



FEI Anti-Doping Rules For Human Athletes

Based upon the
2015 WADA Code, effective 1 January 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

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.

Anti-Doping Rules are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and 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. 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 these Anti-Doping Rules implementing the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

Fundamental Rationale for the Code and *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 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.

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

- (a) are registered with the *FEI*; and/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 2.10 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:

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

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

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

² **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*.

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

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

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

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.)

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 authorised in these Anti-Doping Rules, or other applicable anti-doping rules.

2.4 Whereabouts Failures

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

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

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

2.6 Possession of Prohibited Substances or a Prohibited Method⁷

2.6.1 *Possession* by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or *Possession* by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited *Out-of-Competition* unless the Athlete establishes that the *Possession* is consistent with a Therapeutic Use Exemption

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.

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.

("TUE") granted in accordance with Article 4.4 or other acceptable justification.

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

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

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

2.9 Complicity

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

2.10 Prohibited Association⁸

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

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

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

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.

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

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

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

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

The FEI shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the FEI 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.

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

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:

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

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

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

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*.

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*.

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.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

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

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.

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

4.2.1 *Prohibited Substances and Prohibited Methods*

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

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

is the responsibility of all Athletes and other Persons to familiarise themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

4.2.2 Specified Substances¹³

For purposes of the application of Article 10, 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*. The category of Specified Substances shall not include Prohibited Methods.

4.3 WADA’s Determination of the Prohibited List

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

4.4 Therapeutic Use Exemptions (“TUEs”)

4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* and/or the *Use* or *Attempted Use*, *Possession*, *Administration* or *Attempted Administration* 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 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* 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*

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.

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, 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 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

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 *TUE*s, 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*.

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*.

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 the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the *International Standard for Therapeutic Use Exemptions* applies) at least 30 days before the *Athlete's* next *Competition*. 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 Anti-Doping Organisation*, through *ADAMS*, in accordance with the *International Standard for Therapeutic Use Exemptions*.¹⁶

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*

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.

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.

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.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of Testing

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 Conduct Testing

5.2.1 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 Testing* authority as set out in Article 20.7.8 of the *Code*.

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 Event Testing

5.3.1 Except as provided in Article 5.3 of the *Code*, only a single Organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the collection of *Samples* shall be initiated and directed by the *FEI* (or any other international Organisation which is the ruling body for the *Event*). 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*).

5.3.2 If an *Anti-Doping Organisation* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with the *FEI* (or any other international Organisation which is the ruling body of the *Event*) to obtain permission to conduct coordinate such *Testing*. If the *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 *Anti-Doping Organisation* may ask *WADA* for permission to conduct additional *Testing* and to determine how to coordinate such *Testing* in accordance with the procedures set out in the International Standard for Testing and Investigations. *WADA* shall not grant approval for such *Testing* before consulting with and informing the *FEI* (or any other international Organisation which is the ruling body for the *Event*). *WADA's* decision shall be final and not

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.

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 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 or another system approved by *WADA* in order to maximise the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.6 Athlete Whereabouts Information

5.6.1 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 make available through *ADAMS* and the *FEI* website, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. The *FEI* shall coordinate with *National Anti-Doping Organisations* the identification of such *Athletes* 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 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; (b) shall update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for Testing at such whereabouts.

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

5.6.3 An *Athlete* in the *FEI's Registered Testing Pool* shall continue to be subject to 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/she has retired; 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*.

5.6.4 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 in *International Events* or *National Events* until he/she has given the *FEI* written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months before returning to *Competition*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with the *FEI* and the *Athlete's National Anti-Doping Organisation*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.

5.7.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has given six months prior

written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to FEI and to his/her *National Anti-Doping Organization* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8 Independent Observer Programme

The FEI and the organising committees for FEI Events, as well as the National Federations and the organising committees for National Events, shall authorise and facilitate the Independent Observer Program at such Events.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples collected shall be analysed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories¹⁹

For purposes of Article 2.1, the *FEI* or its *National Federations* shall send *Samples* for analysis only to *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory *WADA* approved laboratory used for the *Sample* analysis shall be determined exclusively by the *FEI* or its *National Federations*.

6.2 Purpose of Analysis of Samples

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

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.

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.

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.

6.3 Research on *Samples*

No *Sample* may be used for 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 analyse *Samples* and report results in conformity with the International Standard for Laboratories. To ensure effective *Testing*, the Technical Document referenced at Article 5.4.1 of the *Code* will establish risk assessment-based *Sample* analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyse *Samples* in conformity with those menus, except as follows:

6.4.1 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 appropriate.

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

6.5 Further Analysis of *Samples*

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by *WADA* at any time; 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

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.

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

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 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 Organisation involving an Athlete who is not under the jurisdiction of that National Anti-Doping Organisation, shall proceed as set forth below:

7.2.1 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 confidentially and in conformity with *ADAMS*.

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

7.2.3 If the review of an *Adverse Analytical Finding* under Article 7.2.2 reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *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 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 in accordance with the *International Standard* for Laboratories if such analysis is requested; (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; (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 Organisation* and *WADA*.

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

7.3.3 The *Athlete* and/or his representative shall be allowed to be present at the analysis of the *B Sample*. Also a representative of 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.

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

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

7.4 Review of Atypical Findings

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

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

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

7.4.4 If that 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 either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.4.5 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:

7.4.5.1 If the FEI determines the B Sample should be analysed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Athlete, with such notice to include a description of the Atypical Finding and the information described in Article 7.3.1(d) to (f).

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

7.5 Review of Atypical Passport Findings and Adverse Passport Findings

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

7.9 Provisional Suspensions²²

7.9.1 Mandatory Provisional Suspension

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

7.9.2 Optional Provisional Suspension

In case of an Adverse Analytical Finding for a Specified Substance, or in the case of any other anti-doping rule violations not covered by Article 7.9.1 the *FEI* may impose a Provisional Suspension on the Athlete or other Person against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2–7.7 and prior to the final hearing as described in Article 8.

7.9.3 Where a *Provisional Suspension* is imposed, pursuant to Article 7.9.1 or Article 7.9.2, the *Athlete* or other *Person* shall be given either (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*, 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 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the Athlete or other Person has a right to appeal from *Provisional Suspensions* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

7.9.3.1 The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's

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.

decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

7.9.3.2 The *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Athlete* or other *Person* establishes that: (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*; or (b) the *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4 or that Article 10.5 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 (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.

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

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

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 7.9.3.2 above and may have led 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.

7.9.7 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.

7.10 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 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* would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, the *FEI* has authority to conduct results management in respect of that anti-doping rule violation.

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Principles for a Fair Hearing

8.1.1 When there is no agreement in accordance with Article 7.10.1 and the Athlete or other Person does not waive a hearing in accordance with

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.]

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 shall be scheduled and completed within a reasonable time. Hearings held in connection with *Events* that are subject to these Rules may be conducted by an expedited 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 of each party to be represented by counsel (at the party's own expenses);
- (b) the right to respond to the asserted anti-doping rule violation and resulting Consequences;
- (c) the right of each party to present evidence, including the right to call and question witnesses; and
- (d) the Athlete's or other Person's right to an interpreter at the hearing, with the FEI Tribunal to determine the responsibility for the cost of the interpreter.

8.1.4 WADA and the *National Federation of the Athlete* or other *Person* may attend the hearing as an observer. 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.

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.

8.2.2 The decision may be appealed to the CAS as provided in Article 13. Copies of the decision shall be provided to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

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

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* that would have had a right to appeal a first instance hearing decision to CAS.

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 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.

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

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.

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*.

(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

An anti-doping rule violation occurring during or in connection with an Event may, upon 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 (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.

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

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

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

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

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.

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

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

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and the *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 other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

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

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

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

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

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

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.

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.

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

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

10.5.1.1 *Specified Substances*

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

10.5.1.2 *Contaminated Products*³¹

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 provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

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*.

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 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 Organisation, criminal authority or professional disciplinary body which results (i) in the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the 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. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight years. If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the FEI Tribunal shall reinstate the original period of Ineligibility. If the FEI Tribunal decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13.

10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of 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

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.

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.

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

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering* with *Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by 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

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.

minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction³⁵

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

10.7 Multiple Violations

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

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

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

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.

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

10.7.3 An anti-doping rule violation for which 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 can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7, or after the FEI made reasonable efforts to give notice, of the first anti-doping rule violation. If the FEI cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, the FEI 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 Tribunal shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.8.

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

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

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

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule

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.

violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.

10.9 Allocation of CAS Cost Awards and Forfeited Prize Money

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other *Athletes*; and third, reimbursement of the expenses of the FEI.

10.10 Financial Consequences

Where an *Athlete* or other *Person* 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 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 would otherwise 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 *Athlete* or other *Person* may be withheld by the FEI and/or its *National Federations*.

10.11 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.

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.

10.11.1 Delays Not Attributable to the Athlete or other Person³⁸

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 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.

10.11.2 Timely Admission

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

This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served.

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

10.11.3.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from the FEI and thereafter respects the Provisional Suspension, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any

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.

period of Ineligibility which may ultimately be imposed. A copy of the Athlete or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.³⁹

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

10.12 Status During *Ineligibility*

10.12.1 Prohibition Against Participation During *Ineligibility*⁴⁰

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 authorised anti-doping education or rehabilitation programs) authorised or organised by the FEI or any National Federation or a club or other member organisation of the FEI or any National Federation, or in Competitions authorised or organised by any professional league or any international or national level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

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

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 also be recognised by other sports (see Article 15.1 Mutual Recognition).

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

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

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

10.13 Automatic Publication of Sanction

A mandatory part of each sanction shall 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.

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.

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 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) 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 Organisations other than the *National Federation* or its *National Anti-Doping 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) 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 Organisations other than the National Federation or its National Anti-Doping 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 13.7 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 the Anti-Doping 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 13.1.3).

13.1.1 Scope of Review Not Limited

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

13.1.2 CAS Shall Not Defer to the Findings Being 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 process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the FEI's process.

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 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 to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision under Article 10.12.3; and a decision by the FEI not to recognise another Anti-Doping Organisation's decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

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.

13.2.1 Appeals Involving *International-Level Athletes or International Events*⁴⁴

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

13.2.2 Appeals Involving *Other Athletes or Other Persons*

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

13.2.3 *Persons Entitled to Appeal*

In cases under Article 13.2.1, 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 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 appeal body shall be as provided in the *National Anti-Doping Organisation's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the *FEI*; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*. For cases under Article 13.2.2, *WADA, the International Olympic*

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.

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 appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed⁴⁵

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

13.3.1 Failure of FEI to Render a Timely Decision

Where, in a particular case, the FEI 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 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' fees in prosecuting the appeal shall be reimbursed to WADA by the FEI.⁴⁶

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

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.

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.

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 Relating to TUEs

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

13.5 Notification of Appeal Decisions

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

13.6 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.

13.7 Time for Filing Appeals

13.7.1 Appeals to CAS

The time to file an appeal to CAS shall be 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 led 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) 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 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 Articles 7 and 14 of these Anti-Doping Rules. Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

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

Notice of the assertion of an anti-doping rule violation to *National Anti-Doping Organisations* and *WADA* shall occur as provided under Articles 7 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 of an anti-doping rule violation Article 2.1 shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection 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.

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 7,8 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 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 *FEI* has made Public Disclosure or has failed to make public disclosure as required in Article 14.3 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.

14.3.1 The identity of any *Athlete* or other *Person* who is asserted by the *FEI* to have committed an anti-doping rule violation, may be *publicly disclosed* by the *FEI* only after notice has been provided to the *Athlete* or other *Person* in accordance with Articles 7.3, 7.4, 7.5, 7.6 or 7.7, and simultaneously to *WADA* and to the applicable *National Anti-*

Doping Organisations of the Athlete or other Person in accordance with Article 14.1.2.

14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived or a hearing in accordance with Article 8, or the assertion of an anti-doping rule violation has not been timely challenged, the *FEI* 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, 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.

14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *FEI* shall use reasonable efforts to obtain such consent. 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.

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

14.3.5 Neither the *FEI* nor its National Federation 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.

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

14.5 Doping Control Information Clearinghouse.

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organisations*, the *FEI* 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 Anti-Doping Organisation* and any other *Anti-Doping Organisation* with *Testing* authority over the *Athlete*.

14.6 Data Privacy.

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

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

ARTICLE 15 APPLICATION AND MUTUAL RECOGNITION OF DECISIONS

15.1 Subject to the right to appeal provided in Article 13, *Testing* hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be applicable worldwide shall be recognised and respected by the *FEI* and all its *National Federations*.⁴⁷

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

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-*FEI ADRHA*

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 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 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*.

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.

ARTICLE 17 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding action may be commenced against an Athlete or other Person unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within 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 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

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

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

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

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

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

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

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

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

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

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

20.7.3 Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the *Effective Date* shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standards for Testing and Investigations, but it shall be deemed to have expired 12 months after it occurred.

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

20.7.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

ARTICLE 21 INTERPRETATION OF THE CODE

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

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

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

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

21.5 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

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

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

22.1 Roles and Responsibilities of Athletes.

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

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

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

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

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.

22.1.5 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

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

22.2.2 To cooperate with the *Athlete Testing* program.

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

22.2.4 To disclose to his or her *National Anti-Doping Organisation* and to 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”)

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

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

22.3.3 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.

22.3.3.1 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*.

22.3.3.2 Educational initiatives

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

22.3.4 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 laboratory that, consistent with the *International Standard* for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

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

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

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organisation*). An *Anti-Doping Organisation* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "Athlete." In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to: conduct limited *Testing* or no *Testing* at

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

all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. . For purposes of Article 2.8 and 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code* is an *Athlete*.⁵¹

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

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

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

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

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

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.

CAS: The Court of Arbitration for Sport.

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

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

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

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

Doping Control Officer (DCO): An official who has been trained and 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*, or another international sport organisation is the ruling

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.

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 who compete in sport at the international level, as defined by each International Federation consistent with the International Standard for Testing and Investigations. For the sport of equestrianism, *International-Level Athletes* are those Athletes that (a) are registered with the FEI; and/or (b) participate in an International 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*.

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

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

Metabolite: Any substance produced by a biotransformation process.

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

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

National Event: A 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 recognised by the FEI as the entity governing the 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 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 Fault or Negligence: The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

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

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

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

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

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

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*

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

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

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

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

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

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

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

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

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

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.

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.

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.

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

Specified Substances: See Article 4.2.2.

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

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

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

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

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

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

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

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

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