of a violation of article 5.2.

21.8. Samples may only be analysed in WADA-accredited laboratories or in laboratories approved by WADA in other ways. Violations of articles 3 and/or 4.2 can only be demonstrated on the basis of analyses conducted by these laboratories and/or institutes.

21.9. Laboratories shall analyse samples and report on the results in full conformity with the International Standard for Laboratories.

#### Article 22 Information activities

22.1. The Foundation is required to inform Participants about the content and operation of these regulations, as well as any amendments to these regulations.

22.2. The information referred to in article 22.1 shall cover at least the following issues:

- a. prohibited substances and prohibited methods on the prohibited list;
- b. violations of these regulations;
- c. the doping control;
- d. the rights and responsibilities of athletes and other parties;
- e. therapeutic use exemptions;
- f. the risks of the use of nutritional supplements; and
- g. the effects of the use of prohibited substances and/or prohibited methods on health.

22.3. Any significant shortfall in information demonstrated by a Participant is only relevant in the context of a disciplinary assessment of a possible doping violation in so far

as it relates to articles 39.5, 40.1 or 41.1.

## **Part VI The doping control**

### Article 23 Implementation of the doping control

23.1. The doping control shall take place in full conformity with the provisions of the International Standard for Testing prevailing at the time of the doping control.

23.2. The Doping Authority has the authority to select athletes other than those in a testing pool for doping controls in and out of competition. These athletes are obliged to cooperate with the doping controls. Article 5 applies here in full.

23.3. Doping controls may take place in and out of competition in the Netherlands and elsewhere. Doping controls in competition may be conducted at any competition organised under the auspices of the Foundation.

23.4. The collection of blood samples from athletes takes place for the purposes of doping control, health control and/or establishment of profiles.

### Article 24 Testing Pool

24.1. The Doping Authority in conjunction with the Federation establishes testing pools.

24.2. The Doping Authority in conjunction with the Federation determines:

- a. which athletes will be included in the testing pools;
- b. when athletes will be included in, or removed from, the testing pools.

The Doping Authority or the Federation shall inform the athletes concerned accordingly in writing.

24.3. The Foundation shall provide the Doping Authority with the names, contact and whereabouts information for:

- a. the athletes/categories of athletes that the Doping Authority has designated for inclusion in the testing pool; and
- b. athletes who will participate or who have participated in/at competitions, disciplines, areas and/or levels designated by the Doping Authority correctly and within the time limit established by the Doping Authority and in accordance with the procedures laid down by the Doping Authority.

24.4. The Foundation shall support the Doping Authority in its efforts to acquire the names of athletes for the testing pool when the Doping Authority asks the Foundation to do so.

24.5. Athletes who

- a. have been included in a testing pool at any time, have retired from competitive sports, and who have been removed from a testing pool;
  - b. have been included in a testing pool at any time, and can no longer be considered to be members of the Foundation, and/or
  - c. have been included in a testing pool at any time, have been ineligible for a period of time, have retired from competitive sports and have therefore been removed from a testing pool,
- must, in order to return to competitive sports, be included again in a testing pool.

24.6. In order to return to the testing pool in accordance with the provisions of article 24.5, these athletes shall:

- a. inform the Foundation and the Doping Authority in good time and in writing about their intention to return to competitive sports; and
- b. fulfil the obligation referred to in article 6 with effect from the moment they

are informed accordingly in writing to that effect by the Doping Authority pursuant to the fulfilment of the obligation referred to under 24.6(a).

24.7. The athletes referred to in article 24.6 may only resume competitive sports after they have met the obligations referred to in article 6 for a period of at least three months after receiving the written notification referred to in article 24.6(b).

24.8. If the athletes referred to in article 24.7 participate in one or more competitions before they have correctly, fully and/or in good time fulfilled the obligations referred to in articles 24.6 and 24.7, any competition results shall be automatically invalidated. If participation involves a team sport, the competent body may take one or more appropriate measures, including the disqualification of the team in question, the invalidation of one or more competition/race results obtained by a team and/or the loss of medals, points, prizes and prize money.

24.9. An athlete upon whom an ineligibility period has been imposed pursuant to a violation of these regulations continues to be included in the testing pool.

#### Article 25 Identification

25.1. The doping control officials/assistant doping control officials shall, when notifying an athlete about a doping control, provide identification in the form of identification documents provided by the testing agency when the athlete in question reports to the doping control station (the location where the sample collection procedure takes place or will take place), and at the request of the athlete or the athlete's representative.

25.2. If the doping control official is unable to provide identification in the way stated in article 25.1, the athlete shall not be required to comply with the instructions of the official or to undergo any part of the doping control. In these circumstances, it is not relevant whether the assistant doping control official can provide identification.

25.3. If the assistant doping control official is unable to provide identification in the way stated in article 25.1, but the doping control official is able to do so, the doping control may take place and the athlete shall be required to comply with the instructions of the doping control official/assistant doping control official.

25.4. In the circumstances described in article 25.2, the doping control shall be postponed and, if possible, planned for a date and time to be determined.

25.5. The provisions of article 25.1 apply mutatis mutandis to WADA representatives. These representatives shall have access to all parts of the doping control, with the exception of that part of the control in which the urine is passed, only if they can provide identification.

25.6. Athletes shall be able to provide identification when being notified about the doping control and when reporting to the doping control station.

25.7. If the athlete in question is not able to provide identification, the trainer, coach, representative/legal representative or representative may vouch for the identity of the athlete. The doping control may then take place. In that case, both the athlete and the person vouching for the identity of the athlete in question shall sign the notification form and the doping control form. The doping control official determines whether the identification is adequate. The doping control official may decide to complete the identification procedure after sample collection.

25.8. Even if there is no identification, the doping control official may decide to proceed with the doping control.

#### Article 26 Notification of doping control

26.1. When there is a race, competition or event, every athlete is required to check whether he or she has been selected for a doping control.

26.2. A request to postpone reporting to the doping control station from a selected athlete may be granted, on condition that the athlete is subjected to continuous supervision by a doping control official or a person appointed by that official, for the following reasons:

- a. participation in an award ceremony, a medal ceremony or a victory ceremony;
- b. the athlete's media commitments;
- c. participation of the athlete in a competition or a part of a competition;
- d. warm down;
- e. the wish or need for the athlete to receive urgent medical treatment;
- f. the athlete wishes to find a representative and/or interpreter; or
- g. any other reason considered to be acceptable in the judgement of the doping control official (or a person designated by that official).

26.3. The decision-making authority with respect to the requests referred to in article 26.2 resides with the doping control official.

26.4. If the selected athlete is unable to/has been unable to undergo the doping control and/or to report to the doping control station for medical reasons, he or she should inform the Doping Authority about the nature of the medical reasons within 10 working days after the date on which the doping control in question should have taken place by submitting a written declaration by the case doctor. If the athlete fails to comply with the obligation referred to here, this may constitute a violation of article 5.2.

#### Article 27 Urine sample collection

27.1. The selected athlete may be accompanied by a representative during the sampling procedure, in so far as this does not interfere with the doping control procedure. A minor athlete is entitled to have a representative present when the sample is passed. The representative may, in that case, only observe the doping control official/assistant doping control official and not the passing of the urine sample by the athlete in question unless the selected athlete specifically requests the representative to do so.

27.2. Where necessary, the selected athlete may ask the doping control officials to allow him or her to be accompanied during the sampling procedure by an interpreter.

27.3. The decision-making authority with respect to the rights and obligations referred to in article 27.1 and 27.2 resides with the doping control official.

27.4. The selected athlete should produce the amount of urine indicated by the doping control official and comply with the instructions of the doping control official or a person designated by that official.

27.5. Until such time as the athlete in question has fulfilled the obligation stated in article 27.4, the athlete shall remain in the doping control station. Until then, the athlete may only leave the doping control station subject to the agreement and under the supervision of the doping control official or a person designated by that official.

27.6. After enough urine has been produced, the selected athlete shall pour the urine into the bottle marked "A", hereinafter: the A sample, and into the bottle marked "B", hereinafter: the B sample.

27.7. If the doping control official asks the selected athlete to produce a second urine sample, the athlete shall comply with this request.

27.8. The selected athlete, the doping control official and, if present, the representative shall sign the doping control form.

27.9. In the case of an athlete with a disability, the doping control official is authorised to modify the procedure in accordance with the International Standard for Testing.

27.10. The decision-making authority with respect to requests and modifications and/or with respect to athletes with disabilities resides with the doping control official.

## Part VII Results management

### Article 28 Review of control results

28.1. If the control results in an adverse analytical finding and/or indicates a possible violation, or if there is an atypical finding, the Doping Authority shall review this finding and/or the results on the basis of:

- a. the possible presence of a therapeutic use exemption or a request for such an exemption, or a pending exemption;
- b. any therapeutic use exemption to be granted retroactively;
- c. the conditions associated with the therapeutic use exemption;
- d. any apparent departure from the standards in the sense of articles 12.2 and 12.4 that may have caused the adverse analytical result;
- e. the question of whether the athlete in question was in a testing pool (which may have implications for the possession of a therapeutic use exemption);
- f. the nature of the possible violation;
- g. the possible presence of an aberrant T/E ratio and/or atypical finding in the A sample, whether or not in combination with the presence of a prohibited substance and/or prohibited method (in prohibited amounts), and the possible application of article 30.

28.2. If, after the review referred to in article 28.1, the Doping Authority believes there is a possible violation, an adverse analytical result shall be classified provisionally as a positive result.

28.3. The athlete in question and/or a person designated by him or her, as well as a representative of the Foundation, the international Foundation and/or the testing agency may be present at their own expense at the analysis of the B sample in the laboratory. If it is impossible to be present at the analysis of the B sample, this shall not invalidate the result of the analysis of the B sample.

28.4. The test on the B sample shall be conducted at the same laboratory at which the test on the A sample was conducted.

28.5. If the result of the test on the A sample is not confirmed by the result of the test on the B sample, the result shall be considered to be definitively negative.

28.6. If the result of the test on the A sample is confirmed by the result of the test on the B sample, the result shall be considered to be definitively positive.

28.7. If several prohibited substances and/or evidence of prohibited methods (in prohibited quantities) are found in an A sample, disciplinary proceedings shall be based upon the prohibited substance and/or prohibited method which is subject to the more severe disciplinary sanction.

28.8. If an A sample is found to contain any combination of prohibited substances and/or evidence of prohibited methods (in prohibited quantities), with an aberrant T/E ratio, article 30 shall apply in addition to article 28.7.

28.9. In the case of doping controls not conducted by the Doping Authority, the procedures described in this article shall be conducted by or on behalf of the party

responsible for results management unless that party transfers or relinquishes authority for results management to the Foundation and/or the Doping Authority. 28.10. For international events, results management relating to suspected violations by Participants can be transferred to the Doping Authority in so far as any sanctions may involve more than the invalidation of competition results.

#### Article 29 Communication of control results

29.1. If the control results indicate a negative result and do not suggest a possible violation of these regulations, the Doping Authority shall inform the Participant in question in writing about the results of the analysis of the A sample within 10 working days after the Doping Authority has received the control results. The Doping Authority shall also inform the Foundation in writing about the result at the same time.

29.2. If, after the review referred to in article 28.1, the Doping Authority is of the opinion that there is a possible violation, the Doping Authority shall inform the Participant in question and the Foundation, by registered post within 10 working days after arriving at this opinion, about:

- a. the positive result (where applicable);
- b. the right of the athlete to have the B sample analysed;
- c. the date, the location and the time of the analysis of the B sample (notwithstanding the provisions of the final sentence of article 28.3);
- d. the right of the athlete and/or the person designated by the athlete to be present at the analysis of the B sample on the date, at the location and at the time referred to under (c);
- e. the nature of the suspected violation or violations of these regulations;
- f. any investigation to be conducted in the sense of article 30;
- g. the right of the athlete to request a copy of the documentation package of the laboratory relating to the A and, where applicable, the B sample containing the information required by the International Standard for Laboratories; and
- h. the conditions referred to in article 29.3.

29.3. In the case of a positive result for the A sample, the athlete in question shall be entitled to have an analysis conducted of the B sample. For the purposes of an analysis of the B sample, the following are required either from the athlete in question or on his or her behalf:

- a. a registered letter to the Doping Authority shall be sent within seven working days after receiving the letter referred to in article 29.2; and
- b. the sum stated in the letter referred to in article 29.2 shall be transferred to the Doping Authority.

If the athlete fails to meet the conditions referred to in article 29.3(a) and/or article 29.3(b), the athlete shall be considered to have waived his or her right to the analysis of the B sample and the result of the analysis of the A sample shall become definitive and considered to be a positive result.

29.4. The result of the test of sample B shall be reported by the Doping Authority to the athlete in question by registered mail within 10 working days after the Doping Authority has received that result. The Doping Authority shall also inform the Foundation in writing about the result at the same time.

29.5. The Doping Authority shall not inform any party or person involved about any atypical finding referred to article 30.5 before the completion of the follow-up investigation referred to in that article and the decision by the Doping Authority that there is a possible violation unless the Doping Authority receives a request from:

- a. the Foundation in respect of an imminent deadline relating to the selection of a national team for an international competition or event; and/or
- b. the organiser of an event shortly before the start of the event, asking whether there is any follow-up investigation relating to any athlete pursuant to an atypical finding.

In these circumstances, the Doping Authority shall make names public only if they are on a list of participating athletes supplied by the Foundation. Before informing the Foundation, the Doping Authority shall first inform the athlete in question in writing.

29.6. If there is an atypical finding, and the review referred to in article 28.1 fails to produce a clear result, the Doping Authority shall conduct the follow-up investigation referred to in article 30.5 or issue instructions for the aforesaid investigation. If, pursuant to this follow-up investigation, the Doping Authority arrives at the conclusion that there is a possible violation, it shall inform the Participant in question as soon as possible, by registered post, about:

- a. the adverse analytical result (where applicable);
- b. the right of the athlete to have the B sample analysed (notwithstanding the provisions of article 30.6);
- c. the date, the location and the time of the analysis of the B sample (notwithstanding the provisions of the final sentence of article 28.3);
- d. the right of the athlete and/or the person designated by the athlete to be present at the analysis of the B sample on the date, at the location and at the time referred to under (c);
- e. the nature of the suspected violation or violations of these regulations (where possible);
- f. any investigation to be conducted in the sense of article 30; and
- g. the right of the athlete to request a copy of the documentation package of the laboratory relating to the A and, where applicable, the B sample containing the information required by the International Standard for Laboratories.
- h. the conditions referred to in article 29.3.

29.7. The Doping Authority shall inform the athlete in question as quickly as possible in writing about the follow-up investigation, the implementation of that investigation and the results of the investigation.

#### Article 30 Follow-up investigation

30.1. The Doping Authority shall initiate any follow-up investigation required on the basis of these regulations and/or the prohibited list and may conduct or initiate any relevant follow-up investigation that is necessary to determine whether there has been any violation of these regulations.

30.2. If the A sample is found to contain a non-specified substance or substances and/or prohibited method or methods (in prohibited quantities) in combination with an aberrant T/E ratio and/or if an analysis results in an atypical findings or findings, the disciplinary proceedings may be based on the non-specified substance or substances and/or prohibited method or methods found. In that case, the follow-up investigation referred to in these regulations and/or the prohibited list need not take place.

30.3. If the A sample is found to contain a specified substance or substances in combination with an aberrant T/E ratio and/or an atypical findings or findings, the follow-up investigation referred to in these regulations and/or the prohibited list shall take place.

- a. If the follow-up investigation does not lead to the conclusion in respect of the aberrant T/E ratio that a prohibited substance and/or prohibited method has been

used, the disciplinary proceedings shall take place on the basis of the specified substance(s) found.

b. If the follow-up investigation leads to the conclusion that a non-specified prohibited substance and/or prohibited method has been used, the disciplinary proceedings shall take place on the basis of this finding.

30.4. If the A sample is found to contain a specified substance or substances in combination with an aberrant T/E ratio and/or an atypical finding or findings, the board may decide to initiate disciplinary proceedings on the basis of the specified substance(s) found. In that case, the follow-up investigation referred to in these regulations and/or the prohibited list need not take place.

a. If the follow-up investigation leads to the conclusion that no non-specified prohibited substance(s) and/or prohibited method(s) have been used, the disciplinary proceedings or subsequent proceedings shall take place on the basis of the specified substance(s) found.

b. If the follow-up investigation leads to the conclusion that a non-specified prohibited substance or substances and/or prohibited method or methods have been used, the disciplinary proceedings or subsequent proceedings shall take place on the basis of this finding. If disciplinary proceedings have already taken place on the basis of the specified substance(s) found, any ineligibility period that has already been completed in that respect shall be deducted from the total period of suspension imposed in that case.

c. If disciplinary proceedings have not yet taken place or are still in progress at the time of the completion of the follow-up investigation, these disciplinary proceedings shall take place or further proceedings shall take place only on the basis of the result of the follow-up investigation, unless this investigation does not lead to a positive result, in which case the disciplinary proceedings shall be initiated or continued on the basis of the specified substance(s) found.

30.5. If there is no aberrant T/E ratio but the laboratory reports an atypical finding, and if there is no applicable relevant therapeutic use exemption or no departure from these regulations or international standards in the sense of article 12.2 and/or article 12.4, the Doping Authority shall conduct the follow-up investigation referred to in the International Standard for Laboratories or other International Standard or issue instructions for such an investigation.

30.6. The Doping Authority may analyse the B sample or issue instructions for the analysis of the sample before the completion of the follow-up investigation. In that case, the Doping Authorities shall inform the athlete accordingly prior to the analysis of the B sample as described in article 29.4.

### Article 31 Disciplinary measure

31.1. A disciplinary measure means that the Participant, with effect from the time at which the measure is imposed:

a. shall be excluded from participation in any race, competition and all events under the auspices of the Foundation;

b. shall not be included in any national squad and/or national team;

c. shall not be selected for any national squad, national team and/or any other national or international representation of the Foundation, either as an individual or as a member of a team;

d. shall not train others, follow or participate in training approved by and organised under the auspices of the Foundation. This shall include at least training with the Foundation and training run or supervised by a person working for the Foundation, whether as a volunteer or on another basis;

e. shall not engage in support activities for training and/or competition.

31.2. In the following cases, the Foundation shall impose a disciplinary measure immediately after notification as referred to in article 29.2:

a. if the analysis of the A sample leads to a positive result, unless the positive result relates to a specified substance, in which case article 31.3 applies;

or

b. in the case of a violation of article 5.2 or article 21.7.

31.3. The board may, in the case of a positive result from the analysis of the A sample for a specified substance, impose a disciplinary measure on the athlete in question if:

a. there is a reasonable probability that the athlete in question will test positive again for the same substance in the short term during a race, competition and/or event or preparations for a race competition and/or event;

and/or

b. it is probable that the athlete in question will receive an ineligibility sanction for a violation of these regulations.

31.4. The board may, in the case of suspected violations not covered by articles 31.2 or 31.3, impose a disciplinary measure if it considers a measure of this kind to be desirable or necessary in the interests of the Foundation.

31.5. In cases other than those referred to in article 31.2, the board may impose a disciplinary measure after the review and notification referred to in articles 28 and 29, but before a normal hearing as part of the disciplinary procedures referred to in Part VIII.

31.6. A disciplinary measure can be imposed before a normal hearing only if the Participant has the opportunity for:

a. a provisional hearing prior or within 14 days after the imposition of the disciplinary measure; or

b. an expedited hearing, which is an early normal hearing, within 14 days after the imposition of the disciplinary measure.

31.7. The Participant shall be informed about this measure by registered post within seven working days after the date upon which the decision is taken to impose a disciplinary measure. In this letter, the board shall inform the Participant of the substance of the disciplinary measure and the date upon which the measure comes into effect.

31.8. In cases where this proves necessary or relevant, for example because of the course of a competition or the selection procedure for an international competition, the board may decide to inform other parties concerned about any disciplinary measure that is imposed. Any notification of this kind shall not include information about the nature and circumstances of the suspected violation or any specific information in that regard.

31.9. The disciplinary measure shall remain in effect until:

a. the result of the analysis of the B sample fails to confirm the results of the analysis of the A sample; or

b. a competent body takes a definitive decision with respect to the suspected violation and has informed the Participant in question in writing about this decision;

or

c. in cases of the kind referred to in article 31.3, the board decides to rescind the disciplinary measure; or

d. in cases of the kind referred to in article 31.3, the period stipulated by the board for the disciplinary measure elapses.

In the case referred to in article 31.9(a), or if a decision is made to rescind the disciplinary measure, the Foundation shall inform the Participant and the Doping

Authority accordingly as quickly as possible in writing, and no later than seven working days after this decision is taken.

31.10. If a disciplinary measure is imposed for several reasons or suspected violations, the disciplinary measure shall remain in effect, even if the analysis of the B sample does not confirm the analysis of the A sample or if one of the reasons or suspected violations no longer applies.

31.11. If the athlete or the athlete's team is taken out of a race, competition or event, and the analysis of the B sample fails to confirm the analysis of the A sample, the athlete or team may, after notification has been given pursuant to article 31.9, resume participation in the competition if that is possible without affecting the subsequent course of the race, event or competition.

## **Part VIII Disciplinary procedures**

### Article 32 Disciplinary procedures, general

32.1. Disciplinary proceedings and the determination and imposition of sanctions shall take place in accordance with the provisions of these regulations and the applicable disciplinary arrangements, the latter in accordance with the provisions of article 62.

32.2. DNA

### Article 33 Reporting suspected violations

33.1. Participants may report suspected violations to the Doping Authority or the board. Anonymous reports and reports not stating reasons shall not be considered.

33.2. Suspected violations that are not based on doping controls may be reported in writing to the Doping Authority.

33.3. If the Doping Authority is of the opinion that there is a suspected violation, the Doping Authority shall report this to the board in writing and stating reasons, after which proceedings shall be instituted in respect of the suspected violation in accordance with the provisions of article 34.

### Article 34 Institution of proceedings in respect of suspected violations

34.1. The board shall institute proceedings with the competent disciplinary body as soon as possible in respect of suspected violations about which it is notified by the Doping Authority.

34.2. If the Foundation's own investigations indicate that there is a suspected violation, the board shall institute proceedings as soon as possible in respect of this suspected violation.

34.3. The deadline for instituting proceedings in respect of a suspected violation is six weeks.

34.4. The period for instituting proceedings in respect of a suspected violation begins:

- a. in so far as positive results are concerned, when the result of the doping control has become definitive and the Doping Authority has informed the Foundation in writing about the result;
- b. in cases of the kind referred to in article 34.2, when the board decides that there is a suspected violation;
- c. in cases of the kind referred to in article 33.3, when the Foundation has

been informed in writing about the suspected violation by the relevant organisation, whether or not through the Doping Authority;  
d. in the case of all other suspected violations, when written notification in respect of a suspected violation has been given to the Foundation by the Doping Authority.

34.5. The Foundation shall inform the Participant in question as soon as possible by registered mail that proceedings have been instituted. The Foundation shall inform the Doping Authority in writing at the same time.

#### Article 35 Right to a fair hearing

35.1. The procedures referred to in these regulations shall conform with the following principles:

- a. a hearing in good time;
- b. an honest and unbiased body or arbitration body;
- c. the right of the Participant to be represented by legal counsel at his or her own account;
- d. the right to be informed honestly, in good time and with reasons about violations of which the Participant is suspected;
- e. the right to have both sides of the argument heard;
- f. the right of the stakeholders to submit proof, including the right to call on and question witnesses;
- g. the right to an interpreter during the hearing, with the body in question determining the identity, and the responsibility for the costs, of the interpreter; and
- h. a timely, written decision stating the grounds for the decision, particularly with regard to any departure from the standard ineligibility period and the time when the ineligibility period begins.

35.2. The Participant against whom proceedings have been instituted for a suspected violation may relinquish the right to a hearing at any time.

35.3. The Participant in question against whom proceedings have been instituted in respect of a suspected violation shall, within seven days after receiving the written notification referred to in article 34.5, inform the Foundation by registered mail that he or she wishes to avail himself or herself of the right to a hearing. If the athlete does not comply with these conditions correctly, fully and all in good time, the athlete in question shall be considered to have waived his or her right to a hearing.

35.4. When deciding whether there has been a violation of article 6:

- a. the disciplinary body shall make a separate assessment of each of the three registered whereabouts filing failures on the basis of the applicable rules, procedures and criteria included in the whereabouts annex;
- b. the disciplinary body is not bound by any decision made by the Doping Authority or other NADO, international Foundation, sports Foundation or WADA in respect of the separate whereabouts filing failures;
- c. the disciplinary body is not bound by any decision taken pursuant to any request for administrative review submitted by the athlete in question.

#### Article 36 Automatic invalidation of competition result(s)

A violation of these regulations in respect of a doping control in competition results automatically in the invalidation of the result(s) achieved in the competition in question.

## Part IX Sanctions

### Article 37 Sporting sanctions & fines

37.1. A violation of these regulations committed during or in connection with an event may, if the competent body so decides, leads to the invalidation of all competition results other than those referred to in article 36 that the athlete has achieved as part of that event.

37.2. If the athlete can demonstrate that the violation referred to in article 37.1 was not due to his or her fault or negligence, the competition results referred to in article 37.1 shall not be invalidated unless it is probable that those results were affected by the violation.

37.3. Notwithstanding the provisions of article 36, article 37.1 and article 37.2, all competition results shall be invalidated that have been achieved between a violation of these regulations and the start of the disciplinary measure imposed pursuant to that violation or, if no disciplinary measure is imposed, the period of invalidity unless otherwise required by considerations of fairness.

37.4. The violation of article 5.3 by an association and/or club that is a Participant of the Foundation shall be punished in the form of a monetary fine to be determined by the disciplinary body. If a planned doping control out of competition does not take place pursuant to a failure as referred to above to cooperate fully, that lack of cooperation shall be considered a violation of article 5.3 by the athlete(s) who do not undergo the planned control.

37.5. The violation of article 21.7 by an association and/or club that is a Participant of the Foundation shall be punished in the form of a monetary fine to be determined by the disciplinary body. The violation of article 21.7 in conjunction with article 5.2

30  
by an athlete shall lead to the imposition of the sanction referred to in article 38.2.

### Article 38 Ineligibility

38.1. The ineligibility period imposed for a violation of article 3, article 4 or article 8 shall be two years in the case of a first violation, unless:

- a. the conditions referred to in article 39, article 40, article 41 and/or article 42 for the reduction of the sanction are met; or
- b. the conditions referred to in article 43 for the extension of the sanction are met.

38.2. The ineligibility period imposed for a violation of article 5 or article 7 shall be two years in the case of a first violation, unless:

- a. the conditions referred to in article 40, article 41 and/or article 42 for the reduction of the sanction are met; or
- b. the conditions referred to in article 43 for the extension of the sanction are met.

38.3. The ineligibility period imposed for a violation of article 9 or article 10 shall be at least four years in the case of a first violation, unless the conditions stated in article 40, article 41 and/or article 42 for the reduction of the sanction are met.

38.4. The ineligibility period imposed for a violation of article 6 shall be at least one year and a maximum of two years depending on the level of fault of the athlete in

question.

38.5. A violation of these regulations involving a minor that is committed by support personnel shall be considered to be very serious and shall result in the lifetime ineligibility of that support personnel unless the violation relates to a specified substance or substances.

38.6. It is not possible to impose the sanctions referred to in Part IX conditionally, either in whole or in part.

#### Article 39 Specified substances

39.1. For the purposes of the application of the provisions stated below in this article, all of the specified substances on the prohibited list, with the exception of:

- a. anabolic substances;
- b. hormones and related substances;
- c. the hormone antagonists and modulators designated as non-specified substances on the prohibited list; and
- d. the stimulants designated as non-specified substances on the prohibited list.

39.2. Specified substances are never prohibited methods.

39.3. If a Participant in question demonstrates (i) how the specified substance(s) have entered his or her body (in the case of a violation of article 3), or how he or she used the substance(s) (in the case of a violation of article 4) or how the substance(s) have entered his or her possession (in the case of a violation of article 8) and (ii) demonstrates that the administration or ingestion, the use or the possession of that specified substance(s) did not take place with the intention of enhancing sporting performance or of masking the use of any prohibited substance(s) and/or prohibited method(s), the ineligibility period described in article 38.1 shall be replaced by:

- a. at least a warning, associated with a reprimand, but no ineligibility period for future events, and
- b. a maximum ineligibility period of two years;

39.4. The statement of the Participant in question alone is not adequate to meet the requirements of article 39.3 relating to proof. In addition to his or her statement, the Participant in question must provide firm evidence that he or she did not intend to enhance his or her sporting performance or to mask the use of any prohibited substance(s) and/or prohibited method(s).

39.5. When determining the extent to which the ineligibility period referred to in article 38.1 shall be reduced on the basis of article 39, the level of fault of the Participant in question shall be taken into account.

39.6. Specified substances shall not be considered less serious or less performanceenhancing than the other substances on the prohibited list. If an athlete does not fulfil the criteria set out in this article for the mitigation of the period of ineligibility, the ineligibility period stated in article 38.1 shall be imposed. In addition, on the basis of the arrangements set out in article 43, there may be grounds to impose a longer ineligibility period in that case.

#### Article 40 No fault or negligence

40.1. There shall be no question of fault or negligence if the Participant can demonstrate that he or she did not know or suspect, and could not reasonably have known or suspected, even after exercising the greatest possible care, that he or she had used, ingested or been administered the prohibited substance and/or prohibited

method.

40.2. If, in an individual case, the athlete can demonstrate that the violation of article 3 or article 4 is not the result of his or her fault or negligence, the applicable period of ineligibility shall not be imposed. A supplementary requirement in the case of a violation of article 3 is that the athlete must demonstrate how the prohibited substance(s) and/or evidence of prohibited method(s) have entered his or her body.

40.3. Article 40 does not apply to cases covered by article 38.4 or article 39.

#### Article 41 No significant level of fault or negligence

41.1. There is no question of a significant level of fault or negligence if the Participant can demonstrate that his or her fault or negligence is, given the circumstances of the case and taking into account the criteria referred to in article 40.1, not significant in relation to the violation of these regulations.

41.2. If, in an individual case relating to the violations referred to in Part II, with the exception of the violation referred to in article 6, a Participant can demonstrate that there was no significant fault or negligence on his or her part, the ineligibility period may be reduced but may never be less than half of the ineligibility period referred to in article 38. A supplementary requirement in the case of the application of this provision is that the athlete must demonstrate how the prohibited substance(s) and/or evidence of prohibited method(s) have entered his or her body.

41.3. In the cases referred to in article 41.2, the reduced ineligibility period shall not be less than eight years if the ineligibility period would have been a lifetime ineligibility period in the absence of the application of article 41.

41.4. Article 41 does not apply to cases to which article 38.4 or article 39 apply.

#### Article 42 Admission before a violation is suspected

If:

a. a Participant, either before he or she has been informed that he or she shall be subjected to a doping control that may identify a violation of these regulations, or before being notified of a suspected violation by the Doping Authority, the Foundation, another international Foundation and/or the national sports Foundation or NADO of another country, voluntarily admits to a violation of the kind referred to in Part II, and

b. this admission is the only reliable evidence of the aforesaid violation at that point in time,

the ineligibility period to be imposed shall be reduced by no more than half of the period that would have applied in the absence of this admission.

#### Article 43 Aggravating circumstances

43.1. If the Foundation demonstrates that, in an individual case, there are (i) aggravating circumstances that (ii) justify the imposition of a longer ineligibility period than the applicable standard period determined in article 38 or article 39, an ineligibility period of a maximum of four years may be imposed in a case of this kind unless the Participant can demonstrate that he or she did not deliberately commit the violation of these regulations.

43.2. If a suspected violation is discovered after the completion of disciplinary proceedings for a violation of these regulations, and this suspected violation was

committed prior to the notification referred to in article 29.2 relating to the violation for which proceedings have been completed, this shall be considered to be aggravating circumstances in the sense of article 43.1. An ineligibility period of a maximum of four years shall then be imposed, unless article 43.3 applies.

Article 36 and article 37.3 shall apply mutatis mutandis.

43.3. If the Participant, immediately after having been informed that a violation is suspected, admits to that violation of these regulations, article 43 shall not apply.

43.4. Article 43 does not apply to the violations referred to in article 9 and article 10.

#### Article 44 Reduction in sanction under more than one provision of this article

44.1. For the application of this provision:

a. the ineligibility period to be imposed pursuant to article 38, article 39 and/or article 43 shall be determined first, and

b. the Participant shall then demonstrate that he or she, on the basis of the provisions of article 42, qualifies for the mitigation of the ineligibility period.

44.2. If the Participant meets the requirements stated in article 44.1(b), the ineligibility period determined in article 44.1(a) may be reduced but may not be less than a quarter of the period determined on the basis of article 44.1(a).

#### Article 45 Multiple Violations

45.1. If, on the basis of the application of article 40, the ineligibility period pursuant to a violation of these regulations is repealed in its entirety, this violation shall be considered not to have occurred in so far as this relates to the application of article 45.

45.2. A second violation of these regulations may be taken into consideration for the imposition of sanctions pursuant to article 45 only if the Foundation can demonstrate that the Participant has committed the second violation of these regulations after the Participant has received the notification referred to in article 29.2 or after the Doping Authority has made a reasonable attempt to provide him or her with the notification referred to in article 29.2. If the Foundation is unable to prove this, the violations shall be considered jointly as a single separate first violation and the sanctions to be imposed shall be based upon the violation subject to the most severe sanction. A situation of this kind may be considered to be aggravating circumstances that justify the imposition of a longer ineligibility period in accordance with the provisions of article 43.1.

45.3. If one and the same doping control indicates that an athlete has committed a violation of these regulations that relates to both a specified substance and to another prohibited substance and/or prohibited method, the athlete shall be considered to have committed only one separate violation of these regulations but the sanction to be imposed shall be based on the prohibited substance or prohibited method subject to the most severe sanction.

45.4. The ineligibility period to be imposed shall be at least one year and a maximum of four years when cases involve the following combinations of two violations of these regulations.

a. The ineligibility period has been or will be reduced pursuant to article 39 for the first and second violation respectively.

b. The first violation is a violation of the kind referred to in article 6. The ineligibility period will be reduced pursuant to article 39 in respect of the second violation.

c. The ineligibility period has been reduced pursuant to article 41 in respect of

the first violation. The period of ineligibility will be reduced pursuant to article 39 in respect of the second violation.

45.5. The ineligibility period to be imposed shall be at least two years and a maximum of four years when cases involve the following combinations of two violations of these regulations.

a. The ineligibility period has been reduced pursuant to article 39 in respect of the first violation. The second violation relates to article 6.

b. The ineligibility period has been reduced pursuant to article 39 in respect of the first violation. The ineligibility period will be reduced pursuant to article 41 in respect of the second violation.

c. In respect of the first violation, the standard sanction of two years as referred to in article 38.1 and/or article 38.2 is applicable. The period of ineligibility will be reduced pursuant to article 39 in respect of the second violation.

45.6. The ineligibility period to be imposed shall be at least four years and a maximum of five years when cases involve the following combination of two violations of these regulations: article 43.1 has been applied in respect of the first violation. The ineligibility period will be reduced pursuant to article 39 in respect of the second violation.

45.7. The ineligibility period to be imposed shall be at least four years and a maximum of six years in the case of the following combination of two violations of these regulations: the ineligibility period has been reduced pursuant to article 39 in respect of the first violation. In respect of the second violation, the standard sanction of two years as referred to in article 38.1 and/or article 38.2 is applicable.

45.8. The ineligibility period to be imposed shall be at least four years and a maximum of six years in the case of the following combination of two violations of these regulations.

a. The first and second violations relate to article 6;

b. A violation relating to article 6, in combination with a violation for which the ineligibility period has been or will be reduced pursuant to article 41.

c. The ineligibility period has been or will be reduced pursuant to article 41 in respect of the first and second violation respectively.

45.9. The ineligibility period to be imposed shall be at least six years and a maximum of eight years in the case of the following combination of two violations of these regulations.

a. A violation relating to article 6, in combination with a violation for which the standard sanction of two years as referred to in article 38.1 and/or article 38.2 is or was applicable.

b. The ineligibility period has been reduced pursuant to article 41 in respect of the first violation. In respect of the second violation, the standard sanction of two years as referred to in article 38.1 and/or article 38.2 is applicable.

45.10. The ineligibility period to be imposed shall be at least eight years and a maximum of ten years when cases involve the following combination of two violations of these regulations: the ineligibility period has been reduced pursuant to article 39 in respect of the first violation. Article 43.1 will be applied in respect of the second violation.

45.11. The ineligibility period to be imposed shall be a minimum of eight years or lifetime ineligibility when cases involve the following combinations of two violations of these regulations.

a. The first violation relates to article 9 and/or article 10. The ineligibility period will be reduced pursuant to article 39 in respect of the second violation.

b. In respect of the first and second violation, the standard sanction of two years as referred to in article 38.1 and/or article 38.2 is applicable.

45.12. The ineligibility period to be imposed shall be at least ten years or lifetime ineligibility when cases involve the following combinations of two violations of these regulations.

a. A violation to which article 43.1 has been applied in combination with a violation that relates to article 6.

b. A violation to which article 43 has been applied, in combination with a violation for which the ineligibility period has been reduced pursuant to article 39.

c. The ineligibility period has been reduced pursuant to article 41 in respect of the first violation. The second violation relates to article 9 and/or article 10.

45.13. The ineligibility period to be imposed shall be lifetime ineligibility when cases involve the following combinations of two violations of these regulations.

a. A violation of article 6, in combination with a violation of article 9 and/or article 10.

b. A violation for which the ineligibility period has been reduced pursuant to article 39 in combination with a violation of article 9 and/or article 10.

c. A violation for which the standard sanction of two years as referred to in article 38.1 and/or article 38.2 is applicable, in combination with a violation to which article 43.1 has been applied.

d. A violation for which the standard sanction of two years as referred to in article 38.1 and/or article 38.2 is applicable, in combination with a violation of article 9 and/or article 10.

e. A combination of violations to which article 43.1 has been applied in both cases.

f. A violation to which article 43.1 has been applied in combination with a violation of article 9 and/or article 10.

g. A combination of violations of article 9 and/or article 10.

45.14. If the Participant who has committed a second violation of these regulations can demonstrate that he or she qualifies for a reduction of the ineligibility period under article 42,

a. the ineligibility period shall be determined first on the basis of article 45, and

b. the reduction referred to in article 42 shall then be applied.

The period remaining shall then be a minimum of one quarter of the period referred to in article 45.14(a).

45.15. A third violation of these regulations shall always result in lifetime ineligibility unless the Participant meets the requirements stated in article 39 or unless there has been a violation of article 6. In these last two cases, the ineligibility period shall be a minimum of ten years, with a maximum of lifetime ineligibility.

45.16. To qualify as multiple violations in the sense of article 45, the violations must have taken place within eight years of each other.

45.17. For the application of article 45, a violation (i) that has been committed in respect of a substance that has been classified as a specified substance since the 2009 prohibited list came into effect (but that was committed before that list came into effect) and (ii) for which an ineligibility period of less than two years has been imposed, is considered to be a violation for which the ineligibility period has been reduced on the basis of article 39.

#### Article 46 Commencement of ineligibility period

46.1. The ineligibility period starts on the day of the decision made in the disciplinary

proceedings, unless otherwise stated in these regulations.

46.2. If there is a substantial delay in the procedures referred to in Part VII and/or Part VIII, and if this delay cannot be attributed to the Participant, the disciplinary body may allow the ineligibility period to start at a point in time before that mentioned in article 46.1 but at the earliest on the date when the most recent violation of these regulations was committed.

46.3. If the Participant, after the Doping Authority, the Foundation, the international Foundation and/or the national sports Foundation or NADO of another country has informed him or her about the possible suspected violation, immediately (in other words, at least before participating in a later competition) admits to a violation of the kind referred to in Part II, the ineligibility period may start on the last date of the violation in question. At least half of the ineligibility period to be imposed shall, however, start on the day of the disciplinary decision. Article 46.3 shall not apply to cases in which article 42 has been applied.

46.4. The ineligibility period associated with the imposition of a disciplinary measure shall be deducted from the total ineligibility period that is imposed, unless the Participant in question has failed to comply strictly with the said disciplinary measure. The same shall apply to a provisional measure, suspension or ineligibility period imposed by a competent body/disciplinary body.

46.5. Contrary to the options set out in article 46, there are no options available for allowing an ineligibility period that is to be imposed to begin before the point of time referred to in article 46.1.

#### Article 47 Status during ineligibility

47.1. The imposition of an ineligibility period means that the Participant, with effect from the time at which this sanction is imposed:

- a. shall be excluded from participation in any race, competition and all events under the auspices of the Foundation;
  - b. shall not train others, follow or participate in training approved by and organised under the auspices of the Foundation. This shall include at least training with the Foundation and training run or supervised by a person working for the Foundation, whether as a volunteer or on another basis;
  - c. shall not engage in support activities during training and/or competition.
- The Participant may participate in anti-doping programmes and/or rehabilitation programmes.

47.2. For any violation of these regulations not involving a specified substance, some or all sport-related financial support or other sport-related benefits received by the person committing the violation shall be withheld by the Foundation or the Foundation's member organisations.

47.3. A Participant subject to a period of ineligibility longer than four years may, after completing four years of the period of ineligibility, participate in local sport events in a sport other than the sport in which the Participant committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could otherwise qualify the Participant directly or indirectly to compete in (or accumulate points toward) a national championship, international event or international competition.

47.4. Participants may, after completing a period of at least 10 years of a lifetime in eligibility period, file an application for the suspension of the remainder of their period of ineligibility to the Foundation's competent body. In the absence of any existing arrangements in this respect, the board of the Foundation shall qualify as the body with jurisdiction in this matter for the application of these regulations.

There is no appeal against the decision of the competent body in this respect. The competent body may make a suspension subject to conditions.

47.5. As a condition for regaining eligibility for participation in competitions after a given ineligibility period, athletes shall, during the ineligibility period, provide the information referred to in article 6.

47.6. Where article 36, article 37.1, article 37.3 and/or article 47.7 have been applied, a Participant shall be eligible to participate after the ineligibility period imposed on him or her only after repayment of any prize monies.

47.7. If a Participant, during an ineligibility period, participates in any of the activities and/or acts in any of the capacities referred to in article 47.1:

- a. any competition results shall be automatically invalidated; and
- b. the ineligibility period shall begin again, unless the Participant in question can demonstrate in accordance with the provisions of article 41 that there is in this matter no question of significant fault or negligence on his or her part. In the latter case, the disciplinary body shall determine the amount of reduction of the newly imposed ineligibility period.

#### Article 48 Consequences for teams (where applicable)

48.1. If, in the case of a team sport, more than one Participant of the same team has committed a violation of these regulations during or in the context of an event, the competent body may take one or more appropriate measures, including the disqualification of the team in question, the invalidation of one or more competition/race results obtained by a team and/or the loss of medals, points and prizes/prize money.

48.2. In sports which are not team sports but where prizes are awarded to teams, disqualification or other disciplinary action against the team when one or more team Participants have committed a violation of these regulations shall be as provided in the applicable rules of the international Foundation.

#### Article 49 Statute of limitations

No action may be instituted for a violation of these regulations unless such action is instituted in accordance with the provisions of article 34 within eight years from the date the violation is asserted to have occurred.

## **Part X Appeals**

#### Article 50 Institution of appeals

50.1. Appeals can only be made in the way described in Part X.

50.2. Decisions against which an appeal has been filed shall remain in effect while under appeal unless the appellate body orders otherwise.

#### Article 51 Decisions subject to appeal

51.1. The following decisions of a Foundation body can be appealed:

- a. a decision that an anti-doping rule violation has/has not occurred;
- b. a decision that the Foundation lacks jurisdiction to rule on a suspected violation;
- c. a decision to impose a disciplinary measure pursuant to a provisional hearing;
- d. a decision based on article 47.7; and/or
- e. a decision that infringes the principles of a fair trial.

51.2. The Doping Authority may appeal:

- a. against a decision of the board not to institute proceedings for a suspected violation;
- b. if the board does not institute proceedings for a suspected violation within the time limit stated in article 34.

51.3. If, after a period of 30 days has elapsed after WADA has received written notification with respect to an athlete of a third whereabouts filing failure in the sense of article 6.1, no violation has been reported, this shall be considered, for the purposes of the application of Part X, to be a decision that no violation of these regulations has taken place.

#### Article 52 International testing pool

52.1. In the case of suspected violations involving athletes (or their support personnel) who, at the time of the violation, are included in the testing pool of the international Foundation, or violations resulting from the participation in a competition and/or event organised under the auspices of the international Foundation, an appeal to the CAS (Court of Arbitration for Sport) may be filed only after all appeal options within the Foundation have been exhausted. Such an appeal shall be subject to the conditions of the CAS.

52.2. In the case of suspected violations of the kind referred to in article 52.1, the following parties may appeal;

- a. the Participant who is the subject of the decision being appealed;
- b. the Foundation;
- c. the relevant international Foundation in the case in question and any other organisation with the competence to conduct doping controls or have them conducted under whose regulations a sanction could have been imposed;
- d. the Doping Authority;
- e. the NADO of the country of which Participant is a national or where the Participant is resident;
- f. DNA and
- g. WADA.

#### Article 53 Other athletes

53.1. In the case of suspected violations other than those referred to in article 52.1, an appeal may be filed to the CAS only after all appeal options within the Foundation have been exhausted. Such an appeal shall be subject to the conditions of the CAS.

53.2. In doping proceedings of the kind referred to in article 53.1, the following parties may appeal;

- a. the Participant who is the subject of the decision being appealed;
- b. the Foundation;
- c. the relevant international Foundation in the case in question;
- d. the Doping Authority;
- e. the NADO of the country of which Participant is a national or where the Participant is resident; and
- f. WADA.

#### Article 54 Appeals /WADA intervention

54.1. If WADA, pursuant to the provisions in Part X, has the right to appeal against the

decision and none of the parties referred to in article 52.2 or article 53.2 have appealed other than WADA, WADA may, without exhausting the other appeal options, appeal directly to the CAS.

54.2. WADA has the right to intervene in proceedings instituted in respect of a suspected violation if:

- a. the competent disciplinary body has not arrived at the decision within a reasonable deadline set by WADA;
- b. no reasonable explanation is given for this delay; and
- c. a decision from the said body is not expected in the very near future.

Such circumstances shall be considered to be a decision that there has been no violation of these regulations. In that case, after consulting the Foundation, WADA may appeal directly to the CAS.

#### Article 55 Appeals relating to therapeutic use exemptions

55.1. The athlete in question may file an appeal against a decision denying a therapeutic use exemption by organisations with the competence to conduct doping controls or to instruct others to do so other than WADA if that decision is not reversed by WADA:

- a. with the CAS, if that athlete is a Participant of the testing pool of the international Foundation at the time of the denial of the request for the therapeutic use exemption in question;
- b. with the appellate body of the Foundation, if that athlete is not a Participant of the testing pool of the international Foundation at the time of the denial of the request for the therapeutic use exemption in question. If the appellate body reverses the decision relating to the request for a therapeutic use exemption, WADA may appeal that decision to the CAS.

55.2. A WADA decision relating to the granting or denial of a request for a therapeutic use exemption can only be appealed to the CAS by the athlete in question or the Foundation whose decision has been reversed.

55.3. Therapeutic use exemptions reversed by WADA at any time remain in effect until the athlete in question has been informed in writing of this decision by WADA.

55.4. If a decision relating to a request for a therapeutic use exemption is not taken within the prevailing deadline(s), the request for a therapeutic use exemption shall be considered to have been denied for the purposes of the application of article 55.

#### Article 56 Filing deadlines for appeals

56.1. The filing deadline for an appeal in the Foundation is twenty-one days, starting on the day upon which the party with the right to appeal is informed in writing about the decision to be appealed:

56.2. In the disciplinary proceedings in the first instance, a decision by the disciplinary body shall have been made no later than three months after the institution of the proceedings relating to the suspected violation in the sense of article 34. If this is not the case, the Doping Authority, as well as the person or organisation in question suspected of committing a violation of these regulations, shall have the right to bring the case to the relevant appellate body within 14 days.

56.3. The deadline for an appeal or intervention by WADA shall be the latest of the following deadlines:

- 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 the last day of the deadline referred to in article 54.2(a).

## **Part XI Announcements**

### Article 57 Provision of information

Communications relating to suspected violations and investigations relating to those violations shall take place in accordance with the provisions of Part XI as well as the provisions of article 29.

### Article 58 Initial review of suspected violation

58.1. If, after the review referred to in article 28.1, a violation is suspected, the Doping Authority, where appropriate after being informed accordingly by the Foundation, shall inform the relevant international Foundation about the suspected violation if:

a. the athlete in question was in the testing pool of the said international Foundation at the time of the suspected violation of these regulations;  
and/or

b. this athlete will probably participate in a race, competition, tournament or event on the competition calendar of the international Foundation.

58.2. The Doping Authority shall inform the relevant international Foundation as quickly as possible after the completion of the review referred to in article 28.1.

58.3. The notification referred to in article 58.1 may include the following information (in so far as applicable):

a. the name of the Participant;

b. the nationality/nationalities of the Participant;

c. the branch of sport;

d. the discipline in that branch of sport;

e. whether the doping control was in or out of competition;

f. the date upon which the doping control took place or should have taken place, or the date on which the suspected violation of these regulations was committed; and

g. the result of the analysis reported by the laboratory.

58.4. The Doping Authority makes an assessment on the basis of relevance and necessity about which information referred to in article 58.3 shall be supplied.

### Article 59 Proceedings instituted for possible violations

59.1. After proceedings have been instituted in respect of a possible violation, the Doping Authority shall inform the relevant international Foundation about those proceedings as quickly as possible in writing if the athlete in question was in the testing pool of the said international Foundation at the time of the suspected violation. Where relevant, the Doping Authority shall at the same time inform WADA, the NADO of the country from which the athlete in question comes and/or the national Foundation of that country in writing.

59.2. The Doping Authority makes an assessment on the basis of relevance and necessity about which information referred to in article 58.3 is supplied.

#### Article 60 Disciplinary decision

60.1. Notwithstanding any appeal that may be made, the Foundation or the disciplinary body shall inform the athlete and the Doping Authority in writing, in the form of a decision stating reasons, as quickly as possible but no later than 20 days after the said disciplinary body has arrived at a decision, that a violation of these regulations has or has not taken place. The decision shall not be anonymised.

60.2. If the athlete is in the testing pool of the relevant international Foundation at the time of the violation of these regulations, the Doping Authority shall forward this decision as quickly as possible to that international Foundation and WADA. Where appropriate, the Doping Authority shall supply WADA, the NADO of the country from which the athlete in question comes and/or the national Foundation of that country with the decision.

60.3. The Foundation shall communicate the disciplinary decision in a way that is appropriate for the correct application of the provisions of article 47.

#### Article 61 Other suspected violations

In the case of suspected violations for which the Doping Authority did not conduct the doping control (if there has been such a control) the Foundation shall provide the Doping Authority as soon as possible in writing with the information referred to in articles 58, 59 and 60.

## **Part XII Miscellaneous**

#### Article 62 Legal status of regulations

The application of these regulations shall not be limited by other regulations of the Foundation. Consequently, the disciplinary arrangements of the Foundation shall apply to the provisions of these doping regulations only in so far as the disciplinary arrangements do not conflict with the content and/or the purport of these regulations.

#### Article 63 In absentia proceedings

If proceedings are instituted in respect of a suspected violation and if there are no contact details or no correct contact details for the athlete in question, even after a reasonable attempt has been taken to obtain them (including contacts with the national Foundation and/or the relevant international Foundation), the proceedings in respect of the suspected violation shall take place in accordance with these regulations without communication with, contributions from and/or the participation of the athlete in question without there being any conflict with the provisions of article 35 or any other provision of these regulations.

#### Article 64 Interpretation

64.1. In relevant cases, these regulations shall be interpreted in the light of the English text of the World Anti-Doping Code and/or International Standard(s) prevailing at the time of the doping control.

64.2. The annexes are an integral part of these regulations.

64.3. The date of reception in the case of written correspondence shall be considered to be two working days after the date upon which it is sent.

Article 65 Reporting to judicial authorities

Disciplinary proceedings in respect of suspected violations of articles 8, 9 and/or 10 shall not preclude reporting to judicial authorities if these acts are also infringements of laws and/or rules that prevail outside sports.

Article 66 Final provision

In cases not provided for by these regulations, the board shall decide.