



FEI Anti-Doping Rules For Human Athletes

Based upon the
~~2009 revised~~2015 WADA Code, effective 1 January 2011, updated 1 January 2014-2015

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DISCLAIMER

Please note that the FEI General Assembly adopted the 2015 Anti-Doping Rules for Human Athletes on 14 December 2014 at the FEI General Assembly in Baku, Azerbaijan giving the FEI Headquarters the mandate to make additional housekeeping changes without significant substance to the version adopted at the 2014 FEI General Assembly. The latest version in force is published on the FEI's website.

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FEI ANTI-DOPING RULES FOR HUMAN ATHLETES

INTRODUCTION

Preface

~~At the FEI General Assembly held on 21 November 2008 in Buenos Aires, Argentina, the FEI accepted the revised (2009) World Anti-Doping Code (the "Code").~~ These Anti-Doping Rules are adopted and implemented in conformance with the FEI's responsibilities under the Code, and are in furtherance of the FEI's continuing efforts to avoid doping in equestrian sport.

~~They have been further amended by the FEI General Assembly on 5 November 2010 following various mandatory changes required under the Code.~~

Anti-Doping Rules, ~~like Competition rules,~~ are sport rules governing the conditions under which sport is played. ~~Athletes and other Persons accept these rules as a condition of participation and shall be bound by them. These sport-specific rules and procedures,~~—Aimed at enforcing anti-doping principles in a global and ~~harmonized~~harmonised manner, ~~they~~ are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal and civil proceedings ~~or employment matters~~. When reviewing the facts and the law of a given case, all courts, arbitral panel, and tribunals and other adjudicating bodies should be aware of and respect the distinct nature of ~~the anti-doping rules in these~~ Anti-Doping Rules implementing the Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world ~~with an interest in~~ as to what is necessary to protect and ensure fair sport.

Fundamental Rationale for the Code and FEI's Anti-Doping Rules for Human Athletes

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

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

Doping is fundamentally contrary to the spirit of sport.

Scope

These Anti-Doping Rules shall apply to the *FEI*, each *National Federation* of the *FEI*, and each *Participant* in the activities of the *FEI* or any of its *National Federations* by virtue of the *Participant's* membership, accreditation, or participation in the *FEI*, its *National Federations*, or their activities or *Events*.

Unless the *FEI* Sport Rules provide otherwise, to be eligible for participation in *FEI* events, an *Athlete* must be registered with the *FEI* and/or a registered member of a *FEI National Federation*. The *National Federation* must guarantee that all registered international Athletes accept the Statutes, Regulations and Rules of the *FEI*, including these *FEI* Anti-Doping Rules.

~~It is Within the responsibility overall pool of each National Federation to ensure that all national level Testing on the National Federation's Athletes complies set out above who are bound by and required to comply with these Anti-Doping Rules. In some countries, the National Federation itself will be conducting the Doping Control described in, the following Athletes shall be considered to be International-Level Athletes for purposes of these Anti-Doping Rules. In other countries, many of the Doping Control responsibilities of the National Federation have been delegated or assigned by statute or agreement to a National Anti-Doping Organization. In those countries, references, and therefore the specific provisions in these Anti-Doping Rules applicable to the National Federation shall apply, International-Level Athletes (as appropriate, to the National Anti-Doping Organization.~~

~~These Anti-Doping Rules regards Testing but also as regards TUEs, whereabouts information, results management, and appeals) shall apply to all Doping Controls over which such Athletes who:~~

- ~~(a) are registered with the FEI; and its National Federations have jurisdiction; or~~
- ~~(b) participate in an International Event.~~

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the Anti-Doping Rule violations set forth in Article 2.1 through Article 2.8¹⁰ of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

Athletes and other *Persons* shall be responsible for knowing what constitutes an Anti-Doping Rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute Anti-Doping Rule violations:

~~[Comment to Article 2: The purpose of Article 2 is to specify the circumstances and conduct which constitute violations of Anti-Doping Rules. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules has been violated.]~~

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

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

~~[Comment to Article 2.1.1: For purposes of anti-doping violations involving the presence of a *Prohibited Substance* (or its *Metabolites* or *Markers*), these Anti-Doping Rules adopt the rule of strict liability which was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, an *Athlete* is responsible, and an anti-doping rule violation occurs, whenever a *Prohibited Substance* is found in an *Athlete's Sample*. The violation occurs whether or not the *Athlete* intentionally or unintentionally used a *Prohibited Substance* or was negligent or otherwise at fault. If the positive *Sample* came from an *In-Competition test*, then the results of that *Competition* are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the *Athlete* then has the possibility to avoid or reduce sanctions if the *Athlete* can demonstrate that he or she was not at fault or significant fault (Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional~~

¹ **Comment to Article 2.1.1:** An anti-doping rule violation is committed under this Article without regard to an *Athlete's* Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An *Athlete's* Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.

~~Circumstances)) or in certain circumstances did not intend to enhance his or her sport performance (Article 10.4 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)).~~

~~The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the exceptional circumstance where a Prohibited Substance entered an Athlete's system through No Fault or Negligence or No Significant Fault or Negligence on the Athlete's part. It is important to emphasize that while the determination of whether the anti-doping rule violation has occurred is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in these Anti-Doping Rules has been consistently upheld in the decisions of CAS.]~~

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not ~~analyzed~~analysed; or, where the *Athlete's B Sample* is ~~analyzed~~analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*.; or, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.²

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

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

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

² **Comment to Article 2.1.2:** The Anti-Doping Organisation with results management responsibility may at its discretion, choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method³

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

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

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.⁴

³ **Comment to Article 2.2:** It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.

⁴ **Comment to Article 2.2.2:** Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. An Athlete's "Use" of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition or unless the Athlete has a valid TUE for such substance. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered.)

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

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

2.3 Evading, Refusing or Failing to Submit to Sample Collection⁵

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

~~[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an Athlete was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplates intentional conduct by the Athlete.]~~

~~2.4 — Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the International Standard for Testing. 2.4~~ Whereabouts Failures

Any combination of three missed ~~tests~~test and/or filing failures as defined in the International Standard for Testing and Investigations, within ~~an eighteen-~~a twelve month period ~~as determined by Anti-Doping Organizations with jurisdiction over the Athlete shall constitute an anti-doping rule violation~~by an Athlete in a Registered Testing Pool.

⁵ **Comment to Article 2.3:** For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.

~~[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under the rules of the FEI or any other Anti-Doping Organization with authority to declare whereabouts filing failures and missed tests in accordance with the International Standard for Testing shall be combined in applying this Article. In appropriate circumstances, missed tests or filing failures may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5.]~~

2.5 Tampering or Attempted Tampering with any part of Doping Control.⁶

~~[Comment to Article 2.5: This Article prohibits Conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, altering identification numbers on Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control form during Testing, breaking the B Bottle at the time of B Sample analysis or official, providing fraudulent information to an Anti-Doping Organisation, or intimidating or attempting to intimidate a potential witness.]~~

2.6 Possession of Prohibited Substances and Methods or a Prohibited Method⁷

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

2.6.2 Possession by an Athlete Support ~~Personnel~~ Person In-Competition of any Prohibited ~~Method~~ Substance or any Prohibited ~~Substance~~ Method, or Possession by an Athlete Support ~~Personnel~~ Person Out-of-Competition of any Prohibited ~~Method~~ Substance or any

⁶ **Comment to Article 2.5:** For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be an offence under the General Regulations of the FEI

⁷ **Comment to Articles 2.6.1 and 2.6.2:** Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.

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

Prohibited SubstanceMethod which is prohibited Out-of-Competition, in connection with an Athlete, Competition or training, unless the Athlete Support PersonnelPerson establishes that the Possession is pursuant to consistent with a TUE granted to an Athlete in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.

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

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

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

2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited MethodSubstance or Prohibited SubstanceMethod, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited MethodSubstance or any Prohibited SubstanceMethod that is prohibited Out-of-Competition, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.

~~[Comment to Article 2:—The Code does not make it .9 Complicity~~

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

2.10 Prohibited Association⁸

⁸ **Comment to Article 2.10:** Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.

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

2.10.1 If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility. However, the FEI may adopt its own specific policy; or

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

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

In order for this provision to apply, it is necessary that the Athlete or other Person has previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Person's disqualifying status and the potential Consequence of prohibited association and that the Athlete or other Person can reasonably avoid the association. The Anti-Doping Organisation shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Athlete or other Person that the Athlete Support Person may, within 15 days, come forward to the Anti-Doping Organisation to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date provided in Article 20.7.)

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

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

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof⁹

⁹ **Comment to Article 3.1:** This standard of proof required to be met by the FEI or its National Federation is comparable to the standard which is applied in most countries to cases involving professional misconduct

The FEI ~~and its National Federations~~ shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the FEI ~~or its National Federation~~ has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, ~~except as provided in Articles 10.4 and 10.6, where the Athlete must satisfy a higher burden of proof.~~ ~~[Comment to Article 3.1: This standard of proof required to be met by the FEI or its National Federation is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]~~

3.2 Methods of Establishing Facts and Presumptions¹⁰

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

~~[Comment to Article 3.2: For example, the FEI or its National Federation may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples.]~~

~~3.2.1~~

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

¹⁰ **Comment to Article 3.2:** For example, the FEI may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples such as data from the Athlete Biological Passport.

file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.

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

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *FEI* or its *National Federation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.¹¹

~~[Comment to Article 3.2.1: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the FEI or its National Federation to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]~~

3.2.2

3.2.3 Departures from any other *International Standard* for Laboratories or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the anti-doping violation based on an Adverse Analytical Finding or other anti-doping rule violation occurred, then the *FEI* or its *National Federation* shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

3.2.34 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

¹¹ **Comment to Article 3.2.2:** The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the *International Standard* that could reasonably have caused the *Adverse Analytical Finding*. If the Athlete or other Person does so, the burden shifts to the *FEI* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.

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

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

~~[Comment to Article 3.2.4: Drawing an adverse inference under these circumstances has been recognized in numerous CAS decisions.]~~

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*¹²

These Anti-Doping Rules incorporate the *Prohibited List*, which is published and revised by WADA as described in Article 4.1 of the Code. ~~The FEI will make the current *Prohibited List* available to each *National Federation* by means of publication on the www.fei.org website, and each *National Federation* shall ensure that the current *Prohibited List* is available to its members and constituents.~~

~~[Comment to Article 4.1: The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made. The *Prohibited List* in force is available on WADA's website at www.wada-ama.org. The *Prohibited List* is an integral part of the *International Convention against Doping in Sport*.]~~

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

4.2.1 *Prohibited Substances and Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication ~~of the *Prohibited List*~~ by WADA without requiring any further action by the FEI or its *National Federations*. ~~As described in Article 4.2 All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revision thereto, from the~~

¹² **Comment to Article 4.1:** The current *Prohibited List* is available on WADA's website at www.wada-ama.org.

~~date they go into effect, without further formality. It is the responsibility of all Athletes and other Persons to familiarise themselves with the most up-to-date version of the Code, the FEI may request that WADA expand the Prohibited List for equestrian sport or certain disciplines within equestrian sport. The FEI may also upon the recommendation of its Medical Committee request that WADA include additional substances or methods, which have the potential for abuse in equestrian sport, in the monitoring program described in Article 4.5 of the Code. As provided in the Code, WADA shall make the final decision on such requests by the FEI and all revisions thereto.~~

~~[Comment to Article 4.2.1: There will be only one document called the "Prohibited List." WADA may add additional substances or methods to the Prohibited List for particular sports (e.g. the inclusion of beta-blockers for shooting) but this will also be reflected on the single Prohibited List. A particular sport is not permitted to seek exemption from the basic list of Prohibited Substances (e.g. eliminating anabolics from the Prohibited List for "mind sports"). The premise of this decision is that there are certain basic doping agents which anyone who chooses to call himself or herself an Athlete should not take.]~~

4.2.2 Specified Substances¹³

For purposes of the application of Article 10 ~~(Sanctions on Individuals)~~,^{7,8} all *Prohibited Substances* shall be "Specified Substances" except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. ~~Prohibited Methods shall not be~~ The category of Specified Substances shall not include Prohibited Methods.

~~[Comment to Article 4.2.2: In drafting the Code there was considerable debate among stakeholders over the appropriate balance between inflexible sanctions which promote harmonization in the application of the rules and more flexible sanctions which better take into consideration the circumstances of each individual case. This balance continued to be discussed in various CAS decisions interpreting the Code. After three years experience with the Code, the strong consensus of stakeholders is that while the occurrence of an anti-doping rule violation under Articles 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) and 2.2 (Use of a Prohibited Substance or Prohibited Method) should still be based on the principle of strict liability, the Code sanctions should be made more flexible where the Athlete or other Person can clearly demonstrate that he or she did not intend to enhance sport performance. The change to Article 4.2 and related changes to Article 10 provide this additional flexibility for violations involving many Prohibited Substances. The~~

¹³ **Comment to Article 4.2.2:** The Specified Substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete for a purpose other than the enhancement of sport performance.

~~rules set forth in Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances) would remain the only basis for eliminating or reducing a sanction involving anabolic steroids and hormones, as well as the stimulants and the hormone antagonists and modulators so identified on the Prohibited List, or Prohibited Methods.]~~

~~4.3~~ **Criteria for Including Substances and Methods on the Prohibited List**

~~As provided in Article 4.3.3 of the Code,~~

4.3 WADA's Determination of the Prohibited List

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

~~[Comment to Article 4.3: The question of whether a substance meets the criteria in Article 4.3 (Criteria for Including Substances and Methods on the Prohibited List) in a particular case cannot be raised as a defense to an anti-doping rule violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing in that particular sport. Rather, doping occurs when a substance on the Prohibited List is found in an Athlete's Sample. Similarly, it cannot be argued that a substance listed in the class of anabolic agents does not belong in that class.]~~

4.4 Therapeutic Use Exemptions ("TUEs")

~~4.4.1 Athletes with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a Therapeutic Use Exemption (TUE).~~ **4.4.1** The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), and/or the Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances or Prohibited Methods (Article 2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) consistent with the provisions of an applicable TUE issued pursuant to the *International Standard for Therapeutic Use Exemptions* shall not be considered an anti-doping rule violation if it is consistent with the provisions a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

~~4.4.2 All Athletes participating in any International Event recognized by If an International-Level Athlete is using a Prohibited Substance or a Prohibited Method for therapeutic reasons:~~

4.4.2.1 Where the Athlete already has a TUE granted by his or her National Anti-Doping Organisation for the substance or method in question, that TUE is not automatically valid for international-level Competition. However, the Athlete may apply to the FEI must obtain any necessary TUE from the FEI to recognise that TUE, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the FEI shall recognise it for purposes of international-level Competition as well. If the FEI considers that the TUE does not meet those criteria and so refuses to recognise it, the FEI shall notify the Athlete and his or her National Anti-Doping Organisation promptly, with reasons. The Athlete and the National Anti-Doping Organisation shall have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping Organisation remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.¹⁴

4.4.2.2 If the Athlete does not already have a TUE granted by his/her National Anti-Doping Organisation for the substance or method in question, the Athlete must apply directly to the FEI for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions using the form posted on the FEI's website at <http://www.fei.org/fei/cleansport/ad-athletes/tues>. If the FEI denies the Athlete's application for a TUE, it must notify the Athlete promptly, with reasons. If the FEI grants the Athlete's application, it shall notify not only the Athlete but also his/her National Anti-Doping Organisation. If the National Anti-Doping Organisation considers that the TUE granted by the FEI does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the National Anti-Doping

¹⁴ **Comment to Article 4.4.2.1:** Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, the FEI may publish notice on its website www.fei.org that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to the FEI for recognition of that TUE.

If the FEI refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the FEI.

Organisation refers the matter to WADA for review, the TUE granted by the FEI remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the National Anti-Doping Organisation does not refer the matter to WADA for review, the TUE granted by the FEI becomes valid for national-level Competition as well when the 21-day review deadline expires.¹⁵

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

4.4.4 An application to the FEI for grant or recognition of a TUE must be made as soon as possible (in the case of an Athlete in the Registered Testing Pool, this would be when he/she is first notified of his/her inclusion in the pool) the need arises and in any event (save in emergency or exceptional situations) no later than or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the Athlete's participation in the Event. A TUE granted by the FEI shall next Competition. The FEI shall appoint a panel to consider applications for the grant or recognition of requests for TUEs (the "TUE Committee"). The TUE Committee member(s) shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Its decision shall be the final decision of the FEI and shall be reported to WADA and other relevant Anti-Doping Organisations, including the Athlete's National Federation, and to WADA through ADAMS-Anti-Doping Organisation, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.¹⁶

~~**4.4.3** Athletes who do not participate in an International Event recognized by the FEI must obtain any necessary TUE from their National Anti-Doping Organization or other body designated by their~~

¹⁵ **Comment to Article 4.4.2:** The FEI may agree with a National Anti-Doping Organisation that the National Anti-Doping Organisation will consider TUE applications on behalf of the FEI.

¹⁶ **Comment to Article 4.4.4:** The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5. An Athlete should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.

~~National Federation, as required under the rules of the National Anti-Doping Organization or the National Federation. The application for a TUE must be made as soon as possible (in the case of an Athlete who is included in his or her National Anti-Doping Organization or National Federation's Registered Testing Pool, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 30 days before the Athlete's participation in the Event. National Federations shall promptly report any such TUE to the FEI and to WADA through ADAMS.~~

~~4.4.4 The FEI shall appoint a panel to consider requests for TUEs (the "TUE Panel") in accordance with the International Standard for Therapeutic Use Exemptions. The TUE Panel member(s) shall promptly evaluate the request in accordance with the International Standard for Therapeutic Use Exemptions, and render a decision on such request, which shall be the final decision of the FEI.~~

~~4.4.5 WADA, on its own initiative, may review at any time the granting of a TUE to any International Level Athlete or Athlete entered in a international Event for which a TUE pursuant to the FEI's rules is required, or national level Athlete who is included in his or her National Anti-Doping Organization or National Federation's Registered Testing Pool. Further, upon any request of any such Athlete who has been denied a TUE, WADA may review such denial. If WADA determines that such granting or denial of a TUE did not comply with the International Standard for Therapeutic Use Exemptions, WADA may reverse that decision. Decisions on TUEs are subject to further appeal as provided in Article 13.~~

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

4.4.5.1 A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

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

Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of TUE Decisions

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

4.4.6.2 Any TUE decision by the FEI (or by a National Anti-Doping Organisation where it has agreed to consider the application on behalf of the FEI) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's National Anti-Doping Organisation exclusively to CAS, in accordance with Article 13.¹⁷

4.4.6.3 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the National Anti-Doping Organisation and/or the FEI exclusively to CAS, in accordance with Article 13.

4.4.6.4 A failure to take action within a reasonable time on a properly submitted application for grant or recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of Testing

¹⁷ **Comment to Article 4.4.6.2:** In such cases, the decision being appealed is the FEI's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.

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

5.1.1 Testing shall be undertaken to obtain analytical evidence as to the Athlete's compliance (or non-compliance) with the strict Code prohibition on the presence/Use of a Prohibited Substance or Prohibited Method. Test distribution planning, Testing, post-Testing activity and all related activities conducted by the FEI shall be in conformity with the International Standard for Testing and Investigations. The FEI shall determine the number of finishing placement tests, random tests and target tests to be performed, in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such Testing.

5.1.2 Investigations shall be undertaken:

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

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

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

5.2 Authority to ~~Test~~ Conduct Testing

5.2.All Athletes under the jurisdiction of a National Federation shall be subject to Testing by the FEI, the Athlete's National Federation, and any other Anti-Doping Organization responsible for Testing at a Competition or Event in which the Athlete participates. All Athletes under the jurisdiction of a National Federation, including Athletes serving a period of Ineligibility or a Provisional Suspension, shall be subject to Testing at any time or place, with or without advance notice, In-Competition or Out-of-Competition, by the FEI, WADA, the Athlete's National Federation, the National Anti-Doping Organization of any

~~country where the Athlete is present or of which the Athlete is a national, resident, license holder or member of a sport organization, the IOC in connection with the Olympic Games, the IPC in connection with Paralympic Games, and any other Anti-Doping Organization responsible for Testing at a Competition or Event in which they participate.~~

~~All Athletes must comply with any request for Testing by any Anti-Doping Organization with Testing jurisdiction.~~

5.2—Test Distribution Plan

~~In coordination with other Anti-Doping Organizations conducting Testing on the same Athletes, and consistent with the International Standard for Testing, the FEI and its National Federations shall:~~

~~5.2.1—Plan and conduct an effective number of **1** Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, the FEI shall have In-Competition and Out-of-Competition Testing authority over all of the Athletes specified in the Introduction to these Anti-Doping Rules (under the heading "Scope").~~

~~**5.2.2** The FEI may require any Athlete over whom it has Testing authority (including any Athlete serving a period of Ineligibility) to provide a Sample at any time and at any place.¹⁸~~

~~**5.2.3** WADA shall have In-Competition and Out-of-Competition tests on Athletes over whom they have jurisdiction, including but not necessarily limited to, Athletes in their respective Registered Testing Pools.—Testing authority as set out in Article 20.7.8 of the Code.~~

~~5.2.2—Except in exceptional circumstances, all Out-of-Competition Testing shall be No Advance Notice.~~

~~**5.2.4** If the FEI delegates or contracts any part of Testing to a National Anti-Doping Organisation (directly or through a National Federation), that National Anti-Doping Organisation may collect additional Samples, or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organisation's expense provided the FEI has given its prior written approval.~~

5.3

~~**5.2.3**—Make Target Testing a priority where appropriate.~~

¹⁸ **Comment to Article 5.2.2:** Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the FEI will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether the FEI had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.

~~5.2.4~~ Consider conducting *Testing on Athletes* serving a period of *Ineligibility* or a *Provisional Suspension*.

[Comment to Article 5.2.3: Target Testing is specified because random Testing, or even weighted random Testing, does not always ensure that all of the appropriate Athletes will be tested (e.g., world class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purposes other than legitimate Doping Control. These anti-doping rules make it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, they do not impose any reasonable suspicion or probable cause requirement for Target Testing]

5.3—Standards for Testing

Testing conducted by the *FEI* and its *National Federations* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

~~5.3.1~~ Blood (or other non-urine) *Samples* may be used to detect *Prohibited Substances* or *Prohibited Methods*, for screening procedure purposes, or for longitudinal hematological profiling (“the passport”).

5.4—Coordination of Testing

5.4.1 Event Testing

The collection of *Samples for Doping Control* shall take place at both *International Events* and *National Events*. However, except **5.3.1** Except as otherwise provided below in Article 5.3 of the *Code*, only a single ~~organization~~ *Organisation* should be responsible for initiating and directing *Testing at Event Venues* during ~~the~~ *Event Period*. At *International Events*, the collection of *Doping Control Samples* shall be initiated and directed by the *FEI* (or any other international ~~organization~~ *Organisation* which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, the *FEI* for a World Championship, and Pan American Sports Organisation for the Pan American Games). At *National Events*, the collection of *Doping Control Samples* shall be initiated and directed by the designated *National Anti-Doping Organization* or *National Federation* of that ~~country~~. At the request of the *FEI* (or any other international *Organisation* which is the ruling body for an *Event*), any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with the *FEI* (or the relevant ruling body of the *Event*).

5.4.1.1 — If the *FEI* or its *National Federations* nevertheless desires to conduct additional *Testing of Athletes* at an *Event* for which they

~~are~~**5.3.2** If an Anti-Doping Organisation which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Athletes at the Event Venues during the Event Period, the FEI or its National Federations Anti-Doping Organisation shall first confer with the FEI (or any other international Organisation which is the ruling body of the Event) to obtain permission to conduct, and to coordinate, any additional such Testing. If the FEI or its National Federations are Anti-Doping Organisation is not satisfied with the response from the FEI (or any other international Organisation which is the ruling body of the Event), the FEI or its National Federations Anti-Doping Organisation may ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing.

~~[Comment to Article 5.4.1.1: The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to Testing in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such Testing before consulting with and informing the FEI (or any other international Organisation which delegates responsibility for Sample collection or other aspects of the Doping Control process.)]~~

~~5.4.2 Out-of-Competition Testing~~

~~is the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.~~

5.4. Test Distribution Planning

~~Consistent with the International Standard for Testing and Investigations, and in coordination with other Anti-Doping Organisations conducting Testing on the same Athletes, the FEI shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritises appropriately between disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing shall be initiated and directed by both international and national organizations. Out-of-Competition Testing may be initiated and directed by: (a) WADA; (b) the International Olympic Committee or International Paralympic Committee in connection with the Olympic Games or Paralympic Games; (c) the FEI or the Athlete's National Federation; or (d) any other Anti-Doping Organization that has Testing jurisdiction over the Athlete as provided in Article 5.1 (Authority to Test). Out-of-Competition and Investigations. The FEI shall provide WADA upon request with a copy of its current test distribution plan.~~

5.5 Coordination of Testing

Where reasonably feasible, Testing shall be coordinated through ADAMS ~~where reasonably feasible~~ or another system approved by WADA in order to ~~maximize~~ maximise the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing ~~of individual Athletes.~~

~~[Comment to Article 5.4.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories and governments.]~~

5.4.3 Report

~~The FEI and National Federations shall promptly report completed tests through the WADA clearinghouse in accordance with article 14.5 to avoid unnecessary duplication in Testing.~~

5.5 Registered Testing Pool and Athlete **5.6 Athlete Whereabouts Requirements** **Information**

5.56.1 The FEI shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex 1 to the International Standard for Testing and Investigations, and shall ~~publish on its~~ make available through ADAMS and the FEI website, a list ~~of the~~ which identifies those Athletes included in ~~this~~ its *Registered Testing Pool*. ~~This list will also be notified either by the FEI to the name or by clearly defined, specific criteria. The FEI shall coordinate with National Federations who shall have the responsibility of notifying their respective~~ Anti-Doping Organisations the identification of such Athletes accordingly and the collection of their whereabouts information.

The composition of the FEI's RTP is determined in the discretion of the Secretary General of the FEI and in accordance with the International Standard for Testing ~~and Investigations~~. Consideration will be given to an *Athlete's* existing enrollment in the RTP of his or her National Anti-Doping ~~Organization~~ Organisation, so that the FEI testing compliments rather than duplicates testing from other anti-doping authorities. The FEI shall review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with the set criteria.

Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool. Each Athlete in the Registered Testing Pool, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) shall advise the FEI of his/her whereabouts on a quarterly basis, ~~in the manner set out in Article 11.3 of the International Standard for Testing;~~ (b) shall

update that information as necessary, ~~in accordance with Article 11.4.2 of the *International Standard for Testing*~~, so that it remains accurate and complete at all times; and (c) ~~shall~~ make him/herself available for Testing at such whereabouts, ~~in accordance with Article 11.4 of the *International Standard for Testing*~~.

~~5.5.2 An Athlete's failure to advise the FEI of his/her whereabouts shall be deemed a filing failure.~~ **5.6.2** For purposes of Article 2.4 ~~where the conditions of Article 11.3.5 of the *International Standard for Testing* are met.~~

~~5.5.3 An Athlete's failure to be available for Testing at his/her declared whereabouts shall be deemed a missed test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the *International Standard for Testing* are met.~~

~~5.5.4 Each National Federation shall also assist its National Anti-Doping Organization in establishing a national level Registered Testing Pool of top level national Athletes to whom the whereabouts, an Athlete's failure to comply with the requirements of the International Standard for Testing shall also apply. Where those Athletes are also in the FEI's Registered Testing Pool, the FEI and the National Anti-Doping Organization will agree (with the assistance of WADA if required) on which of them will take responsibility for receiving whereabouts filings from the Athlete and sharing it with the other (and with other Anti-Doping Organizations) in accordance with Article 5.5.5. Investigations shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.~~

~~5.5.5 Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with WADA and other Anti-Doping Organizations having jurisdiction to test an Athlete in accordance with Articles 11.7.1(d) and 11.7.3(d) of the *International Standard for Testing*, including the strict condition that it be used only for Doping Control purposes.~~

5.6 — Retirement and Return to Competition

5.6.1.3 An Athlete who has been identified by the FEI for inclusion in the FEI's Registered Testing Pool shall continue to be subject to ~~these Anti-Doping Rules. This includes~~ the obligation to comply with the whereabouts requirements of Annex 1 to the *International Standard for Testing and Investigations* unless and until (a) the Athlete gives written notice to the FEI that he ~~or~~ she has retired ~~or until~~; or (b) the FEI has informed him or her that he or she no longer satisfies the criteria for inclusion in the FEI's Registered Testing Pool ~~and has been so informed by his or her National Federation.~~

5.6.2-4 Whereabouts information relating to an Athlete shall be shared (through ADAMS) with WADA and other Anti-Doping Organisations having authority to test that Athlete, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the Code, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

5.7 Retired Athletes Returning to Competition

5.7.1 An Athlete in the FEI's Registered Testing Pool who has given notice of retirement to the FEI may not resume competing unless he in International Events or National Events until he/she notifies has given the FEI at least six months before he or she expects written notice of his/her intent to return to competition resume competing and makes has made him/herself available for unannounced Out-of-Competition Testing for a period of six months before returning to Competition, including (if requested) complying with the whereabouts requirements of the International Standard for Testing, at any time during the period before actual return Annex I to competition.

~~5.6.3 National Federations/National Anti-Doping Organizations may establish similar requirements for retirement and returning to competition for Athletes in the national Registered Testing Pool.~~

5.7 Selection of Athletes to be Tested

~~5.7.1 At International Events, the FEI shall determine the number of finishing placement tests, random tests the International Standard for Testing and target tests to be performed.~~

~~The FEI may target a certain number of athletes not necessarily linked to final placements in order to maximize the diversity of athletes tested or based on information provided by the WADA Clearinghouse on previous tests.~~

~~5.7.2 At National Events, each National Federation/National Anti-Doping Organization shall determine the number of Athletes selected for Testing Investigations. WADA, in each Competition consultation with the FEI and the procedures for selecting the Athletes for Testing Athlete's National Anti-Doping Organisation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be Disqualified.~~

~~5.7.3 In addition~~

~~5.7.2 If an Athlete retires from sport while subject to a period of Ineligibility, the selection procedures set forth Athlete shall not resume competing in Articles 5.7.1 and 5.7.2 above, the FEI at International Events, and or National Events until the Athlete has given six months prior written notice (or notice equivalent to the National Federation/period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) to FEI and to his/her National Anti-Doping Organizations at National Events, may also select Athletes or teams Organization of his/her intent to resume competing and has made him/herself available for Target Testing so long as such Target Testing is not used for any purpose other than legitimate Doping Control purposes.~~

~~5.7.4 Athletes shall be selected for Out-of-Competition Testing by the FEI and by National Federations/National Anti-Doping Organizations through a process that substantially complies that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing in force at the time of selection and Investigations.~~

5.8 Independent Observer Programme

The FEI and the ~~organizing~~organising committees for FEI Events, as well as the National Federations and the ~~organizing~~organising committees for National Federation Events, shall ~~provide access to independent observers at Events in accordance with~~authorise and facilitate the Independent ~~Observers~~Observer Program ~~at such Events~~.

ARTICLE 6 ANALYSIS OF SAMPLES

~~Doping Control Samples~~ collected ~~under these Anti-Doping Rules~~ shall be ~~analyzed~~analysed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories¹⁹

For purposes of Article 2.1 ~~(Presence of a Prohibited Substance or its Metabolites or Markers)~~, the FEI or its National Federations shall send Samples for analysis only to WADA-accredited laboratories or ~~as~~laboratories otherwise approved by WADA. The choice of the WADA-accredited laboratory ~~(or other WADA approved laboratory or method approved by WADA)~~ used for the Sample analysis shall be determined exclusively by the FEI or its National Federations.

~~[Comment to Article 6.1: Violations of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) may be established only by Sample analysis performed by a WADA approved laboratory or another laboratory specifically authorized by~~

¹⁹ **Comment to Article 6.1:** Violations of Article 2.1 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.

~~WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]~~

6.2 Purpose of ~~Collection and~~ Analysis of Samples

6.2.1 Samples shall be ~~analyzed~~analysed to detect *Prohibited Substances* and *Prohibited Methods* ~~identified on the Prohibited List~~ and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the *Code* or to assist the *FEI* ~~or its National Federations~~ in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purposes. ~~purpose.~~ Samples may be collected and stored for future analysis.²⁰

~~[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use or Attempted Use of a Prohibited Substance), or both.]~~

6.2.2 The FEI shall ask laboratories to analyse Samples in conformity with Article 6.4 of the Code and Article 4.7 of the International Standard for Testing and Investigations.

6.3 Research on Samples

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

6.4 Standards for Sample Analysis and Reporting²¹

Laboratories shall ~~analyze Doping Control~~analyse Samples and report results in conformity with the International Standard for Laboratories.

~~6. To ensure effective Testing, the Technical Document referenced at Article 5~~Retesting.4.1 of the *Code* will establish risk assessment-based *Sample analysis menus* appropriate for particular sports and sport disciplines, and

²⁰ **Comment to Article 6.2.1:** For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.

²¹ **Comment to Article 6.4:** The objective of this Article is to extend the principle of "intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.

laboratories shall analyse *Samples* in conformity with those menus, except as follows:

A-Sample

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

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

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

6.5 Further Analysis of *Samples*

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

ARTICLE 7 RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management for In-

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

7.2 Review of Adverse Analytical Findings From Tests Initiated by the FEI

Results management for tests initiated by the FEI (including tests performed by WADA pursuant to agreement with the FEI), as well as tests initiated by a National Anti-Doping ~~Organization~~Organisation involving an Athlete who is not ~~a national, resident, license holder or member of a sport organization under the jurisdiction~~ of that ~~country~~National Anti-Doping Organisation, shall proceed as set forth below:

7.12.1 The results from all analyses must be sent to the FEI in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted ~~in confidentiality and in conformity with ADAMS, a database management tool developed by WADA. ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organizations using it~~confidentially and in conformity with ADAMS.

7.12.2 Upon receipt of an ~~A Sample~~Adverse Analytical Finding, the FEI shall conduct ~~an initial~~a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the *International Standard* for Therapeutic Use Exemptions, or (b) there is any apparent departure from the *International Standard* for Testing and Investigation or *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

7.12.3 If the ~~initial~~initial review of an *Adverse Analytical Finding* under Article 7.12.2 reveals an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative and the Athlete, the Athlete's *National Anti-Doping Organisation* and WADA shall be so informed.

7.3 Notification After Review Regarding Adverse Analytical Findings

7.3.1 If the review of an Adverse Analytical Finding under Article 7.2.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the *International Standard* for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the FEI shall promptly notify the Athlete and simultaneously the Athlete's National Anti-Doping Organisation and WADA, in the manner set out in Article ~~19,14.1~~14.1 of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or the FEI chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis ~~within the time period specified in~~in accordance with the *International Standard* for Laboratories if such analysis is requested; ~~and~~ (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package

which includes information as required by the *International Standard for Laboratories*. ~~The FEI shall also notify the Athlete's National Anti-Doping Organization and WADA;~~ (g) the Athlete's right to request the hearing or, failing such request within the deadline specified in the notification, that the hearing may be deemed waived; (h) the opportunity for the athlete to provide a written explanation about the overall circumstances of the case or to dispute (within a specific deadline indicated in the notification) the assertion that an anti-doping rule violation has occurred; (i) the opportunity for the athlete to make an agreement with the FEI about the Consequences that are mandated by these Anti-Doping Rules or (where some discretion as to Consequences exists under these Anti-Doping Rules) that have been agreed with the FEI; (j) the imposition of a mandatory *Provisional Suspension* in accordance with Article 7.9.1; (k) the imposition of an optional *Provisional Suspension* where the FEI Tribunal decides to impose it in accordance with Article 7.9.2; (l) the opportunity to voluntarily accept a *Provisional Suspension* pending the resolution of the matter, in all cases where a *Provisional Suspension* has not been imposed; (m) the Athlete's opportunity to promptly admit the anti-doping rule violation and consequently request the reduction in the period of *Ineligibility* in accordance with Article 10.6.3; (n) the Athlete's opportunity to cooperate and provide substantial assistance in discovering or establishing an anti-doping rule violation. If the FEI decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the Athlete, the Athlete's National Anti-Doping ~~Organization~~*Organisation* and WADA.

7.1-43.2 Where requested by the Athlete or the FEI, arrangements shall be made ~~for Testing to analyse~~ the B Sample ~~within the time period specified in accordance with~~ the *International Standard for Laboratories*. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. The FEI may nonetheless elect to proceed with the B Sample analysis.

7.1-53.3 The Athlete and/or his representative shall be allowed to be present at the analysis of the B Sample ~~within the time period specified in the International Standard for Laboratories.~~ Also a representative of the Athlete's National Federation as well as a representative of the FEI shall be allowed to be present. If Notification under Article 7.3.1 has not been carried out through the National Federation, the National Federation shall be informed in a timely manner by the FEI of the Adverse Analytical Finding and its right to attend the B Sample analysis.

7.1-63.4 If the B Sample proves negative, then (unless the FEI takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the Athlete, ~~his~~ the Athlete's National Federation, Anti - Doping Organisation, WADA and the FEI shall be so informed.

~~7.1.73.5~~ If ~~a Prohibited Substance~~ or the ~~Use of a Prohibited Method~~ is identified ~~B Sample analysis confirms the A Sample analysis~~, the findings shall be reported to the *Athlete*, ~~to his or her~~ National Federation, ~~and to WADA~~.

~~7.1.8~~ The *FEI* shall ~~conduct any follow-up investigation into a possible anti-doping rule violation not covered by Articles 7.1.1 to 7.1.8. At such time as the FEI is satisfied that an anti-doping rule violation has occurred, it shall promptly give notice to the Athlete or other Person subject to sanction, in the manner set out in Article 19, of the anti-doping rule violated, and the basis of the violation. The FEI shall also notify the Athlete's National Anti-Doping Organization~~ *Organisation*, and ~~to WADA~~.

7.24 Review of Atypical Findings

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

7.24.2 Upon receipt of an ~~A-Sample~~ *Atypical Finding*, the *FEI* shall conduct ~~an initial~~ a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*.

7.24.3 If the ~~initial~~ review of an *Atypical Finding* under Article 7.24.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organization* *Organisation*, and *WADA* shall be so informed.

7.24.4 If that ~~initial~~ review does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the *FEI* shall conduct the required investigation or cause it to be conducted. After the investigation is completed, ~~the Athlete, WADA and the Athlete's National Anti-Doping Organization shall be notified whether or not either~~ the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. ~~The Athlete shall be notified as provided in, in accordance with Article 7.1.3.1, or else the Athlete, the Athlete's National Anti-Doping Organisation and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.~~

7.24.5 The FEI will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

~~(a)~~ 7.4.5.1 If the FEI determines the B Sample should be ~~analyzed~~ analysed prior to the conclusion of its ~~follow-up~~ investigation, it may conduct the B Sample analysis after notifying the Athlete, with such notice to include a description of the *Atypical Finding* and the information described in Article ~~7.3.1.3~~ (b)(d) to (f).

~~(b)~~

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

~~7.3—Results Management for Tests Initiated During non-FEI International Events~~

~~Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a Major Event Organization, shall be managed, as far as sanctions beyond Disqualification from the Event or the results of the Event, by the FEI.~~

~~7.4—Results Management for Tests initiated by National Federations or by a National Anti-Doping Organization involving an Athlete who is a national, resident, license-holder or member of a sport organization of that country~~

~~Results management conducted by National Federations and National Anti-Doping Organizations shall be consistent with the general principles for effective and fair results management which are underlined in the detailed provisions set forth in this Article 7. Adverse Analytical findings, Atypical Findings and other asserted violations of anti-doping rules shall be reported by National Federations in accordance with the principles outlined in this Article 7 to the Athlete's National Anti-Doping Organization, the FEI and WADA no later than the completion of the National Federation's results management process. Any apparent anti-doping rule violation by an Athlete who is a member of that National Federation shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the National Federation, National Anti-Doping Organization or national law. Apparent anti-doping rule violations by Athletes who are members of another National Federation shall be referred to the Athlete's National Federation.~~

7.5—Results Management for Whereabouts Violations

~~7.5.1~~ Results management in respect of an apparent *Filing Failure* by an *Athlete* in the *FEI's Registered Testing Pool* shall be conducted by the *FEI* in accordance with Article 11.6.2 of the *International Standard for Testing* (unless it has been agreed in accordance with Article 5.5.4 that the *National Federation* or *National Anti-Doping Organization* shall take such responsibility).

~~7.5.2~~ Results management in respect of an apparent missed test by an *Athlete* in the *FEI's Registered Testing Pool* as a result of an attempt to test the *Athlete* by or on behalf of the *FEI* shall be conducted by the *FEI* in accordance with Article 11.6.3 of the *International Standard for Testing*. Results management in respect of an apparent missed test by such *Athlete* as a result of an attempt to test the *Athlete* by or on behalf of another *Anti-Doping Organization* shall be conducted by that other *Anti-Doping Organization* in accordance with Article 11.7.6(c) of the *International Standard for Testing*.

~~7.5.3~~ Where, in any eighteen-month period, an *Athlete* in the *FEI's Registered Testing Pool* is declared to have three filing failures, or three missed tests, or any combination of filing failures or missed tests adding up to three in total, whether under these Anti-Doping Rules or under the rules of any other *Anti-Doping Organization*, the *FEI* shall bring them forward as an apparent anti-doping rule violation.

7.5 Review of Atypical Passport Findings and Adverse Passport Findings

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

7.6 Review of Whereabouts Failures

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

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

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

7.8 Identification of Prior Anti-Doping Rule Violations

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

7.69 Provisional Suspensions²²

7.6-1 9.1 Mandatory Provisional Suspension

If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, or for a Prohibited Method, and a review in accordance with Article 7.12.2 does not reveal an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, a Provisional Suspension shall be imposed promptly after the ~~review and~~ notification described in ~~Article~~Articles 7.12, 7.3 or 7.5. The same applies in case of an admission that an anti-doping rule violation involving a non- Specified Substance has taken place (for the avoidance of doubt, an admission by any Athlete can only be used to provisionally suspend that Athlete).

7.69.2 Optional Provisional Suspension

In ~~any case of an Adverse Analytical Finding for a Specified Substance, or in the case of any other anti-doping rule violations~~ not covered by Article 7.69.1 ~~where the FEI decides to take the matter forward as an apparent may impose a Provisional Suspension on the Athlete or other Person against whom the anti-doping rule violation in accordance with the foregoing provisions of this Article 7, a Provisional Suspension may be imposed~~ is asserted at any time after the review and notification described in ~~Article~~Articles 7.2–7.1, but7 and prior to the ~~analysis of~~

²² **Comment to Article 7.9:** Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Articles 10.11.3.1 and 10.11.3.2.

~~the Athlete's B Sample or the~~ final hearing as described in Article 8 (Right to a Fair Hearing).

7.69.3 ~~However, Where~~ a *Provisional Suspension* ~~may not be~~ imposed, ~~whether~~ pursuant to Article 7.69.1 or Article 7.69.2, ~~unless~~ the *Athlete* or other *Person* ~~is~~ shall be given either (a) an opportunity for a *Provisional Hearing* either before ~~imposition of the Provisional Suspension~~ or on a timely basis after imposition of the *Provisional Suspension*, in order to show cause why the *Provisional Suspension* should not be imposed (or should be lifted); or (b) an opportunity for an expedited final hearing in accordance with Article 8 (Right to a Fair Hearing) ~~on a timely basis after imposition of~~ at the Provisional Suspension. ~~National Federations shall impose~~ Furthermore, the Athlete or other Person has a right to appeal from Provisional Suspensions in accordance with the principles Article 13.2 (save as set forth out in this Article 7.6-9.3.1).

~~7.6-4 9.3.1~~ The *Provisional Suspension* ~~shall~~ may be ~~maintained~~ unless the *Athlete* ~~requesting the lifting of the~~ lifted if the Athlete demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing panel's decision not to lift a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Product shall not be appealable.

7.9.3.2 The Provisional Suspension shall be imposed (or shall not be lifted) unless the Athlete or other Person establishes to the comfortable satisfaction of the FEI Tribunal that:

~~(i) that:~~ (a) ~~the allegation that he has committed~~ assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a ~~material defect~~ patent flaw in the ~~evidence on which~~ case against the ~~allegation is based;~~ or

~~(ii) Athlete or other Person;~~ or (b) the *Athlete* ~~can demonstrate that the evidence will show or other Person has a strong arguable case that he/she bears No Fault or No Negligence for the anti-doping rule violation that he is alleged to have committed(s) asserted,~~ so that any period of *Ineligibility* that might otherwise be imposed for such ~~offence~~ a violation is likely to be completely eliminated by application of Article 10.4 ~~or that Article 10.5.1 below or that 10.5.2~~ applies and the *Athlete* can demonstrate that the evidence will show that he bears *No Significant Fault* or *Negligence* and that he has already been Provisionally Suspended for a period of time that warrants the lifting of the *Provisional Suspension* pending a final Decision of the FEI Tribunal; or

~~(iii) — exceptional circumstances (c) some other facts~~ exist that make it clearly unfair, ~~taking into account~~ all of the circumstances ~~of the case~~, to impose a *Provisional Suspension* prior to ~~determination of the allegations against the Athlete~~ final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* ~~from competing or other~~ Person participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.

7.6.59.4 If a *Provisional Suspension* is imposed based on an A Sample Adverse Analytical Finding and a subsequent ~~B Sample~~ analysis ~~(if requested by of the Athlete or Anti-Doping Organization)~~ B Sample does not confirm the A Sample analysis, then the *Athlete* ~~alleged to have committed the anti-doping Rule violation~~ shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 ~~of the Code (Presence of a Prohibited Substance or its Metabolites or Markers)~~. In circumstances where the *Athlete* (or the *Athlete's* team ~~as may be provided in these anti-doping rules~~) has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then if, without otherwise affecting the Competition, it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the Competition, the *Athlete* or team may continue to take part in the *Competition*. In addition, the Athlete or team may thereafter take part in other Competitions in the same Event.

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

7.9.6 After the imposition of a *Provisional Suspension* and following a *Provisional Hearing* but prior to a final hearing, the *Athlete* can petition the *FEI Tribunal* for another *Provisional Hearing* provided that new evidence exists that, if known at the time of the earlier *Provisional Hearing*, may have satisfied the requirements of Article ~~7.6.49.3.2~~ above and may have lead to the lifting of the *Provisional Suspension*. Such petition must be made in writing to the *FEI Tribunal* and copied to the *FEI* Legal Department and must clearly establish the existence of such new evidence meeting this criterion. If the request for another *Provisional Hearing* is granted by the *FEI Tribunal*, the same *FEI Tribunal* member who presided over the prior *Provisional Hearing* will decide on the new *Provisional Hearing* request, unless exceptional circumstances prevent him from doing so, in which case another *FEI Tribunal* member will be appointed to conduct the new *Provisional Hearing*. If another

Provisional Hearing is granted after the Hearing Panel has been constituted, any member of the Hearing Panel may conduct the *Provisional Hearing*. *Provisional Hearing* Decisions may be issued by the FEI Tribunal without reasons.

7.69.7 During a period of *Provisional Suspension*, no *Athlete* may participate in any capacity at an *Event*, or in a *Competition* or activity, or being present at an *Event* (other than as a spectator) that is authorised or organised by the FEI or any *National Federation* or in *Competitions* authorised or organised by any international or national level *Event* organisation.

~~*[Comment to Article 7.6: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, a Signatory imposing a Provisional Suspension is required to give the Athlete an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.]*~~

~~*In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.9.3.]*~~

7.77.10 Resolution Without a Hearing

7.10.1 Agreement between Parties

At any time during the results management process the Athlete or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing and agree with the FEI on the Consequences that are mandated by these Anti-Doping Rules or (where some discretion as to Consequences exists under these Anti-Doping Rules) that have been offered by the FEI. The agreement shall be submitted to the FEI Tribunal for approval and, where approved by the FEI Tribunal, the final agreement shall state the full reasons for any period of Ineligibility agreed, including (if applicable), a justification for why the flexibility in Sanction was applied. Such agreement shall be considered as a decision for the case and will be reported to the parties with a right to appeal under Article 13.2.3 as provided in Article 14.2 and published as provided in Article 14.3.2.

7.10.2 Waiver of Hearing

An Athlete or other Person against whom an anti-doping rule violation is asserted may waive a hearing expressly.

Alternatively, if the Athlete or other Person against whom an anti-doping rule violation is asserted fails to request the hearing and/or dispute that assertion within the deadline specified in the notice sent by the FEI asserting the violation, then he/she shall be deemed to have waived a hearing.

7.10.3 Process in case of an Athlete or Person Waiving a Hearing

In cases where Article 7.10.2 applies, a hearing before a FEI Tribunal hearing panel shall not be required. Instead the case (including all available documents) shall be referred to the FEI Tribunal for adjudication. The FEI Tribunal shall promptly issue a written decision regarding the anti-doping rule violation and the Consequences imposed as a result, and setting out the full reasons for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential period of Ineligibility was not imposed. The FEI shall send copies of that decision to other Anti-Doping Organisations with a right to appeal under Article 13.2.3, and shall Publicly Disclose that decision in accordance with Article 14.3.2.

7.11 Notification of Results Management Decisions

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

7.12 Retirement from Sport²³

If an Athlete or other Person retires while ~~a results management process is underway, the FEI or its National Federation~~ the FEI is conducting the results management process, the FEI retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, and the ~~FEI or its National Federations~~ would have had results management ~~jurisdiction~~ authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule

²³ [Comment to Article 7.12: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.]

violation, the ~~FEI or its National Federations have jurisdiction~~ has authority to conduct results management in respect of that anti-doping rule violation.

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

ARTICLE 8 RIGHT TO A FAIR HEARING

~~8.1 — Hearings following the FEI's result management~~

8.1 Principles for a Fair Hearing

8.1.1 ~~When it appears, following the Results Management process performed by the FEI there is no agreement~~ in accordance with Article 7, that these Anti-Doping Rules have been violated, 10.1 and the Athlete or other Person does not waive a hearing in accordance with Article 7.10.2, then the case shall be assigned to the FEI Tribunal for hearing and adjudication.

8.1.2 The appointment and composition of the hearing panel in each particular case are governed by the *FEI Internal Regulations for the FEI Tribunal*.

Hearings ~~pursuant to this Article shall be~~ scheduled and completed expeditiously ~~following the completion of the results management process described in Article 7, within a reasonable time.~~ Hearings held in connection with *Events* ~~may that are subject to these Rules may~~ be conducted ~~only~~ on an expedited basis. ~~If the Athlete has been imposed a Provisional Suspension as per Article 7.6, the Athlete has process where permitted by the hearing panel.~~²⁴

8.1.3 The FEI Tribunal shall determine the procedure to be followed at the hearing. The hearing process shall respect the following principles:

(a) the right to request that the hearing be conducted on an expedited basis of each party to be represented by counsel (at the party's own expenses);

~~[Comment(b) the right to~~ Article 8.1.2: For example, a hearing could be expedited on the eve of a major Event where respond to the resolution of the asserted anti-doping rule violation is

²⁴ **Comment to Article 8.1.2:** For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.

~~necessary to determine the Athlete's eligibility and resulting Consequences;~~

- ~~(c) the right of each party to participate in present evidence, including the right to call and question witnesses; and~~
- ~~(d) the Athlete's or during other Person's right to an Event where interpreter at the resolution of hearing, with the case will affect the validity of FEI Tribunal to determine the responsibility for the Athlete's results or continued participation in the Event.] cost of the interpreter.~~

~~8.1.3-4 WADA and the National Federation of the Athlete or other Person alleged to have violated these Anti-Doping Rules may may attend the hearing as an observer.~~

~~8.1.4 In any event, the FEI shall keep WADA fully apprised as to the status of pending cases and the outcome of all hearings.~~

~~8.1.5 The FEI Tribunal shall act in a fair and impartial manner towards all parties at all times.~~

8.2 Decisions

~~8.2.1 At the end of the hearing, or on a timely basis thereafter, the FEI Tribunal shall issue a written decision that includes the full reasons for the decision and for any period of Ineligibility imposed, including (if applicable) a justification for why the greatest potential Consequences were not imposed. The FEI Tribunal may decide to communicate the operative part of the decision to the parties, prior to the reasons. The decision shall be enforceable from such notification of the operative part by courier, facsimile and/or electronic mail.~~

~~8.2.2 The decision may be appealed to the CAS as provided in Article 13. Copies of the decision shall be provided to the Athlete or other Person may forego a hearing by acknowledging the and to other Anti-Doping Rule violation and accepting Consequences consistent Organisations with Articles 9 and 10 as proposed by The FEI. The a right to a hearing may be waived either expressly or by the Athlete's or other Person's failure to challenge the FEI's assertion appeal under Article 13.2.3.~~

~~8.2.3 If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation has occurred within 14 days. Where no hearing occurs, the FEI shall submit to the Persons described in Article 13.2.3 a reasoned decision explaining the action taken was committed, the decision shall be Publicly Disclosed as provided in Article 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be Publicly Disclosed with the consent of the Athlete or other Person who is the subject of the decision. The FEI shall use reasonable efforts to obtain such consent, and if consent is obtained, shall Publicly Disclose the~~

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

~~8.1.6~~ Decisions of the FEI Tribunal may be appealed to the Court of Arbitration for Sport as provided in Article 13.

~~8.2~~ ~~Hearings following National Federations or National~~ The principles contained at Article 14.3.6 shall be applied in cases involving a *Minor*.

8.3 Single Hearing Before CAS²⁵

Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the Athlete, FEI, WADA, and any other Anti-Doping Organization **result management**

~~8.2.1~~ When it appears, following the Results Management process performed by *National Federations* or *National Anti-Doping Organizations* in accordance with Article 7, that these Anti-Doping Rules that would have been violated, the *Athlete* or other *Person* involved shall be brought before a disciplinary panel of the *Athlete* or other *Person's National Federation* or *National Anti-Doping Organization* in accordance with the rules of the *National Federation* or the *National Anti-Doping Organization* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *Consequences* should be imposed.

~~8.2.2~~ Hearings pursuant to this Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with *Events* may be conducted by an expedited process. If the *Athlete* has been imposed a *Provisional Suspension* as per Article 7.6, the *Athlete* has the had a right to request that the hearing be conducted on an expedited basis. If the completion of the hearing is delayed beyond three months, the *FEI* may elect to bring the case directly before the *FEI* Tribunal at the responsibility and at the expense of the *National Federation*.

~~8.2.3~~ *National Federations* shall keep the *FEI* and *WADA* fully apprised as to the status of pending cases and the outcome of all hearings.

~~8.2.4~~ The *FEI* and *WADA* shall have the right appeal a first instance hearing decision to attend hearings as an observer CAS.

~~8.2.5~~ The *Athlete* or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting

²⁵Comment to Article 8.3: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.

~~Consequences consistent with Articles 9 and 10 as proposed by the National Federation. The right to a hearing may be waived either expressly or by the Athlete's or other Person's failure to challenge the National Federation's assertion that an anti-doping rule violation has occurred within 14 days. Where no hearing occurs, the National Federation shall submit to the Persons described in Article 13.2.3 a reasoned decision explaining the action taken.~~

~~**8.2.6** Decisions by National Federations or National Anti-Doping Organizations, whether as the result of a hearing or the Athlete or other Person's acceptance of Consequences, may be appealed as provided in Article 13.~~

~~**8.3 Principles for a Fair Hearing**~~

~~All hearings pursuant to either Article 8.1 or 8.2 shall respect the following principles:~~

- ~~• a timely hearing;~~
- ~~• fair and impartial hearing panel;~~
- ~~• the right to be represented by counsel at the Person's own expense;~~
- ~~• the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;~~
- ~~• the right to respond to the asserted anti-doping rule violation and resulting Consequences;~~
- ~~• the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission);~~
- ~~• the Person's right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost of the interpreter; and~~
- ~~• a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of Ineligibility.~~

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS²⁶

9.1 An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result

²⁶ Comment to article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.

obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes. Where applicable, consequences to teams are detailed in Article 11.

~~[Comment to Article 9: When an Athlete wins a gold medal with a Prohibited Substance in his or her system that is unfair to the other Athletes in that Competition regardless of whether the gold medalist was at fault in any way. Only a "clean" Athlete should be allowed to benefit from his or her competitive results. For Team Sports, see Article 11 (Consequences to Teams).~~

9.2 In circumstances where an Athlete is informed of an *Adverse Analytical Finding* in accordance with Article 7.3 and

(i) the B Sample analysis confirms the A Sample analysis (or the right to request the analysis of the B Sample is not exercised); and

(iii) where requested by the FEI and/or the Athlete,

the matter will be submitted to the FEI Tribunal who shall decide upon the Application of Article 9.1.

ARTICLE 10 SANCTIONS ON INDIVIDUALS²⁷

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

~~The following rules relating to the *Disqualification* of results will apply:~~

~~At the Olympic Games, Paralympic Games, FEI World Equestrian Games, FEI Championships for Seniors, and Regional Games:~~

An anti-doping rule violation occurring during or in connection with an Event ~~shall~~may, upon decision of the ruling body of the Event, lead to Disqualification

²⁷ **Comment to Article 10: Error! Main Document Only.** Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organisations.

of all of the Athlete's individual results obtained in that Event with all Consequences (and the resulting consequences to teams as provided in Article 11), including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

~~At Events other than those listed above: an anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1. Where applicable, consequences to teams will take place in accordance with Article 11.~~

~~Notwithstanding the above, for all Events, including but not limited to the Olympic and Paralympic Games, exceptional circumstances may be considered.~~

~~[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity/seriousness of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.]~~

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

10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substances ~~and/or~~ Prohibited Methods

The period of *Ineligibility* ~~imposed~~ for a violation of ~~Article~~Articles 2.1 (~~Presence of Prohibited Substance or its Metabolites or Markers~~), Article 2.2 (~~Use or Attempted Use of Prohibited Substance or Prohibited Method~~) or Article ~~or~~ 2.6 (~~Possession of Prohibited Substances and Prohibited Methods~~) shall be as follows, ~~unless the conditions for eliminating or reducing the subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:~~

10.2.1 ~~The period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met: shall be four years where:~~

~~First violation: Two (2) years' Ineligibility.~~

~~[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments~~

~~against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between IFs and National Anti-Doping Organizations.]~~

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

10.2.1.2 The anti-doping rule violation involves a Specified Substance and the FEI can establish that the anti-doping rule violation was intentional.

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

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

10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations ~~of these Anti-Doping Rules~~ other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

10.3.1 For violations of Article 2.3 ~~(Refusing or Failing to Submit to Sample collection)~~ or Article 2.5 ~~(Tampering with Doping Control)~~,⁴ the period of Ineligibility ~~period~~ shall be ~~two (2)~~four years unless the ~~conditions provided~~Athlete can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.5, or the conditions provided in Article 10.6, are met2.3), in which case the period of ineligibility shall be two years.

10.3.2 For violations of Article 2.7 ~~(Trafficking)~~ or Article 2.8 ~~(Administration or Attempted Administration of Prohibited Substance or Prohibited Method)~~,⁴ the period of *Ineligibility* ~~imposed~~ shall be two years, subject to reduction down to a minimum of four (4)one year, depending on the Athlete's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.

10.3.3 For violations of Articles 2.7 or 2.8 the period of Ineligibility shall be a minimum of four years up to lifetime ~~Ineligibility unless the conditions provided in~~depending on the seriousness of the violation. An Article 2.7 or Article 10.5 are met. An anti-doping rule2.8 violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than for Specified Substances~~referenced in Article 4.2.2~~ shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of ArticlesArticle 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.²⁸

[Comment to Article 10.3.2: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

²⁸ **Comment to Article 10.3.3:** Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.

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

~~10.3.3~~ 5 For violations of Article 2.4 (~~Whereabouts Filing Failures and/ or Missed Tests~~), 10, the period of *Ineligibility* shall be ~~at two years, subject to reduction down to a minimum of one (1) year and at a maximum two (2) years based on~~, depending on the *Athlete's* or other *Person's* degree of *Fault*:

~~[Comment to Article 10.3.3: The sanction under Article 10.3.3 shall be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the and other circumstances of the case.]~~²⁹

10.4 Elimination of the Period of *Ineligibility* where there is No Fault or Negligence³⁰

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

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

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

10.5.1.1 Specified Substances

²⁹ **Comment to Article 10.3.5:** Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.

³⁰ **Comment to Article 10.4:** This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.

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

Where an *Athlete* or other *Person* can establish how the anti-doping rule violation involves a *Specified Substance* entered his or her body or came into his or her *Possession*, and that such *Specified Substance* was not intended to enhance the *Athlete's* sport performance or mask the *Use* of a performance enhancing substance, *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

First violation: at a minimum, a reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, two (2) years of *Ineligibility*:

To justify any elimination or reduction, the *Athlete* or other *Person* must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the *Use* of a performance enhancing substance, depending on the *Athlete's* or other *Person's* degree of *Fault* shall be the criterion considered in assessing any reduction of the period of *Ineligibility*.

[Comment to Article 10.4: Specified Substances as now defined in Article 4.2.2 are not necessarily less serious agents for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance could be very effective to an Athlete in competition); for that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation.]

This Article applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the Athlete in taking or Possessing a Prohibited Substance did not intend to enhance his or her sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the Specified Substance; and a contemporaneous medical records file substantiating the non-sport-related prescription for the Specified Substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of an intent to enhance sport performance.

While the absence of intent to enhance sport performance must be established to the comfortable satisfaction of the hearing panel, the Athlete may establish how the Specified Substance entered the body by a balance of probability.

In assessing the Athlete's or other Person's degree of fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's

~~departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]~~

~~10.5 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances~~

~~10.5.1~~ ~~— No Fault or Negligence~~

~~If an Athlete establishes in an individual case that he or she bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1 (Presence of Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.~~

~~10.5.2~~ ~~—~~

10.5.1.2 Contaminated Products³¹

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

10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1³²

If an Athlete or other Person establishes in an individual case where Article 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as

³¹ **Comment to Article 10.5.1.2:** In assessing that Athlete's degree of Fault, it would, for example, be favourable for the Athlete if the Athlete had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.

³² **Comment to Article 10.5.2:** Article 10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.

~~provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Athlete or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility reduced years.~~

~~[Comment to Articles 10.5.1 and 10.5.2: the FEI's Anti-Doping Rules provide for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Athlete can establish that he or she had No Fault or Negligence, or No Significant Fault or Negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those Anti-Doping Organizations that argue for a much narrower exception, or none at all, and those that would reduce a two year suspension based on a range of other factors even when the Athlete was admittedly at fault. These Articles apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.~~

~~Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.~~

~~To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements.)~~

~~For purposes of assessing the Athlete's or other Person's fault under Articles 10.5.1 and 10.5.2, the evidence considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article.~~

~~While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Athlete's or other Person's fault under Article 10.5.2, as well as Articles 10.3.3, 10.4 and 10.5.1.~~

~~Article 10.5.2 should not be applied in cases where Articles 10.3.3 or 10.4 apply, as those Articles already take into consideration the Athlete or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]~~

10.5.3

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

10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations³³

The FEI ~~or its National Federations Tribunal~~ may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case in which it has results management authority where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping ~~Organization~~ Organisation, criminal authority or professional disciplinary body which results (i) in the Anti-Doping ~~Organization~~ Organisation discovering or ~~establishing~~ bringing forward an anti-doping rule violation by another Person or (ii) which results in a criminal or disciplinary body discovering or ~~establishing~~ bringing forward a criminal offense or the breach of professional rules committed by another Person; and the information provided by the Person providing Substantial Assistance is made available to the FEI. After a final appellate decision under Article 13 or the expiration of time to appeal, the FEI Tribunal may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA. ~~After a final appellate decision under Article 13 or the expiration of time to appeal, National Federations may only suspend a part of the otherwise applicable~~

³³ **Comment to Article 10.6.1:** The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under these Anti-Doping Rules where the suspension of an otherwise applicable period of Ineligibility is authorised.

~~period of Ineligibility with the approval of the FEI and WADA.~~ The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. If the ~~FEI or its National Federations suspend any part~~Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the otherwise applicable period of Ineligibility ~~under this Article, they was based, the FEI Tribunal shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision.~~reinstated the original period of Ineligibility. If the FEI ~~or its National Federations subsequently~~Tribunal decides to reinstate ~~any part of the~~a suspended period of Ineligibility ~~because the Athlete or other Person has failed to provide the Substantial Assistance which was anticipated, the Athlete or other Person may appeal the reinstatement pursuant to~~ or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13-2.

~~[Comment to Article 10.5.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.~~

~~Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectable in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.~~

~~If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), the FEI or its National Federations shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Athlete or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the~~

~~decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to the FEI or its National Federations to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA (and the FEI if the suspension of the otherwise applicable period of Ineligibility is decided by a National Federation). If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the FEI or its National Federations shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by the FEI or its National Federations under this Article may be appealed pursuant to Article 13.2.~~

~~This is the only circumstance under these Anti-Doping Rules where the suspension of an otherwise applicable period of Ineligibility is authorized.]~~

10.5.4

10.6.1.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of the FEI or at the request of the Athlete or other Person who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.

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

10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence³⁴

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

~~*[Comment to 10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.5.4: This 2.1 or Article is intended to apply when 10.3.1*~~

~~An *Athlete* or other *Person* comes forward and admits to an potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule after being confronted by the FEI, and also upon the approval and at the discretion of both WADA and the FEI, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation might have been committed. It is not intended to apply to circumstances where the admission occurs after and the *Athlete* or other *Person* believes he or she is about to be caught.] Person's degree of Fault.~~

~~**10.5.5-10.6.4 Application of Multiple Grounds for Reduction of a Sanction**~~³⁵

³⁴ **Comment to Article 10.6.2:** This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes he or she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or other *Person* would have been caught had he/she not come forward voluntarily.

³⁵ **Comment to Article 10.6.4:** The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Articles 10.2, Article 10.3, Article 10.4 or Article 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the *Athlete* or other *Person's* degree of Fault. In a third step the hearing panel establishes whether there is a basis for elimination, suspension or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of *Ineligibility* under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2.

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of ~~this Article 10.4, 10.5 or 10.6,~~ before applying any reduction or suspension under ~~Articles~~Article 10.5.2, 10.5.3 or 10.5.4~~6,~~ the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6~~5~~. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under ~~two or more of Articles 10.5.2, 10.5.3 or 10.5.4~~Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

10.7 Multiple Violations

[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the hearing panel establishes whether there is a basis for suspension, elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing panel, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Athlete's or other Person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the Athlete or other Person is entitled to elimination, reduction or suspension under more than one provision of Article 10.5. Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9. The following four examples demonstrate the proper sequence of analysis:]

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

(a) six months;

(b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or

(c) twice the ~~period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6;~~

~~Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; the Athlete promptly admits the anti-doping rule violation as asserted; the Athlete~~

~~establishes No Significant Fault (Article 10.5.2); and the Athlete provides Substantial Assistance (Article 10.5.3).~~

~~Application of Article 10:~~

~~1. — The basic sanction would be two years under Article 10.2. (Aggravating Circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.)~~

~~2. — Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.~~

~~3. — Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.~~

~~4. — Under Article 10.9.2, because the Athlete promptly admitted the otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.~~

~~The period of Ineligibility could start as early as the date of Sample collection, but in any Event the Athlete would have to serve at least one-half of the Ineligibility period (minimum three months) after the date of the hearing decision.~~

~~Example 2 established above may then be further reduced by the =~~

~~Facts: ~~An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Athlete is unable to establish that he did not knowingly commit the anti-doping rule violation; the Athlete does not promptly admit the anti-doping rule violation as alleged; but the Athlete does provide important Substantial Assistance (Article 10.5.3).~~~~

~~Application of Article 10:~~

~~1. — The basic sanction would be between two and four years Ineligibility as provided in Article 10.6.~~

~~2. — Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.~~

~~3. — Article 10.5.5 does not apply.~~

~~4. — Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.~~

Example 3:

~~Facts: An Adverse Analytical Finding involves the presence of a Specified Substance; the Athlete establishes how the Specified Substance entered his body and that he had no intent to enhance his sport performance; the Athlete establishes that he had very little fault; and the Athlete provides important Substantial Assistance (Article 10.5.3).~~

Application of Article 10:

~~1. Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing panel would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)~~

~~2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]~~

~~3. Article 10.5.5 does not apply.~~

~~4. Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any Event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)~~

Example 4:

~~Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an anti-doping rule violation spontaneously admits that he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides Substantial Assistance (Article 10.5.3).~~

Application of Article 10:

~~1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years⁶.~~

~~2. — Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced up to one half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reduced up to three quarters of the two years.~~

~~3. — Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three quarters of the two years. (The minimum period of Ineligibility would be six months.)~~

~~4. — If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six month period of Ineligibility at step 3, the period of Ineligibility would start on the date the hearing panel imposed the sanction. If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]~~

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

~~If the FEI or its National Federations establish in an individual case involving an anti-doping rule violation other than violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the Athlete or other Person can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation.~~

~~An Athlete or other Person can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by the FEI or its National Federations.~~

~~[Comment to Article 10.6: Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods or Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy the performance enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or~~

~~Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation.~~

~~For the avoidance of doubt, the examples of aggravating circumstances described in this Comment to Article 10.6 are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility. Violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) are not included in the application of Article 10.6 because the sanctions for these violations (from four years to lifetime Ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.]~~

10.7.2

~~10.7 Multiple Violations~~

~~10.7.1 Second Anti-Doping Rule Violation~~

~~For an Athlete's or other Person's first anti-doping rule violation, the period of Ineligibility is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction or suspension under Articles 10.4 or 10.5, or to an increase under Article 10.6). For a second anti-doping rule violation the period of Ineligibility shall be within the range set forth in the table below:~~

| Second Violation | RS | FFMT | NSF | St | AS | TRA |
|-----------------------------|-------------------|--------------------|--------------------|-------------------|--------------------|--------------------|
| First Violation | | | | | | |
| RS | 1-4 | 2-4 | 2-4 | 4-6 | 8-10 | 10-life |
| FFMT | 1-4 | 4-8 | 4-8 | 6-8 | 10-life | life |
| NSF | 1-4 | 4-8 | 4-8 | 6-8 | 10-life | life |
| St | 2-4 | 6-8 | 6-8 | 8-life | life | life |
| AS | 4-5 | 10-life | 10-life | life | life | life |
| TRA | 8-life | life | life | life | life | life |

~~Definitions for purposes of the second anti-doping rule violation table:~~

~~**RS** (Reduced sanction for Specified Substance under Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a Specified Substance and the other conditions under Article 10.4 were met.~~

~~**FFMT** (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).~~

~~**NSF** (Reduced sanction for *No Significant Fault or Negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because *No Significant Fault or Negligence* under Article 10.5.2 was proved by the *Athlete*.~~

~~**St** (Standard sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1.~~

~~**AS** (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the *Anti-Doping Organization* established the conditions set forth under Article 10.6.~~

~~**TRA** (*Trafficking or Attempted Trafficking* and administration or *Attempted* administration): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2.~~

~~[Comment to Article 10.7.1: The table is applied by locating the *Athlete's* or other *Person's* first anti-doping rule violation in the left hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume an *Athlete* receives the standard period of *Ineligibility* for a first violation under Article 10.2 and then commits a second violation for which he receives a reduced sanction for a *Specified Substance* under Article 10.4. The table is used to determine the period of *Ineligibility* for the second violation. The table is applied to this example by starting in the left hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a *Specified Substance*, thus resulting in a 2-4 year range for the period of *Ineligibility* for the second violation. The *Athlete's* or other *Person's* degree of fault shall be the criterion considered in assessing a period of *Ineligibility* within the applicable range.]~~

~~[Comment to Article 10.7.1 RS Definition: See Article 25.4 with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]~~

~~**10.7.2** Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation~~

~~Where an *Athlete* or other *Person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of *Ineligibility* under Article 10.5.3 or Article 10.5.4, the hearing panel shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of *Ineligibility*. The remaining period of *Ineligibility*, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one fourth of the otherwise applicable period of *Ineligibility*.~~

~~10.7.3~~ Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or ~~10.5, or~~ involves a violation of Article 2.4 ~~(Filing Failures and/or and Missed Tests)~~. In these particular cases, the period of *Ineligibility* shall be from eight ~~(8)~~ years to ~~life ban~~ lifetime ineligibility.

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

• 10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the FEI ~~(or its National Federation)~~ can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7 ~~(Results Management)~~, or after the FEI ~~(or its National Federation)~~ made reasonable efforts to give notice, of the first anti-doping rule violation. If the FEI ~~(or its National Federation)~~ cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; ~~however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6)~~.

• 10.7.4.2 If, after the resolution imposition of a sanction for a first anti-doping rule violation, the FEI ~~(or its National Federations)~~ discovers facts involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then the FEI ~~(or its National Federations)~~ Tribunal shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have had been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.8. ~~To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier in time but later discovered violation, the Athlete or other Person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when the FEI (or its National Federations) discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.~~

~~[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an anti-doping rule violation on January 1, 2008 which the FEI (or its National Federations)~~

~~does not discover until December 1, 2008. In the meantime, the Athlete commits another anti-doping rule violation on March 1, 2008 and the Athlete is notified of this violation by the FEI (or its National Federations) on March 30, 2008 and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 anti-doping rule violation. The later discovered violation which occurred on January 1, 2008 will provide the basis for aggravating circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]~~

10.7.5 Multiple Anti-Doping Rule Violations during ~~an Eight~~Ten-Year Period

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ~~eight (8)~~ten year period in order to be considered multiple violations.

10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation³⁶

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

~~**10.8.1** As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the Athlete must first repay all prize money forfeited under this Article.~~

~~**10.8.2**~~

10.9 Allocation of CAS Cost Awards and Forfeited Prize Money:

~~The priority for repayment of CAS cost awards and forfeited prize money shall be allocated: first to reimburse the collection expenses of the Anti-Doping Organization that performed the necessary steps to collect the, payment of costs awarded by CAS; second, reallocation of forfeited prize money back, then to reimburse the expenses of the Anti-Doping Organization that conducted results management in the case, with the balance, if any, distributed to the affected Athlete(s).~~

³⁶ **Comment to Article 10.8:** Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.

~~[Comment to Article 10.8.2: Nothing in these Anti-Doping Rules precludes clean to other Athletes; and third, reimbursement of the expenses of the FEI.~~

10.10 Financial Consequences

~~Where an Athlete or other Persons who have been damaged by the actions of a Person who has committed~~ commits an anti-doping rule violation, the FEI Tribunal may, in its discretion and subject to the principle of proportionality, elect to a) recover from ~~pursuing any right~~ the Athlete or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed and/or b) fine the Athlete or other Person in an amount up to 15,000 CHF (fifteen thousand Swiss francs).

~~The imposition of a financial sanction or the FEI's recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which they would otherwise have to seek damages from~~ be applicable under these Anti-Doping Rules or the Code.

~~In addition, for any anti-doping rule violation, some or all of sport related financial support or other sport-related benefits received by such Person.~~ Athlete or other Person may be withheld by the FEI and/or its National Federations.

10.911 Commencement of Ineligibility Period³⁷

Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed. ~~Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility imposed.~~

10.911.1 Delays Not Attributable to the Athlete or other Person³⁸

³⁷ **Comment to Article 10.11:** Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.

³⁸ **Comment to Article 10.11.1:** In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the FEI ~~or Anti-Doping Organization imposing the sanction~~ Tribunal may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.

10.911.2 Timely Admission

Where the Athlete or other Person promptly (which, in all events for an Athlete, means before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the FEI ~~or its National Federations~~, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the Athlete or other Person shall serve at least one-half of the period of *Ineligibility* going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.

~~[Comment to Article 10.9.2:—~~This Article shall not apply where the period of *Ineligibility* ~~has~~ already ~~has~~ been reduced under Article 10.5.4 ~~(Admission 6.3.~~

10.11.3 Credit for Provisional Suspension or Period of an Anti-Doping Rule Violation in the Absence of Other Evidence. Ineligibility Served.

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

10.9-4-11.3.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from the FEI ~~or its National Federations~~ and thereafter ~~refrains from competing~~ respects the Provisional Suspension, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the ~~Athlete's~~ Athlete or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive

notice of ~~a potential~~an asserted anti-doping rule violation under Article 14.1.³⁹

~~[Comment to Article 10.9.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]~~

10.9.5

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

~~[Comment to Article 10.9: The text of Article 10.9 has been revised to make clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the hearing decision. This amendment corrects inconsistent interpretation and application of the previous text.]~~

~~10.10 Status During Ineligibility~~

~~10.10~~

10.12 Status During Ineligibility

10.12.1 Prohibition Against Participation During Ineligibility⁴⁰

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

³⁹ **Comment to Article 10.11.3.2:** An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.

⁴⁰ **Comment to Article 10.12.1:** For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organised by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level Event organisation without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. Ineligibility imposed in one sport shall will also be recognised by other sports (see Article 15.1 Mutual Recognition).

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

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

[Comment to Article 10.10.1: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national level Event organization without triggering the consequences set forth in Article 10.10.2. Sanctions in one sport will also be recognized by other sports (see Article 15 Mutual Recognition).]

10.10.2

10.12.2 Return to Training⁴¹

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

10.12.3 Violation of the Prohibition of Participation during Ineligibility

Where an Athlete or other Person who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.~~10~~12.1, the results of such participation shall be *Disqualified* and thea new period of Ineligibility which was originally imposed equal in length up to the original period of Ineligibility shall start over again as of be added to the dateend of the violation-original period of Ineligibility. The

⁴¹ **Comment to Article 10.12.2:** In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.12.1 other than training.

new period of *Ineligibility* may be ~~reduced under Article 10.5.2~~ adjusted based on if the *Athlete* or other *Person* ~~establishes he or she bears No Significant Person's degree of Fault or Negligence for violating other circumstances of the prohibition against participation case.~~ The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether ~~a reduction under Article 10.5.2~~ an adjustment is appropriate, shall be made by the ~~FEI or its National Federations~~ Anti-Doping Organization whose results management led to the imposition of the initial period of *Ineligibility*). This decision may be appealed under Article 13.

~~[Comment to Article 10.10.2: If an Athlete or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, the FEI or its National Federations shall determine whether the Athlete or other Person violated the prohibition and, if so, whether the Athlete or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by the FEI or its National Federations under this Article may be appealed pursuant to Article 13.2.]~~

Where an Athlete Support ~~Personnel~~ Person or other Person ~~substantially~~ assists an Athlete a Person in violating the prohibition against participation during Ineligibility, the FEI ~~or its National Federations may appropriately~~ shall impose sanctions ~~under its own disciplinary rules for a violation of Article 2.9~~ for such assistance. ~~]~~

~~10.10.3~~ Withholding ~~10.13~~ Automatic Publication of Sanction

A mandatory part of Financial Support during *Ineligibility*

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

~~10.11~~ Reinstatement Testing

~~As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete must, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by the FEI, the applicable National Federation, and any other Anti-Doping Organization having Testing jurisdiction, and must, if requested, provide current and accurate whereabouts information. If an Athlete subject to a period of Ineligibility retires from sport and is removed from Out-of-Competition Testing pools and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified the FEI and the applicable National Federation and has been subject to Out-of-Competition Testing for a period of time equal to the period of Ineligibility remaining as of the date the Athlete had retired.~~

~~10.12~~ Imposition of Financial Sanctions

~~The FEI Tribunal may impose financial sanctions in addition to sanctions under articles 9 and 10 for Anti-Doping Rule violations include automatic publication, as provided in Article 14.3.~~

ARTICLE 11 CONSEQUENCES TO TEAMS

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

11.2 Unless otherwise provided in the FEI Regulations for Equestrian Events at the Olympic or Paralympic Games, the Consequences to teams set forth below will apply.

11.2.1 At the Olympic Games, Paralympic Games, and FEI World Equestrian Games:

If a member of a team is found to have committed a violation of these Anti-Doping Rules during an *Event*, the *Athlete's* results will be *Disqualified* in all *Competitions* and the entire *Team Disqualified*.

11.2.2 At all other Events than those listed above:

If a member of a team is found to have committed a violation of these Anti-Doping Rules during an Event where a team ranking is based on the addition of individual results, the Athlete's results may be Disqualified in all Competitions. Should this be the case, the Athlete's results will be subtracted from the team result, to be replaced with the results of the next applicable team member. If by removing the Athlete's results from the team results, the number of Athletes counting for the team is less than the required number, the team shall be eliminated from the ranking.

11.2.3 Notwithstanding the above, for all *Events*, including but not limited to the Olympic and Paralympic Games, exceptional circumstances may be considered.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST ~~NATIONAL FEDERATIONS~~SPORTING BODIES

12.1 The *FEI* has the authority to withhold some or all funding or other non-financial support to *National Federations* that are not in compliance with these Anti-Doping Rules.

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

12.3 The FEI may elect to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and athletes to participate in *International Events* and fines based on the following:

12.3.1 Four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 ~~and 10.3~~) are committed by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by the FEI or Anti-Doping ~~Organizations~~Organisations other than the *National Federation* or its *National Anti-Doping Organization*~~Organisation~~. In such event the FEI Tribunal may in its discretion elect to: (a) ban all officials from that *National Federation* for participation in any FEI activities for a period of up to two years and/or (b) fine the *National Federation* in an amount up to CHF 25,000 (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 ~~and 10.3~~) are committed in addition to the violations described in Article 12.3.1 by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by the FEI or Anti-Doping ~~Organizations~~Organisations other than the *National Federation* or its *National Anti-Doping Organization*~~Organisation~~, then the FEI Tribunal may suspend that *National Federation's* membership for a period of up to 4 years.

12.3.2 More than one *Athlete* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event*. In such event the FEI Tribunal may fine that *National Federation* in an amount up to CHF 25,000.

12.3.3 A *National Federation* has failed to make diligent efforts to keep the FEI informed about an *Athlete's* whereabouts after receiving a request for that information from the FEI. In such event the FEI Tribunal may fine the *National Federation* in an amount up to CHF 25,000 per *Athlete* in addition to all of the FEI costs incurred in *Testing* that *National Federation's Athletes*.

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4~~7~~ or as otherwise provided in these Anti-Doping Rules the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in these rules or in the rules of the Anti-Doping ~~Organization conducting the hearing process as per article 8~~Organisation's rules must be exhausted provided that

such review respects the principles set forth in Article 13.2.2 (except as provided in Article 13.1.13).

13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

13.1.2 CAS Shall Not Defer to the Findings Being Appealed⁴²

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

13.1.3 WADA Not Required to Exhaust Internal Remedies⁴³

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the FEI's ~~or its National Federation's~~ process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the FEI's ~~or its National Federation's~~ process.

~~[Comment to Article 13.1.1: Where a decision has been rendered before the final stage of the FEI or its National Federation's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the FEI or its National Federation's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the FEI or its National Federation's internal process and appeal directly to CAS.]~~

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

A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (Violation of the Prohibition of Participation during Ineligibility);

⁴² **Comment to Article 13.1.2:** CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

⁴³ **Comment to Article 13.1.3:** Where a decision has been rendered before the final stage of the FEI's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the FEI's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the FEI's internal process and appeal directly to CAS.

~~a decision that the FEI or its National Federation by WADA not to grant an exception to the six months' notice requirement for a retired Athlete to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the Code; a decision by the FEI not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a Provisional Suspension as a result of a Provisional Hearing; the FEI's failure to comply with Article 7.9; a decision that the FEI Tribunal lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision by an Anti-Doping Organization not to bring forward an Adverse Analytical Findingsuspend, or an Atypical Finding as an anti-doping rule violation,not suspend, a period of Ineligibility or a decision not to go forward with an anti-doping rule violation after an investigationreinstate, or not reinstate, a suspended period of Ineligibility under Article 7.410.6.1; a decision under Article 10.12.3; and a decision by the FEI not to impose a Provisional Suspension as a result of a Provisional Hearing or in violation of Article 7.5recognise another Anti-Doping Organisation's decision under Article 15,~~ may be appealed exclusively as provided in ~~this Article~~Articles 13.2 – 13.7.

13.2.1 Appeals Involving International-Level Athletes or International Events⁴⁴

In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS ~~in accordance with the provisions applicable before such court.~~

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

13.2.2 Appeals Involving National-LevelOther Athletes or Other Persons

In cases ~~involving national-level Athletes as defined by each National Anti-Doping Organization who do~~where Article 13.2.1 is not have a right to appeal under Article 13.2.1~~applicable~~, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules established by adopted by the National Anti-Doping Organisation having jurisdiction over the National Anti-Doping Organization-Athlete or Person. The rules for such appeal shall respect the following principles: a timely hearing; a fair and

⁴⁴ **Comment to Article 13.2.1:** CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

[impartial hearing panel; the right to be represented by counsel at the Person's own expense; and a timely, written, reasoned decision.](#) If the National Anti-Doping ~~Organization~~[Organisation](#) has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

13.2.3 Persons Entitled to Appeal

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

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

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed⁴⁵

⁴⁵ **Comment to Article 13.2.4:** This provision is necessary because since 2011, CAS rules no longer permit an *Athlete* the right to cross appeal when an *Anti-Doping Organisation* appeals a decision after the *Athlete's* time for appeal has expired. This provision permits a full hearing for all parties.

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

13.3 Failure to Render a Timely Decision ~~by the~~

13.3.1 Failure of FEI and its National Federations to Render a Timely Decision

Where, in a particular case, the FEI ~~or its National Federations fail~~ fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the FEI ~~or its National Federations~~ had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and ~~attorneys~~ attorneys' fees in prosecuting the appeal shall be reimbursed to WADA by the FEI ~~or its National Federations~~.⁴⁶

~~[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the FEI or its National Federations to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the FEI or its National Federations and give the FEI or its National Federations an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits the FEI or its National Federations from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]~~

⁴⁶ **Comment to Article 13.3:** Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the FEI to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the FEI or its National Federations and give the FEI an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits the FEI from also having rules which authorise it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.

13.3.2 Failure of National Federation to Render a Timely Decision

Where, in a particular case, a National Federation fails to render a decision with respect to whether an anti-doping rule violation (for which the National Federation is the competent results management authority) was committed within a reasonable deadline set by the FEI, the FEI may decide to assume jurisdiction for the matter(s) and assume results management authority in accordance with these Anti-Doping Rules.

Where the FEI exercises its right under this Article 13.3.2 to assume jurisdiction, the relevant National Federation shall be liable for the costs incurred by the FEI for the management of the case.

13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption Relating to TUEs

Decisions by WADA reversing the grant or denial of a TUE decisions may be appealed exclusively to CAS by the as provided in Article 4.4.

13.5 Notification of Appeal Decisions

Any Anti-Doping Organisation that is a party to an appeal shall promptly provide the appeal decision to the Athlete or other Person and to the ~~Anti-Doping Organization~~ whose decision was reversed. Decisions by other Anti-Doping Organizations other than WADA denying TUE's, which are not reversed by WADA, may be appealed by International Level Athletes to CAS and by other Athletes to the national level reviewing body described in Organisation that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA.

When the FEI, National Anti-Doping Organizations or other bodies designated by National Federations fail to take action on a properly submitted TUE application within a reasonable time, their failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.

13.56 Appeal from Decisions Pursuant to Article 12

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

13.67 Time for Filing Appeals

13.7.1 Appeals to CAS

The time to file an appeal to CAS shall be ~~thirty (30)~~twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a

party entitled to appeal but which was not a party to the proceedings having lead to the decision subject to appeal:

- a) Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;
- b) If such a request is made within the ten -day period, then the party making such request shall have thirty (30) days from receipt of the file to file an appeal to CAS.

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

- ~~(a)~~
- (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

13.7.2 Appeals Under Article 13.2.2

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

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

- (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

ARTICLE 14 CONFIDENTIALITY, REPORTING AND RECOGNITION,

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

14.1.1 Notice of Anti-Doping Rule Violations to FEI Athletes and Other Persons.

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

14.1.2 ~~Notice to National~~ **of Anti-Doping Organizations, the FEI and WADA.**

~~Notice~~ **Rule Violations to National Anti-Doping Organizations, the FEI Organisations, and WADA.**

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

14.1.3 **Content of Anti-Doping Rule Violation Notification.**

Notification ~~to the Athlete's National Anti-Doping Organization, the FEI and WADA according to~~ of an anti-doping rule violation Article 72.1 shall include: the Athlete's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory and other information as required by the International Standard for Testing and Investigations. Notice of anti-doping rule violations other than under Article 2.1 shall include the rule violated and the basis of the asserted violation.

14.1.4 **Status Reports.**

~~The same Persons and Anti-Doping Organizations~~ Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, National Anti-Doping Organisations and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 ~~(Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals),~~ 8 or 13 and the FEI shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 **Confidentiality.**

The recipient ~~organizations~~ organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee* and *National Federation*) until the ~~Anti-Doping Organization with results management responsibility~~ FEI has made Public Disclosure or has failed to make public disclosure as required in Article 14. ~~23~~ below.

14.1.6 The FEI shall ensure that information concerning Adverse Analytical Findings, Atypical Findings, and other asserted anti-doping rule violations remains confidential until such information is Publicly

Disclosed in accordance with Article 14.3, and shall include provisions in any contract entered into between the FEI and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

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

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, FEI shall provide a short English or French summary of the decision and the supporting reasons.

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

14.3 Public Disclosure.

14.23.1 The identity of any *Athlete* or other *Person* who is asserted by the ~~FEI or its National Federations~~ to have committed an anti-doping rule violation, may be *publicly disclosed* by the ~~FEI or its National Federations~~ only after notice has been provided to the *Athlete* or other *Person* in accordance with Articles ~~7.13, 7.24, 7.5, 7.6~~ or ~~7.4, 7,~~ and simultaneously to WADA and to the applicable National Anti-Doping Organizations/Organisations of the Athlete or other Person in accordance with Article 14.1.2.

14.23.2 No later than twenty ~~(20)~~ days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived or a hearing in accordance with Article 8 ~~that an anti-doping rule violation has occurred, or such hearing has been waived,~~ or the assertion of an anti-doping rule violation has not been timely challenged, the ~~FEI or its National Federations~~ must *Publicly Report* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved ~~and the *Consequences* imposed, if any, and the *Consequences* imposed.~~ The FEI must also *Publicly Report* within twenty days the result of final appeal decisions concerning anti-doping rule violations including the information described above.

14.23.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping

rule violation, the decision may be ~~disclosed publicly~~Publicly Disclosed only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *FEI* ~~and its National Federations~~ shall use reasonable efforts to obtain such consent, ~~and~~. If consent is obtained, the FEI shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

14.23.4 ~~For purposes of Article 14.2,~~ Publication shall be accomplished at a minimum by placing the required information on the *FEI's* ~~or its National Federations'~~ Web site or publishing it through other means and leaving the information up for at least the longer of one (1) year~~month or the period of Ineligibility~~.

14.23.5 Neither the *FEI* nor its National Federation ~~or WADA accredited laboratory, or nor any~~ official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

~~14.3 Athlete Whereabouts Information.~~

~~As further provided in the International Standard for Testing, Athletes who have been identified by the FEI or its National Federations for inclusion in a Registered Testing Pool shall provide accurate, current location information. The FEI and National Anti-Doping Organizations shall coordinate the identification of Athletes and the collecting of current location information and shall submit these to WADA. This information will be accessible, through ADAMS where reasonably feasible, to other Anti-Doping Organizations having jurisdiction to test the Athlete. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Testing; and shall be destroyed after it is no longer relevant for these purposes.~~

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

14.4 Statistical Reporting.

The *FEI* ~~or its National Federations~~ shall publish, at least annually, ~~publish publicly~~ a general statistical report of ~~their~~its *Doping Control* activities with a copy provided to *WADA*. The *FEI* ~~or its National Federations~~ may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

14.5 Doping Control Information Clearinghouse.

~~WADA shall act as a central clearinghouse for Doping Control Testing data and results for International Level Athletes and national level Athletes who have been included in their National Anti-Doping Organization's Registered Testing Pool. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations/Organisations, the FEI or its National Federations shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse using ADAMS as soon as possible after such tests have been conducted. This information will be made accessible where appropriate and in accordance with the applicable rules to the Athlete, the Athlete's National Federation, National Olympic Committee or National Paralympic Committee, National Anti-Doping Organization, the FEI, and Organisation and any other Anti-Doping Organisation with Testing authority over the International Olympic Committee or International Paralympic Committee Athlete.~~

~~To enable it to serve as a clearinghouse for Doping Control Testing data, WADA has developed a database management tool, ADAMS, that reflects emerging data privacy principles. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the protection of privacy.~~

14.6 Data Privacy.

~~When performing obligations under these rules, the FEI or its National Federations~~**14.6.1** ~~The FEI~~ may collect, store, process or disclose personal information relating to Athletes and third parties. ~~The FEI or its National Federations shall ensure that they comply with applicable data protection other Persons where necessary and privacy laws with respect appropriate to conduct their handling of such information, as well as anti-doping activities arising under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy that WADA shall adopt to ensure Athletes and non-athletes are fully informed and Personal Information) and these Anti-Doping Rules.~~

14.6.2 ~~Any Participant who submits information including personal data to any Person in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such Person for the purposes of the implementation of and, where necessary, agree to the handling these Anti-Doping Rules, in accordance with the International Standard for the Protection of their personal information in connection with anti-doping activities arising~~

~~under the Code~~ Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

ARTICLE 15 **APPLICATION AND MUTUAL RECOGNITION OF DECISIONS**

15.1 Subject to the right to appeal provided in Article 13, Testing, ~~TUEs and hearing results or other final adjudications of any National Federation or Signatory which are consistent with the Code and are within the National Federation or that~~ Signatory's authority, shall be applicable worldwide shall be ~~recognized~~ recognised and respected by the FEI and all its National Federations.

⁴⁷

~~[Comment to Article 15.1: There has in the past been some confusion in the interpretation of this Article with regard to Therapeutic Use Exemptions. Unless provided otherwise by the rules of an International Federation or an agreement with an International Federation, National Anti-Doping Organizations do not have "authority" to grant Therapeutic Use Exemptions to International Level Athletes.]~~

15.2 The FEI and its National Federations shall ~~recognize~~ recognise the ~~same actions of measures taken by~~ other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.⁴⁸

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

⁴⁷ **Comment to Article 15.1:** The extent of recognition of TUE decisions Anti-Doping Organisations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.

⁴⁸ **Comment to Article 15.2:** Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, the FEI and its National Federation shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules, then the FEI Tribunal shall recognise the finding of an anti-doping rule violation and they may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed.

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

ARTICLE 16 **INCORPORATION OF THE FEI'S ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS**

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

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

16.3 ~~All National Federations shall report any information suggesting or relating to an anti-doping rule violation to the FEI and to their National Anti-Doping Organisations, and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.~~

16.4 ~~National Federations shall put disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes under the jurisdiction of the FEI or the National Federation.~~

16.5 ~~All National Federations shall be required to conduct anti-doping education in coordination with their National Anti-Doping Organisations.~~

ARTICLE 17 **STATUTE OF LIMITATIONS**

~~No anti-doping rule violation proceeding~~ action may be commenced against an Athlete or other Person ~~for an anti-doping rule violation contained in these Anti-Doping Rules unless such action is commenced~~ he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably

attempted, within ~~eight (8)~~ten years from the date the violation is asserted to have occurred.

ARTICLE 18 ***FEI'S COMPLIANCE REPORTS TO WADA***

The FEI will report to WADA on the FEI's compliance with the Code ~~every second year and shall explain reasons for any noncompliance in accordance with Article 23.5.2 of the Code.~~

ARTICLE 19 **EDUCATION**

The FEI shall provide Athletes with information on at the issues listed at Article 18.2 of the Code in order to educate Athletes on their anti-doping responsibilities and shall implement such other education measures as necessary.

ARTICLE 20 **AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

~~1920.1~~ These Anti-Doping Rules may be amended from time to time by the *FEI* General Assembly.

~~1920.2~~ These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

~~1920.3~~ The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

~~1920.4~~ The ~~INTRODUCTION, the APPENDIX I, DEFINITIONS~~Code and the *International Standards* ~~issued by WADA~~ shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

~~1920.5~~ These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The Introduction shall be considered an integral part of these Anti-Doping Rules.

~~1920.6~~ The comments annotating various provisions of the *Code* and these Anti-Doping Rules ~~should~~shall be used to interpret these Anti-Doping Rules.

~~1920.7~~ These Anti-Doping Rules have come into full force and effect on 1 January ~~2011~~2015 (the "Effective Date"). They shall not apply ~~retrospectively~~retroactively to matters pending before the Effective Date; provided, however, that:

~~19.7.1~~ ~~—~~ 20.7.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for

purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

20.7.2 The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the FEI Tribunal or national arbitral panel deciding the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.

1920.7.23 Any Article 2.4 whereabouts ~~violationfailure~~ (whether a Filing Failure or a Missed Test) ~~declared by the FEI under rules, as those terms are defined in force prior to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts violation under Article 11 of the International Standard for Testing and Investigations) prior to the Effective Date~~ shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standards for Testing and Investigations, but it shall be deemed to have expired 12 months after it occurred.

1920.7.34 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* ~~Organisation~~ which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any ~~anti-doping rule violation~~ case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

~~19.7.4~~ ~~Subject always to Article 10~~**20.7.5**, ~~anti-doping rule violations committed~~ For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date shall be taken into account as prior offences, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

ARTICLE 21 INTERPRETATION OF THE CODE

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

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

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

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

21.5 The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Rules, for which a period of Ineligibility of less than two years was imposed, such violation for subsequent post-Code violations.

21.6 The Purpose, Scope and Organisation of the World Anti-Doping Program and the Code and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered a Reduced Sanction violation for purposes of Article 10.7.1 integral parts of the Code.

ARTICLE ~~20~~ 22: ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

~~2022~~ 22.1 Roles and Responsibilities of Athletes.

~~2022~~ 22.1.1 To be knowledgeable of and comply with these Anti-Doping Rules.

~~2022~~ 22.1.2 To be available for *Sample* collection ~~at all times~~.⁴⁹

⁴⁹ **Comment to Article 22.1.2:** With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.

~~20~~

~~22.1.3~~ To take responsibility, in the context of anti-doping, for what they ingest and use.

~~2022.1.4~~ To inform medical personnel of their obligation not to *Use Prohibited Substances and Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

~~2022.1.5~~ To disclose to their *National Anti-Doping Organisation* and to the *FEI* any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.

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

~~22.1.7~~ Failure by any *Athlete* to cooperate ~~in full~~ with *Anti-Doping Organisations* investigating anti-doping rule violations, including, for the avoidance of doubt, investigations conducted by or on behalf of the *FEI*, may result in the imposition of sanctions under the General Regulations of the *FEI*.

22.2 Roles and Responsibilities of Athlete Support Personnel

~~2022.2.1~~ To be knowledgeable of and comply with these Anti-Doping Rules.

~~2022.2.2~~ To cooperate with the *Athlete Testing* program.

~~2022.2.3~~ To use their influence on *Athlete* values and ~~behavior~~behaviour to foster anti-doping attitudes.

~~2022.2.4~~ To disclose to his or her *National Anti-Doping Organisation* and to the *FEI* any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.

~~22.2.5~~ To cooperate with *Anti-Doping Organisations'* investigating anti-doping rule violations.

~~22.2.6~~ Failure by any *Athlete Support Personnel* to cooperate ~~in full~~ with *Anti-Doping Organisations*, investigating anti-doping rule violations, including, for the avoidance of doubt, investigations conducted by or on behalf of the *FEI*, may result in a sanctions being imposed under the General Regulations of the *FEI*.

~~22.2.7~~ *Athlete Support Personnel* shall not *Use or Possess any Prohibited Substance or Prohibited Method* without valid justification.

[22.2.8 Use or Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Personnel without valid justification may result in sanctions being imposed under the General Regulations of the FEI.](#)

22.3 Roles and Responsibilities of *Organising Committees* (“OCs”)

2022.3.1 To be knowledgeable of and comply with these anti-doping rules.

2022.3.2 To foster an anti-doping spirit at their *Events*

2022.3.3 To cooperate with the *FEI’s Athlete Testing* program, as detailed below and as a minimum:

Notwithstanding any other contractual obligations with the *FEI* (where applicable), the *OC* shall provide, at its own cost and if requested by the *FEI* at least two (2) months prior to the starting date of the *Event*, with the following:

(a) one (1) staff member able to act as point of contact and coordinator for the *Doping Control Officers* (“*DCO*”s), with the contact name and details of this staff member to be communicated to the *FEI* at least two (2) weeks prior to the starting date of the *Event*;

(b) anti-doping facilities (“*Doping Control Station*”) reasonably separated from public activity, consisting of:

- one (1) private room exclusively dedicated for use by the *DCO* (“*DCO room*”) with one (1) table, two (2) chairs, pens and paper, and one (1) lockable fridge; and

- a waiting room/area with a suitable number of chairs as well as an appropriate amount of individually sealed, non-caffeinated and non alcoholic beverages, which includes a mix of natural mineral water and soft drinks; and

- one (1) private and clean bathroom/toilet, adjacent or as near as possible to the *DCO* room and waiting area; and

(c) Staff members (or volunteers) of both genders, able to act as *Chaperones*. The number of *Chaperones* available to the *OC* must be communicated to the *FEI* as early as possible following receipt by the *OC* of the *Testing* plan for the *Event*.

Chaperones are responsible for notifying, accompanying and observing the selected *Athletes* from their notification until they

report to the *Doping Control Station*. The individuals selected to work as *Chaperones* must have abilities to follow procedures, directions and instructions, to work in a stressful situation, to communicate both orally and whenever possible in writing in English. They shall not be Minors.

The *Chaperones* will be trained by the *DCOs* before the *Competition* starts. They should be exclusively available for this duty throughout the *Testing* session.
The *FEI* will provide the *Testing* plan.

2022.3.3.1 Confidentiality

The *OC* shall maintain strict confidentiality on all aspects of any *Testing* session planned at its *Events*. It shall not disclose the *Testing* plan beyond a strict need-to-know, and shall not publish any details on such *Testing* plan without prior written permission from the *FEI*.

2022.3.3.2 Educational initiatives

OCs shall also cooperate with the *FEI's* anti-doping educational initiatives at their *Events*.

2022.3.4 To cooperate with the *Testing* plans by other *Anti-Doping Organisations* with *Testing* jurisdiction.

APPENDIX 1 - DEFINITIONS⁵⁰

SECTION 1: WADA DEFINITIONS

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

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

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

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

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

Athlete: Any *Person* who participates competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organization, including but not Organisation. An Anti-Doping Organisation has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them*

⁵⁰ **Comment:** Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.

~~within the definition of "Athlete." In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organisation may elect to: conduct limited to those Persons in its Registered Testing Pool), and any other competitor in sport who is otherwise subject to the jurisdiction of any Signatory or other sports organization accepting the Code. All provisions of the Code, including, for example, or no Testing, and TUE's at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) must be applied to international and national level competitors. Some National Anti-Doping Organizations may elect to test and apply anti-doping rules to recreational level or masters competitors who are not current or potential national caliber competitors. National Anti-Doping Organizations are not required, however, to apply all aspects of the Code to such Persons. Specific national rules may be established for Doping Control for non-international level or non-national level competitors without being in conflict with the Code. Thus, a country could elect to test recreational level competitors but not require TUE's or whereabouts information. In the same manner, a Major Event Organization holding an Event only for masters level competitors could elect to test the competitors but not require advance TUE or whereabouts information.~~ For purposes of Article 2.8 (Administration or Attempted Administration) and 2.9 and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization~~organisation~~ accepting the Code is an Athlete.⁵¹

~~[Comment to Athlete:—This definition makes it clear that all international and national-caliber athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the IFs and National Anti-Doping Organizations, respectively. At the national level, anti-doping rules adopted pursuant to the Code shall apply, at a minimum, to all persons on national teams and all persons qualified to compete in~~

⁵¹ **Comment:** This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.

~~any national championship in any sport. That does not mean, however, that all such Athletes must be included in a National Anti-Doping Organization's Registered Testing Pool. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond national-caliber athletes to competitors at lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]~~

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

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

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

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

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

CAS: The Court of Arbitration for Sport.

Chaperone: An official who is trained and ~~authorized~~authorised by the ADO to carry out specific duties including one or more of the following: notification of the *Athlete* selected for Sample collection; accompanying and observing the *Athlete* until arrival at the Doping Control Station; and/or witnessing and verifying the provision of the Sample where the training qualifies him/her to do so.

Code: The World Anti-Doping Code.

~~Competition~~(See section 2)

Consequences of Anti-Doping Rule Violations ("Consequences"): An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from

participating in any *Competition* or other activity or funding as provided in Article 10.1012.1; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* ~~prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing)~~ or activity prior to the final decision at a hearing conducted under Article 8, (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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

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

Doping Control Officer (DCO): An official who has been trained and ~~authorized~~authorised by the ADO with delegated responsibility for the on-site management of a *Sample Collection Session*.

Doping Control Station: The location where the *Sample Collection Session* will be conducted.

Event. (See section 2).

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

Event Venues: The entirety of the premises at which the *Event* is held that are in the care, custody and control of the organiser of the *Event*. Where that is the case, such venue shall include without limitation all areas required for the purpose of staging the *Event(s)*, the corresponding competition area, paddock, stables, hospitality areas and car park areas in and around the venue, together with the location of any other event held in connection with the *Event* (such as press conferences).

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what

should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.⁵²

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

In-Competition: (see section 2)

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

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

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

International Event: An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organisation/Organisation*, or another international sport ~~organization/organisation~~ is the ruling body for the *Event* or appoints the technical officials for the *Event* and which, for the avoidance of doubt, includes any *Event* included in the FEI Calendar.

International-Level Athlete: ~~Athletes designated by one or more International Federations as being within who compete in sport at the Registered international level, as defined by each International Federation consistent with the International Standard for Testing Pool for and Investigations. For the sport of equestrianism, International-Level Athletes are those Athletes that (a) are registered with the FEI; and/or (b) participate in an International Federation Event.~~

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

⁵² **Comment:** The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.

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

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

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural *Person* who has not reached the age of ~~majority as established by the applicable laws of his or her country of residence~~eighteen years.

National Anti-Doping ~~Organization-Organisation~~: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. ~~This includes an entity which may be designated by multiple countries to serve as regional Anti-Doping Organization for such countries.~~ If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

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

National Federation: A national or regional entity which is a member of or is ~~recognized~~recognised by ~~IFFE~~the *FEI* as the entity governing the ~~IF's~~*FEI* sport in that nation or region.

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

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

~~*No Advance Notice*. A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.~~

No Fault or Negligence: The ~~*Athlete's*~~*Athlete or other Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance or Prohibited Method* or otherwise violated an

anti-doping rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

No Significant Fault or Negligence: The ~~*Athlete's*~~*Athlete* or other *Person* 's establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.⁵³

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

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

Person.

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the person has exclusive control or intends to exercise exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the person does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the person knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*~~Organisation~~. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.⁵⁴

~~*[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that*~~

⁵³ **Comment:** For Cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.

⁵⁴ **Comment:** Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that Event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organisation must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.

~~Event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids.]~~

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

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

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

Provisional Hearing: For purposes of Article 7.69, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (~~Right to a Fair Hearing~~) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension: See *Consequences of Anti-Doping Rules Violations* above.⁵⁵

~~Publicly Disclose or Publicly Report. To disseminate or distribute information; See~~ [Consequences of Anti-Doping Rule Violations](#) above.

[Regional Anti-Doping Organisation:](#) A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14 adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *TUEs*, the conduct of hearings, and the conduct of educational programs at a regional level.

Registered Testing Pool: The pool of ~~top level~~highest priority *Athletes* established separately ~~by each at the international level by~~ International Federation and at the national level by National Anti-Doping Organizations, who are subject to ~~both~~focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or National Anti-Doping ~~Organization's test distribution plan~~Organization's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the *Code* and the International Standard for Testing and Investigations.

⁵⁵ **Comment:** A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule.

Sample or Specimen: Any biological material collected for the purposes of *Doping Control*.⁵⁶

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

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, National Olympic Committees, National Paralympic Committees, Major Event Organizations, National Anti-Doping Organizations, and WADA, as provided in Article 23 of the *Code*.

Specified Substances: As defined in: See Article 4.2.2.

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

Substantial Assistance: For purposes of Article 10.5.36.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organization or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

Target Testing: Selection of Athletes for Testing where specific Athletes or groups of Athletes are selected for Testing based on a non-random basis criteria set forth in the International Standard for Testing at a specified time and Investigations.

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

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

⁵⁶ **Comment:** It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Personnel* ~~Person~~ or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* ~~Organisation~~ to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

~~TUE~~: ~~As defined in Article 2.6.1.~~

~~TUE Panel~~: ~~As defined: Therapeutic Use Exemption, as described~~ in Article 4.4.4.

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

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

WADA: The World Anti-Doping Agency.

SECTION 2: FEI DEFINITIONS

Competition: As defined in the *FEI* General Regulations: "Refers to each individual class in which Athletes are placed in an order of merit and for which prizes may be awarded."

Event: As defined in the *FEI* General Regulations: "A complete meeting, 'Show', 'Championship' or 'Games'. Events may be ~~organized~~ organised for one or more than one Discipline."

FEI: The *Fédération Equestre Internationale* acting through its applicable representative as determined in its Statutes, General Regulations, other regulations or rules, or by its Secretary General from time to time.

FEI Tribunal: The judicial body with jurisdiction under the FEI Statutes to issue decisions under these Anti-Doping Rules and in accordance with the Internal Regulations of the FEI Tribunal.

In-Competition: The period commencing one (1) hour before the beginning of the first *Horse* inspection and terminating half an hour after the announcement of the

final results of the last *Competition* at the *Event*. This period may vary for the Olympic and Paralympic Games, as determined by the applicable rules.

Organiser or Organising Committee (OC): Any organisation, group, society, body, or person which is recognised by the applicable NF and held to be responsible for the management of any Event.

Sport Rules: As defined in the Statutes, and shall include but not be limited to Rules for the Equestrian Disciplines, Veterinary Regulations, Equine Anti-Doping and Controlled Medication Control Regulations, Anti-Doping Rules for Human Athletes, Olympic Regulations, and Paralympic Regulations.

APPENDIX 2 EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1.

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

Application of Consequences:

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

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

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

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

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

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

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

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

EXAMPLE 2.

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

Application of Consequences:

1. The starting point would be Article 10.2. Because the Anti-Doping Organisation can establish that the anti-doping rule violation was committed intentionally and the Athlete is unable to establish that the substance was permitted Out-of-Competition and the Use was unrelated to the Athlete's sport performance (Article 10.2.3), the period of Ineligibility would be four years (Article 10.2.1.2).

2. Because the violation was intentional, there is no room for a reduction based on Fault (no application of Articles 10.4 and 10.5). Based on Substantial Assistance, the sanction could be suspended by up to three-quarters of the four years.* The minimum period of Ineligibility would thus be one year.

3. Under Article 10.11, the period of Ineligibility would start on the date of the final hearing decision.

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

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

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

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

EXAMPLE 3.

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

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Athlete* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault in Using a Contaminated Product* (Articles 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two years (Articles 10.2.2).

2. In a second step, the panel would analyse the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the *Athlete* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)

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

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

5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of

a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training one month before the end of the period of Ineligibility.

EXAMPLE 4.

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

Application of Consequences:

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

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

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

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

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

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

7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 10.12.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organisation of

a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility.

EXAMPLE 5.

Facts:

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

Application of Consequences:

1. According to Article 10.3.4, the period of Ineligibility would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of three years.)

2. There is no room for Fault-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).

3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of Ineligibility may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of Ineligibility of 18 months.)

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

EXAMPLE 6.

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

Application of Consequences:

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.

2. Under Article 10.7.1, the period of Ineligibility would be the greater of:

- (a) six months;
- (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6 (in this example, that would equal one-half of 14 months, which is seven months); or
- (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 (in this example, that would equal two times 16 months, which is 32 months).

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

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

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

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

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

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

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